

BOARD OF COUNTY COMMISSIONERS

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Bob Janes
District One September 19, 2002

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District Two

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District Three

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County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Ray Eubank, Administrator
Florida Department of Community Affairs
Division of Community Planning
Bureau of Local Planning
2555 Shumard Oak Boulevard
Tallahassee, FL. 32399-2100

Re: Amendments to the Lee Plan
Transmittal Submission Package for the 2001/2002 Regular Amendment Cycle

Dear Mr. Eubank:

In accordance with the provisions of F.S. Chapter 163.3184 and of 9J-11.006, this submission package constitutes the transmittal of the proposed 2001/2002 Regular Amendment Cycle to the Lee Plan. The Local Planning Agency held public hearings for these plan amendments on the following dates: March 25, 2002; April 22, 2002; July 22, 2002; August 26, 2002. The Board of County Commissioners transmittal hearing for the plan amendments was held on September 4, 2002 and September 5, 2002. Per 9J-11.006(1)(a)(3), Lee County is requesting that the Department review the proposed amendments and provide an Objections, Recommendations, and Comments (ORC) Report. The proposed amendments are not applicable to an area of critical state concern. The Board of County Commissioners has stated its intent to hold an adoption hearing upon receipt of the ORC Report.

A summary of the plan amendment content and effect is attached to this letter. The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendments is as follows:

Mr. Paul O'Connor, AICP
Lee County Planning Division Director
P.O. Box 398
Fort Myers, Florida 33902-0398
(941)479-8585
Fax (941)479-8319
Email: occonnops@leegov.com

Included with this package, per 9J-11.006, are six copies of the adopted amendment, and supporting data and analysis. By copy of this letter and its attachments I certify that these amendments have been sent to the Regional Planning Council, the Florida Department of Transportation (FDOT),

the Department of Environmental Protection, Florida Department of State, Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, Division of Forestry, and the South Florida Water Management District.

Sincerely,
DEPT. OF COMMUNITY DEVELOPMENT
Division of Planning



Paul O'Connor, AICP
Director

All documents and reports attendant to this transmittal are also being sent, by copy of this cover, to:

David Burr
Interim Director
Southwest Florida Regional Planning Council

Mike Rippe, District Director
FDOT District One

Executive Director
South Florida Water Management District

Plan Review Section
Department of Environmental Protection

Florida Department of State

Florida Fish and Wildlife Conservation Commission

The Department of Agriculture and Consumer Services, Division of Forestry

2001/2002 LEE PLAN AMENDMENT CYCLE

SUMMARY OF PLAN AMENDMENT CONTENT AND EFFECT

- CPA 2001-09** Amends the Future Land Use text by adding a new Vision Statement, Goal, Objectives and Policies specific to the Bayshore Community. The Policies generally address Land Use, Transportation, Sewer and Water, and Parks and Recreation. The intent of the amendment is, in part, to provide for slow and steady growth in the Bayshore Community and to prevent incompatible uses such as mining and intense commercial uses from developing in the community.
- CPA 2001-10** Amends the Future Land Use text by adding a new Goal, Objective and ten Policies specific to the Captiva Island Community. The policies address such things as establishing a landscaping code for Captiva, creating a document clearing house to aid residents in monitoring development requests, a requirement for owners or agents for any rezoning, variance, or special exception to hold a public informational session on Captiva and a policy for Lee County to encourage and support efforts by Captivans to develop and submit ordinances that help maintain the historical character of the land. This is a privately initiated amendment sponsored, in part, by Lee County Government.
- CPA2001-11** Amends the Future Land Use Element, Policy 1.2.2, the Airport Commerce descriptor policy, to broaden the allowable uses and to establish relationships and criteria for those uses. Providing for Commercial Retail uses in Airport Commerce allows the County to better use the airport to attract new business in order to promote economic growth and diversification. Flexibility in the planning requirements for future business and industrial lands in the Airport Commerce category is of paramount importance. Commercial functions located within business and industrial parks provide beneficial services to employees. In addition Policy 1.2.2 is being amended by removing "and other hospitality services" due to the fact that it is not a defined term. The LDC does not have this as a use group or a defined use. Also, the Lee County Land Development Code (LDC) provides that caretakers residences can be approved in association with an industrial development, therefore Policy 1.2.2 is being amended to allow caretakers residences.
- CPA2001-12** The amendment adds to Policy 1.3.8 a specific access management plan for Alico Road in the vicinity of the I-75 interchange, and adds maps of the specific access management plans to the Future Land Use Map series. The addition of specific access management plans for the four County-maintained roads that connect to the interstate allows for a recognition of already-existing conditions and previous development approvals, rather than relying on the generalized spacing standards included in Policy 1.3.8. This action is a follow-

up to PAT 99-27, which added the specific access management plan for Corkscrew Road. Future amendments are anticipated to add the specific access management plans for Luckett Road and Bonita Beach Road.

- CPA2001-15** Amends the Future Land Use Map (FLUM) series to include in the Conservation Lands category those lands acquired by Lee County, the State of Florida (TIITF), and the private conservation foundation, the Calusa Land Trust, and reclassify an FDOT maintenance yard from the Conservation Lands FLUM category to the Public Facilities FLUM category.
- CPA2001-18** Amends the Future Land Use text by replacing the existing Vision Statement with new language, and by adding new policies and amending existing policies specific to the Pine Island Community. Amends the Future Land Use Map by creating a new Coastal Rural Land Use Category. Highlights of the Plan are the creation of the Coastal Rural Land Use Category which will replace the Rural designation on Pine Island and replace an additional 157 acres of land currently in the Outlying Suburban designation. Another policy changes the way development orders will be allocated once the 910 vehicle trip calculation has been reached. Other policies address changes to the sign regulations, architectural and site design standards, riparian areas, septic drainfields and historic building designation on Pine Island.
- CPA2001-22** Amends Map 12 of the Future Land Use Map Series, the Water Dependent Overlay (WDO) zones, by evaluating and updating the status of the overlay areas and the Goals, Objectives and Policies that pertain to the WDO zones. This amendment addresses 40 WDO zones, of which 6 are proposed for amendment. The remaining zones do not present compelling reasons for amendment. As currently codified, the Lee Plan Goals, Objectives, and Policies sufficiently address WDO concerns.
- CPA2001-23** Amends the Future Land Use Map series, Map 20, The “Contiguous Agricultural Parcels Over 100 Acres” map by updating the overlay to reflect current conditions. Changes to the map include mapping lands that are currently in agricultural use and meet the other criteria outlined in Objective 9.1 (as proposed in this amendment). Objective 9.1 is being amended to clarify the criteria for selecting properties to be included on the overlay map. The existing Lee Plan language does not match the parcels that are shown on the current overlay. The adopted 1994 Overlay included parcels that were smaller than 100 acres; however, Objective 9.1 states “Place all existing active and passive agricultural uses on all parcels in excess of 100 acres...” The revised language clarifies that Ag parcels less than 100 acres in size will only be included on the overlay if they are contiguous to other Ag uses resulting in an “Ag Area” larger than 100 acres. The new language clarifies that properties must be outside of Future Land Use Categories that are anticipated to develop with urban uses during the life of the plan. Finally, language is added to require this overlay to be reviewed every 2 years.

CPA2001-24

This amendment simply updates Table 2(b), Recommended Operational Improvements on Constrained Roads, to reflect the latest thinking on operational improvements for the constrained roads. The table is also being expanded to include all of the constrained roads, whether an operational improvement is identified at this time or not, to avoid any confusion when comparing to Table 2(a) (the list of constrained roads). A note is also being added to make clear that, even if no specific operational improvement is identified in the table at this time, operational improvements may be determined to be necessary in relation to specific development requests.

CPA2001-27

Amends the Community Facilities and Services Element, Goal 40: Coordinated Surface Water Management and Land Use Planning on a Watershed Basis by adding a new Objective and Policy regarding incorporation of green infrastructure into the surface water management systems of proposed developments, and providing definitions for green infrastructure and flow-way in the Glossary. Incorporating green infrastructure and flow-ways into surface water management design will help protect the groundwater and surface water in Lee County. Also, green infrastructure furthers Lee County's efforts in achieving EPA's non-degradation water quality criteria for stormwater discharges to designated Outstanding Florida Waterways and compliance with future total maximum daily loads established for impaired water-bodies.

CPA2001-28

Amends the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program. Lee Plan Policy 70.1.1 requires a Capital Improvements Program to be prepared and adopted on an annual basis. Florida Statute 163.3177(3)(b) requires that the Capital Improvements Element of the comprehensive plan be amended annually to reflect the modifications of the adopted Capital Improvement Program (CIP). This amendment incorporates the most recently adopted CIP in the Capital Improvements Element.

CPA2001-31

Amends Policy 80.1.7 of the Conservation and Coastal Management Element by updating the policy to reflect a new percentage for replacement values and revising the target date when development regulations will require implementation of this policy. At this time the Lee County Land Development Code addresses these issues through Sections 6-405 and 6-472. The amendment also changes modifications to buildings from 20% to 25% of its replacement value which is consistent with the Federal Emergency Management Agency's current threshold. Additionally the amendment changes the policy language from 'one or more losses of \$1,000.00 or more' to a repetitive loss as defined by the Federal Emergency Management Agency. The intent of the policy has been recorded into the county regulations.

CPA2001-32

Amends the Intergovernmental Coordination Element and the Community Facilities Element to bring the element into compliance with the provisions of F.S. Chapter 163.3177. In order to comply with the provisions of F.S. Chapter 163.3177 the Lee Plan should be amended to include a new policy in the Intergovernmental Coordination Element, under Goal 109, that refers to Goal 46: Education as the source for coordinating the comprehensive plan with the plans of the school board. Staff also recommends that a new policy, under Goal 46: Education, be adopted to address the coordination of population projection planning.

CPA2001-33

Amends the Build Back Policy of the Procedures and Administration Element by replacing references to the term "cost" with the term "value." The proposed amendment will clear up language differences between the Lee Plan and what is contained in the Lee County Post Disaster Ordinance No. 95-14. Both of the terms "replacement cost" and "replacement value" are found in the Post Disaster Ordinance. By replacing the current term "replacement cost" with the term "replacement value," structure damage will be defined to account for variability in the market, such as labor and materials.

CPA2001-35

Amends all elements of the Lee Plan, where applicable, by replacing references to the Lee County Regional Water Supply Authority with Lee County Utilities or the Division of Natural Resources in conjunction with the County taking over the responsibilities of the Water Supply Authority. The Lee County Regional Water Supply Authority is referenced in several instances throughout the Lee Plan with regard to their role in water resource issues. The Lee County Regional Water Supply Authority was officially dissolved as of June 30, 2001. Most of the functions of the Lee County Regional Water Supply Authority have been taken over by Lee County Utilities and Lee County Division of Natural Resources.

**CPA 2001-32
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

DCA Transmittal Document

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

September 5, 2002

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA 2001-32**

✓	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: August 16, 2002

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

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

2. REQUEST:

Amend the Intergovernmental Coordination Element and the Community Facilities Element to bring the element into compliance with the provisions of F.S. Chapter 163.3177.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Staff recommends that the Board of County Commissioners transmit the proposed amendment. The specific language modifications that staff recommends is provided below:

POLICY 46.2.3: The County will collaborate with the District Board of Education when planning and making decisions regarding population projections.

POLICY 109.1.8: The principles and guidelines to be used in the planning, siting and location of new school have been established under Goal 46: Education.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Lee Plan already contains numerous policies that provide guidelines for coordinating the comprehensive plan with the plans of the school board.
- Lee County has entered into an Interlocal Agreement with the District of Education which outlines the coordination of planning, population projections and school location criteria.
- Lee County already coordinates with the School Board concerning population projections and methods through participation in Lee County's Metropolitan Planning Organization (MPO). The MPO process is continuous.
- Lee County has always made it a goal to collocate facilities with the School district.

C. BACKGROUND INFORMATION

This amendment was initiated by the Board of County Commissioners on September 25, 2001. The proposed amendment will amend the Lee Plan by bringing the Intergovernmental Coordination Element, through references to the Education sub-element, in compliance with F.S. Chapter 163.3177.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

F.S. Chapter 163.3177(6)(h)1. states:

An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s.373.0361, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

F.S. Chapter 163.3177(6)(h)2. states:

The intergovernmental coordination element shall further state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element shall describe joint processes for collaborative planning and decision making on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an

agreement. Within 1 year of adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements.

The Community Facilities and Services Element of the Lee Plan, Education sub-element, already addresses such coordination and guidelines. The sub-element states:

h. Education

GOAL 46: EDUCATION. *To assist the Lee County School Board and other providers of education (where appropriate) with the planning, development and siting of new schools. (Amended by Ordinance No. 94-30)*

OBJECTIVE 46.1: SCHOOL LOCATION PLANNING. *Cooperate with the Lee County District Board of Education and representatives of private and parochial school associations to ensure that school locations are consistent with county growth policies and the needs of the future population. (Amended by Ordinance No. 94-30)*

POLICY 46.1.1: *The county will work in collaboration with the Lee County District Board of Education, representatives of private and parochial (sic) school associations, and other interested institutions, for the location and development of educational systems consistent with Chapter 235, F.S., and the policies of this plan. (Amended by Ordinance No. 94-30, 00-22)*

POLICY 46.1.2: *All educational institutions will comply with the policies of this plan and the Land Development Code where not pre-empted by state statutes or administrative rules. (Amended by Ordinance No. 94-30, 00-22)*

POLICY 46.1.3: *By 1995, Lee County staff will develop, in conjunction with economic consultants and the Board of Education, an impact fee program for capital costs for schools and present it to the Board of County Commissioners for formal consideration. (Amended by Ordinance No. 94-30, 00-22)*

POLICY 46.1.4: *The county, in concert with the Lee County District School Board, will assist developers considering school site contributions by providing information relating to land availability, use and other pertinent parcel data. (Amended by Ordinance No. 94-30, 00-22)*

POLICY 46.1.5: *Lee County will coordinate with the State Board of Regents on the development of the Florida Gulf Coast University through the Campus Master Plan process, and the required Development Agreement, and through other means of intergovernmental coordination. (Amended by Ordinance No. 94-30, 00-22)*

POLICY 46.1.6: *To the maximum extent possible, Lee County will seek to collocate public facilities, such as parks, libraries, and community centers, with public schools. (Added by Ordinance No. 99-15)*

OBJECTIVE 46.2: COOPERATION. *The county will develop programs of collaboration between economic development agencies, the Lee County District Board of Education, the Edison Community College District, the administration of Florida Gulf Coast University, and USF at Fort Myers to ensure participation and achievement of shared economic goals. (Amended by Ordinance No. 94-30, 00-22)*

POLICY 46.2.1: *Lee County will continue programs to allocate responsibility and costs for supporting the use of schools as emergency shelters. (Amended by Ordinance No. 00-22)*

POLICY 46.2.2: *The county will provide technical information to the District Board of Education to assist in identifying suitable sites for new schools. (Amended by Ordinance No. 00-22)*

OBJECTIVE 46.3: LAND USE COMPATIBILITY. *The county will seek to have the siting of all new schools follow these policies aimed at land use and transportation compatibility: (Amended by Ordinance No. 00-22)*

POLICY 46.3.1: *Protect the integrity of schools so that educational functions are not disrupted by the intrusion of incompatible land uses.*

POLICY 46.3.2: *Cooperate with the School Board in the planning and selection of future school sites and the development of mutually acceptable guidelines for the selection of such sites.*

POLICY 46.3.3: *Encourage the acquisition of school sites large enough to accommodate projected increases in enrollment.*

POLICY 46.3.4: *Consider the shared use of park and school sites when a surplus of school land is available (see also Goal 62). (Amended by Ordinance No. 94-30)*

POLICY 46.3.5: *Land uses and development will not be permitted to the extent that it could necessitate the relocation of schools due to pressures from incompatible uses. (Amended by Ordinance No. 00-22)*

POLICY 46.3.6: *Encourage the location of neighborhood elementary schools within walking distance of the residential areas they serve.*

POLICY 46.3.7: *Require that new residential developments provide for adequate pedestrian and bicycle access for school children.*

POLICY 46.3.8: *School sites will be selected in advance of the developments they are intended to serve and will be based upon planned densities and development patterns. (Amended by Ordinance No. 00-22)*

POLICY 46.3.9: *Elementary schools whenever possible must have access to local or collector streets; secondary schools must have access to a collector or arterial street. (Amended by Ordinance No. 00-22)*

POLICY 46.3.10: *Prohibit school sites that are or will be exposed to physical constraints, hazards, or nuisances which are detrimental to the health and safety of students and to the general operation of the school.*

POLICY 46.3.11: *Prohibit the location of schools in the areas designated on the Future Land Use Map as Airport Noise Zone 3 or within other high noise impact areas.*

POLICY 46.3.12: *The county will cooperate with the School Board to encourage consideration in the design and construction of new schools that they may be expected to serve as hurricane evacuation and emergency shelters. (Amended by Ordinance No. 00-22)*

Lee County and the Lee County District School Board have consistently over time cooperated on such things as collocation of facilities. The number of inter-local agreements between the County and the District are too numerous to list. Some examples are:

- 4 Soccer Fields at Bayshore Elementary School
- 3 Soccer Fields at Spring Creek Elementary School
- 3 Soccer Fields at Lehigh Middle School
- Pool at Cape Coral High School

- Pool at North Fort Myers High School
- Pool at Riverdale High School
- Pool located at Cypress Lake Middle and High Schools
- North Fort Myers Community Park and J. Collin English Elementary School

Lee County also already coordinates with the School Board concerning population projections and methods through participation in Lee County's Metropolitan Planning Organization (MPO). The MPO process is continuous. In addition, following newly adopted legislation, Lee County and the District of Education have entered into an Interlocal Agreement. This agreement outlines the coordination of planning, population projections and school location criteria.

In reviewing the Goals and Objectives of the Intergovernmental Coordination Element (ICE), planning staff believes Goal 109 and Objective 109.1 are the appropriate locations for any new language to address the state requirements. Staff also recommends that a new policy, under Goal 46: Education, be adopted to address the coordination of population projection planning.

B. CONCLUSIONS

In order to comply with the provisions of F.S. Chapter 163.3177 the Lee Plan should be amended to include a new policy in the Intergovernmental Coordination Element, under Goal 109, that refers to Goal 46: Education as the source for coordinating the comprehensive plan with the plans of the school board. Staff also recommends that a new policy, under Goal 46: Education, be adopted to address the coordination of population projection planning

C. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners transmit to the Florida Department of Community Affairs the proposed amendment. The specific language modifications that staff recommends is provided in Part I.B.1. of this report.

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

DATE OF LPA PUBLIC HEARING: August 26, 2002

A. LOCAL PLANNING AGENCY REVIEW

Staff presented the amendment before the LPA on August 26, 2002. The LPA provided no discussion concerning the proposed amendment.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit this amendment.

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

C. VOTE:

NOEL ANDRESS	AYE _____
MATT BIXLER	AYE _____
SUSAN BROOKMAN	AYE _____
RONALD INGE	AYE _____
GORDON REIGELMAN	ABSENT _____
ROBERT SHELDON	AYE _____
GREG STUART	AYE _____

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

DATE OF ORC REPORT: _____

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RECOMMENDATION

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

DATE OF ADOPTION HEARING: _____

B. BOARD REVIEW:

C. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY
