

**REGULAR MEETING
OF THE
LOCAL PLANNING AGENCY**

**Monday, November 19, 2007
Community Development/Public Works Building
Conference Room 1B, First Floor
1500 Monroe Street, Fort Myers, FL
The meeting will commence at 8:30 a.m.**

AGENDA

- 1. Call to Order; Certification of Affidavit of Publication**
- 2. Pledge of Allegiance**
- 3. Public Forum**
- 4. Approval of Minutes: October 22, 2007**
- 5. Meadow Road Designation as a Parallel Reliever Facility to SR 82**
- 6. CPA2007-49 Buckingham Community Plan Update**

Amend the Future Land Use Element, text and Future Land Use Map series to incorporate the recommendations of the Buckingham Community Planning effort. Update Goal 17 of the Lee Plan to revise policies specific to the Buckingham Community and expand the affect of Goal 17 beyond the Rural Community Preserve land use category to the Buckingham Planning Community boundary.

- 7. CPA2007-01 Caloosahatchee Community Plan**

Amend the Future Land Use Element, Goal 21, to add a policy that provides that no land use map amendments to the remaining Rural lands category will be permitted unless a finding of overriding public necessity is made by three members of the Board of County Commissioners.

- 8. CPA2006-26 Conservation Lands**

Amend the Future Land Use Map to update the Conservation Lands categories.

- 9. Other Business**

- 10. Adjournment**

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Further information may be obtained by contacting the Lee County Division of Planning at 533-8585. In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 533-8583.

**CPA2007-01
CALOOSA HATCHEE SHORES
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

LPA Public Hearing Document
for the
November 19, 2007 Public Hearing

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

October 25, 2007

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2007-00001**

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: October 25, 2007

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
REPRESENTED BY KRIS CELLA McGUIRE

2. REQUEST:

Amend the Future Land Use Element of the Lee Plan, Goal 21, to add a policy that provides that no land use map amendments to the remaining rural lands category will be permitted unless a finding of overriding public necessity is made by three members of the Board of County Commissioners.

POLICY 21.1.4: One important aspect of the Caloosahatchee Shores Community Plan goal is to retain its' rural character and rural land use where it currently exists. Therefore no land use map

amendments to the remaining rural lands category will be permitted after {scrivener will insert effective date of policy}, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

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

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Caloosahatchee Shores Community Plan was submitted to Lee County in September, 2002.
- The Caloosahatchee Shores Community Plan resulted in a Lee Plan amendment adopted in October, 2003.
- The Lee Plan amendment specific to Caloosahatchee Shores is now Goal 21 of the Lee Plan.
- Goal 21 was amended on May 16, 2007 when a new Policy 21.1.4 was adopted.
- The East Lee County Council submitted an application to make a second amendment to Goal 21 in April, 2007.
- This amendment would add a new Policy 21.1.5 to Goal 21 of the Lee Plan.

C. BACKGROUND INFORMATION

The Caloosahatchee Shores Community Plan was undertaken by the Caloosahatchee Shores Community Planning Panel working as a sub group of the ELCC. The planning area encompasses that portion of the Fort Myers Shores planning community located east of I-75. The community plan was financed, in part, with \$25,000 of community planning funds from Lee County.

The Caloosahatchee Shores community plan was submitted to Lee County in September, 2002. The plan contained a Goal, Objectives, and Policies. The Goal for Caloosahatchee Shores was adopted into the Lee Plan in October, 2003 and is now Goal 21.

The East Lee County Council has continued to work on improvements to Goal 21, and submitted an amendment to the Goal in September, 2005 that was adopted as Policy 21.1.4 on May 16, 2007. This second proposed amendment to Goal 21 would add a new Policy 21.1.5.

A. STAFF DISCUSSION

Goal 21 of the Lee Plan is intended to express the communities desire to protect the existing character of the community and to maintain the existing rural character of the Caloosahatchee shores area. Goal 21 reads as follows:

GOAL 21: CALOOSAHATCHEE SHORES: *To protect the existing character, natural resources and quality of life in Caloosahatchee Shores, while promoting new development, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments. This Goal and subsequent objectives and policies apply to the Caloosahatchee Shores boundaries as depicted on Map 1, page 2 of 5 in the Appendix. (Added by Ordinance No. 03-21)*

This proposed amendment is consistent with Goal 21 of the Lee Plan and may help further the intent of the Caloosahatchee Shores community. This proposed new Policy contains language very similar to Objective 17.1 pertaining to the Buckingham community. Objective 17.1 of the Lee Plan reads:

OBJECTIVE 17.1: LAND USE. *The primary land use designation for the Buckingham area is "Rural Community Preserve." Public Facilities have also been designated as appropriate. After the adoption of this amendment, no land in Buckingham will be changed to a land use category more intense than Rural Community Preserve (including Public Facilities) unless a finding of overriding public necessity is determined by three members of the Board of County Commissioners. (Amended by Ordinance No. 00-22)*

Planning staff recommends that the Board of County Commissioners transmit this proposed amendment.

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

DATE OF PUBLIC HEARING: November 19, 2007

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

DEREK BURR

LES COCHRAN

RONALD INGE

CARLETON RYFFEL

RAE ANN WESSEL

LELAND TAYLOR

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

DATE OF TRANSMITTAL HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

A. BRIAN BIGELOW

TAMMARA HALL

ROBERT P. JANES

RAY JUDAH

FRANKLIN B. MANN

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

DATE OF ORC REPORT: _____

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RESPONSE

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

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

A. BRIAN BIGELOW

TAMMARA HALL

ROBERT P. JANES

RAY JUDAH

FRANKLIN B. MANN

RECEIVED
APR - 2 2007



LEE COUNTY
SOUTHWEST FLORIDA

COMMUNITY DEVELOPMENT

Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (239) 479-8585
FAX: (239) 479-8519

**APPLICATION FOR A
COMPREHENSIVE PLAN AMENDMENT**

(To be completed at time of intake)

DATE REC'D _____ REC'D BY: _____

APPLICATION FEE _____ TIDEMARK NO: _____

THE FOLLOWING VERIFIED:

Zoning Commissioner District

Designation on FLUM

(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: 9

Submit 6 copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

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.

4/2/07
DATE

Chris Cella McDevitt
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

RECEIVED
APR - 4 2007

2007-00001

COMMUNITY DEVELOPMENT

I. APPLICANT/AGENT/OWNER INFORMATION

APPLICANT East Lee County Council
ADDRESS c/o Cella Molnar Assoc. 1631 Hendry St.
CITY Kort Myers STATE FL ZIP 33901
TELEPHONE NUMBER 239-337-1071 FAX NUMBER 239-337-1076

AGENT* Mrs Cella ^{McGuire} Board of Directors
ADDRESS same as above
CITY _____ STATE _____ ZIP _____
TELEPHONE NUMBER _____ FAX NUMBER _____

OWNER(s) OF RECORD & Caloosahatchee Shores Community Plan c/o
ADDRESS East Lee County Council
CITY _____ STATE _____ ZIP _____
TELEPHONE NUMBER _____ FAX NUMBER _____

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 21)

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

B. SUMMARY OF REQUEST (Brief explanation):

Amend the Calusa Hatchee Community
Plan text see attached.

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

A. Property Location:

1. Site Address: see a Hatched map

2. STRAP(s): _____

B. Property Information

Total Acreage of Property: _____

Total Acreage included in Request: _____

Area of each Existing Future Land Use Category: _____

Total Uplands: _____

Total Wetlands: _____

Current Zoning: _____

Current Future Land Use Designation: _____

Existing Land Use: _____

April 2, 2007

Lee County Department of Community Development Services
1500 Monroe Street
Fort Myers, Florida 33901

Subject: Caloosahatchee Shores Community Plan – Text Amendment Requested

On January 22, 2007, at the regularly scheduled meeting of the East Lee County Council, the Council unanimously voted to amend the text of the referenced community plan with the following language:

"One important aspect of the Caloosahatchee Shores Community Plan goal is to retain its' rural character and rural land use where it currently exists. Therefore no land use map amendments to the remaining rural lands category will be permitted after {scrivener will insert effective date of policy}, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners."

Kris Cella McGuire
Board of Directors
East Lee County Council

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

No change to remain Rural Land Use

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density _____

Commercial intensity _____

Industrial intensity _____

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density _____

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.

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, Kris Cella McGuire 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.

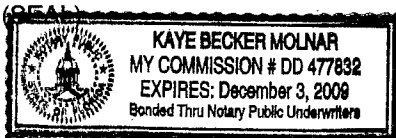
Kris Cella McGuire
 Signature of owner or owner-authorized agent

4/2/07
 Date

Kris Cella McGuire
 Typed or printed name

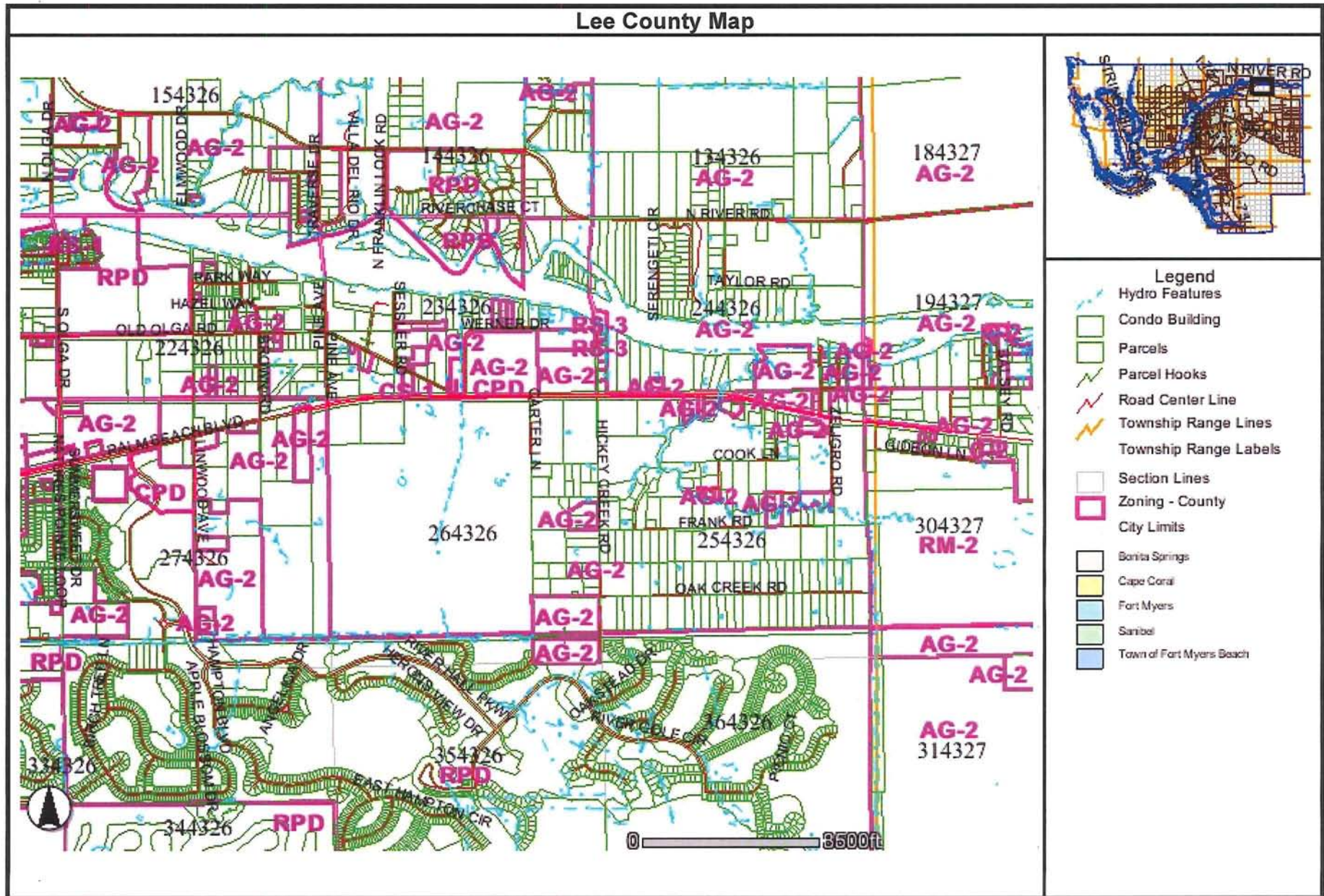
STATE OF FLORIDA)
 COUNTY OF LEE)

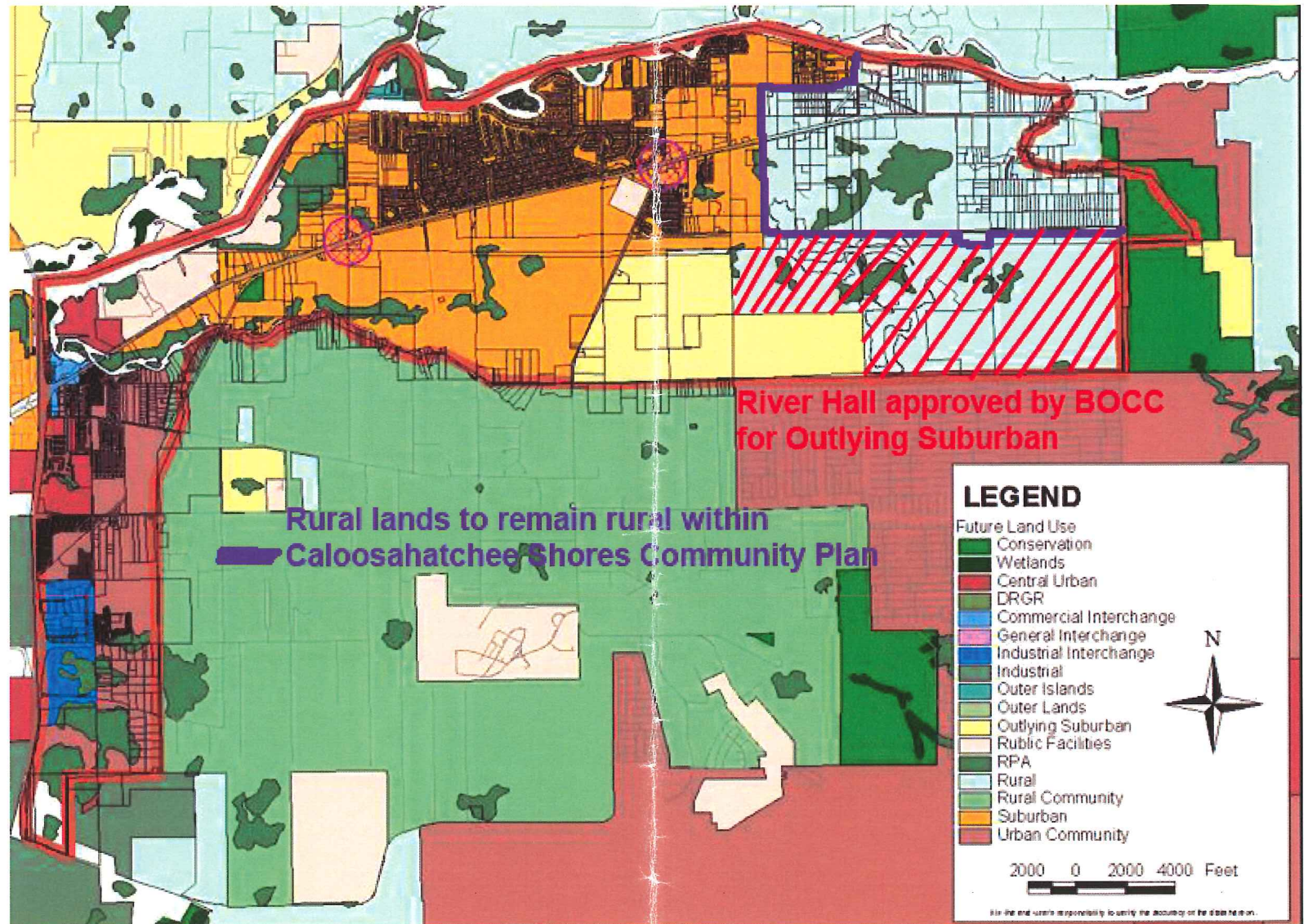
The foregoing instrument was certified and subscribed before me this 2nd day of April 2007, by Kris Cella McGuire, who is personally known to me or who has produced as identification.



Kaye Becker Molnar
 Signature of notary public

Kaye Becker Molnar
 Printed name of notary public





Lee County Map



- Legend**
- Hydro Features
 - Condo Building
 - Parcels
 - Parcel Hooks
 - Road Center Line
 - Township Range Lines
 - Township Range Labels
 - Section Lines
 - Future Land Use**
 - Airport
 - Airport Commerce
 - Central Urban
 - Coastal Rural
 - Conservation Lands Upland
 - Conservation Lands Wetland
 - Density Reduction / Groundwater Resource
 - General Commercial Interchange
 - General Interchange
 - Industrial Commercial Interchange
 - Industrial Development
 - Industrial Interchange
 - Intensive Development
 - Mixed Use Interchange
 - New Community
 - Open Lands
 - Outer Island
 - Outlying Suburban
 - Public Facilities
 - Rural
 - Rural Community Preserve
 - Suburban
 - University Community
 - University Village Interchange
 - Urban Community
 - Wetlands
 - Conservation
 - DRGR
 - General Commercial
 - High Den. MF Res.
 - High Den. MU/Village Res.
 - Industrial
 - Interchg. Commercial
 - Low Den. SF Res.
 - Med. Den. MF Res.
 - Med. Den. SF/DUP Res.
 - Mod. Den. MU/PD
 - Mod. Den. SF Res.
 - Public/Semi-Public
 - Recreation
 - Resource Protection
 - Boulevard
 - Low Density
 - Marina
 - Mixed Residential
 - Pedestrian Commercial
 - City Limits**
 - Bonita Springs
 - Cape Coral
 - Fort Myers
 - Sanibel
 - Town of Fort Myers Beach

