



**LOCAL PLANNING AGENCY
OLD LEE COUNTY COURTHOUSE
2120 MAIN STREET, FORT MYERS, FL 33901
BOARD CHAMBERS
MONDAY, SEPTEMBER 23, 2013
8:30 AM**

AGENDA

1. Call to Order/Review of Affidavit of Publication
2. Pledge of Allegiance
3. Public Forum
4. Approval of Minutes – August 26, 2013
5. 2013 Regular Lee Plan Amendment Cycle
 - A. [CPA2013-00002 – Policy 9.2.1](#)
Allow rezoning to Agricultural land uses in the Suburban land use categories.
6. New Horizon 2035: Plan Amendments
 - A. [CPA2011-00014 – Vision Statement](#)
 - B. [CPA2011-00009 – Historic Preservation](#)
 - C. [CPA2011-00012 – Parks, Recreation, and Open Space](#)
7. Land Use Scenarios – Criterion Planners
8. Other Business
9. Adjournment – Next Meeting Date: Monday, October 28, 2013

A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing. Contact the Lee County Division of Planning at 239-533-8585 for further information on obtaining a record. In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. Contact Janet Miller at 239-533-8583.



**CPA2013-02
AG REZONING
IN SUBURBAN AREAS
PLAN AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

Privately Initiated Amendment and Staff Analysis

**LPA Public Hearing Document
for the
September 23rd, 2013 Public Hearing**

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 533-8585*

September 13, 2013

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2013-02**

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 13, 2013

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVES:

Barry C. Denicola and Toni O. Denicola / Beverly Grady, Roetzel & Andress

2. REQUEST:

Amend Policy 9.2.1 of the Lee Plan to allow for rezoning to an agricultural zoning district on a case by case basis in the Suburban future land use categories.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Staff recommends that the Board of County Commissioners *transmit* the proposed amendment to Policy 9.2.1 of the Lee Plan as modified by staff.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- CPA2013-02, a privately sponsored amendment was submitted by the applicant on June 25, 2013.
- Policy 9.2.1 currently allows for rezoning an agriculture zoning district in the Outlying Suburban Future Land Use Category on a case by case basis.

- Policy 9.2.1 was added to the Lee Plan on November 1, 2000 by PAT98-18.
- A new category, the Sub-Outlying Suburban future land use category, was created by the 2004 Evaluation and Appraisal Amendments. CPA2005-40 was adopted by the Board of County Commissioners on May 16, 2007 by Ordinance 07-09. Policy 9.2.1 was not modified to reflect this new category.
- Prior to CPA2005-40, the Sub-Outlying Suburban areas were designated Outlying Suburban with a footnote on Table 1(a) limiting density to 2 dwelling units per acre.
- Several community plans have been adopted expressing a desire to preserve or maintain a rural character.
- The proposed amendment will still preclude the consideration of new agriculture uses in the more urban land use categories (Intensive Development, Central Urban, and Urban Community).
- The proposed plan amendment requires evaluation of the potential loss of tax revenue over time.
- The proposed amendment addresses efficient use of infrastructure and compatibility with neighboring uses.

C. BACKGROUND INFORMATION

The policy subject to this private amendment request, Policy 9.2.1, was incorporated into the Lee Plan as part of a publically sponsored amendment to the plan known as PAT98-18. PAT 98-18 amended Goal 9, Agricultural Lands, by adding a new objective and subsequent policies that address the permitting of new, or extension of existing agricultural uses within lands designated as Future Urban Areas. PAT98-18 provided in part the following background discussion:

This amendment was initiated in response to several rezoning requests in which property owners attempted to down zone property to an agricultural category in a Future Urban Area, as designated by the Lee Plan. In many cases, these requests are made for the sole purpose of gaining an agricultural tax exemption. Prior to 1989, one could obtain the exemption regardless of the zoning of the property. After 1989, however, land had to be zoned agricultural in order to receive the Agricultural Exemption. In these down zoning cases, the County has opposed such requests, with a couple of notable exceptions. The following paragraphs discuss some of the zoning history that is relevant to the plan amendment at hand.

A parcel of land on Fiddlesticks Boulevard, located in the Outlying Suburban land use category was proposed for a rezoning from RM-2 to AG-2 on two separate occasions in the early 1990s (Case #91-05-14-Z-04, Resolution Z-91-057 and Case #93-09-21-Z-01, Resolution Z-93-073). In both cases, the request was denied by the Hearing Examiner and the Board. The first request was denied solely on the basis that the proposed rezoning would allow a range of agricultural activities on the subject property, many of which would have been incompatible with the residential uses on abutting properties. Despite its ultimate denial, this request was found to be compatible with the Outlying Suburban land use category, and was recommended for approval by county staff. The

second request, however, received a more thorough analysis by staff, and received a denial recommendation based upon substantial Lee Plan inconsistencies. Staff asserted that the rezoning was not consistent with the Lee Plan because the designation description for the Outlying Suburban category did not identify “agriculture” as a permitted use, whereas the various Non-Urban classifications did. The staff analysis went on to note that such a rezoning would have been inconsistent with Goal 9 of the Lee Plan which is, “To protect existing and potential agricultural lands from the encroachment of incompatible land uses.” This Goal supports the basic dichotomy set out in the Lee Plan which is to direct agricultural development to rural areas rather than urban areas. The staff denial was also based upon the lack of compatibility between some of the potential agricultural uses and the surrounding residential properties. The lack of compatibility made the request inconsistent with Policy 5.1.5 which requires the protection of existing and future residential areas from the encroachment of uses which are destructive to the character and integrity of the residential environment. Based on these inconsistencies, the second request received a recommendation of denial from the Hearing Examiner and a denial by the Board of County Commissioners.

In 1993, a request to rezone from IL to AG-2 within the Intensive Development land use category was denied by the Board (Case #93-11-02-Z-01, Resolution Z-93-083). Planning staff recommended denial of the request because it was inconsistent with the intent of Future Urban Areas, and because it represented an inefficient use of existing and planned infrastructure. The Board of County Commissioners denied the request based on inconsistency with Lee Plan Policy 1.1.2 which defines the Intensive Development land use category, and inconsistency with Policy 5.1.5, which requires the protection of existing and future residential areas from encroachment of uses that are potentially destructive to the character and integrity of the residential neighborhood.

Two down zonings to AG-2 within the Outlying Suburban land use category have been approved by the Board, but there were unique circumstances that warranted down zoning in each case. Both parcels were part of the abandoned Danport DRI and CPD. Both sites were being utilized at the time of the rezoning request for agricultural purposes. One tract was a 45-acre tract that was shown on the Master Concept Plan as the water management area for the overall DRI (Case #97-03-029.03Z 01.01, Resolution Z-97-078). Without a rezoning to something other than CPD, the owner would have been bound by the Master Concept Plan of that CPD, which would have made other development on that site unachievable. The only thing that could have built on this property was a lake/water management system. The DRI ownership was fragmented and no longer under unified control, so an amendment of the DRI/CPD was determined to be inappropriate. It was determined that the AG-2 zoning district could act as a “holding district” until firm plans were made. The other site within the DRI was a five acre tract that did not have road access (Case #99-02-193.01Z 01.01, Resolution Z-99-083).

A recent request to down zone a property from Community Commercial (CC) to Agricultural (AG-2) in the Urban Community land use category (Case #REZ1999-00018) further highlights this issue. Staff was prepared to recommend denial of the request based on the potential underutilization of public services and the potential for urban sprawl. Also, the subject property is at an intersection that can meet the current Lee Plan interpretation for retail site location standards for a Neighborhood Commercial project. Staff asserted that CC is the correct zoning for the property because it has commercial potential and it is within a Future Urban Area. This case was withdrawn by the applicant as the County Attorney's Office opined that the 1981 rezoning was void. The Development Services letter to the applicant's representative informing him of this decision provides the following:

Mr. Paletsky has not attempted to develop the parcel based upon the rights apparently granted in the Resolution and does not claim any benefit of equitable estoppel relating to the 1981 Resolution. Mr. Paletsky has indicated, by requesting a rezoning to AG-2 the original zoning, that the property revert to the agricultural zoning that existed prior to the 1981 action.

The County Attorney's Office reviews conventional rezoning resolutions containing conditions on a case-by-case basis. Where the facts establish the basis of an equitable estoppel claim, that office will generally consider the zoning change, without the conditions, as appropriate and correct. When the facts establish that an equitable estoppel claim is not appropriate, then that office will generally recommend that the rezoning be considered void ab initio, causing the zoning district to be the one applicable prior to the void zoning action. The County Attorney's office has opined that Zoning Resolution Z-81-29 is void ab initio with respect to the 10 acre parcel currently owned by Steven Paletsky.

Also at issue with this plan amendment is the establishment of new agricultural lands within Planned Development zoning districts once the property has been rezoned. After a property has been rezoned to a Planned Development district, there is a period of time, sometimes several years, before a development order is approved and development begins. There have been instances where agricultural uses have expanded within a vacant Planned Development, and land has been cleared or otherwise disturbed in areas that are shown on the Master Concept Plan as conservation or open space. It has been the policy of the County in such cases to allow existing bona fide agricultural uses to continue within a newly established Planned Development until development commences, but to prohibit the establishment of new agricultural uses on the property once rezoning has been approved. The Board has supported this position for a long period of time.

PAT98-18 recognized that the establishment of new agricultural uses could potentially be appropriate in Outlying Suburban areas based on a lack of available infrastructure, compatibility

with surrounding land uses, and the location of these areas at the urban fringe. This amendment recognized that permitting new agricultural uses in the Future Urban Areas could represent an underutilization of existing and planned infrastructure in these areas. Rezoning for agricultural uses in Future Urban Areas potentially could lead to tax revenue losses that could hinder the County's ability to provide urban services in these areas.

The amendment also recognized that down zoning to agricultural zoning districts within the Future Urban Areas could cause compatibility problems between urban uses such as residences and businesses, and agricultural uses such as raising of livestock and other farming activities. The amendment staff report also noted that the Lee Plan does not envision the establishment of new agricultural uses within the Future Urban Areas, with the exception of the Outlying Suburban category. PAT98-18 contained the following discussion concerning this point:

As the above-referenced cases show, rezoning to Agricultural districts has been consistently denied by the Board in all Future Urban land use categories except Outlying Suburban. The requests have been denied based mainly on the inefficient use of existing or planned infrastructure, and the lack of compatibility with surrounding land uses. Rezoning were approved in Outlying Suburban because of a lack of available infrastructure and because the property was beyond the existing urban fringe. According to the Lee Plan, Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. Some, but not all of the requisite infrastructure needed for higher density development is generally planned or in place. Given the nature of the Outlying Suburban category, rezonings to agricultural districts should be given consideration in these areas.

PAT98-18 was adopted by the Board of County Commissioners on November 1, 2000.

Subsequent to the adoption of PAT98-18 and Policy 9.2.1, the Lee Plan incorporated a new category out of areas that were designated Outlying Suburban and limited to a maximum of 2 dwelling units per acre. This new category, the Sub-Outlying Suburban future land use category, was called for by the 2004 Evaluation and Appraisal Report (EAR). An EAR plan amendment, CPA2005-40, was prepared by staff, and adopted by the Board of County Commissioners on May 16, 2007 by Ordinance 07-09. Policy 9.2.1 was not modified to reflect this new category. Not referencing this new category in Policy 9.2.1 was an oversight, as these lands had previously been allowed the consideration of agricultural rezoning under Policy 9.2.1 when they were designated as Outlying Suburban.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The applicant of this instant request, CPA2013-00002, submitted a privately sponsored text amendment on June 25th, 2013. The amendment is similar to a staff proposed modification contained in the EAR based amendments.

The applicant is proposing the following amendment to Policy 9.2.1:

Policy 9.2.1: Rezoning of land to agricultural zoning districts is prohibited in those areas designed by the Lee Plan as Future Urban Areas, with the exception of those areas designated as Outlying Suburban or Suburban where rezoning of parcels five acres or more to an agriculture zoning district may be reviewed and approved on a case by case basis. The recommendations will be based on:

- a. current and future availability of Urban infrastructure;
- b. compatibility of the existing and future land uses;
- c. acreage of rezoning request; and
- d. consideration of applicable community plans.

~~In Outlying Suburban areas, such requests will be reviewed on a case by case basis, and recommendations will be made based on current and future availability of urban infrastructure and compatibility of existing and future land uses.~~

Staff notes that several community plans have been adopted expressing a desire to preserve or maintain a rural character. The Pine Island and Caloosahatchee Shores community plans are two examples. The EAR process also stressed maintaining rural character in appropriate communities. Staff finds that allowing rezoning for new agricultural uses on a case by case basis, with the criteria that is outlined by the EAR amendment language and the applicant submitted language may be appropriate in Suburban areas. The specific criteria include consideration of applicable community plans. The criteria also include assuring compatibility of existing and future land uses as well as the efficient use of infrastructure. The proposed language also incorporates a minimum parcel size of 5 acres, further assuring compatibility and preventing single family lot consideration in existing subdivisions. Rezoning to achieve new agriculture uses in the more urban land use categories (Intensive Development, Central Urban, and Urban Community) will remain inconsistent with the Lee Plan.

The current language of Policy 9.2.1 allows consideration for agricultural rezoning in the Outlying Suburban future land use category. The Sub-Outlying Suburban future land use category is a less intense category and should be allowed this same consideration. The applicant, however, neglected to include this category in their proposed language. Staff finds that the applicant's language should be modified to include the Sub-Outlying Suburban category. Staff also proposes an additional criterion to assure that the cumulative affect of

new rezonings to agricultural districts in these suburban categories is evaluated over time. In addition, staff proposes other minor modifications to more closely match the proposed EAR amendment language. Staff proposes the following modifications to Policy 9.2.1 below:

Policy 9.2.1: Rezoning of land to agricultural zoning districts is prohibited in those areas designed by the Lee Plan as Future Urban Areas, with the exception of those areas designated as Sub-Outlying Suburban, Outlying Suburban, or Suburban where parcels five acres or larger may request rezoning to an agricultural zoning district. These requests will be reviewed on a case by case basis. Approval will be based on:

- a. current and future availability of urban infrastructure;
- b. compatibility of the existing and future land uses;
- c. acreage of rezoning request
- d. cumulative effect on county tax base; and
- e. support of applicable community plans.

~~In Outlying Suburban areas, such requests will be reviewed on a case by case basis, and recommendations will be made based on current and future availability of urban infrastructure and compatibility of existing and future land uses.~~

B. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners transmit the proposed amendment to Policy 9.2.1 of the Lee Plan.

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: September 23, 2013

A. LOCAL PLANNING AGENCY REVIEW

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF
FACT SUMMARY**

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS	_____
STEVE BRODKIN	_____
WAYNE DALTRY	_____
JIM GREEN	_____
MITCH HUTCHCRAFT	_____
ANN PIERCE	_____
ROGER STRELOW	_____

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D: 6-25-13

REC'D BY: [Signature]

APPLICATION FEE: 250000

TIDEMARK NO: CPA 2013-00002

THE FOLLOWING VERIFIED:

Zoning RDP Commissioner District 5

Designation on FLUM Suburban

(To be completed by Planning Staff)

Plan Amendment Cycle: Normal Small Scale DRI Emergency

Request No: _____

APPLICANT – PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: 12

Submit 6 copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Up to 90 additional copies will be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages. Staff will notify the applicant prior to each hearing or mail out.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

[Signature]
Signature of Owner or Authorized Representative

6-25-2013
Date

Beverly Grady, Roetzel & Andress, Authorized Representative
Printed Name of Owner or Authorized Representative

RECEIVED
JUN 25 2013

COMMUNITY DEVELOPMENT
250000

LETTER OF AUTHORIZATION

TO LEE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the owners of the property known as STRAP NO. 22-43-26-00-00008.0000, 15371 Old Olga Road, Alva, Lee County, Florida.

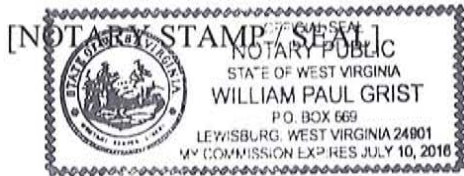
The undersigned hereby designates Beverly Grady on behalf of Roetzel and Andress, a Legal Professional Association, to be its agent to file a Lee Plan Amendment to permit re-zoning to an agricultural district in the suburban land use category regarding the above-referenced property.

[Handwritten Signature]
BARRY C. DeNICOLA

[Handwritten Signature]
TONI O. DeNICOLA

STATE OF WEST VIRGINIA)
) §:
COUNTY OF GREENBRIER)

Sworn to (or affirmed) and subscribed before me this 21 day of June, 2013, by BARRY C. DeNICOLA and TONI O. DeNICOLA, who [] are personally known to me OR produced Florida driver's licenses as identification, and who did (did not) take an oath.



[Handwritten Signature]
Notary Public
Printed Name: William Paul Grist
My commission expires July 10, 2016 f

I. APPLICANT/AGENT/OWNER INFORMATION

Applicant: Barry C. Denicola and Toni O. Denicola, c/o Beverly Grady, Roetzel & Andress
Address: 2320 First Street, Suite 1000
City, State, Zip: Ft. Myers, FL 33901
Phone Number: 239.337-3850 Fax Number: 239.337.0970
Email: bgrady@ralaw.com

Agent*: Beverly Grady, Roetzel & Andress
Address: 2320 First Street, Suite 1000
City, State, Zip: Ft. Myers, FL 33901
Phone Number: 239.337.3850 Fax Number: 239.337.0970
Email: bgrady@ralaw.com

Owner(s) of Record: Barry C. Denicola and Toni O. Denicola
Address: 112 Bonaire Lane
City, State, Zip: Bonita Springs, FL 34134
Phone Number: 239-947-6111 Fax Number: 239-947-3006
Email: barrycdenicola@aol.com

Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.

* This will be the person contacted for all business relative to the application.

II. REQUESTED CHANGE (Please see Item 1 for Fee Schedule)

A. TYPE: (Check appropriate type)

Text Amendment

Future Land Use Map Series Amendment
(Maps 1 thru 24)

List Number(s) of Map(s) to be amended:

1. Future Land Use Map amendments require the submittal of a complete list, map, and two sets of mailing labels of all property owners and their mailing addresses, for all property within 500 feet of the perimeter of the subject parcel. An additional set of mailing labels is required if your request includes a change to the Future Land Use Map (Map 1, page 1). The list and mailing labels may be obtained from the Property Appraisers office. The map must reference by number or other symbol the names of the surrounding property owners list. The applicant is responsible for the accuracy of the list and map.

At least 15 days before the Local Planning Agency (LPA) hearing, the applicant will be responsible for posting signs on the subject property, supplied by the Division of Planning, indicating the action requested, the date of the LPA hearing, and the case number. An affidavit of compliance with the posting requirements must be submitted to the Division of Planning prior to the LPA hearing. The signs must be maintained until after the final Board adoption hearing when a final decision is rendered.

B. SUMMARY OF REQUEST (Brief explanation):

Agricultural use is appropriate on a case by case basis in the Suburban Land Use category and the Outlying Suburban Land Use category

III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY (for amendments affecting development potential of property)

A. Property Location:

- 1. Site Address: 15371 Old Olga Road, Alva, FL 33920
- 2. STRAP(s): 22-43-26-00-00008.0000

B. Property Information:

Total Acreage of Property: 96

Total Acreage included in Request: 96

Total Uplands: _____

Total Wetlands: _____

Current Zoning: RPD

Current Future Land Use Designation: Suburban

Area of each Existing Future Land Use Category: _____

Existing Land Use: _____

C. State if the subject property is located in one of the following areas and if so how does the proposed change affect the area:

Lehigh Acres Commercial Overlay: _____

Airport Noise Zone 2 or 3: _____

Acquisition Area: _____

Joint Planning Agreement Area (adjoining other jurisdictional lands): _____

Community Redevelopment Area: _____

D. Proposed change for the subject property:

Text amendment will not change any property but will provide opportunity to make a rezoning request

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density	N/A
Commercial intensity	_____
Industrial intensity	_____

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density	N/A
Commercial intensity	_____
Industrial intensity	_____

IV. AMENDMENT SUPPORT DOCUMENTATION

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of amendment packets, the applicant is encouraged to provide all data and analysis electronically. (Please contact the Division of Planning for currently accepted formats.)

A. General Information and Maps

NOTE: For each map submitted, the applicant will be required to provide a reduced map (8.5" x 11") for inclusion in public hearing packets.

The following pertains to all proposed amendments that will affect the development potential of properties (unless otherwise specified).

1. Provide any proposed text changes. See Exhibit A
2. Provide a current Future Land Use Map at an appropriate scale showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
3. Provide a proposed Future Land Use Map at an appropriate scale showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
4. Map and describe existing land uses (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.
5. Map and describe existing zoning of the subject property and surrounding properties.
6. The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be

tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner. If the subject property contains wetlands or the proposed amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.

7. A copy of the deed(s) for the property subject to the requested change.
8. An aerial map showing the subject property and surrounding properties.
9. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

B. Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario (see Part II.H.).

1. Traffic Circulation Analysis

The analysis is intended to determine the effect of the land use change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit the following information:

Long Range – 20-year Horizon:

- a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;
- b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);
- c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;
- d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
- e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
- f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
 - b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;
Projected 2030 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);
 - c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
 - d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.
2. Provide an existing and future conditions analysis for (see Policy 95.1.3):
- a. Sanitary Sewer
 - b. Potable Water
 - c. Surface Water/Drainage Basins
 - d. Parks, Recreation, and Open Space
 - e. Public Schools.

Analysis should include (but is not limited to) the following (see the Lee County Concurrency Management Report):

- Franchise Area, Basin, or District in which the property is located;
- Current LOS, and LOS standard of facilities serving the site;
- Projected 2030 LOS under existing designation;
- Projected 2030 LOS under proposed designation;
- Existing infrastructure, if any, in the immediate area with the potential to serve the subject property.
- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).
- Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water.

In addition to the above analysis for Potable Water:

- Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.
- Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.
- Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.
- Include any other water conservation measures that will be applied to the site (see Goal 54).

3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:
 - a. Fire protection with adequate response times;
 - b. Emergency medical service (EMS) provisions;
 - c. Law enforcement;
 - d. Solid Waste;
 - e. Mass Transit; and
 - f. Schools.

In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation. This application should include the applicant's correspondence to the responding agency.

C. Environmental Impacts

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating the property boundaries on the Flood Insurance Rate Map effective August 2008.
5. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
6. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

D. Impacts on Historic Resources

List all historic resources (including structure, districts, and/or archeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archeological sensitivity map for Lee County.

E. Internal Consistency with the Lee Plan

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2030 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.

2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
 3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
 4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.
- F. Additional Requirements for Specific Future Land Use Amendments
1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)
 - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
 - b. Provide data and analysis required by Policy 2.4.4,
 - c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.
 2. Requests moving lands from a Non-Urban Area to a Future Urban Area
 - a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.
 3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
 4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.
- G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

Item 1: Fee Schedule

Map Amendment Flat Fee	\$2,000.00 each
Map Amendment > 20 Acres	\$2,000.00 and \$20.00 per 10 acres
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each

AFFIDAVIT

I, Beverly Grady, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

Beverly Grady
Signature of Applicant

6/24/13
Date

Beverly Grady, Roetzel & Andress, Authorized Representative
Printed Name of Applicant

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on June 24, 2013 (date) by Beverly Grady (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.



Catherine Louise
Signature of Notary Public

Catherine Louise
(Name typed, printed or stamped)

EXHIBIT A

Objective 9.2: To prevent the location of agricultural uses proximate to incompatible uses and to promote the efficient use of existing and programmed urban infrastructure, new agricultural uses should be directed away from Future Urban Areas. (Added by Ordinance No. 00-22)

Policy 9.2.1: Rezoning of land to agricultural zoning districts is prohibited in those areas designated by the Lee Plan as Future Urban Areas, with the exception of those areas designated as Outlying Suburban or Suburban where rezoning of parcels five acres or more to an agriculture zoning district may be reviewed and approved on a case by case basis. The recommendations will be based on:

- a. current and future availability of Urban infrastructure;
- b. compatibility of the existing and future land uses;
- c. acreage of rezoning request; and
- d. consideration of applicable community plans.

~~In Outlying Suburban areas, such requests will be reviewed on a case by case basis, and recommendations will be made based on current and future availability of urban infrastructure and compatibility of existing and future land uses.~~

EXHIBIT B

Agriculture is a use that may be appropriate and compatible with existing and planned uses in the Suburban and Outlying Suburban categories. Policy 158.4 states that Lee County will encourage retention of the agriculture use, recognizing it supports economic viability and retains open space. Suburban and Outlying Suburban include lands that are appropriate for providing agricultural uses.

Agriculture is an integral part of Lee County's economic base.

With the appropriate criteria, rezoning to an Agricultural District is consistent with existing and planned uses and consistent with Policy 158.4.

The amendment provides the opportunity to permit a rezoning to agriculture. Adoption of the proposed text amendment will not have a change on any parcel of land.

This Lee Plan text amendment will be accompanied by a rezoning application for a parcel where the use has never changed from agricultural. But the information as to public facilities impacts for a particular parcel would be appropriately evaluated as part of the zoning and not for this text amendment. Therefore, we have included for informational purposes the location of the parcel that will have a companion zoning application but the Application Part IV Amendment Support Documentation is not necessary as part of this text amendment.