

**CPA2006-03
OLGA
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

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February 25, 2009

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2006-00003**



Text Amendment



Map Amendment

This Document Contains the Following Reviews:	
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
✓	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: September 10, 2008

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. SPONSOR/APPLICANT:

A. SPONSOR:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

B. APPLICANT

THE EAST LEE COUNTY COUNCIL
ON BEHALF OF THE OLGA COMMUNITY PLANNING PANEL

2. REQUEST:

Amend the Future Land Use Element of the Lee Plan to add a new Goal, Objective, and Policies specific to the Olga community located within the Caloosahatchee Shores planning area. Amend the Future Land Use Map series, Map 1, Page 1 of 6, for specified parcels located east of South Olga Road fronting SR 80 containing approximately 48.7 acres from Suburban and Rural to the Commercial and Conservation Lands Future Land Use Map categories. Amend the Future Land Use series, Map 1, Page 2 of 6, Special Treatment Areas, to indicate that a new Goal specific to the Olga Community has been adopted.

THE BOARD OF COUNTY COMMISSIONERS VOTED TO TRANSMIT THE FOLLOWING LANGUAGE AND FUTURE LAND USE MAP CHANGE TO THE DEPARTMENT OF COMMUNITY AFFAIRS:

Goal 29: Olga Community.

To capture and maintain Olga's heritage and rural character while allowing new development to "fit in" the following objectives and policies will be implemented to direct the new density and intensities for the Olga Community. For the purpose of this Goal, the Olga Community boundaries are generally defined by Caloosahatchee River on the north, Old Olga Road as it intersects SR 80 at its most eastern point on the east, SR 80 (aka Palm Beach Boulevard) on the south and Old Olga Road at the intersection of Buckingham Road/SR 80/Old Olga Road intersection to the west along with an imaginary line north to the Caloosahatchee River.

Objective 29: Olga's Future Land Use Map reflects the vision and desires of the Olga Community. Any land use regulations, comprehensive plan changes, County regulated amendments or project developments imposed by Lee County will consider the Olga's Land Use Map prior to making any decisions.

Policy 29.1: All new development requiring a development order on Old Olga Road from the western intersection of SR 80 and Old Olga Road east to the eastern intersection of Old Olga Road and SR 80 will be required to install eight-foot (8') wide bicycle and pedestrian facilities along one side of the length of the property line. The bicycle and pedestrian facility will be required on the east and south side of Old Olga Road from the western intersection of Old Olga Road and SR 80 to the intersection of Old Olga Road and South Olga Road and on the north side of Old Olga Road from the intersection of Old Olga Road and South Olga Road to the eastern intersection of Old Olga Road and SR 80. The community will work with the Lee County Bike and Pedestrian Committee to get a retrofit project prioritized.

Policy 29.5: Any new commercial projects must be a Commercial Planned Development and may not have a residential component unless it matches the abutting residential density.

Policy 29.6: Development density and intensity will gradient from the center to the edge suitable to integrate surrounding land uses.

Policy 29.7: Parking lots will be internal to the building site with buildings lining or shielding the parking lot from the street and neighborhood.

Policy 29.8: If deemed appropriate by the Director of Zoning, parking space requirements may be reduced by up to one half in order to provide more open space and less impervious surfaces on the site.

Policy 29.9: Canopy trees must be planted in all parking areas in order to provide shade.

Policy 29.11: The minimum commercial building setbacks will be as follows:

- a. Street: 40 feet
- b. Side: 30 feet
- c. Rear: 50 feet

Policy 29.12: The Olga Community discourages automobile oriented uses. This includes drive-thrus, automotive sales and repair, drive-ins and other similar businesses.

Policy 29.14: Floor Area Ratios (FAR) maximums will be 0.25. FAR represents the relationship of the size of a building to its site area. Calculated by taking the size of the parcel in square feet divided by 4 equals the floor area of the building.

Policy 29.15: Open Space Requirements:

- a. Projects less than five (5) acres (Small Projects) will provide 30% open space.
- b. Projects between five (5) and ten (10) acres will provide 40% open space.
- c. Projects more than ten (10) acres will provide 50% open space.

Policy 29.16: Building and project designs must ensure that internal street systems are designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development.

Policy 29.18: Heritage trees, as defined in Sec. 10-415 of the Land Development Code, will be preserved or when possible, may be relocated on-site. If a heritage tree must be removed from the site then a replacement tree with a minimum 20-foot height must be planted within an appropriate open space.

Policy 29.20: The community will support a collector road connection from South Olga Drive west to the intersection of Old Olga Road and Caribbean Drive. If constructed the roadway connection will be at the developer's expense as properties along the proposed roadway are built.

Policy 29.21: Projects must be designed to maintain the integrity of the natural environment when developing property, especially when significant tree canopies or natural habitats exist on the parcel. These natural features must be integrated into the site design.

Policy 29.22: When undertaking streetscape improvements, new private construction and building rehabilitation, place utility lines underground where it is economically feasible and where practical to improve visual qualities.

The Board of County Commissioners voted to transmit a Future Land Use Map change from Suburban and Rural to Commercial and Conservation Lands to the Department of Community Affairs as recommended by staff (see attached map).

The following language was submitted by the community for consideration by staff, the LPA and the Board of County Commissioners:

Goal 29: Olga Community.

To capture and maintain Olga's heritage and rural character while allowing new development to "fit in" the following objectives and policies will be implemented to direct the new density and intensities for the Olga Community. For the purpose of this Goal, the Olga Community boundaries are generally defined by Caloosahatchee River on the north, Old Olga Road as it intersects SR 80 at its most eastern point on the east, SR 80 (aka Palm Beach Boulevard) on the south and Old Olga Road at the intersection of Buckingham Road/SR 80/Old Olga Road intersection to the west along with an imaginary line north to the Caloosahatchee River.

Objective 29: Olga's Future Land Use Map reflects the vision and desires of the Olga Community. Any land use regulations, comprehensive plan changes, County regulated amendments or project developments imposed by Lee County will consider the Olga's Land Use Map prior to making any decisions.

Policy 29.1: All new development on Old Olga Road from the western intersection of SR 80 and Old Olga Road east to the eastern intersection of Old Olga Road and SR 80 will be required to install eight-foot (8') wide bicycle and pedestrian facilities along the length of the property line. The community will work with the Lee County Bike and Pedestrian Committee to get a retrofit project prioritized.

Policy 29.2: Suburban land use designations within the community will be strongly encouraged to develop at one dwelling unit per acre. If one dwelling unit per acre is not possible new developments will match the surrounding density and intensity. Wherever possible, all new developments will maintain a one acre minimum lot size.

Policy 29.3: Parcels located on the north side of SR 80, bound on the west by South Olga Drive and on the east by the intersection of Old Olga Road/SR 80 will be allowed to develop as Outlying Suburban. Those parcels are identified will be required to develop under specific development standards and are identified as follows:

<u>28-43-26-00-00001.0030</u>	<u>27-43-26-00-00006.0010</u>
<u>28-43-26-00-00001.0050</u>	<u>27-43-26-00-00006.0000</u>
<u>28-43-26-00-00003.0010</u>	<u>27-43-26-00-00006.0020</u>
<u>28-43-26-00-00008.0010</u>	<u>27-43-26-00-00001.0050</u>
<u>28-43-26-00-00008.0000</u>	<u>27-43-26-00-00001.0070</u>
<u>28-43-26-00-00007.0010</u>	<u>27-43-26-00-00013.0000</u>
<u>27-43-26-00-00002.0000</u>	<u>23-43-26-00-00012.0010</u>
<u>27-43-26-00-00003.0000</u>	<u>23-43-26-00-00011.001A</u>
<u>27-43-26-00-00001.0020</u>	<u>23-43-26-00-00011.0000</u>
<u>27-43-26-00-00006.0030</u>	<u>23-43-26-00-00011.001B</u>
<u>23-43-26-00-00011.0010</u>	<u>23-43-26-00-00005.0000</u>

Policy 29.4: Commercial land uses will not be permitted into single-family neighborhoods unless the neighborhood is consulted and approves.

Policy 29.5: Any new commercial projects must be a Commercial Planned Development and may not have a residential component unless it matches the abutting residential density.

Policy 29.6: Development intensity will gradient from the center to the edge suitable to integrate surrounding land uses.

Policy 29.7: Parking lots will be internal to the building structures with buildings lining or shielding the parking lot from the street and neighborhood.

Policy 29.8: Parking space requirements will be reduced by one half in order to provide more open space and less impervious surfaces on the site.

Policy 29.9: Canopy trees must be planted in all parking areas in order to provide shade

Policy 29.10: Developments will utilize the principals of Crime Prevention through Environmental Design (CPTED).

Policy 29.11: The minimum commercial building setbacks will be as follows:

- a. Street: 40 feet
- b. Side: 30 feet
- c. Rear: 50 feet

Policy 29.12: No Automobile oriented uses will be permitted. This includes drive-thrus, automotive sales and repair, drive-ins and other similar businesses.

Policy 29.13: As feasible, developers will work with Lee Tran to provide bus stops to encourage public transit access to their site.

Policy 29.14: Floor Area Ratios (FAR) maximums will be 0.10. FAR represents the relationship of the size of a building to its site area. Calculated by taking the size of the parcel in square feet divided by 10 equals the size of the building.

Policy 29.15: Open Space Requirements:

- a. Parcels less than five (5) acres (Small Projects) will provide 30% open space.
- b. Parcels between five (5) and ten (10) acres will provide 40% open space.
- c. Parcels more than ten (10) acres will provide 50% open space.

Policy 29.16: Building and project designs must ensure that internal street systems are designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development.

Policy 29.17: Project access will not be permitted from a residential street unless no other access can be obtained.

Policy 29.18: Heritage trees will be preserved or relocated on-site.

Policy 29.19: The development of the parcel located at the northeast quadrant of South Olga Drive and SR 80 (aka Strap # 27-43-26-00-00003.000) will incorporate a collector road that will align north to the northern boundary of the property line, turn west following the northern boundary of the property line and connect to South Olga Drive. The cost of such improvements will be borne by the developer. In addition to the roadway, there will be a 100 foot wide landscape buffer on the northern boundary of the property separating the commercial use from the community. No connections from any parcel north of this location will connect to the proposed roadway.

Policy 29.20: The community will support a collector road connection from South Olga Drive west to the intersection of Old Olga Road and Caribbean Drive. The construction of such the roadway connection will be at the developer's expense as properties along the proposed roadway are built.

Policy 29.21: Wherever possible, maintain the integrity of the natural environment when developing property especially when significant tree canopies or natural habitats can be integrated into the site design.

Policy 29.22: When undertaking streetscape improvements, new private construction and building rehabilitation, place utility lines underground where it is economically feasible and where practical to improve visual qualities.

The Board of County Commissioners voted to transmit a Future Land Use Map change from Suburban and Rural to Commercial and Conservation Lands for approximately 48.7 acres of land located north of SR 80 and east of South Olga Road (see attached map).

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit this proposed amendment as follows:

Goal 29: Olga Community.

To capture and maintain Olga's heritage and rural character while allowing new development to "fit in" the following objectives and policies will be implemented to direct the new density and intensities for the Olga Community. For the purpose of this Goal, the Olga Community boundaries are generally defined by Caloosahatchee River on the north, Old Olga Road as it intersects SR 80 at its most eastern point on the east, SR 80 (aka Palm Beach Boulevard) on the south and Old Olga Road at the intersection of Buckingham Road/SR 80/Old Olga Road intersection to the west along with an imaginary line north to the Caloosahatchee River.

Objective 29: Olga's Future Land Use Map reflects the vision and desires of the Olga Community. Any land use regulations, comprehensive plan changes, County regulated amendments or project developments imposed by Lee County will consider the Olga's Land Use Map prior to making any decisions.

Policy 29.1: All new development requiring a development order on Old Olga Road from the western intersection of SR 80 and Old Olga Road east to the eastern intersection of Old Olga Road and SR 80 will be required to install eight-foot (8') wide bicycle and pedestrian facilities along one side of the length of the property line. The bicycle and pedestrian facility will be required on the east and south side of Old Olga Road from the western intersection of Old Olga Road and SR 80 to the intersection of Old Olga Road and South Olga Road and on the north side of Old Olga Road from the intersection of Old Olga Road and South Olga Road to the eastern intersection of Old Olga Road and SR 80. The community will work with the Lee County Bike and Pedestrian Committee to get a retrofit project prioritized.

Policy 29.5: Any new commercial projects must be a Commercial Planned Development and may not have a residential component unless it matches the abutting residential density.

Policy 29.6: Development density and intensity will gradient from the center to the edge suitable to integrate surrounding land uses.

Policy 29.7: Parking lots will be internal to the building structures with buildings lining or shielding the parking lot from the street and neighborhood.

Policy 29.8: If deemed appropriate by the Director of Zoning, parking space requirements may be reduced by up to one half in order to provide more open space and less impervious surfaces on the site.

Policy 29.9: Canopy trees must be planted in all parking areas in order to provide shade.

Policy 29.11: The minimum commercial building setbacks will be as follows:

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Policy 29.12: The Olga Community discourages automobile oriented uses. This includes drive-thrus, automotive sales and repair, drive-ins and other similar businesses.

Policy 29.14: Floor Area Ratios (FAR) maximums will be 0.25. FAR represents the relationship of the size of a building to its site area. Calculated by taking the size of the parcel in square feet divided by 10 equals the size of the building.

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Policy 29.16: Building and project designs must ensure that internal street systems are designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development.

Policy 29.17: Commercial access will not be permitted from a local street unless no other access can be obtained.

Policy 29.18: Heritage trees, as defined in Sec. 10-415 of the Land Development Code, will be preserved or when possible, may be relocated on-site. If a heritage tree must be removed from the site then a replacement tree with a minimum 20-foot height must be planted within an appropriate open space.

Policy 29.20: The community will support a collector road connection from South Olga Drive west to the intersection of Old Olga Road and Caribbean Drive. If constructed the roadway connection will be at the developer's expense as properties along the proposed roadway are built.

Policy 29.21: Projects must be designed to maintain the integrity of the natural environment when developing property, especially when significant tree canopies or natural habitats exist on the parcel. These natural features must be integrated into the site design.

Policy 29.22: When undertaking streetscape improvements, new private construction and building rehabilitation, place utility lines underground where it is economically feasible and where practical to improve visual qualities.

Staff understands that there is community support for the proposed FLUM amendment, but there are technical difficulties with the proposal that will cause segments of roadways to reach level of service "F". Staff cannot recommend approval of a land use change that intensifies development on a road segment that is projected to fail. If the Board of County Commissioners decides to transmit the language there will still be concurrency issues at the time of rezoning, development order review, and building permit issuance.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The residents of Olga developed the Olga Community Plan over a period of several years.
- The Olga Community Planning Panel, through the East Lee County Council, hired a planning consultant, DRMP, to help them write their plan.
- The Olga Community Plan was submitted to Lee County in November, 2007.
- The Olga Community Plan is intended to add additional policies to Goal 21 of the Lee Plan specific to the area known as Olga.

- A follow-up meeting was held on August 2, prior to the meeting of the Local Planning Agency to further refine policy language and to address the proposal for a Future Land Use Map change from Rural and Suburban to Commercial for two parcels located east of South Olga Road.
- At the August 2, 2008 public meeting, the residents that were present voted in support of the Future Land Use map change from Suburban and Rural to Commercial. If that change is recommended for transmittal staff recommends including Conservation Lands on wetland and upland habitat as depicted on the attached Exhibit A.
- One segment of the three-mile radius around the site of the Proposed Future Land Use map change is projected to operate at level of service "F" in the year 2030 both with and without the proposed land use change, on SR 80/Palm Beach Boulevard from SR 31 to Tropic Avenue.
- Another segment that is projected to operate at level of service "C" without the proposed Future Land Use map change falls to level of service "F" with the addition of the project, on SR 80/Palm Beach Boulevard from Buckingham Road to the eastern end of Old Olga Road.
- If adopted this amendment will add a new Goal, Objective and Policies to the Lee Plan and will amend the FLUM, Map 1, Page 1 of 6, from Rural and Suburban to Commercial and Conservation Lands on two parcels located east of South Olga Road and fronting SR 80, and will amend Map 1, Page 2 of 6 Special Treatment Areas.

C. BACKGROUND INFORMATION

The Olga Community Plan was undertaken by the Olga Community Planning Panel working as a sub-group of the East Lee County Council. The planning area encompasses that portion of the Caloosahatchee Shores planning area generally located between the east and west intersections of Old Olga Road and SR 80 north to the Caloosahatchee River. The community plan was financed, in part, with \$25,000 of community planning funds from Lee County.

The Olga Community Plan was submitted to the County in November, 2007. In addition to Goal 21 of the Lee Plan for Caloosahatchee Shores, the Olga community plan will add an additional Goal, Objective, and Policies specific to the Olga Planning area generally described in the above paragraph.

The Olga Community Planning Panel, East Lee County Council, and residents of Olga continued work on refining the Olga policies after they were submitted to the County. This report reflects those refinements. One major change is the proposed designation of a new Commercial Future Land Use Category east of South Olga Road for two parcels of land comprising approximately 48 acres. A maximum Floor Area Ratio (FAR) of 0.25 would be allowed.

A. STAFF DISCUSSION

This new Goal for Olga is intended to express the communities desire to protect and maintain the existing character of the Olga Community, and to assure that new development maintains that character. This new Goal, as revised by staff in strike-through/double-underline format reads as follows:

Goal 29: Olga Community.

To capture and maintain Olga's heritage and rural character while allowing new development to "fit in" the following objectives and policies will be implemented to direct the new density and intensities for the Olga Community. For the purpose of this Goal, the Olga Community boundaries are generally defined by Caloosahatchee River on the north, Old Olga Road as it intersects SR 80 at its most eastern point on the east, SR 80 (aka Palm Beach Boulevard) on the south and Old Olga Road at the intersection of Buckingham Road/SR 80/Old Olga Road intersection to the west along with an imaginary line north to the Caloosahatchee River.

Objective 29: Olga's Future Land Use Map reflects the vision and desires of the Olga Community. Any land use regulations, comprehensive plan changes, County regulated amendments or project developments imposed by Lee County will consider the Olga's Land Use Map prior to making any decisions.

Policy 29.1: All new development requiring a development order on Old Olga Road from the western intersection of SR 80 and Old Olga Road east to the eastern intersection of Old Olga Road and SR 80 will be required to install eight-foot (8') wide bicycle and pedestrian facilities along one side of the length of the property line. The bicycle and pedestrian facility will be required on the east and south side of Old Olga Road from the western intersection of Old Olga Road and SR 80 to the intersection of Old Olga Road and South Olga Road and on the north side of Old Olga Road from the intersection of Old Olga Road and South Olga Road to the eastern intersection of Old Olga Road and SR 80. The community will work with the Lee County Bike and Pedestrian Committee to get a retrofit project prioritized.

At a community meeting on August 2, 2008, the meeting participants voted in favor of changing Policy to require an 8 foot wide bicycle and pedestrian facility on one side of Old Olga Road at the location indicated above. Staff recommends adding new development "requiring a development order". That will remove the requirement of building the facility from owners constructing a single-family home, or that are adding an addition to an existing home. Staff recommends transmittal of Goal 29, Objective 29, and Policy 29.1 as revised above.

Policy 29.2: Suburban land use designations within the community will be strongly encouraged to develop at one dwelling unit per acre. If one dwelling unit per acre is not possible new developments will match the surrounding density and intensity. Wherever possible, all new developments will maintain a one acre minimum lot size.

Policy 29.2 essentially downgrades the existing development potential of property classified as urban, with a standard maximum density of 6 dwelling units per acre to a rural designation with a maximum density of 1 dwelling unit per acre. There is potential Bert J. Harris liability rising out of this policy.

Policy 29.3: Parcels located on the north side of SR 80, bound on the west by South Olga Drive and on the east by the intersection of Old Olga Road/SR 80 will be allowed to develop

as Outlying Suburban. Those parcels are identified will be required to develop under specific development standards and are identified as follows:

28-43-26-00-00001.0030	27-43-26-00-00006.0010
28-43-26-00-00001.0050	27-43-26-00-00006.0000
28-43-26-00-00003.0010	27-43-26-00-00006.0020
28-43-26-00-00008.0010	27-43-26-00-00001.0050
28-43-26-00-00008.0000	27-43-26-00-00001.0070
28-43-26-00-00007.0010	27-43-26-00-00013.0000
27-43-26-00-00002.0000	23-43-26-00-00012.0010
27-43-26-00-00003.0000	23-43-26-00-00011.001A
27-43-26-00-00001.0020	23-43-26-00-00011.0000
27-43-26-00-00006.0030	23-43-26-00-00011.001B
23-43-26-00-00011.0010	23-43-26-00-00005.0000

Policy 29.3 identifies parcels located north of SR 80, from South Olga Road on the west to the eastern intersection of Old Olga Road and SR 80. With the exception of approximately 26 Acres of Suburban FLUM category located within one of the above parcels, the remaining area in that parcel and all other parcels listed above are in the Rural FLUM category. This policy would allow a maximum of three dwelling units per acre in a FLUM category that is limited in the Lee Plan to 1 dwelling unit per acre. The policy also requires those properties to develop under specific development standards, although no standards are in place and no standards are proposed. At a community meeting on August 2, 2008, the meeting participants voted in favor of deleting Policy 29.3.

Furthermore, the Outlying Suburban FLUM category allows for neighborhood commercial development. The parcels located east of Linwood Avenue may not be deep enough to allow for anything other than a typical "strip commercial" development similar to what is located along U.S. 41 and along Lee Boulevard. Staff does not recommend transmittal of Policy 29.2.3.

Policy 29.4: Commercial land uses will not be permitted into single-family neighborhoods unless the neighborhood is consulted and approves.

Although the neighborhood does not have authority to approve or deny zoning changes, Policy 29.5 below requires new commercial projects to be part of a Commercial Planned Development. Policy 21.6.3 requires the owner or agent for any Planned Development request within the Caloosahatchee Shores community to hold one public informational meeting. That requirement covers the Olga planning area.

Policy 29.5: Any new commercial projects must be a Commercial Planned Development and may not have a residential component unless it matches the abutting residential density.

Staff has no objection to Policy 29.5.

Policy 29.6: Development density and intensity will gradient from the center to the edge suitable to integrate surrounding land uses.

The intent of this policy is to prevent abrupt differences in densities and intensities of adjacent land uses. This is something that zoning staff evaluates when addressing compatibility. Staff does not object to Policy 29.6.

Policy 29.7: Parking lots will be internal to the building structures with buildings lining or shielding the parking lot from the street and neighborhood.

Similar requirements are in place for projects located in Estero.

Policy 29.8: If deemed appropriate by the Director of Zoning, parking space requirements will may be reduced by up to one half in order to provide more open space and less impervious surfaces on the site .

Policy 29.8 would allow a reduction in parking by up to one-half of the required parking spaces by administrative action if deemed appropriate by the Director of Zoning. Requests would be evaluated on a case-by-case basis.

Policy 29.9: Canopy trees must be planted in all parking areas in order to provide shade.

Policy 29.9 will be an additional requirement to what is required by the Land Development Code. Land Development Code amendments will required to implement this policy. Staff has no objections.

Policy 29.10: Developments will utilize the principals of Crime Prevention through Environmental Design (CPTED).

Department of Community Development staff does not review plans for compliance with CPTED standards during the rezoning process or during Development Order review and has no guidelines to follow to accomplish that review. Policy 4.3.3 l. of the Lee Plan addresses CPTED and LandDevelopment Code amendments will be required to implement that policy. Staff does not recommend transmittal of Policy 29.10.

Policy 29.11: The minimum commercial building setbacks will be as follows:

- a. Street: 40 feet
- b. Side: 30 feet
- c. Rear: 50 feet

The setback requirements in Policy 29.11 are not unusual for commercial development and staff has no objection to this policy.

Policy 29.12: No Automobile oriented uses will be permitted The Olga Community discourages automobile oriented uses. This includes drive-thrus, automotive sales and repair, drive-ins and other similar businesses.

Policy 29.12, as revised, indicates the Olga resident's desire to maintain the character of their community by discouraging automobile oriented uses in their community. Staff does not object to this policy.

Policy 29.13: As feasible, developers will work with Lee Tran to provide bus stops to encourage public transit access to their site.

It is beyond the scope of the Lee Plan to require developers to work with Lee Tran to determine the location of bus stops. Lee Tran has professional staff that make the determination of where bus stops should be located along their routes.

Policy 29.14: Floor Area Ratios (FAR) maximums will be 0.1025. FAR represents the relationship of the size of a building to its site area. Calculated by taking the size of the parcel in square feet divided by 10 equals the size of the building.

A floor Area Ratio of 0.1 would generally make commercial development not viable. A workable ratio is 0.25, whereby 1/4 of the size of the site may be used for floor area.

Policy 29.15: Open Space Requirements:

a. Parcels Projects less than five (5) acres (Small Projects) will provide 30% open space.

b. Parcels Projects between five (5) and ten (10) acres will provide 40% open space.

c. Parcels Projects more than ten (10) acres will provide 50% open space.

The open space requirements in Policy 29.15 are substantial, but staff has no objection. Staff recommends revising Policy 29.15 to not include the word parcel to describe the open space requirements. Staff recommends revising the language as shown above to avoid conflicts with large, individual single-family land owners. The Land Development Code will need to be revised to avoid conflicts and specifically implement this policy through the development order process. Staff recommends transmittal of Policy 29.15 as revised.

Policy 29.16: Building and project designs must ensure that internal street systems are designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development.

Staff has no objection to Policy 29.16.

Policy 29.17: Commercial access will not be permitted from a residential local street unless no other access can be obtained.

Policy 39.1.4 states: Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided.

Lee County does not recognize residential or commercial streets. DOT staff recommends changing "residential" to "local". Staff has no objection to Policy 29.17 as revised.

Policy 29.18: Heritage trees, as defined in Sec. 10-415 of the Land Development Code, will be preserved or when possible, may be relocated on-site. If a heritage tree must be removed from the site then a replacement tree with a minimum 20-foot height must be planted within an appropriate open space.

Heritage trees are defined in Sec. 10-415 Open Space, and this policy can be enforced. Very large trees may not be able to be relocated. Staff recommends transmittal of Policy 29.18 as revised.

Policy 29.19: The development of the parcel located at the northeast quadrant of South Olga Drive and SR 80 (aka Strap # 27-43-26-00-00003.000) will incorporate a collector road that will align north to the northern boundary of the property line, turn west following the northern boundary of the property line and connect to South Olga Drive. The cost of such improvements will be bourn by the developer. In addition to the roadway, there will be a 100 foot wide landscape buffer on the northern boundary of the property separating the commercial use from the community. No connections from any parcel north of this location will connect to the proposed roadway.

Staff discourages identifying specific parcels in the Lee Plan. The Department of Transportation staff has indicated they do not object to the road being built through the above mentioned property, but does not support its construction and will not pay for the road, or provide impact fee credits for its construction. The subject property will require rezoning before any commercial development can occur on the site, and issues of road construction and buffering are more appropriately addressed during the rezoning process.

Policy 29.20: The community will support a collector road connection from South Olga Drive west to the intersection of Old Olga Road and Caribbean Drive. ~~The If constructed ion of such~~ the roadway connection will be at the developer's expense as properties along the proposed roadway are built.

Staff's recommended changes to Policy 29.20 reflect the fact that the County is not requiring construction of the collector road on the site. The County does not object to the construction of the road at the expense of the developer and a road may benefit commercial development on that site, but does not believe that road will provide any significant benefit to the County.

Policy 29.21: Projects must be designed to ~~Wherever possible,~~ maintain the integrity of the natural environment when developing property, especially when significant tree canopies or natural habitats exist on the parcel. These natural features ~~must can~~ be integrated into the site design.

Staff supports Policy 29.21 as revised by Environmental Sciences staff.

Policy 29.22: When undertaking streetscape improvements, new private construction and building rehabilitation, place utility lines underground where it is economically feasible and where practical to improve visual qualities.

Policy 29.22 encourages, but does not require placing utility lines underground. Staff does not object.

PROPOSED CHANGE TO THE FUTURE LAND USE MAP:

In addition to adding a new Goal, Objectives, and Policies to the Lee Plan specific to the Olga Community, CPA 2006-00003 will change the Future Land Use Map for parcels locate east of South Olga Road fronting SR 80 containing approximately 48 acres from Suburban and Rural to the Commercial Future Land Use Map category and Conservation Lands. The site is not designated as a Floodway Area on the new Flood Insurance

Rate Map effective August 28, 2008. The Conservation Lands are depicted on the attached map, the remainder of the site will be Commercial.

One segment in the three mile radius around the project is projected to operate at level of service "F" in the year 2030 both with and without this project, on SR 80 from SR 31 to Tropic Avenue. Another segment that is projected to operate at level of service "C" without the project but falls to level of service "F" with the addition of the project; on SR 80 from Buckingham Road to the eastern end of Old Olga Road.

There is no improvement identified in the 2030 Plan to address the projected failure of the segment of SR 80 from Buckingham Road to the eastern end of Old Olga Road created by the addition of this amendment. Absent an identified means of paying for such improvements and their subsequent inclusion in the Financially Feasible Plan, DOT staff cannot recommend approval of a land use change that intensifies development on a road segment that is projected to fail. See the attached Department of Transportation Memo.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: September 22, 2008

A. LOCAL PLANNING AGENCY REVIEW

Following a presentation by staff covering a review of the staff report and an explanation of staff's recommendations, the LPA opened the meeting to public comment. Several members of the public spoke in favor of the amendment, including the Future Land Use Map change and some spoke about specific policies but did not indicate that they were for or against transmittal of the amendment. General questions and answers ensued between the LPA and staff. Staff recommended that the LPA change an error in Policy 29.14 and look closely at Policy 29.17 pertaining to commercial access.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

A motion was made to transmit CPA 2006-00003 as recommended by staff with the following changes:

1. Policy 29.7: Parking lots will be internal to the building structures site with buildings lining or shielding the parking lot from the street and neighborhood.
2. Policy 29.14: Floor Area Ratios (FAR) maximums will be 0.4025. FAR represents the relationship of the size of a building to its site area. Calculated by taking the size of the parcel in square feet divided by 104 equals the size floor area of the building.
3. Policy 29.17: Commercial access will not be permitted from a residential local street unless no other access can be obtained.
4. The motion also included transmitting this amendment including the Future Land Use Map change from Suburban and Rural to Commercial and Conservation Lands as depicted on the map attached to their packet.

Because the Future Land Use Map amendment was included in the motion, one LPA member stated he would support the motion, but with reservation because he felt that sooner or later the County would have to address funding. Although a community may want something, it does not mean the County can fund it. However, since this amendment had the support of the community and they have worked on it for a long time; he agreed to support the motion with reservation.

Speaking about the Future Land Use Map change, Mr. Andress explained his reason for supporting the motion is because there is a lengthy process that an applicant must go through before he actually gets a development order and there are checks and balances that are built into the system that allows for all of this to take place. The LPA is only charged with looking at whether this is an appropriate place for commercial. In his opinion, it is an appropriate place and the community recognizes that as well.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	<u>AYE</u>
LES COCHRAN	<u>AYE</u>
RONALD INGE	<u>AYE</u>
JACQUE RIPPE	<u>AYE</u>
CARLETON RYFFEL	<u>AYE</u>
RAE ANN WESSEL	<u>AYE</u>
LELAND TAYLOR	<u>ABSENT</u>

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: October 22, 2008

A. BOARD REVIEW:

Planning staff gave a brief presentation and explained that staff agreed with the LPA recommendation with the exception of the Future Land Use Map (FLUM) amendment. Staff told the Board that the amendment had the potential of causing the SR 80 link between the intersection of Buckingham Road and the eastern intersection of Old Olga to go from a Level of Service "C" to a Level of Service "F". For that reason staff did not support transmittal of the FLUM amendment. Staff told the Board that there was community support for the FLUM amendment.

The applicant's representative, one of the affected property owners, and residents in the community spoke in favor of the amendment as recommended by the LPA, including the FLUM amendment. One resident spoke in favor of the text amendment, but did not have an opinion on the FLUM amendment.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

Motion to transmit CPA 2006-00003 text amendment as recommended by the Local Planning Agency, and the FLUM amendment as recommended by staff, including the conservation lands.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The Board accepted the findings of fact as advanced by staff and the LPA.

C. VOTE:

A. BRIAN BIGELOW	AYE
TAMMARA HALL	AYE
ROBERT P. JANES	AYE
RAY JUDAH	AYE
FRANKLIN B. MANN	AYE

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: January 16, 2009

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The DCA ORC report contained the following Objection and Comments:

A proposed amendment to the Future Land Use Element to establish a new goal, objective, and policies for the Olga Community Plan within the Caloosahatchee Shores area of the Fort Myers Shores Planning Community. In addition, a Future Land Use Map (FLUM) amendment to change 48.7 acres from Suburban and Rural to Commercial and Conservation Lands located along State Road 80 in the Olga Community area. The Department raises the following objection and comment to the proposed Amendment 2006-03:

Objection (Transportation Facilities): The proposed FLUM Amendment 2006-03 is not supported by a road segment transportation analysis (including assumptions, data sources, and description of methodologies used) for the five-year and long-term planning time frames addressing the following: (1) the number of peak hour vehicle trips generated by the maximum development potential allowed by the FLUM amendment; (2) the impact of the peak hour vehicle trips on the projected operating level of service of potentially impacted roadways; (3) the need for road improvements (scope, timing and cost of improvements) or other planning alternatives to maintain the adopted level of service standards for roadways; (4) coordination of the road improvement or other planning alternatives with the Future Land Use Element, Transportation Element (including Future Transportation Map), and Capital Improvements Element, and implementation through the Five-Year Schedule of Capital Improvements; and (5) coordination of the road improvements with the plans of the Florida Department of Transportation and the Metropolitan Planning Organization.

Rules 9J-5.005(2) and (5), 9J-5.019(3)(f, g, h and I); 9J-5.019(5)(a and b); 9J-5.016(I)(a); 9J-5.016(2)(b, c and f); 9J-5.016(4), F.A.C.; and Sections 163.3175; 163.3177(2), (3), (8), and (10); 163.3177(6)(a and j); 163.3177(6)(h)1 and 2, F.S.

Recommendation: Revise the amendment to include the data and analysis necessary to support the FLUM amendment and demonstrate coordination of land use with the planning for transportation facilities as well as coordination with the Transportation Element and Capital Improvements Element. Revise the Transportation Element, Capital Improvements Element, and Future Land Use Element, as necessary, to be consistent with and supported by the data and analysis and to achieve internal consistency with the FLUM> The Five-Year Schedule of Capital Improvements should be revised to include any needed improvements to maintain the adopted level of service within the five-year planning time frame. Include data and analysis demonstrating coordination of the amendment with the plans of the Florida Department of Transportation and the Metropolitan Planning Organization. Revise the amendment, as necessary, to be consistent with and supported by the data and analysis. The plan should be revised to include strategies to address any deficiencies projected for the long-range planning timeframe.

Comments: The proposed Policy 29.14 contains a typographical error which states the intensity standard is FAR 0.25 rather than 0.25. In addition, the proposed Policy 29.14 should be clarified to state the land uses to which the intensity standard applies. For example, it is not clear whether the intensity standard is intended to apply to residential uses. The policies should be revised to address these comments.

The proposed Policy 29.12 states that "The Olga Community discourages automobile oriented uses." The proposed Policy 29.12 does not establish meaningful and predictable guidelines addressing whether automobile oriented uses are prohibited or allowed. The proposed Policy 29.12 should be revised to establish the guidelines.

B. STAFF RESPONSE

A response to the transportation objection from jmb transportation engineering, inc. is attached to this report.

Policy 29.14 is intended to apply to the Commercial Future Land Use category that is being created by this amendment and has been revised as follows with the changes to the transmitted language shown in double underline format.

POLICY 29.14: Floor Area Ratios (FAR) maximums in the Commercial Future Land Use Category located north of SR 80 and east of South Olga Road will be 0.25. FAR represents the relationship of the size of a building to its site area. Calculated by taking the size of the parcel in square feet divided by 4 equals the floor area of the building.

The typographical error has been corrected and staff recommends revising Policy 29.12 as follows:

Policy 29.12: The Olga Community discourages automobile oriented uses. This includes drive-thrus, automotive sales and repair, drive-ins and other similar businesses. Land development regulations will be adopted to reflect the Olga planning community preference to curtail commercial uses accommodating or promoting vehicle traffic, such as drive-ins, drive-thrus as an accessory use, auto repair/service businesses and similar uses.

C. STAFF RECOMMENDATION

The site of the FLUM amendment from Rural to Commercial has an FDOT outfall ditch and easement running through the R&D cattle site and the owner has requested that the outfall ditch and easement be relocated to the eastern edge of the property. FDOT has agreed to the relocation if the easement is maintained (see attached memo from FDOT). Planning staff, Environmental Sciences, and Natural Resources have agreed to the relocation if it is demonstrated that the new ditch alignment will maintain the hydrological connection and capacity existing at its present location. Staff recommends the Board adopt the following policy regarding the ditch relocation.

POLICY 29.23: The FDOT outfall ditch easement and drainage ditch located on the R&D Cattle site as described in Lee County Deed Book 175, Page 445 may be relocated within the Commercial Future Land Use area immediately north of River Hall if it is demonstrated that the new ditch alignment will maintain the hydrological connection and capacity existing at its present location. The appropriateness of the ditch realignment must be demonstrated based upon sound engineering

principals prior to rezoning or development approval, whichever occurs first. The easement establishing the new alignment must be reviewed and approved by Lee County and all other applicable regulatory agencies prior to recording.

Staff recommends the Board adopt the remainder of the amendment as previously transmitted to DCA.

Staff believes DCA's objection and comments have been adequately addressed and recommend the Board adopt CPA2006-03 Olga text and map amendment with the new Policy 29.23 and the changes to Policy 29.14 and Policy 29.12 as shown above.

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: February 25th, 2009

A. BOARD REVIEW: Staff gave a brief presentation and changed its recommendation for Policy 29.12 and recommended that the Board not adopt the policy. Staff explained that they thought Policy 29.12 was too vague and recommended the Board decide what uses would be allowed through either revisions to the Land Development Code or at the time of rezoning. After receiving public comment in support of the amendment and following a brief discussion by the Board, the Board voted to adopt the amendment as recommended by staff.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: The Board voted to not adopt Policy 29.12 and to adopt the remainder of this amendment as previously transmitted to DCA and to adopt Policy 29.23 as recommended by staff.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Board accepted the findings of fact as advanced by staff and the Local Planning Agency.

C. VOTE:

A. BRIAN BIGELOW	<u>AYE</u>
TAMMARA HALL	<u>AYE</u>
ROBERT P. JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
FRANKLIN B. MANN	<u>AYE</u>