

Jenkins-Owen, Sharon

From: Gary Stilwell [sggoat@embarqmail.com]
Sent: Tuesday, November 28, 2017 1:55 PM
To: noel andress; dennis church; stan stouder; jim green; justin thibaut; ksmale; g tasman
Cc: Steven Brodtkin; JulianneT; kimek; Jenkins-Owen, Sharon
Subject: Nov 27 2017 LPA meeting-OPN

Gentlemen,

I wish to apprise you of an erroneous statement made by the County Attorney during this meeting. At the conclusion of the public comment period, discussion commenced on the merits of the presenters, with questions from the Board to County staff and attorney. Several questions were concerning the reason why this OPN CPA were being brought back to the board. In his discussion of the issue, Mr. Jacobs stated "moving forward, the reason why we're back here was some additional language from the residents....."

This statement is false. The bring-back did not have anything to do with resident's additional language, which Mr. Jacobs later identified as the e-mail from the Bayshore Community, containing the word incompatible. This word was one that was in the OPN CPA from the beginning.

The reason for the OPN being revisited is the fact that the after the transmittal hearing, questions arose from some corners concerning the incorrect meeting notice for the upcoming BOCC approval hearing. Additionally, there were raised concerns over the non-agendaed strike-out, and inserted language(the inserted words being 'inconsistent', and incompatible'). The notification of these non-compliant actions were sent to the BOCC on the Sunday before the approval hearing on Wed. On Monday morning at ~ 10:00 A.M., the County attorney(s) cancelled the BOCC hearing. The OPN CPA then lay in limbo for almost 8 months.

Fla Statute 163.3184 4(c)1, requires that if a local government fails, within 180 days of receipt of agency comments, to hold the second public hearing, the amendments shall be deemed withdrawn. In order to resurrect the CPA, the Governing body(BOCC) must start the amendment process all over again(from scratch) with all the attendant meeting notices/meetings/requests for Community input/time frames/transmittal/reviews/approval. ---THIS is why you are seeing the OPN CPA again.---

(there may even be a requirement to renumber the new amendment, but I have not found one as yet)

Regards,

Gary Stilwell

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If you like to get there in style, drive a Land Rover--If you actually want to get back home-Drive a Land Cruiser.

RE: CPA2014-00008
OPN
11/27/2017 LPA Meeting
LPA Members,

The OPN (Overriding Public Necessity) requirement for land use changes has been part of the Bayshore Plan since its' unanimous adoption by the BOCC almost 15 years ago. To the best of our knowledge no property owner has ever sued Lee County because of the OPN requirement. We continue to object to the removal of OPN from the Bayshore Plan in addition to the removal of other provisions in the Plan. Objective 20.1 is also being removed which states "The existing land use designations of the Lee Plan (as of September 30, 2001) are appropriate to achieving the goal of the Bayshore Plan".

Following the change in the plan amendment from OPN Definition to OPN Deletion we repeatedly requested to meet with County Staff and were repeatedly ignored until 2 days before the scheduled adoption hearing on May 17, 2017. At that meeting we were told that the adoption hearing had been postponed. However we made several OPN replacement proposals all of which were rejected. At the May 17th meeting and again at the meeting with Staff on October 16, 2017 we asked for assistance from Staff or the County Attorney's office to craft a replacement for OPN that might satisfy the community and the county. At those meetings we were told just to submit something and that the County intends to start revising the community plans and LDC in the spring. We submitted the following on October 26th.

"In order to preserve the Bayshore Community's rural quality of life and to promote public safety by addressing the hazards caused by flooding since most of Bayshore lies in a flood plain, residential densities will be kept low and commercial activity will be limited and focused on serving the local community."

We believe that this statement sets the direction for updating the Bayshore Plan and LDC. We never heard back from Staff for discussion regarding what we submitted. Now we see that our OPN replacement language was discarded and replaced with meaningless language that just repeats language found elsewhere in the Lee Plan.

Staff asked us for proposed language so why wasn't our proposed language included in the Staff Report for your consideration? On Nov.19th, after seeing the LPA packet, we sent an email requesting that our proposal be added to the Staff Report and we received no response.

It's been difficult to deal with the ever changing opinions from the County Attorney's office. We were originally told that OPN would be required for the River Hall Amendment to be approved. Later we were told that it wasn't required. Then we were told that OPN needed to be better defined. The 4 affected communities submitted a proposed definition and then 2 years later, without discussion of our proposal, the Attorney's Office said that OPN must be removed. Attorney Michael Jacob told us at the October 16th 2017 meeting that what we really want in Bayshore is no development. A total mischaracterization of our position. What we want is rural development, not urban or suburban development. Residents move here to be in a rural place where they can keep horses, livestock and pets, and to get away from higher density development. We want development that recognizes that Bayshore lies in a flood plain and a plan that addresses the flooding problem which has gotten worse in part due to private and public projects. The County is making the same mistakes that were made in Houston and other areas where permitted development lead to increased flooding, and now we're poised to lower the bar for development projects in rural and flood prone areas.

We ask that you recommend against transmittal of CPA2014-00008 and either leave OPN in place or recommend that the County work with the communities to find ways to keep the bar heightened for land use changes in rural areas. Please also consider the comments, which we support, sent in by the Conservancy of Southwest Florida.

Thank you,
Steve Brodtkin
Vice President/Secretary
CCBC



Protecting Southwest Florida's unique natural environment and quality of life ... now and forever.

November 22, 2017

Sent Via Email

Noel Andress, Chair
Dennis Church, Vice Chair
Jim Green
Kristine Smale
Stan Stouder
Gary Tasman
Justin Tibaut
Lee County Local Planning Agency
2201 Second Street, Room 118
Fort Myers, FL 33901

Re: Comp Plan Amendment 2014-08, Overriding Public Necessity

Chair Andress and Local Planning Agency Members:

On behalf of the Conservancy of Southwest Florida and our over 7,000 supporting families, we are submitting comments to the Local Planning Agency (LPA) opposing Comprehensive Plan Amendment 2014-08 which deletes the Overriding Public Necessity (OPN) requirement from four community plans and replaces it with different less specific language. Those four communities are Alva, Buckingham, Caloosahatchee Shores and Bayshore. We ask you to recommend the Board of County Commissioners not transmit this amendment to state agencies for review.

We have two main concerns about this topic:

1. There is a way to amend community plans that have active community planning panels, and this is not the way. We care about the process in Lee County, and we believe it is important that Lee County follow the process as set forth in the comprehensive plan.
2. Community planning is an important fundamental of planning in Lee County. The actions being taken by Lee County regarding these OPN changes erodes the community planning procedures and processes, and diminishes faith of citizens in the community planning process.

We were here on February 27, 2017 for this exact same agenda item, with essentially the same proposal. There has been no progress working with the communities. The four communities are still opposed to these changes. This is your opportunity to listen to the people who live in these communities and recommend to the BCC that this not be transmitted to the state for review, that these amendments not be adopted, and to reinforce that Lee County respects the community framework it has worked so hard to put in place.



Conservancy of Southwest Florida has been awarded Charity Navigator's prestigious 4-Star top rating for good governance, sound fiscal management and commitment to accountability and transparency. Charity Navigator is America's largest and most respected independent evaluator of charities.

Staff has stated there are adequate provisions in the Lee Plan to protect these rural communities, and that the OPN is not necessary. We disagree with Lee County's assessment, and we don't believe that Lee County should be able to make this determination for these four planning communities.

Lee County decided after adopting two Objectives and two Policies over eleven years,¹ which contained OPN, that OPN needed to be defined. The appropriate procedure should have been for Lee County, with its resources and staff expertise, to craft a definition and then work collaboratively with the four communities to fine tune it into something that all parties could accept. Instead Lee County met individually with each of the four communities and asked these citizens to craft a definition. Two years after a definition was crafted by these citizens, Lee County decided the definition crafted by the citizens wasn't sufficient. Rather than meet with the communities again, or craft their own definition, Lee County decided, seventeen years after it was first adopted, that OPN should be eliminated from the comprehensive plan.

It is not just these four communities who have a stake in the outcome of this amendment process. If Lee County continues in the future to determine what is included or excluded from a community plan, all community planning panels and citizens should be concerned. Today, Lee County is directing how and when development can occur by removing the need for heightened scrutiny in rural areas of Lee County. We are concerned that the community planning process will be sidestepped again and again, thus diminishing the strength and value of such plans.

We note for the record there are amendments to their respective plans that the communities would like to see processed. This is not a part of those amendments. We encourage Lee County to embrace the community planning framework by withdrawing this OPN amendment and instead moving forward with the amendments supported by the community planning areas.

You have read and heard the following before, but it is being submitted again for the record. Lee County has set up a community planning framework in order "[t]o encourage and support both citizen and County initiated community planning efforts that address the unique community character of specific geographic areas in Lee County" Goal 24, Lee Plan. Lee Plan Objective 24.1 states: "Lee County will encourage and support citizen initiated community planning efforts for geographically small areas. Lee County may initiate community planning efforts for geographic areas that do not have an organized citizen initiative when it is determined that critical circumstances exist that can best be addressed by developing community plans". This means what Lee County is proposing in this amendment is in direct conflict with Objective 24.1.

The plain language of Objective 24.1 states that Lee County will initiate community planning efforts for areas that do not have organized citizen groups, which in effect, means that Lee County will not initiate community planning efforts for areas that do have organized citizen groups.

¹ Objective 17.1 was adopted in 2000, amended in 2010 (Buckingham); Objective 20.1 was adopted in 2003 (Bayshore); Policy 21.1.5 was adopted in 2009 (Caloosahatchee Shores); Policy 26.2.2 was adopted in 2011 (Alva).

One rule of statutory construction is “expressio unius est exclusio alterius” or “to express or include one thing implies the exclusion of the other.” Black’s Law Dictionary (9th ed. 2009) *1000 Friends of Fla. v. Palm Beach Cnty.*, 69 So. 2d 1123, 1126 (Fla. 4th DCA 2011). This means Objective 24.1 restricts Lee County to initiating community planning efforts for areas without organized citizen groups, and that Lee County cannot initiate community planning efforts for areas with citizen groups. This action is a community planning effort for four areas with organized citizen groups.

We remind the citizens and decision makers in Lee County of *Allapattah Community vs. City of Miami*² which states that “the law will not and cannot approve...any governmental action adversely affecting the rights of other...based on no more than the fact that those who support [the action] have the power to work their will”. Lee County had an opportunity to refuse to adopt the subject Objectives and Policies now at issue. That time has passed. Lee County should not be able to circumvent their own rules and impose new language on these four communities that have active citizen planning groups.

We are requesting you recommend to the BCC to not transmit this to the state agencies for review. This is a 2014 application. Please direct staff to work with the impacted communities to craft language that Lee County AND the communities are comfortable with. At the very minimum, these communities deserve to at least have the language proposed for their community presented at a community meeting, and the chance to modify that language to fit their community vision. Community planning is not about what Lee County thinks is best for the 22 individual planning communities; community planning is giving citizens in each of the 22 planning areas a voice in crafting their vision of the future.

Thank you for your time and consideration of our issues and concerns. If you have any questions or need additional information, please feel free to contact me at 239-262-0304 x 252 or juliannet@conservancy.org.

Sincerely,



Julianne Thomas
Senior Environmental Planning Specialist

² 379 So.2d 387 (Fla. Dist. Ct. App. 1980)

From: Steven Brodtkin [<mailto:steveb239@aol.com>]

Sent: Sunday, November 19, 2017 11:08 AM

To: Loveland, David

Cc: Rozdolski, Mikki; Jenkins-Owen, Sharon; debjack12@gmail.com;
shadowfaxfan@gmail.com; JLeppala@gmail.com; pamsfeed@gmail.com;
MortonPalm@yahoo.com; sat300@aol.com; ChrisCag1@embarqmail.com;
mannfarm@aol.com; Dist5, Frank Mann

Subject:

11/19/17

RE: CPA2014-00008

Director Community Development

Dave Loveland,

We met with Staff at their request on October 16th, 2017 to discuss OPN replacements for the Bayshore Plan. While we continue to object to the removal of OPN from the Bayshore Plan, we submitted proposed replacement language several days after the meeting as requested by Staff. We heard nothing back from Staff about our proposal and now we see that our proposal has been discarded and replaced by Staff with meaningless language.

We object to the fact that the new language does not come from the community, that it offers no protection, and that our proposal was not included in the Staff Report prepared for the LPA. County Staff requested that we submit a proposal so why was our proposal not included in the Staff Report?

We request that the Staff Report be amended to include our proposal.

Thank you,
Steve Brodtkin
CCBC

Jenkins-Owen, Sharon

From: Ruby Daniels [rubydaniels@embarqmail.com]
Sent: Friday, August 25, 2017 3:24 PM
To: Rozdolski, Mikki; Jenkins-Owen, Sharon
Cc: Ruane, Don; Dennis, Connie; Paul A Furbay; Emily R Smith; dmwatkin@gmail.com; Weatherford, Alice; Scott, Tom
Subject: Requested Amendments to the Alva Community

Hello Sharon and Mickie,

The Alva community has the following items we would like to see implemented to strengthen our ability to remain the beautiful rural community we currently are.

TDRs

We have have the provisions for transfer of density rights in the Northeast Lee County Community Plan. Density rights can be transferred within the two communities, and within each individual community. Density rights can also be transferred out of the two communities into other parts of Lee County, but no density rights can be transferred into Alva or North Olga. In light of the extra density being requested by Babcock Ranch as well as the extra density being given to developers in South Lee County, TDRs seem to be a dead issue. However, we feel it's worth another effort. The missing component is a mechanism to facilitate the transfers and a public education program to make property owners and developers aware of it. Wwould also like to consider some of the ideas Ed Kimbell proposed for TDRs in Caloosahatchee Shores.

Setback on Hwy 80 and North River Road (NRR)

Alva has long wanted to get Scenic Highway designation for North River Road, but have never had the time to prioritize it. The Babcock Ranch is proposing a 1,000 foot setback for its property along NRR to maintain rural character. We would like to continue that setback as 300 feet along NRR in Alva. Many homes already have huge setbacks. Those homes that have shallow setbacks are non contributing to the rural character. Drives leading into the homes usually have a long lead-in (1-1 1/2 car lengths) before the gate. It's a great safety measure for traffic and students waiting in dark morning hours for the school bus. A rural corridor through the Alva Community has always been desired. It would be enjoyed by everyone driving on Highway 80 and would preserve some of the most beautiful scenery in Lee County. We are proposing a 500 foot setback before any building can be constructed. FDOT will no longer allow trees in the median of Hwy 80 where the speed limit is above 45 mph, but highway can be enhanced by the natural landscape. In addition, Alva needs a clearly defined commercial area to prevent contamination of a rural corridor with commercial and the sprawl of commercial in the Village Market area.

Our last request is to pull our proposed commercial codes off the shelf and begin working with us to make them acceptable for adoption.

I hope you will schedule a follow-up meeting with us after you have processed them.

Respectfully submitted,

Ruby Daniels
President, Alva, Inc.

From: williamred2@embarqmail.com

[<mailto:williamred2@embarqmail.com>]

Sent: Friday, August 25, 2017 4:28 PM

To: Steven Brodtkin

Cc: Jenkins-Owen, Sharon; Rozdolski, Mikki; Loveland, David; Jacob, Michael; debjack12@gmail.com; MortonPalm@yahoo.com; johnbord@yahoo.com; EZGH1@yahoo.com; Jean1SSHC@aol.com; bitsandpieces1@aol.com; pamsfeed@gmail.com; ChrisCag1@embarqmail.com; j.harder@earthlink.net; dhutter@aol.com; Orchid53@aol.com; Protogere@gmail.com; MelindaNY@yahoo.com; sat300@aol.com; RPicking@netzero.com; roseodellking@gmail.com; don.paight@gmail.com; JoDoKant@aol.com; TheTreesKnees@gmail.com; acleanpool1@gmail.com; lisaspropertymanagement@yahoo.com; ronald.jackman@comcast.net; skip@sbrealtyinc.com; JELeppala@gmail.com; moe1000000@gmail.com; TLF981@gmail.com; marleyjb@gmail.com; tonyprice@pricelessrealty.com; npaight@gmail.com; Floridalivingpatty@gmail.com; info@DarlaMacIntosh.com; shadowfaxfan@gmail.com; kimelk@netzero.net; rubydaniels@embarqmail.com; Dist5, Frank Mann; mannfarm@aol.com

Subject: Re: OPN, CPA2014-00008

Steve, thank you and Ruby and Ed for being so stalwart in your unending support for controlled and sane growth in our collectively lovely rural communities. May I simply add one caveat into this discussion? Remember that although the North Olga Planning Panel never decided to include adequate TDR language into its community planning, the vast majority of ordinary citizens in that community would prefer NOT to be a receiver of TDRs from your communities or any other communities. Increased density would negatively degrade the lifestyle particularly in Bayshore and Alva. This has been covered many times in previous discussions with citizens, planners and the North Olga panelists themselves. Language added back into the three community plans you named should specifically exclude North Olga by name. If I may be of any assistance in the future in this regard, I would be happy to be a voice. Thank you. Bill Redfern, a resident of Alva residing in what is now referred to as "North Olga" for planning purposes

Sent from my iPad

On Aug 24, 2017, at 8:56 PM, Steven Brodtkin <steveb239@aol.com> wrote:

8/24/17

RE: OPN

CPA2014-00008

Hi Sharon and Mikki,

We are submitting the following additional comments following our meeting this week with Ed Kimball and Ruby Daniels. CCBC president Debbie Jackow also attended.

1. In our draft Bayshore Plan, in Policy 2.1.4, we asked for implementation of a TDR program. We ask that the County meet with us to work on creating and implementing such a program, including looking at Ed Kimball's approach. Bayshore should be a sending area but not a receiving area for TDR's. For TDR's to work there cannot be free additional dwelling units granted to applicants.

2. Policies eliminated by CPA2014-00008 which are not part of OPN should be reinstated. Note that the stated revised purpose (the original purpose was to define OPN) is: "To remove the Overriding Public Necessity (OPN) requirement found in Lee Plan Objectives 17.1 and 20.1 and Policies 21.1.5 and 26.2.2 with regards to the Buckingham, Caloosahatchee Shores, Alva, and Bayshore community plans." However the CPA goes beyond that and eliminates other language.

Objective 20.1 reads in part "The existing land use designations of the Lee Plan (as of September 30, 2001) are appropriate to achieving the goal of the Bayshore Plan." This sentence should be reinstated. The requirement that a minimum of 3 Commissioners must approve a change should not be eliminated, but changed to require a super majority for approval as stated in item 2 of our first set of comments sent in on 8/17/17.

Since the application for CPA2014-00008 was submitted we have not seen a willingness by the County to work with us on ways to protect rural communities. We request a followup meeting with Staff to see whether there is a way to move forward on meaningful protections.

Thank you,

Steve Brodtkin, Vice President
Debbie Jackow, President
CCBC

Jenkins-Owen, Sharon

From: kimmelk@netzero.net
Sent: Wednesday, August 23, 2017 9:51 AM
To: Jenkins-Owen, Sharon; Rozdolski, Mikki
Subject: OPN Comments
Attachments: table 4.docx; shores plan considerations.docx; Cal Shores Demographics.pdf

Mikki & Sharon,

On 8/22/2017, Ruby Daniels, Steve Brodtkin and I met to discuss options to OPN. While we agree that this unnecessary change will happen without Public support, we will each be communicating with you by 8/25/2017.

I have attached comments concerning the Caloosahatchee Shores Community Plan. But for the OPN dilemma, we would have completed our Community Plan Amendment. That as a given, I offer three attachments for consideration:

The first is an attempt to use a TDR program as a means to protect Land Use Categories. The second is the recognition of Table 4 (Population and Demographics), submitted as part of the stalled Caloosahatchee Shores Plan Amendment.

We request a meeting with you, after you have reviewed everyone's comments. Our goal should be to come to a common solution for the pending elimination of OPN.

Ed Kimball

1 Simple Trick Removes Eye Bags & Lip Lines in Seconds

Fit Mom Daily

<http://thirdpartyoffers.netzero.net/TGL3242/599d88615ca6385f3bd0st01vuc>



**Population and Demographics in the Caloosahatchee Shores Community:
Historic Planning Efforts**

**Prepared for East Lee County Council (ELCC)
Under Contract with Lee County Department of Community Development
By Max Forgey, AICP; Forgey Planning Services
September 2015**

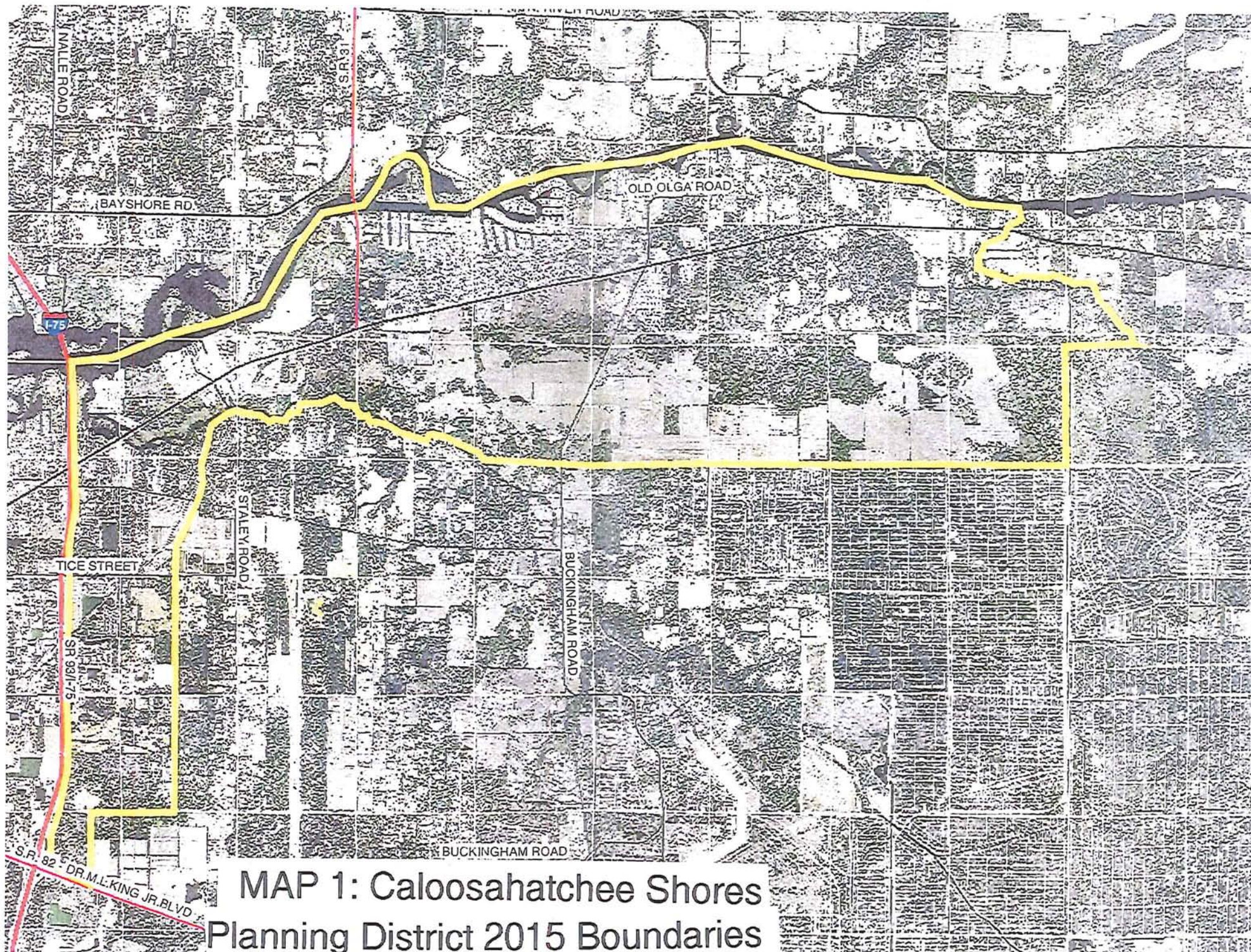
Districts and Communities: Caloosahatchee Shores, Fort Myers Shores, and East Lee County and the Challenge of Definition. ‘Caloosahatchee Shores’ is an artificial construct in which neighborhoods and subdivisions have been combined to facilitate long-term planning. As a general observation, the neighborhoods that comprise the geographic boundaries of the Caloosahatchee Shores Community Plan, which is the subject of this report, and the area comprising the Fort Myers Shores Planning Community, which is *not* the subject of this report, meet these geographic criteria:

- They are located south of the Caloosahatchee River;
- They are located west of Hickey Creek;
- They are located north of Buckingham and Lehigh Acres; and
- They are located east of I-75.

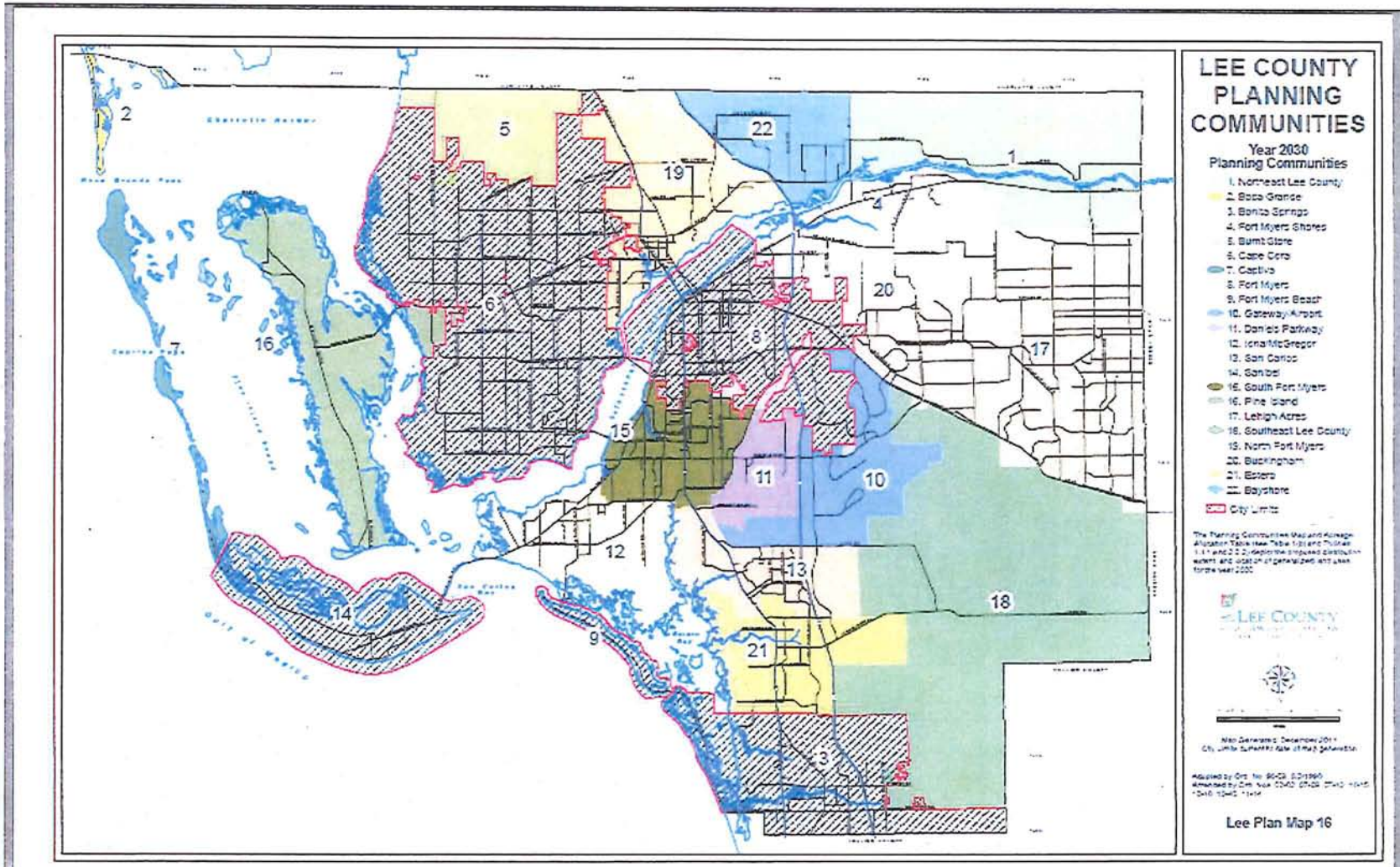
In the first three criteria, ‘Caloosahatchee Shores’ and the Fort Myers Shores Planning Community share the same boundaries. The Fort Myers Shores Planning District, which first appeared in the Lee Plan in 1984, extends west of Interstate 75 to include the Tice neighborhood. The Caloosahatchee Shores community plan, first incorporated into the Lee County comprehensive plan (Lee Plan) in 2002, does not extend west of I-75.

Map 1 “Caloosahatchee Shores Planning District 2015 Boundaries” shows an aerial view of the Caloosahatchee Shores district.

Map 2 “Lee County Planning Communities” is a map from Lee County’s Planning Communities website illustrating the 22 planning communities, including municipalities.



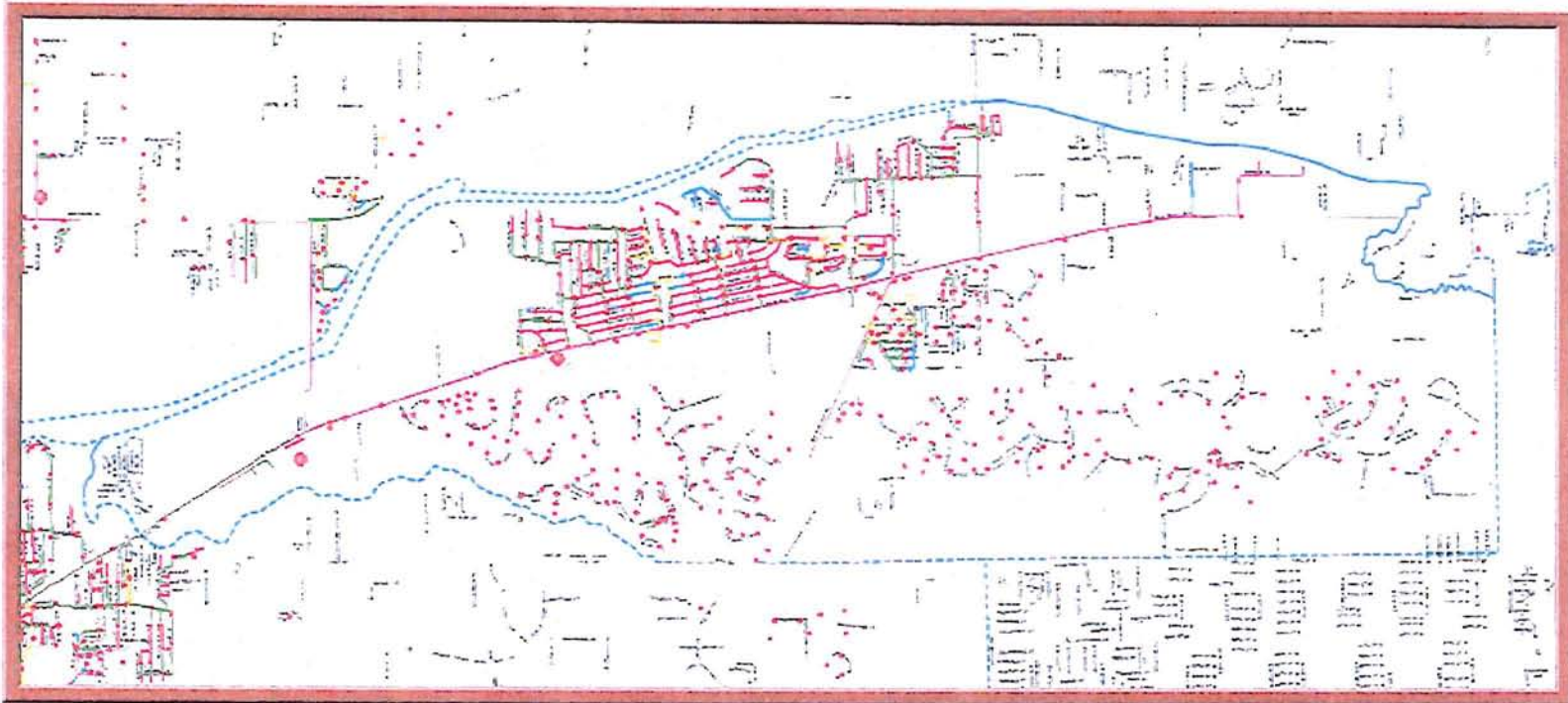
MAP 1: Caloosahatchee Shores
Planning District 2015 Boundaries



MAP 2: Lee County Planning Communities

Fort Myers Shores Fire District (FMSFD): Established in 1962 by an act of the Florida Legislature, the FMSFD preceded both the Fort Myers Shores planning community and the Caloosahatchee Shores community plan, and contributed a sense of identity to the area. According to the FMSFD website, the District protects 16 square miles out of one station, located at 12345 Palm Beach Boulevard, and is currently in the planning stages for a second station, which will be located at the entrance of the River Hall community. The Fort Myers Shores Fire District boundary lines stretch East to West from the Orange River bridge on Palm Beach Boulevard (State Road 80) east of I-75 to just west of the Hickey Creek bridge and North to South from the Caloosahatchee River to the southernmost sections of the Verandah neighborhood... essentially to the Orange River.

Map 3 "Fire District Boundaries" on the succeeding page shows the District's service area.



Map of the Fort Myers Shores Fire District

MAP 3: Fire District Boundaries

1990 Lee Plan. The 1990 Lee Plan, the first major amendment series following the landmark 1984 Lee Plan, divided Lee County into a series of “Year 2010 Overlay” subdistricts (see Map 4: “Year 2010 Overlay Subdistricts”), which correspond to the present day boundaries of the Caloosahatchee Shores plan.

Subdistrict	Description	2010 Projected Dwelling Units	Projected Built-out Dwelling Units
505	Florida Power & Light; Manatee Park; E of I-75, N of Orange River, W of Hwy 31	1,199	2,308
506	Fort Myers Shores	1,213	3,645
507	Olga	1,402	4,050
508	Hickey Creek	3,119	4,013
601 (western portion)	Buckingham (E of Buckingham Road)	5,199	7,783
701 (part)	Buckingham (W of Buckingham Road)	2,170	1,597
702 (part)	The I-75 Segment	3,471	5,394

2002 Vanasse Daylor Plan.

The 2002 Vanasse Daylor plan, which formed the statistical and narrative base for the Caloosahatchee Shores Community Plan (Goal 21, its subordinate objectives and policies) defines Caloosahatchee Shores as “consist[ing] of various residential neighborhoods and commercial strip development east of I-75” and further defines the community by what it is not--rural Alva, Buckingham, Bayshore and North Fort Myers, and the urban Palm Beach Boulevard corridor. “Caloosahatchee Shores,” according to the 2002 study “consists of scattered residential neighborhoods including historic Olga, Fort Myers Shores, Hickey’s Creek and several new residential developments and subdivisions currently under construction.” Those new subdivisions now include the Verandah and River Hall, two largely self-contained subdivisions on the south side of SR 80.

According to the Vanasse Daylor study, the region's historic economic engines had been "citrus farming, cattle grazing...[and] lumber production." The Caloosahatchee and Orange River "provided excellent means of transportation of goods for sale and trade. Trading posts existed in Olga, Alva and Buckingham." Those times have long passed. SR 80 has become a major commercial arterial connecting Fort Myers with Lehigh Acres, Hendry County and Florida's interior. According to the Vanasse Daylor study:

In 1990, Lee County created a Community Redevelopment Area (CRA) for State Road 80 extending from the Fort Myers border east to the border of Alva. The CRA conducted planning studies in the early to mid-1990s for both Tice and the SR 80 corridor. Most of the problems identified by the studies still pervade the community today, and several frustrated residents commented that the only concrete accomplishment of the CRA was enhanced landscaping along the SR 80 corridor. The CRA's attempt to address façade improvements for structures along the corridor through a matching grant program failed from lack of participation, and was ineffective in promoting redevelopment.

With development pressure building along SR 80 east of I-75, residents have a renewed interest in planning for growth in East Lee County. Business along State Road 80 can benefit from the new residential development to the east, coupled with the recent resurgence of redevelopment activity in historic downtown Fort Myers to the west. The key identity issue that the residents aimed to address in this plan is how to promote new development and redevelopment while maintaining some part of the historic rural identity of Olga and the surrounding communities of Alva and Buckingham.

While this passage undoubtedly summarizes the concerns expressed by residents of Caloosahatchee Shores at the beginning of the new century, public participation in 2014 and 2015 revealed that public concerns have evolved. Among the major concerns expressed were these issues:

1. The uncertainty caused by a perceived lack of a built-out planning population for East Lee County, including the massive platted lands community of Lehigh Acres.

2. The eventual widening of SR 80 and its impact on the community.
3. The impact of residential and commercial growth along the SR 80 corridor.

Population Assumptions in the 2002 Report

The Vanasse Daylor report could not have foreseen the length or intensity of the Great Recession that began in 2008, but it did make clear that major development was poised to occur on the south side of SR 80 in the long run. Growth, it predicted, would be limited in Fort Myers Shores: “[T]he current Lee County Comprehensive plan projected only a minimal increase in population for the Caloosahatchee Shores Community....[which it] designates...as part of the ‘Fort Myers Shores Planning Community,’ which also includes a small area west of I-75. The Fort Myers Shores Community is projected to increase in population from 12,000, as was estimated in the base year of the Comprehensive Plan, to 15,000 people by the year 2020 (Table 1). According to census data, this slow growth rate is fairly accurate (Table 2).” [p. 24].

TABLE 1: 2020 Population Projections for the Ft. Myers Shores Community From the 2002 Caloosahatchee Shores Community Plan

Year	Population
1998	12,617
1999	12,867
2020 (Forecast)	15,135

Source: Lee County Department of Community Development

TABLE 2: Census Projections for the Caloosahatchee Shores Community From the 2002 Caloosahatchee Shores Community Plan

Year	Population
1990	11,830
2000	14,135

Source: US Census Bureau

The anticipated growth was to take place in three developments—*Hawk’s Haven* (now River Hall), *Verandah*, and *Buckingham 320*. According to the 2002 Vanasse Daylor report:

What the tables show are that even if there are no new developments proposed in this community, there will be a[n] 85% increase in population over the next ten years, [i.e. by 2012] based upon built-out projections of Verandah, Hawks Haven, and Buckingham 320.

**TABLE 3: Permitted Increase in Residential Units
From the 2002 Caloosahatchee Shores Community Plan**

	Development	# Multi-family	# Single Family	Total DU
1	Hawk's Haven	250	1,348	1,598
2	Verandah	375	1,125	1,500
3	Buckingham 320	320	320	640
Total New Units		945	2,739	3,728

The 2002 report projected a population increase of 9,562 permanent residents based upon the three developments at their 2002 entitlements, assuming a multiplier of 2.02 for multi-family units ($945 * 2.2 = 1,909$) and 2.74 for single family ($2,793 * 2.74 = 7,653$).

The 2002 Report declared this growth to be “significant for a number of reasons” and cited three reasons, which are still valid and were reinforced by public participation in 2014 and 2015:

1. **[Compatibility with surrounding communities]** “First, the idea of creating a community plan originated with the rezoning of the 320-acre property originally proposed for a total of 1,320 units. Residents rallied against the rezoning based on concerns for residential density, compatibility with the surrounding communities, and the Buckingham Rural Preserve land use category which is directly to the south of the property. Therefore, one common theme that was reiterated by residents throughout the planning process was that **growth and development are acceptable as long as the density is compatible with existing density, and the rapid increase in development does not place an undue burden on the existing communities.**”

2. **[Enhanced shopping opportunities]** “The second theme we heard constantly throughout the planning process was a desire for increased and **enhanced shopping opportunities within the community**. Residents expressed concern about having to go outside the community for much of their shopping needs, creating situations where residents drive longer distances and create more traffic on the roads in their community and surrounding communities. The population increase is significant in that it has created the expectation and hope that larger retail establishments will now, with an increased customer base, locate larger shopping opportunities in the area.”

3. **[Protect rural character]** “Finally, with the increased population and desire for more regional-type shopping opportunities, residents wanted to **retain some of their historic rural identity**. In the following plan amendment, we have attempted to do that by locating the increased retail designation at the largest intersection and closest to I-75, created a change that aims to locate higher density residential development away from Buckingham Road, which is presently rural in nature, and establish policies to address community character to ensure that new development promote the vision of the community.”

The Built-out Planning Scenario in Caloosahatchee Shores and East Lee County (2007)

In 2007, in preparation for the New Horizons 2035 major update of the Lee Plan, Lee County staff conducted a detailed projection of Lee County’s built-out population, based upon a comprehensive analysis of the Lee Plan’s Future Land Use Map (FLUM) designations for unincorporated Lee County, including data for the municipalities of Fort Myers, Cape Coral, Sanibel, Fort Myers Beach, and Bonita Springs. (The Village of Estero, incorporated in 2014, was included in the unincorporated Lee County totals.)

The Built-out Scenario Tables

The Scenario Tables¹ for Fort Myers Shores, Alva, Buckingham, and Lehigh Acres are presented in 16 columns:

Col 1: **PC/ FLUMC category**. These categories are taken directly from the Lee Plan FLUM. They are abbreviated as follows, with the numeral '4' assigned to Fort Myers Shores:

- **'4 City':** *Incorporated City*. On the Fort Myers Shores table, there are **335.43 acres** (see Column 15) which are located within Fort Myers City limits on the south end of the I-75 Segment.)
- **'4CLU':** *Conservation Land Upland*. **19.94 acres** on the FMS table.
- **'4CLW':** *Conservation Land Wetland*. **23.24 acres**.
- **'4CU':** *Central Urban*. **425.02 acres**, some of which is located in Tice.
- **'4GCI':** *General Commercial Interchange*. **42.32 acres** at the SR 80/ I-75 intersection, which is partly in Tice.
- **'4II':** *Industrial Interchange*. **251.63 acres** at the intersection of Lockett Road and I-75.
- **'4INT':** *Intensive Development*. **110.81 acres**, all of them in Tice.
- **'4OI':** *Outer Island*. **43.76 acres**. Wetlands.
- **'4OS':** *Outlying Suburban*. **78.49 acres** along the southern edge of Drawdy Road, south of SR 80.
- **'4PF':** *Public Facilities*. **518.03 acres**, including the Power Plant.
- **'4R':** *Rural*. **3,714.92 acres**, including River Hall.
- **'4RPA':** This appears to mean *Resource Protection Area*, but it is not keyed to the Future Land Use Map and no color is assigned. **174.82 acres**.
- **'4S':** *Suburban*. **4,259.33 acres**, roughly 15% of which is located in Tice. This is the dominant FLUM designation for existing residential developments in Fort Myers Shores and the Verandah.
- **'4SOS':** *Sub-outlying Suburban*. **993.07 acres**.

¹ These tables are untitled in the 2007 staff version.

- **'4UC': Urban Community.** 1,120.44 acres, all in the I-75 Dogleg.

Cols. 2 & 3: **Min Density** and **Max Density** are taken from the Lee Plan. Suburban densities *in these columns* in Fort Myers Shores, for example, are the same as in North Fort Myers or any other part of unincorporated Lee County. These figures show residential units per acre *when developed as residential*.

Col 4: **Units per Acre.** An assigned density, usually in the middle of the range—i.e. between the Col. 2 minimum and the Col. 2 maximum.

Col 5: **[Dwelling] Units per Acre (DUPA).** This is as inventoried by Lee County staff. For example, in the 'Suburban' FLUM category, 3.53 is the real density for existing (not proposed) lands when illustrated as Suburban in the Fort Myers Shores planning district (but not in other districts, which may have different coefficients based upon historic residential development patterns) that have been developed for residential uses.

Col 6: **Anticipated DUPA.** This is staff's *projected*—i.e. future—DUPA for future residential development in that district.

Col 7: **% Residential Lee Plan.** These are as provided by Lee Plan guidelines—e.g .89 (89%) of the land mass in Suburban will be developed for residential uses. It is unclear whether roads, drainage works, and other infrastructure have been subtracted to reach this figure.

Col 8: **% Net Res.** This is a reality-based staff adjustment to Col. 7. For example, the Lee Plan says 89% residential allocation in the Suburban within FM Shores, but staff adjusted it based upon observation of existing development patterns and cut it to 62%.

Col 9: **Assumed Residential Acreage.** This is how many acres are available for residential development in a FLUM district (e.g. Suburban) in that planning community (e.g. FM Shores).

Col 10: **Vacant Acres.** Self-explanatory. This is where new (greenfield) development is planned to occur.

Col 11: **Potential Res Acres** and Col 12: **Potential New Units:** Column 8 * Column 11=Column 12. This is what could reasonably be built at time of buildout given existing FLUM designations.

Col 13: **[Existing] Units:** This shows what was in the ground in 2007. For example, in 2007 there were 6,690 units in the FM Shores planning district, which includes Tice. To have a study area without Tice, it is necessary to apply an arbitrary factor to remove Tice from the calculation.

Col 14: **Total Units=Col 12+Col 13.** This number is very important for planning purposes and is the basis for level of service and impact fee calculations.

Col 15: **Occupied Units.** This is total units less vacant and seasonal.

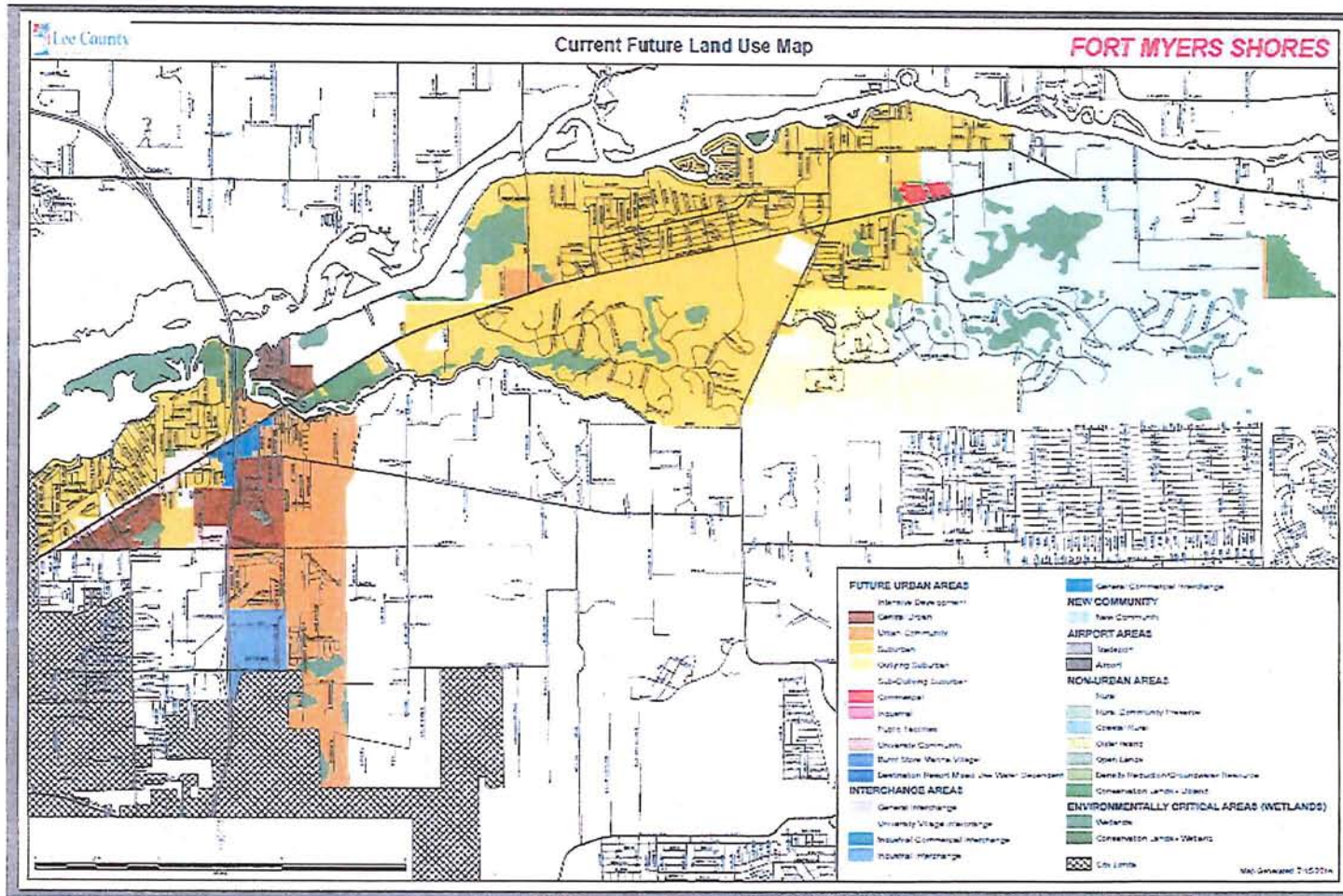
Col 16: **Permanent Population.** 51,244 in Fort Myers Shores planning district, which can be reduced by about 8000 to account for Tice.

Col 17: **Acreage** and Col 18: **Residential:** The total acreage within each FLUM category, and the total acreage projected as in residential use at time of built-out.

The built-out estimates assume that future residential development will occur at densities no lower or higher than the ranges established in the Lee Plan FLUM in force at that time—for example, future densities within the Suburban district will range between 1.0 and 6.0, with an assumed overall density of 3.6. Staff further refined its projections by allocating a portion of the designated land use (e.g. 'Suburban') for future residential use. For example, the 'Suburban' FLUM district were assumed to be 62% residential at buildout. This methodology, which relies upon informed, but arbitrary, assumptions, is a valuable planning tool and an indispensable starting point and a useful starting point for predicting service/ infrastructure needs in Calooshatchee Shores and East Lee County.

MAP 5: 'Current FLUM Fort Myers Shores' appears on the next page of this report. It is keyed to the 'Built-out Scenarios Tables' which follow on the succeeding four pages:

- **TABLE 4: Built-out Scenario Table Fort Myers Shores (2007)**
- **TABLE 5: Built-out Scenario Table Alva (2007)**
- **TABLE 6: Built-out Scenario Table Buckingham (2007)**
- **TABLE 7: Built-out Scenario Table Lehigh Acres (2007)**



MAP 5: Current FLUM Fort Myers Shores

PC/ FLUMC	Min Density	Max Density	Units Per Acre	DUPA	Anticipated DUPA	Percent Residential Lee Plan	% Net Res	Assumed Res Acres	Vacant Acres	Potential Res Acres	Potential New Units	Units	Total Units	Occupied Units	Permanent Population	Acreage	Residential
4CITY			4.00	0.00	4.00	0.58	0.00	195	335	195	782	0	782	657	1,668	335.43	0.00
4CLU	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0	0	0	0	0	0	19.94	0.00
4CLW	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0	0	0	0	0	0	23.24	0.00
4CU	4.00	10.00	5.75	5.84	5.75	0.75	0.79	124	178	124	715	1,136	1,851	1,555	3,950	425.02	194.40
4GCI	0.00	0.00	3.25	0.00	3.25	0.00	0.00	0	18	0	0	0	0	0	0	42.32	0.00
4II	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0	143	0	0	0	0	0	0	251.63	0.00
4INT	8.00	14.00	7.50	3.70	7.50	0.40	0.11	35	31	31	232	33	265	222	565	110.81	8.93
4OI	0.00	1.00	0.30	1.00	0.30	1.00	0.02	43	0	0	0	1	1	1	2	43.76	1.00
4OS	1.00	3.00	5.15	0.00	5.15	1.00	0.00	78	78	78	401	0	401	337	856	78.49	0.00
4PF	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0	0	0	0	0	0	518.03	0.00
4R	0.00	1.00	0.70	0.60	0.70	0.90	0.30	3,013	2,605	2,605	1,823	199	2,022	1,699	4,315	3,714.92	330.38
4RPA	0.00	0.05	0.00	0.00	0.00	0.00	0.00	0	0	0	0	0	0	0	0	174.82	0.00
4S	1.00	6.00	3.60	3.53	3.60	0.89	0.62	2,550	2,245	2,245	8,080	4,362	12,462	10,468	26,590	4,259.33	1,240.85
4SOS	1.00	2.00	5.15	0.89	5.15	0.60	1.00	591	989	591	3,045	4	3,049	2,562	6,506	993.07	4.50
4UC	1.00	6.00	3.90	3.26	3.90	0.84	0.53	654	577	577	2,249	935	3,184	2,675	6,793	1,120.44	286.73
Fort Myers Shores									7,197.74			6,690	24,018	20,175	51,244	12,111.25	2,066.79

TABLE 4: Built-out Scenario Table – Fort Myers Shores (2007)

PC/ FLUMC	Min Density	Max Density	Units Per Acre	DUPA	Anticipated DUPA	Percent Residential Lee Plan	% Net Res	Assumed Res Acres	Vacant Acres	Potential Res Acres	Potential New Units	Units	Total Units	Occupied Units	Permanent Population	Acreage	Residential
1CLU	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0	0	0	0	0	0	1,522.28	0.00
1CLW	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0	0	0	0	0	0	176.33	0.00
1DRGR	0.00	0.10	0.23	0.29	0.23	0.75	0.17	5,120	6,610	5,120	1,178	14	1,192	1,060	2,842	6,891.42	48.83
1OI	0.00	1.00	0.30	0.33	0.30	0.75	0.04	33	12	12	4	1	5	4	11	45.05	1.20
1OL	0.00	0.20	0.25	0.27	0.25	0.75	0.07	6,310	7,228	6,310	1,578	25	1,603	1,426	3,822	8,537.15	92.77
1OS	1.00	3.00	1.00	1.38	1.00	1.00	0.84	118	117	117	117	10	127	113	302	122.98	5.33
1PF	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0	12	0	0	0	0	0	0	60.04	0.00
1R	0.00	1.00	0.70	0.59	0.70	0.85	0.48	11,081	11,832	11,081	7,757	771	8,528	7,590	20,340	14,575.99	1,308.66
1RPA	0.00	0.05	0.00	0.00	0.00	0.00	0.00	0	0	0	0	0	0	0	0	91.57	0.00
1UC	1.00	6.00	2.00	1.21	2.00	0.70	0.78	520	817	520	1,040	597	1,637	1,457	3,904	1,449.04	494.41
Alva									26,628.03			1,418	13,090	11,650	31,222	33,471.35	1,951.20

TABLE 5: Built-out Scenario Table – Alva (2007)

PC/ FLUMC	Min Density	Max Density	Units Per Acre	DUPA	Anticipated DUPA	Percent Residential Lee Plan	% Net Res	Assumed Res Acres	Vacant Acres	Potential Res Acres	Potential New Units	Units	Total Units	Occupied Units	Permanent Population	Acreage	Residential
20CITY			1.00	0.00	1.00	0.58	0.00	184	316	184	184	0	184	173	487	316.45	0.00
20CLU	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0	0	0	0	0	0	458.71	0.00
20CLW	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0	0	0	0	0	0	44.80	0.00
20PF	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0	0	0	0	0	0	1,059.83	0.00
20R	0.00	1.00	0.80	0.00	0.80	0.45	0.00	75	165	75	60	0	60	56	158	165.74	0.00
20RCP	0.00	1.00	0.80	0.51	0.80	0.45	0.84	1,319	5,733	1,319	1,055	1,366	2,421	2,276	6,395	8,934.86	2,701.97
20UC	1.00	6.00	4.00	3.34	4.00	0.84	0.89	150	181	150	599	159	758	713	2,003	234.98	47.59
Buckingham									6,396.56			1,525	3,423	3,218	9,042	11,215.37	2,749.56

TABLE 6: Built-out Scenario Table – Buckingham (2007)

PC/ FLUMC	Min Density	Max Density	Units Per Acre	DUPA	Anticipated DUPA	Percent Residential Lee Plan	% Net Res	Assumed Res Acres	Vacant Acres	Potential Res Acres	Potential New Units	Units	Total Units	Occupied Units	Permanent Population	Acreege	Residential
17CLU	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0	0	0	0	0	0	179.47	0.00
17CLW	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0	0	0	0	0	0	637.25	0.00
17CU	4.00	10.00	3.70	4.14	3.70	0.89	0.68	7,553	7,362	7,362	27,238	13,272	40,510	37,269	93,919	12,087.89	3,204.91
17DRGR	0.00	0.10	0.10	0.00	0.10	0.10	0.00	35	351	35	4	0	4	3	8	350.71	0.00
17ID	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0	123	0	0	0	0	0	0	176.13	0.00
17PF	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0	0	0	0	0	0	417.85	0.00
17R	0.00	1.00	2.00	0.93	2.00	0.60	0.02	112	142	112	223	1	224	206	519	187.68	1.07
17RPA	0.00	0.05	0.00	0.00	0.00	0.00	0.00	0	0	0	0	0	0	0	0	504.70	0.00
17UC	1.00	6.00	3.00	2.80	3.00	0.94	0.76	27,831	28,888	27,831	83,492	7,844	91,336	84,029	211,753	32,582.31	2,796.76
Lehigh Acres									36,865.50			21,117	132,074	121,508	306,199	47,123.99	6,002.74

TABLE 7: Built-out Scenario Table – Lehigh Acres (2007)

The 2007 Lee County built-out model yielded these results:

TABLE 8: Built-out Populations for FM Shores, East Lee County, and Lee County

	Fort Myers Shores ²	East Lee County ³	Countywide
Existing (residential) units 2007	6,690		
Built-out units	24,018		
Occupied units at build-out	29,175		
Permanent population	51,244	388,767	1,429,927
(Tice)	(8,940)	NA	NA
Permanent population less Tice	42,304	NA	NA

The built-out population of the Caloosahatchee Shores *Planning Community* may be less than 51,244 when the built-out Tice neighborhood (ca. 8,940)⁴ is subtracted, but there may be a countervailing increase if lands, such as the River Hall subdivision, are developed at densities exceeding their Rural designation.

East Lee County. When the built-out population of Caloosahatchee Shores—minus Tice— is combined with the prospective population of Alva, Buckingham, and Lehigh Acres, the built-out population is 388,767. This is a realistic long-term assumption because the community that will dominate East Lee County, in area and population, is Lehigh Acres, one of the largest platted lands subdivisions in Florida history. Land-sales subdivisions, such as this one, create many

² Includes Tice

³ Includes Fort Myers Shores, Alva, Buckingham, and Lehigh Acres planning districts

⁴ Tice's current population is approximately 4,470, an estimate used at a 2014 mini-charrette sponsored by Lee County. If this figure were doubled, Tice would have a built-out population of 8,940. This figure was then subtracted from the Fort Myers Shores *planning* community built-out population of 51,244 to yield a built out population for the Caloosahatchee Shores community of 42,304. This is an arbitrary, if educated, allocation which does not affect the overall Lee County built-out population.

long-range problems, but they have one undeniable virtue for land use planning—their built-out scenarios are beyond doubt. Densities, street patterns, and the location of non-residential uses, and the ultimate population—barring some form of heroic intervention – can be anticipated with surprising accuracy from the earliest days of development. Platted lands communities pose a constant challenge to elected officials to respond with appropriate levels of infrastructure and services in a timely matter with no reliable assurance as to when and where new residents will build new houses and move to the community. While most new residents choose to build their houses in areas served by potable water, sanitary sewer, and similar amenities, some choose to build in the hinterland where infrastructure is limited and roads are poorly maintained. For the other portions of the East Lee County mega-community, especially for those whose livelihood depends upon Highway 80, Lehigh Acres will determine future patterns of development, and of public infrastructure and services.

Growth in Lee County since 2000

The 2000 and 2010 US Census shows the general direction of growth in Lee County. In 2000, Lee County had a total permanent population of 440,888 including five municipalities with a combined population of 195,916; in 2010, Lee County's permanent population was 618,754, an increase of 40.3% over the 2000 count. In 2014, the University of Florida Bureau of Economic and Business Research (BEBR) estimated that the County's permanent population has increased to 653,485, an additional 34,731, or 5.6% over the 2010 population. These figures are particularly compelling in light of the economic lull caused by the Great Recession, which straddled the year 2010. Lee County is rapidly approaching the half-way point to ultimate buildout, assuming that the built-out point is not increased by further amendments to the FLUM that would accommodate an even higher ultimate population. Growth in the Caloosahatchee Shores neighborhoods has lacked the countywide level of velocity. For example, the Fort Myers Shores Census Designated Place (CDP), which includes the Fort Myers Shores subdivision, actually lost population from 5,793 in the 2000 census to 5,487 in 2010, a decrease of 306. The challenge to Caloosahatchee Shores, and to all of Lee County, is to manage growth to assure that the eventual population is served by appropriate levels of infrastructure and services.

TABLE 9: Lee County Population in 2000, 2010 and 2014

	2014 BEBR Est.	2010 US Census	2000 US Census	% of Built-out (2014)
Bonita Springs	45,819	43,914	32,797	
Cape Coral	163,599	154,305	102,286	
Estero ⁵	0	0	0	
Fort Myers	69,437	62,298	48,208	
Fort Myers Beach	6,250	6,277	6,561	
Sanibel	6,490	6,469	6,064	
Total Municipalities	291,595	273,263	195,916	
Unincorporated Lee County	361,890	345,491	244,974	
LEE COUNTY TOTAL	653,485	618,754	440,888	45.7%

Lee County's 2030 Projections. In July 2014, Lee County staff estimated that unincorporated Lee County would have a 2030 population of 495,000, of which 30,861 would reside in Fort Myers Shores. See **TABLE 10: "Year 2030 Allocations"** on the next two pages of this report. A second table, **TABLE 11: "Fort Myers Shores 2030 Allocations,"** distributes the total Fort Myers Shores population, which includes Tice, as 46.7% 'existing' (14,415) and 53.3% 'remaining.'

It is uncertain whether Lee County proposes to issue updated 2035 projections to accompany the forthcoming 2035 New Horizons Plan or 2040 projections and when they may be available.

⁵ Estero was incorporated as a city in 2014. As a Census Designated Place (CDP) it had a population of 22,612 and 9,503 in 2010 and 2000, respectively.

TABLE 10: Year 2030 Calculations

Future Land Use Classification	Lee County	Alva	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/Airport	Daniels Parkway
	Totals											
Intensive Development	1,376	0	0	0	20	0	27	0	250	0	0	0
Central Urban	14,766	0	0	0	225	0	0	0	230	0	0	0
Urban Community	18,425	520	485	0	637	0	0	0	0	0	0	0
Suburban	16,623	0	0	0	1,810	0	0	0	85	0	0	0
Outlying Suburban	4,105	30	0	0	40	20	2	500	0	0	0	1,700
Sub-Outlying Suburban	1,548	0	0	0	367	0	0	0	0	0	0	0
Industrial Development	79	0	0	0	0	0	0	0	39	0	20	0
Public Facilities	1	0	0	0	0	0	0	1	0	0	0	0
University Community	850	0	0	0	0	0	0	0	0	0	0	0
Destination Resort Mixed Use Water Dependent	8	0	0	0	0	0	0	0	0	0	0	0
Burnt Store Marina Village	4	0	0	0	0	4	0	0	0	0	0	0
Industrial Interchange	0	0	0	0	0	0	0	0	0	0	0	0
General Interchange	42	0	0	0	0	0	0	0	0	0	0	2
General/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0
Industrial/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0	0
University Village Interchange	0	0	0	0	0	0	0	0	0	0	0	0
New Community	900	0	0	0	0	0	0	0	0	0	900	0
Airport	0	0	0	0	0	0	0	0	0	0	0	0
Tradeport	9	0	0	0	0	0	0	0	0	0	9	0
Rural	8,313	1,948	0	0	1,400	636	0	0	0	0	0	1,500
Rural Community Preserve	3,100	0	0	0	0	0	0	0	0	0	0	0
Coastal Rural	1,300	0	0	0	0	0	0	0	0	0	0	0
Outer Islands	202	5	0	0	1	0	0	150	0	0	0	0
Open Lands	2,805	250	0	0	0	590	0	0	0	0	0	120
Density Reduction/Groundwater Resourse	6,905	711	0	0	0	0	0	0	0	0	94	0
Conservation Lands Uplands	0	0	0	0	0	0	0	0	0	0	0	0
Wetlands	0	0	0	0	0	0	0	0	0	0	0	0
Conservation Lands Wetlands	0	0	0	0	0	0	0	0	0	0	0	0
Total Residential	81,361	3,464	485	0	4,500	1,250	29	651	604	0	1,023	3,322
Commercial	12,793	57	52	0	400	50	17	125	150	0	1,100	440
Industrial	13,801	26	3	0	400	5	26	0	300	0	3,100	10
Non Regulatory Allocations												
Public	82,252	7,100	421	0	2,000	7,000	20	1,961	350	0	7,500	2,416
Active Agriculture	17,027	5,100	0	0	550	150	0	0	0	0	0	20
Passive Agriculture	45,859	13,549	0	0	2,500	109	0	0	0	0	1,491	20
Conservation (wetlands)	81,948	2,214	611	0	1,142	3,236	133	1,603	748	0	2,809	1,719
Vacant	22,134	1,953	0	0	226	931	34	0	45	0	300	20
Total	357,175	33,463	1,572	0	11,718	12,731	259	4,340	2,197	0	17,323	7,967
Population Distribution*	495,000	5,090	1,531	0	30,861	3,270	225	530	5,744	0	11,582	16,488

* Population for Unincorporated Area of Lee County

TABLE 10: Year 2030 Calculations

Future Land Use Classification		Iona/ McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres	Southeast Lee County	North Fort Myers	Buckingham	Estero	Bayshore
Residential By Future Land Use Category	Intensive Development	0	0	0	660	3	42	0	365	0	9	0
	Central Urban	375	17	0	3,140	0	8,179	0	2,600	0	0	0
	Urban Community	850	1,000	0	860	500	13,013	0	0	110	450	0
	Suburban	2,488	1,975	0	1,200	675	0	0	6,690	0	1,700	0
	Outlying Suburban	377	0	0	0	600	0	0	382	0	454	0
	Sub-Outlying Suburban	0	25	0	0	0	0	0	140	66	0	950
	Industrial Development	5	5	0	10	0	0	0	0	0	0	0
	Public Facilities	0	0	0	0	0	0	0	0	0	0	0
	University Community	0	850	0	0	0	0	0	0	0	0	0
	Destination Resort Mixed Use Water Dependent	8	0	0	0	0	0	0	0	0	0	0
	Burnt Store Marina Village	0	0	0	0	0	0	0	0	0	0	0
	Industrial Interchange	0	0	0	0	0	0	0	0	0	0	0
	General Interchange	0	0	0	0	0	0	15	7	0	6	12
	General/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0
	Industrial/Commercial Interchange	0	0	0	0	0	0	0	0	0	0	0
	University Village Interchange	0	0	0	0	0	0	0	0	0	0	0
	New Community	0	0	0	0	0	0	0	0	0	0	0
	Airport	0	0	0	0	0	0	0	0	0	0	0
	Tradeport	0	0	0	0	0	0	0	0	0	0	0
	Rural	0	90	0	0	190	14	0	500	50	636	1,350
	Rural Community Preserve	0	0	0	0	0	0	0	0	3,100	0	0
	Coastal Rural	0	0	0	0	1,300	0	0	0	0	0	0
	Outer Islands	1	0	0	0	45	0	0	0	0	0	0
	Open Lands	0	0	0	0	0	0	0	45	0	0	1,800
Density Reduction/Groundwater Resource	0	0	0	0	0	0	4,000	0	0	0	2,100	
Conservation Lands Uplands	0	0	0	0	0	0	0	0	0	0	0	
Wetlands	0	0	0	0	0	0	0	0	0	0	0	
Conservation Lands Wetlands	0	0	0	0	0	0	0	0	0	0	0	
Total Residential	4,104	3,962	0	5,870	3,313	21,248	4,015	10,729	3,326	3,254	6,212	
Commercial	1,100	1,944	0	2,100	226	1,420	68	1,687	18	1,700	139	
Industrial	320	450	0	900	64	300	7,246	554	5	87	5	
Non Regulatory Allocations												
Public	3,550	3,059	0	3,500	2,100	15,289	12,000	4,000	1,486	7,000	1,500	
Active Agriculture	0	0	0	0	2,400	0	7,171	200	411	125	900	
Passive Agriculture	0	0	0	0	815	0	18,000	1,556	3,619	200	4,000	
Conservation (wetlands)	9,306	2,969	0	188	14,767	1,541	31,359	1,317	336	5,068	882	
Vacant	975	594	0	309	3,781	8,106	470	2,060	1,000	800	530	
Total	19,355	12,978	0	12,867	27,466	47,904	80,329	22,103	10,201	18,234	14,168	
Population Distribution*	34,538	36,983	0	58,363	13,265	164,517	1,270	70,659	6,117	25,577	8,410	

* Population for Unincorporated Area of Lee County

TABLE 11: Fort Myers Shores 2030 Allocations

Fort Myers Shores		Allocation	Existing	Remaining
R e s i d e n t i a l U s e C a t e g o r y	Intensive Development	20	9	11
	Central Urban	225	195	30
	Urban Community	637	284	353
	Suburban	1,810	1,240	570
	Outlying Suburban	40	3	37
	Sub-Outlying Suburban	367	0	367
	Commercial	0	0	0
	Industrial Development	0	0	0
	Public Facilities	0	0	0
	University Community	0	0	0
	Industrial Interchange	0	0	0
	General Interchange	0	0	0
	General/Commercial Interchange	0	1	(1)
	Industrial/Commercial Interchange	0	0	0
	University Village Interchange	0	0	0
	New Community	0	0	0
	Airport	0	0	0
	Tradeport	0	0	0
	Rural	1,400	339	1,061
	Rural Community Preserve	0	0	0
Coastal Rural	0	0	0	
Outer Islands	1	1	0	
Open Lands	0	0	0	
Density Reduction/Groundwater Resource	0	0	0	
Conservation Lands Upland	0	0	0	
Wetlands	0	0	0	
Conservation Lands Wetland	0	0	0	
Total Residential		4,500	2,072	2,428
Commercial		400	236	164
Industrial		400	58	342
Non Regulatory Allocations				
Public		2,000	2,301	(301)
Active Agriculture		550	554	(4)
Passive Agriculture		2,500	2,387	113
Conservation (wetlands)		1,142	1,018	124
Vacant		226	2,808	(2,662)
Total		11,718	11,514	204
Population Distribution		33,861	14,415	16,446

Fort Myers Shores – Adjustment to Table 4 Build-out

Flum cat. 4City should be removed from table, as this is actually the City of Fort Myers (after 2007). 335 acres. Reduce B.O. Pop. by 1,668.

Tice B.O. Pop. should be eliminated from FMS B.O. 8,940.

Total FMS reduction of B.O. Pop. 10,608 from 51,244= new total=40,636@B.O.

Flum Cat. 4R is entirely Fort Myers Shores and should be highlighted to reflect the following: Potential Res. Ac. 3,013 -199 exist (07) = 2812 – 1999 (R.H)= 811 Acres remaining for the rest of FMS. 420 Rural acres are contained in 1 property and the rest (391ac.) is distributed throughout FMS. It is uncertain how many acres of conservation/wetlands etc. are not accounted for in the count.

Note: There are 1,760 units approved in the suburban land use category, since the 2007 count.

Question: Where does R.H. get the right to use development rights assigned to others and also change Land Use?

Note: There is more than enough land remaining, in all Land Use Categories to accommodate the total Build Out without changing Land Use.

Transfer of Development Rights (TDR) Program:

Caloosahatchee Shores Community Plan Area
Internal & External – “Send Only” Guidelines

The Caloosahatchee Shores TDR “Internal& External Program” includes regulations and incentives for property owners to develop their land in a responsible manner, while maintaining their property rights. The Program incentivizes property owners to (sell) transfer their property rights to undeveloped property owners within the Shores, that have higher density Land Use Categories. The program also provides the ability to (sell) transfer property rights to more dense Urban areas of the County, outside of the Shores. This Program is designed to protect the diverse profile of Land Use Categories within the Shores, as depicted in the December 2016 Land Use Map in the Lee Plan.

Caloosahatchee Shores Community Plan- Amendment “Considerations” to Allow for Internal TDR’s

1. FLUM Category Amendments : Developed Urban type categories should be scaled to reflect actual developed dwelling units per acre. ie. Suburban 3,4,5 etc. Create an arithmetical mean for the each category, using the developed base. Using the mean as a standard, allow a mean deviation of 1 D/U/ acre to encourage TDR’s in future zoning cases.
2. Any property not previously zoned/developed, in any land use category is entitled to the assigned the mean allowable dwelling units, within the category and allowed as a candidate for the TDR Program. However, properties zoned/developed will be assigned the density at which they were zoned/ developed and will not be allowed new densities at a future date nor have entitlements beyond those developed densities. These properties are not eligible for TDR consideration.
3. No Land use Category changes will be granted with the Internal Transfer of Development Rights within the Caloosahatchee Shores Planning Area.
 - TDR’s may not increase the Rural Lands maximum to more than 1 Dwelling Unit per acre.

8/17/17
RE: OPN
CPA2014-00008

Hi Sharon,

We don't know of any way to protect our community's rural quality of life as well as with OPN. However, in the absence of OPN we ask for the following.

1. Finalize and adopt our revised Bayshore Plan which we worked on for more than 3 years with County Staff. It was reviewed twice by the LPA with only a couple of minor changes requested, which we addressed. The revised plan better expresses the rural quality of life that Bayshore residents want to preserve. Minor changes to language and form would be OK, if needed. I've attached the last draft that we worked on.
2. While OPN is perfectly legal and defensible, we understand that the current commission places the developers interests over the interests of the existing rural residents and the environment. Therefore, if OPN must go we want a supermajority vote of the full BOCC to be required for land use changes in our community, or for any increase in current allowable residential density or commercial intensity because once rural lands are gone there's no bringing them back. There is nothing that prohibits this (for that matter there is nothing that prohibits OPN and it still currently exists in the Lee Plan for Conservation 20/20 changes.) We've attached a relevant recent supreme court ruling that could be helpful in our discussion on replacing OPN.
3. After many years of study and review, including EAR's, the County has developed a land use map to plan the future development of the County based on best planning practices and public input. We want a policy to state: "For any land use change that would increase the residential density or commercial intensity in the Bayshore Community, the applicant must demonstrate why the change is necessary for the Community."
4. We still have residents living in highly flood prone areas where the flooding has been exacerbated over the years both by government action (putting up berms that block water flow and alter flow ways) and inaction (not enforcing existing laws when some property owners berm or excessively fill their property). Adopting our updated plan could be a start for addressing the problem.

5. Policies could be added to prevent sprawl from neighboring communities and to prevent the County from being biased in a way that favors private interests over the interests of the community.

6. Any additional suggestions from Staff would be appreciated. At our last meeting Michael Jacob said that rural lands could be protected through the land development code. We would like to see specific examples showing how this could be done.

We will meet with Ruby and Ed soon and may have additional ideas or comments by August 25th as requested in today's email from Mikki. We request a follow-up meeting with all involved after you receive comment from all 3 communities. We hope the County is ready to work with us to move forward with plans that are meaningful and not superficial.

Thank you,

Debbie Jackow, President
Steve Brodtkin, Vice President
CCBC

To: Dunn, Brandon
Cc: Bruce Strayhorn; Rozdolski, Mikki; Jacob, Michael
Subject: Rural Commnity Preserve, text changes

Hi Brandon,

Bruce Strayhorn and I want to get the process going on tweaking the definition of Rural Community Preserve as we discussed the last time you and I talked.

As I remember, you were going to talk to Mikki and Michael Jacob about our proposal to tweak the definition with some very minor text changes which we believe offsets the removal of the OPN language.

Having not heard back, I wanted to go ahead and send you one text change we believe will work. Hopefully since we spoke you have had a chance to speak with Mikki and Michael.

Very simply, the bracketed highlighted word [intended] below in the policy would be removed.

Bruce: If you have additional changes, thoughts or information that would be helpful to Brandon, please advise.

Brandon, please let us know at your earliest convenience on how to proceed with this text change. As always, we are available to meet to discuss this if necessary.

Best regards,

Don

POLICY 1.4.3: The Rural Community Preserves are established following special studies of Lee County's intact rural communities. Within these areas, special design approaches are to be used to maintain the existing rural character, for example: conservation easements, flexible road design standards (including relocation of future arterials not serving the rural community), special fencing and sign standards, and retention of historic rural uses. These areas are not to be programmed to receive urban-type capital improvements. Lands within this category are not [intended] to be converted to any Future Urban Areas; rather, they are to remain permanently rural in character and use. These areas are restricted to low density residential uses (with minimum lot size requirements), agricultural uses, and minimal non-residential uses that are needed to serve the rural community. Property in this category may not be rezoned to any RV district. Additional goals, objectives, policies, and standards for these areas may be included in this plan based on the special studies (see for example, Goal 17). Maximum density is one dwelling unit per acre.

[Sent from Yahoo Mail on Android](#)

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2/27/2017

RE: CPA2014-00008

Overriding Public Necessity

LPA Members,

The Bayshore Plan, as it exists today, was created by a group of Bayshore residents known as the Bayshore Steering Committee with the support of Bayshore residents. The plan was initiated and funded by the community because Bayshore residents were concerned that the existing Lee Plan did not provide adequate protection to preserve Bayshore's rural quality of life. An important part of the plan was to raise the bar for land use changes in order to prevent unnecessary impacts to the rural community such as congestion and the exacerbation of Bayshore's often severe flooding problems. Most of Bayshore lies in a flood plain as depicted on map 9 of the Lee Plan. The draft plan was supported nearly unanimously by over 400 people at a meeting held at the Civic Center on June 6, 2001 and the final draft was approved by over 120 residents who attended a meeting on June 5, 2002.

The Bayshore Plan, including the "overriding public necessity" language was approved by Staff and unanimously adopted by the Board of County Commissioners on January 9, 2003. It was also accepted by the DCA, the state reviewing agency at the time. It has been in place now for over 14 years.

The first page of the Lee Plan, in the Vision Statement, states in part:

"The growth patterns of the county will continue to be dictated by a Future Land Use map that will not change dramatically during the time frame of this plan."

"The county will attempt to maintain the clear distinction between urban and rural areas that characterizes this plan."

The Bayshore Plan, including the "overriding public necessity" policy, is consistent with the Lee Plan vision and does not infringe upon anyone's right to develop their land.. Applicants should not have the expectation that land use changes will automatically be approved. Property owners can develop their properties under the current Lee Plan. What about the rights of residents who purchase in an area designated with a low density on the FLUM with the expectation that it will remain a rural area as planned?

The County asked the 4 communities with "overriding public necessity" policies in their plans to provide a definition for the term, even though the meaning is self evident and can be judged by Staff and each Commissioner.

The communities met and submitted a unified definition about two years ago. We recently heard that "overriding public necessity" would be dropped from the Lee Plan altogether without meetings or discussion of options with the communities. Ironically this plan amendment is titled "Overriding Public Necessity Definition" when it is actually "overriding public necessity" elimination. Community planning in this case is county imposed community planning, inconsistent with the community planning concept. The Staff

report concludes that: "There are existing Lee Plan policies in place that are adequate to provide the protections against incompatible uses and urban encroachment into rural areas...". The River Hall case is a clear demonstration that this is not true.

We ask that the LPA send the amendment back to Staff with direction to meet with affected community groups and discuss possible alternatives. There have been no such meetings. We don't know if an agreement can be reached but there has been no effort by the County to find a compromise. We strongly oppose the current proposal being rammed through the system without community participation.

Thank you,
Steve Brodtkin
President CCBC
(Concerned Citizens of Bayshore Community)

Webmail**rubydaniels@embarqmail.com****Alva****From :** [REDACTED] >

Fri, Feb 24, 2017 11:50 AM

Subject : Alva**To :** rubydaniels@embarqmail.com

Hello Ms. Daniels,

I am writing to you about my desire to relocate to Alva. I'm seeking a small parcel of land north of the river (River Rd area) for a little farm where my retirement horses and I can enjoy a quiet life.

Alva is such a pretty little spot and I have been searching for a few months.

I read The Alva newsletters frequently and it occurred to me to reach out to a local Alva resident, along with searching thru the realty listings ,with the hope that perhaps a local person involved in the community might know of a little house with some acreage (5-10 acres min.) that would be a nice spot for 4 aging horses.

My future plan is to hopefully have 1 guest cottage and have a Bed and Barn for guests seeking a farm environment vacation.

I am a retired small hotel owner , with a background in design and build.

I'd also would like to become involved in preserving the community with the challenges that future development is presenting in most of rural South Florida.

If you know of any such property perhaps coming up in the very near future , please keep me in mind. Or if you know a local Alva realtor from within the community , I would appreciate you providing my contact information to them, please.

Thank you for your time.

My best,
[REDACTED]
[REDACTED]

Miller, Janet

From: Rozdolski, Mikki
Sent: Friday, February 24, 2017 5:41 PM
To: Loveland, David; Jacob, Michael
Cc: Dunn, Brandon; Jenkins-Owen, Sharon; Miller, Janet
Subject: FW: OPN Language

FYI

Mikki Rozdolski
Manager of Planning
Lee County Community Development
email: mrozdolski@leegov.com
phone: 239-533-8309

From: ruanedon@aol.com [<mailto:ruanedon@aol.com>]
Sent: Friday, February 24, 2017 5:23 PM
To: nadress@comcast.net; churchdennis5@gmail.com; jim@jimgreenrealty.com;
carla.scharenberg@creconsultants.com; ksmale@realestateconsulting.com; stan.stouder@creconsultants.com;
gtsman@cpswfl.com; jthibaut@landsolutions.net; Rozdolski, Mikki; Dunn, Brandon
Subject: Re: OPN Language

To members of the LPA,

The surest way to really tick off the public and create a political backlash, akin to what's happening on the national level, is to take away something you've already entrusted to the public to handle.

Taking the "overriding public necessity" language out of four community plans is just such a move. I oppose the change and ask you to do likewise at your meeting on Monday.

Lee County government invited the public to participate in the process of developing a vision and a plan for their communities. They responded and the county approved the results of their hard work and time sacrificed to complete the work. Please don't let the community planning experience become a bone thrown to the public to distract and placate it while the door to unrestrained development is opened wider.

The OPN is a building block of their plans. It is a load bearing wall, a cornerstone of their vision for their communities. In short, there is no overriding public necessity to remove the OPN language.

Don Ruane
18180 Fichter Creek Lane
Alva, FL 33920
239-464-3429

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