



# DIVISION OF PLANNING



# LEE COUNTY

## MEMORANDUM

SOUTHWEST FLORIDA

**to:** Board of County Commissioners  
**from:** Paul O'Connor, AICP, Director  
**subject:** Evaluation and Appraisal Report and Smart Growth Comprehensive Plan Amendments  
**date:** Friday, December 1, 2006

Attached is your packet for the December 13<sup>th</sup> Comprehensive Plan Amendment Transmittal Hearing. This packet contains the amendments that were: recommended by the 2004 Evaluation and Appraisal Report (EAR); recommended by the Smart Growth Committee; initiated by the Board of County Commissioners; and, privately initiated. The agenda has been divided into a Consent Agenda and an Administrative Agenda.

The Consent Agenda contains those amendments which have both Staff and Local Planning Agency recommendations for transmittal to the Department of Community Affairs (DCA). These proposed amendments are minor, technical, or non-controversial in nature. There was little or no public participation on most of these items. Staff will follow this memorandum with a memorandum explaining the nature and intent of each of the Consent Agenda items.

The Administrative Agenda contains those amendments that have different recommendations between Staff and the Local Planning agency, contain unresolved issues, may receive additional public comment, or are privately initiated.

In addition to blocking out your calendars for Wednesday, December 13<sup>th</sup>, staff has reserved all day Thursday, December 14<sup>th</sup> as a backup day should the additional time be needed.

If you would like a briefing on the packet, I am more than happy to meet with you at your convenience.

cc: without attachments

Donald Stilwell, County Manager

David Owen, County Attorney

Mary Gibbs, Director, Department of Community Development

**2005/2006 EVALUATION AND APPRAISAL REPORT AND SMART GROWTH  
INITIATIVE LEE PLAN AMENDMENTS  
TRANSMITTAL HEARING**

**COMMISSION CHAMBERS, 2120 MAIN STREET  
DECEMBER 13, 2006  
9:30 A.M.**

**AGENDA**

- 1. Call to order; Certification of Affidavit of Publication**
- 2. Consent Agenda**
  - A. CPA2005-08 - Caloosahatchee Shores Community Plan**

Adopt a new Policy 21.1.4 directing the Caloosahatchee Shores Community to draft enhanced code enforcement standards for possible inclusion in the Land Development Code.  
**Sponsor:** Board of County Commissioners/The East Lee County Council.
  - B. CPA2005-10 – Airport Noise Boundaries and Number of Gas Pumps**

Amend the Future Land Use Element Policies 1.2.2, 1.7.1, and 5.1.4 and the Community Facilities and Services Element Policy 66.3.11, and the Future Land Use Map Series, Map 1, Page 5 of 5, to reflect the revised FAR Part 150 Noise Study for the Southwest Florida International Airport. In addition, amend Table 5, Southwest Florida International Airport Proposed Development Schedule, to increase the number of gas pumps allowed from twelve (12) to twenty-four (24).  
**Sponsor:** Board of County Commissioners/Port Board.
  - C. CPA2005-12 – Captiva Community Plan**

Amend Goal 13, Policy 6.1.2, Chapter XIII Single-Family Residence Provision and the definition of Density specific to the Captiva Community to incorporate the recommendations of the Captiva Island Community Planning effort.  
**Sponsor:** Board of County Commissioners/Captiva Community Planning Panel.
  - D. CPA2005-13 – Community Planning**

Amend the Future Land Use Element to evaluate incorporating community planning policies into the Lee Plan.  
**Sponsor:** Board of County Commissioners/Smart Growth Committee
  - E. CPA2005-16 – San Carlos/Estero Community Boundary**

Amend the Future Land Use Map Series, Map 16, Lee County Planning Communities, to adjust the boundary between the Estero and San Carlos Planning Communities west of U.S. 41.  
**Sponsor:** Board of County Commissioners.

- F. CPA2005-17 – Long Range Transportation Plan**  
Amend the Transportation Element to update Policy 36.1.1 and the Transportation Map series, Map 3, to reflect the new 2030 MPO Long Range Transportation Plan.  
**Sponsor:** Board of County Commissioners
- G. CPA2005-18 – LOS Standards For SIS/FIHS/TRIP Funded Roads**  
Amend the Transportation Element to update Policy 37.1.1 to reflect new State LOS standards for SIS/FIHS/TRIP-funded roads.  
**Sponsor:** Board of County Commissioners.
- H. CPA2005-19 – FDOT Quality LOS Handbook**  
Amend the Transportation Element to update Policy 37.1.4 to refer to the 2002 FDOT Quality LOS Handbook.  
**Sponsor:** Board of County Commissioners.
- I. CPA2005-20 – Deletion of Policy 38.2.3**  
Amend the Transportation Element to delete Policy 38.2.3.  
**Sponsor:** Board of County Commissioners.
- J. CPA2005-21 – Update Reference to the LeeScape Master Plan**  
Amend the Transportation Element to update Objective 40.3 to refer to the latest version of the LeeScape (Lee County Roadway Landscape) Master Plan.  
**Sponsor:** Board of County Commissioners.
- K. CPA2005-22 – Mass Transit Update**  
Amend the Transportation Element Mass Transit Sub-Element's Goals, Objectives and Policies as identified in the most recent Evaluation and Appraisal Report.  
**Sponsor:** Board of County Commissioners.
- L. CPA2005-23 – Ports, Aviation and Related Facilities Update**  
Amend the Transportation Element Ports, Aviation and Related Facilities Sub-Element's Goals, Objectives and Policies as identified in the most recent Evaluation and Appraisal Report.  
**Sponsor:** Board of County Commissioners.
- M. CPA2005-25 – Change Lee Plan Horizon to the year 2030**  
Amend the Lee Plan to change the references from the year 2020 to the year 2030 and update the Vision Statements to the year 2030.  
**Sponsor:** Board of County Commissioners.
- N. CPA2005-27 – Update CIE Tables 3 and 4**  
Amend the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program.  
**Sponsor:** Board of County Commissioners.

- O. CPA2005-28 – Conservation Lands Update**  
Amend the Future Land Use Map Series, Map 1, by updating the Conservation Lands land use categories.  
**Sponsor:** Board of County Commissioners.
- P. CPA2005-29 – Public Facilities Update**  
Amend the Future Land Use Map Series, Map 1, the Future Land Use Map, to update the mapped Public Facilities future land use category by adding and/or removing lands to more accurately identify publicly owned lands.  
**Sponsor:** Board of County Commissioners.
- Q. CPA2005-33 – Police and Justice Sub-Element Update**  
Amend the Community Facilities and Services Element Police and Justice Sub-Element Objective 69.1 to delete the referenced date and to acknowledge the ongoing nature of the objective. In addition amend Policies 69.2.2 and 69.2.3. to reflect the existing status of substation facilities.  
**Sponsor:** Board of County Commissioners.
- R. CPA2005-35 – New Urbanism Definitions**  
Amend the Lee Plan Glossary to incorporate new and amend existing definitions to incorporate the principles of New Urbanism.  
**Sponsor:** Board of County Commissioners.
- S. CPA2005-39 – Commercial FLUM Category**  
Amend Goal 1 of the Future Land Use Element, the Future Land Use Map Series, Map 1, and Table1(a), by adding a new "commercial only" future land use category.  
**Sponsor:** Board of County Commissioners.
- T. CPA2005-40 – Sub-Outlying Suburban FLUM Category**  
Amend Goal 1 of the Future Land Use Element, the Future Land Use Map series, Map 1, and Table 1(a) and Table1(b), Summary of Residential Densities, by adding a new future land use category having a maximum density of 2 dwelling units per acre.  
**Sponsor:** Board of County Commissioners.
- U. CPA2005-41 – Manatee Protection Plan**  
Amend the Conservation and Coastal Management Element and the Future Land Use Element to incorporate the "boating facility siting element" of the Manatee Protection Plan required by F.S. 370.12.(2)(t)(3).  
**Sponsor:** Board of County Commissioners.
- V. CPA2005-42 – Economic Element Update**  
Amend the Lee Plan, Economic Element, for general updates as the element has not been updated since its creation in 1993.  
**Sponsor:** Board of County Commissioners.

- W. CPA2005-43 – Single Family Residence Provision Update**  
Amend the Procedures and Administration Element by updating the Single-Family Residence Provision.  
**Sponsor:** Board of County Commissioners.
- X. CPA2005-45 – Beach and Dune Management Plans**  
Amend Policy 113.3.1 in order to update the list of critical erosion areas under Beach and Dune Management Plans.  
**Sponsor:** Board of County Commissioners.
- Y. CPA2005-47 – Housing Element Update**  
Amend the Lee Plan to update the Housing Element reflecting the findings of the most current Housing Needs Assessment.  
**Sponsor:** Board of County Commissioners.

### **3. Administrative Agenda**

- A. CPA2005-02 – Webb/Buckingham**  
Amend the Future Land Use Map Series, Map 1, to change +/-95 acres from the Rural Future Land Use Designation to the Urban Community Future Land Use Designation and to change the boundaries in the Future Land Use Map series, Map 16, to place the property in the Lehigh Acres Planning Community.  
**Sponsor:** Carlton Land Holdings LLC.
- B. CPA2005-05 – Three Oaks North**  
Amend the Future Land Use Map Series, Map 1, for 83± acres in the northwest quadrant of I-75 and Alico Road, Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75 from "Industrial Development" to "Industrial Commercial Interchange."  
**Sponsor:** Paul H. Freeman, Trustee
- C. CPA2005-07 – River Hall (FKA Hawk's Haven)**  
Amend the Future Land Use Map Series for a specified parcel (approximately 1,727 acres) located in Sections 25, 26, 27, 34, 35, and 36, Township 43 South, Range 26 East to change the Future Land Use classification shown on Map 1 from "Rural" and "Suburban" to "Outlying Suburban" and "Public Facilities." Amend Table 1(a), Footnote 6 to limit development in the plan amendment area to 2 units per acre and place a specific cap on residential development of 2,800 dwelling units on the specified property.  
**Sponsor:** Hawks Haven Investment LLC
- D. CPA2005-09 - Palm Beach Community Plan**  
Amend the Future Land Use Element to add a Goal, Objectives, and Policies that are specific to the Palm Beach Community.  
**Sponsor:** Board of County Commissioners/The East Lee County Council.

- E. CPA2005-11 – Greenways Recreational Trails Master Plan**  
Incorporate the Lee County Multi-Purpose Recreational Trails and Greenways Master Plan into the Lee Plan. Revise Goal 85, Objective 85.1, Policy 85.1.2, Policy 85.1.3, Policy 85.1.4, Policy 85.1.5, and Policy 107.1.1(4.)(d.). Incorporate proposed new Policy 40.4.6, Policy 40.4.7, Policy 40.4.8, Policy 77.3.6, Policy 77.3.7, new Objective 85.4, Policy 85.4.1, Policy 85.4.2, new Goal 80, new Objective 80.1, Policy 80.1.1, Policy 80.1.2, new Objective 125.3, and Policy 125.3.1. Incorporate proposed new Map 22 (Lee County Greenways Multi-Purpose Recreational Trails Master Plan Map) into the Lee Plan.  
**Sponsor:** Board of County Commissioners.
- F. CPA2005-24– Update Transportation Concurrency Policies**  
Amend the Transportation Element to update transportation concurrency related Objectives and Policies to reflect current County policy and recent changes in state law.  
**Sponsor:** Board of County Commissioners.
- G. CPA2005-26 – Update BEBR Population Projections**  
Amend the Lee Plan text and tables to reflect the latest BEBR population projections. Also, amend Map 16 to reflect current city boundaries.  
**Sponsor:** Board of County Commissioners.
- H. CPA2005-37 – New Urbanism**  
Amend the Future Land Use Element to include and revise Goals, Objectives, and Policies to incorporate the concepts and principles of New Urbanism, Traditional Neighborhood Design, and Transit Oriented Development. Amend the Future Land Use Map Series to include an overlay depicting areas where mixed use development will be allowed to calculate residential density from commercial property when smart growth principles are applied.  
**Sponsor:** Board of County Commissioners.
- I. CPA2005-46 – Smart Growth Recommendations**  
Amend the Lee Plan to incorporate the recommendations from the County's Smart Growth Initiative into the Lee Plan.  
**Sponsor:** Board of County Commissioners.
- J. CPA2005-49 – Update Goal 10 Natural Resource Extraction**  
Amend the Lee Plan to address the further impacts of mining and steps needed for adequate mitigation or prevention of adverse impacts. Further, recommendations are made to prevent future land use conflicts between mining and other uses in rural areas. Goal 10, Natural Resource Extraction, is proposed to be expanded to include measures for rock mining, and for mitigation of rock mining impacts with adjacent land uses.  
**Sponsor:** Board of County Commissioners.

**8. Adjourn**

# **Consent Agenda Items**

**CPA2005-16**  
**San Carlos/Estero Community**  
**Boundary**



**CPA2005-16**  
**SAN CARLOS/ESTERO PLANNING**  
**COMMUNITY BOUNDARIES**  
**BoCC SPONSORED AMENDMENT**  
**TO THE**

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LEE COUNTY COMPREHENSIVE PLAN

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**THE LEE PLAN**

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BoCC Public Hearing Document  
For the  
December 13<sup>th</sup>, 2006 Public Hearing

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Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 479-8585

December 1, 2006

LEE COUNTY  
 DIVISION OF PLANNING  
 STAFF REPORT FOR  
 COMPREHENSIVE PLAN AMENDMENT  
 CPA2004-15

Text Amendment

Map Amendment

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

PREPARATION DATE: June 20, 2006

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVE:**

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

**2. REQUEST:**

Amend the Future Land Use Map Series, Map 16, Lee County Planning Communities, to adjust the boundary between the Estero and San Carlos Planning Communities west of U.S. 41.

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. RECOMMENDATION:**

Planning staff recommends the Board of County Commissioners transmit the proposed amendment to Map 16. This amendment realigns the southern boundary San Carlos Planning Community to follow the fire district border between the Breckenridge neighborhood and the Estero Bay Buffer Preserve (see attachment 1).

## 2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Planning Community Map (Map 16) was amended in 2002 and the Estero Planning Community was created from the San Carlos/Estero and Bonita Springs Planning Communities.
- Residents of the Vines Country Club community submitted a letter to the Planning Division requesting this community be included in the Estero Planning Community.
- The citizens involved in the Estero Community Plan effort chose the Estero Planning Community boundary as the boundary for this plan which was adopted during the same plan amendment cycle.
- Pine Rd was selected as the border between the Estero and San Carlos Planning Communities to reduce the gerrymandering of the line.
- In 2005 the residents in the Pine Rd area requested the area south of Pine Road to the southern boundary of the San Carlos Fire District be moved to the San Carlos Planning Community.
- At the August 2005 Management and Planning meeting the Board of County Commissioners directed staff to initiate an amendment to change the border between the Estero and San Carlos Planning Communities.

## C. BACKGROUND INFORMATION

The Planning Community Map (Map 16) and Lee Plan Table 1(b) were created to replace the 2010 Overlay which was proposed for deletion in the 1994 Evaluation and Appraisal Report. The EAR was found to be not in compliance and the resulting Final Order required that the 2010 overlay component of the Lee Plan be retained. The issue of the 2010 Overlay was a topic for the EAR Addendum. An issue with the 2010 Overlay was the number of districts (115) and the exactness that was required of the land use projections used to administer the Overlay. Therefore, the planning community map was to have no more than 20 areas designated on the map. The consensus for creating these areas was to create a map that identified "communities" within the county. It was not intended that these community boundaries would mirror any existing geography. For data collection purposes, when possible, traffic analysis zones and census geography was followed but not when they contrasted with the goal of mapping communities in the county. In order to meet the goal of limiting the new overlay map to 20 communities, the Estero, San Carlos Park, Island Park and adjoining neighborhoods were combined into one community on the map. The developments of The Brooks (originally known as "Brooks of Bonita") and Pelican Landing were included in the Bonita Springs Planning Community.

When the city of Bonita Springs incorporated, it was decided that adjustments to the Planning Community map should be made to reflect changes since its original adoption. PAM/T99-20 included a recommendation to create two new communities, Bayshore and

Estero and to rename the San Carlos/Estero Community to San Carlos. The southern boundary of the new Estero Planning Community was the new Bonita Springs city limit line. Staff considered delineating the northern boundary of the Estero Planning Community following the Estero Fire District boundary. However, residents of the Vines Country Club submitted a letter to the Planning Division Staff asking to be included in the Estero Planning Community. The Vines is a gated golf course community which is the predominant development style in the rest of the Estero area. To the south and east of the Vines are additional gated communities that were in the planning stages when the new planning community boundary was proposed. West of US 41, the existing Breckenridge development (a gated community) extends north to Pine Road and is split by the fire district line with the majority of the development being located in the Estero Fire District (see attachment 2). Staff recommended that the Estero Planning Community include the approved and proposed planned developments lying to the north of the Estero/San Carlos Fire District border. To reduce the meandering of northern boundary of the new Estero Community the border was established along Pine Road. A decision was made to include the entire Estero Buffer Preserve (AKA SHADEV, Inc. property) in the Estero Planning Community. The staff recommended changes creating the separate San Carlos and Estero Planning Communities were adopted by the Board of County Commissioners on January 10, 2002.

An amendment to redesignate 60 acres at the end of Pine Road from Rural and Wetlands to Outlying Suburban and Wetlands was submitted for the 1998/1999 plan amendment cycle. This amendment request was denied by the BoCC. A second request for this property was submitted for this property for review in the 2002/2003 plan amendment cycle. This amendment was adopted on October 23, 2003. Subsequently, a planned development rezoning case was filed and approval of the zoning case was granted November 21, 2005. During this process, residents along Pine Road expressed concern that their neighborhoods were within the Estero Planning Community. They felt that these neighborhoods should be in the San Carlos Planning Community. The stated preference was that the boundary between the Estero and San Carlos Planning Communities be realigned to follow the fire district boundaries. Per BoCC direction, staff attended 6 meetings in the area to determine the preferences of the residents living in the area of the Estero Planning Community that is within the San Carlos Fire District. Following these meetings, petitions were distributed throughout the community to measure preferences. The outcome of these meetings and petitions was the communities of the Vines, Breckenridge, and Belle Lago preferred to remain in the Estero Planning Community and the residents south of Pine Road preferred to be part of the San Carlos Planning Community.

## PART II - STAFF ANALYSIS

### A. STAFF DISCUSSION

The Planning Community Map (Map 16) is used in the administration of the 2020 land use allocations. The allocations are regulatory for commercial, industrial, and residential developments at the development order stage. The community map is also used for reporting data such as population estimates, development trends, and population projections. In a few instances, these boundaries have been used as the boundary for a Community Planning effort. This is the case with the Estero, Boca Grande, and Bayshore community plans. The Pine Island, Captiva, Caloosahatchee Shores, Palm Beach Blvd., Buckingham, and Page Park planning efforts did not utilize the Planning Community boundaries. Changes to these boundaries do not impact the regulatory aspect of the allocations, once the allocations are revised to reflect boundary changes; however, changes do reduce the ability to compare data reported in the past with current and projected data. For this reason, staff is conservative when recommending changes to this map.

The map was also envisioned as a mechanism to identify areas in Lee County that were similar in character. The original map was limited to 20 communities so identifying all of the communities within Lee County was not possible, even if a list could have been agreed upon. The 20 community policy was relaxed after the original map was adopted and since then, 2 new communities have been mapped. Since the concept is to identify communities, the county will evaluate suggestions from citizen groups regarding their neighborhoods. This was the situation that was presented to the county in 2005 when the residents of Pine Road approached the county to adjust the San Carlos Planning Community boundary to follow the San Carlos Fire District line. At the June 14, 2005 BoCC meeting, the board directed staff to meet with the residents in the area and report the findings. Staff generated 3 options to present to the citizens and attended 6 meetings in the area to gather input on the options. Option 1 was to make no changes to Map 16. Option 2 amended the boundary to include the neighborhoods south of Pine Road in the San Carlos Planning Community while leaving the gated communities of Breckenridge, Belle Lago, The Vines, and The Reserve in the Estero Planning Community. Option 3 amended the boundary between the two planning communities to follow the fire district line. At the August 1, 2005 Management and Planning Meeting, Planning staff reported the preferred option was "Option 2" (see Attachment 3 pages 2 & 3). Option 1 was objected to by the Pine Road neighborhoods and Option 3 was opposed by the residents of Breckenridge, Belle Lago, and The Vines (The Reserve had no residents in the summer of 2005). The Board discussion at the Management and Planning Meeting concluded with an agreement to direct staff to amend the map as depicted in Option 2. (See Attachment 4)

One outcome of the change reflected in Option 2 is the splitting of the Estero Bay Buffer Preserve into both the San Carlos and Estero Planning Communities. (see Attachment 3 page 5 of 6) The tract of land purchased from SHADEV, Inc. to be included in the preserve is currently entirely within the Estero Planning Community. Since this property is to be preserved staff has concluded there is no benefit in splitting the property to include the northern half in the San Carlos Planning Community.

A second outcome of this amendment will be the need for a change in the allocation table (Lee Plan Table 1(b)) to reflect the shift of 176± acres from the Estero Planning Community to the San Carlos Planning Community. Since a countywide evaluation of the allocations is being conducted in a separate amendment within this plan amendment cycle, staff has deferred this issue to be resolved in that amendment. Staff's primary concern on this topic is that the change in the boundary will result in 55± acres of land with an Outlying Suburban land use designation being included in the San Carlos Planning Community. Currently there are no properties within the San Carlos Planning Community designated Outlying Suburban and therefore, no acreage has been allocated for this designation.

## **B. CONCLUSIONS**

Map 16, Lee County Planning Communities, should be amended to reflect the consensus of the residents in the area of the Estero Planning Community also within the San Carlos Fire District. This amendment was directed by the Lee County Board of County Commissioners at their August 1, 2005 Management and Planning Meeting and Initiated at the September 9, 2005 BoCC Meeting. To reduce the total area being changed from the Estero Planning Community to the San Carlos Planning Community, staff recommends that the Estero Bay Buffer Preserve (AKA SHADEV, Inc. parcel) remain in the Estero Planning Community. If the preserve property were included in the change, approximately 1,300 acres would be shifted between communities. Removing the preserve from the change reduces the amount of acres to 176±. Staff recommends the area of the Estero Planning Community south of Pine Road east of the Estero Bay Buffer Preserve west of US 41 excluding the Breckenridge neighborhood.

## **C. STAFF RECOMMENDATION**

Planning staff recommends the Board of County Commissioners transmit the proposed amendment to Map 16. This amendment realigns the southern boundary San Carlos Planning Community to follow the fire district border between the Breckenridge neighborhood and the Estero Bay Buffer Preserve (see attachment 1).

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

PUBLIC HEARING DATE. June 26, 2006

**A. LOCAL PLANNING AGENCY REVIEW**

Planning Staff provided a summary of the proposed amendment including a history of community meetings and three options that were discussed by the communities that lead to the initiation of this amendment. Staff discussed the one difference between the recommendation and the option agreed upon by the interested neighborhoods which is to include the Estero Bay Buffer Preserve entirely in the Estero Planning Community. Staff also stated that no acreage allocation changes were being proposed in this change due to the accommodation allocation amendment that is also under review in this amendment cycle.

The one of the Local Planning Agency members stated her concern that this amendment might start a precedent for future changes to the planning community map.

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

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the proposed amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA advances the findings of fact presented by staff.

**C. VOTE:**

NOEL ANDRESS	Aye
DEREK BURR	Aye
RONALD INGE	Aye
RAYMOND SCHUMANN, ESQ	Aye
CARLETON RYFFELL	Absent
RAY ANN WESEL	Aye

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

**DATE OF TRANSMITTAL HEARING:** December 13<sup>th</sup> 2006

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**BRIAN BIGELOW**

**TAMMARA HALL**

**BOB JANES**

**RAY JUDAH**

**FRANK MANN**

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

**DATE OF ORC REPORT:**

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:**

**B. STAFF RESPONSE:**

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

**DATE OF ADOPTION HEARING:**

**D. BOARD REVIEW:**

**E. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**F. VOTE:**

**BRIAN BIGELOW**

**TAMMARA HALL**

**BOB JANES**

**RAY JUDAH**

**FRANK MANN**

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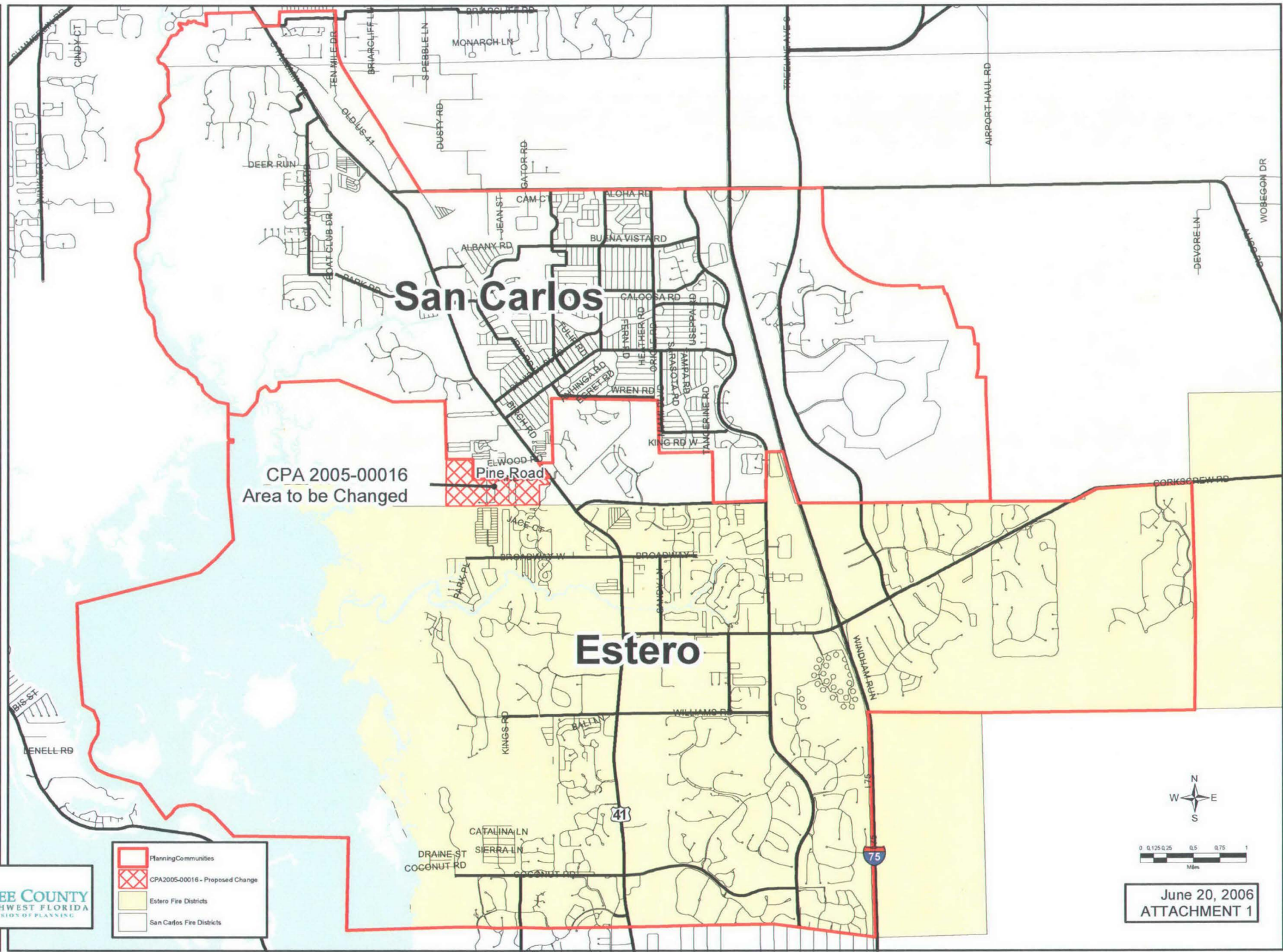
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CPA 2005-00016  
 (Proposed Change in Planning Community Boundaries)



- Planning Communities
- CPA2005-00016 - Proposed Change
- Estero Fire Districts
- San Carlos Fire Districts



June 20, 2006  
 ATTACHMENT 1

CPA 2005-00016

(Developments in the Area Considered for Change)

# San Carlos Planning Community

# Estero Planning Community

## Estero Bay Buffer Preserve

## The Vines






## Bella Lago

## The Reserve

### Hideaway Cove

CPA 2005-00016  
Area to be Changed

### Breckenridge

	CPA 2005-00016 - Proposed Change
	Estero Fire Districts
	San Carlos Fire Districts
	Planning Communities
	Planned Developments



June 20, 2006  
ATTACHMENT 2

**MANAGEMENT & PLANNING COMMITTEE  
AGENDA REQUEST FORM  
COMMISSION DISTRICT # 3 & 5**

**PRESENTED BY:** Jim Mudd  
Division of Planning

**REQUESTED BY:** BOCC

**TITLE OF ITEM FOR THE AGENDA:** San Carlos Park and Estero Planning Community Boundaries.

**1. DESCRIPTION AND OBJECTIVE OF THE ISSUE**

The Board directed staff to meet with San Carlos Park and Estero residents who have expressed concerns about the current boundary between the two Planning Communities and to report the results of those meetings at the August 1st M&P.

**2. PROPOSED POLICY, PROCEDURE OR PLAN OF ACTION**

See the attached summary of the meetings including maps of the three options.

**3. OPTIONS (List Advantages/Disadvantages of Each Option Listed)**

Option 1: Make no changes to the San Carlos Park and Estero Planning Community Boundaries. This option would not require amendments to the Lee Plan or to the Land Development Code. Residents of the Pine Road neighborhood have indicated that they would be opposed to this option.

Option 2: Change the boundary between the San Carlos Park and Estero Planning Communities to place all of the Pine Road neighborhood within the San Carlos Park Planning Community. Option 2 is acceptable to all residents that staff has discussed the issue with. The Pine Road neighborhood would no longer be subject to the regulations that apply to the Estero planning community and a public informational meeting would not be required for rezoning requests or development proposals within their neighborhood. Option 2 would require amendments to the Lee Plan and the Land Development Code.

Option 3: Change the boundary of the San Carlos Park and Estero Planning Communities to conform with the San Carlos Park and Estero Fire District Boundaries from Hendry Creek to the eastern edge of the Reserve at Estero RPD. Option 3 is preferred by those residents of the Pine Road neighborhood that have met with staff; however it is not supported by those residents of The Vines, Belle Lago and Breckenridge that staff has talked to. Option 3 would require amendments to the Lee Plan and the Land Development Code.

**4. FINANCIAL IMPACTS/FUNDING SOURCE**

N/A

**5. STAFF RECOMMENDATIONS, AND JUSTIFICATION FOR RECOMMENDATIONS**

Staff recommends Option 2. Option 1 is opposed by residents of the Pine Road neighborhood and Option 3 is opposed by residents of The Vines, Belle Lago and Breckenridge.

**6. MANDATED? Y N BY WHAT AUTHORITY?**

DEPARTMENT DIRECTOR SIGNATURE	COUNTY ADMINISTRATOR SIGNATURE	MEETING DATE	TIME REQUIRED
<i>Jim Mudd</i>	<i>Donna D. Fluegel</i>	08/01/05	10 minutes

**MEETING SUMMARY**  
**SAN CARLOS PARK AND ESTERO PLANNING COMMUNITY BOUNDARY**

**BACKGROUND:** Residents of the Pine Road neighborhood have recently expressed concern that their neighborhood is located within the Estero Planning Community Boundary. They believe their neighborhood should be located within the San Carlos Park Planning Community. Further, they have expressed a desire for the County to place all of the property within the San Carlos Park Fire District, from Hendry Creek to the eastern edge of the Reserve at Estero RPD, into the San Carlos Park Planning Community.

At the June 14, 2005 BoCC meeting, the Board directed staff to meet with residents of both San Carlos Park and Estero and report the results of those meetings to the Board at the August, 2005 Management and Planning meeting.

**SUMMARY OF MEETINGS:** As directed, staff has met with residents of San Carlos Park and Estero with concerns about the planning community boundaries. There were six meetings in the various neighborhoods and numerous phone conversations and correspondence. Following are summaries of the six meetings.

**July 27: San Carlos Park - Haney's Café:** Staff discussed the planning community boundary and community planning with six residents of San Carlos Park. Two of those residents are members of the San Carlos Park Civic Association.

The residents indicated that they wanted the planning community boundary changed to correspond with the San Carlos Park Fire District boundary from Hendry Creek, east to the eastern edge of the Reserve at Estero. They also expressed an interest in developing a community plan for San Carlos Park.

**July 29 - San Carlos Park - Gumpert residence:** Staff discussed several options for the planning community boundary with five residents of San Carlos Park. They were clear that their preference would be for the boundary to be changed to correspond with the Fire District Boundary, but would support a change for only the Pine Road neighborhood if that decision was made.

**June 30 - Belle Lago - Belle Lago Clubhouse:** There were 48 residents from the Belle Lago community present at a special meeting to discuss the San Carlos Park and Estero Planning Community boundaries. The residents voted unanimously to remain within the Estero Planning Community. Staff also received six letters and e-mails from out of town residents of Belle Lago in support of remaining within the Estero Planning Community.

**July 1 - The Vines - Vines Clubhouse:** Staff met with four members of The Vines Community Association. They confirmed their position that The Vines would like to remain in the Estero

July 21, 2005

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Planning Community, for now. They were also clear that they had not spoken with all of the residents of The Vines, but had support from both the Community Association and the Country Club Board of Directors.

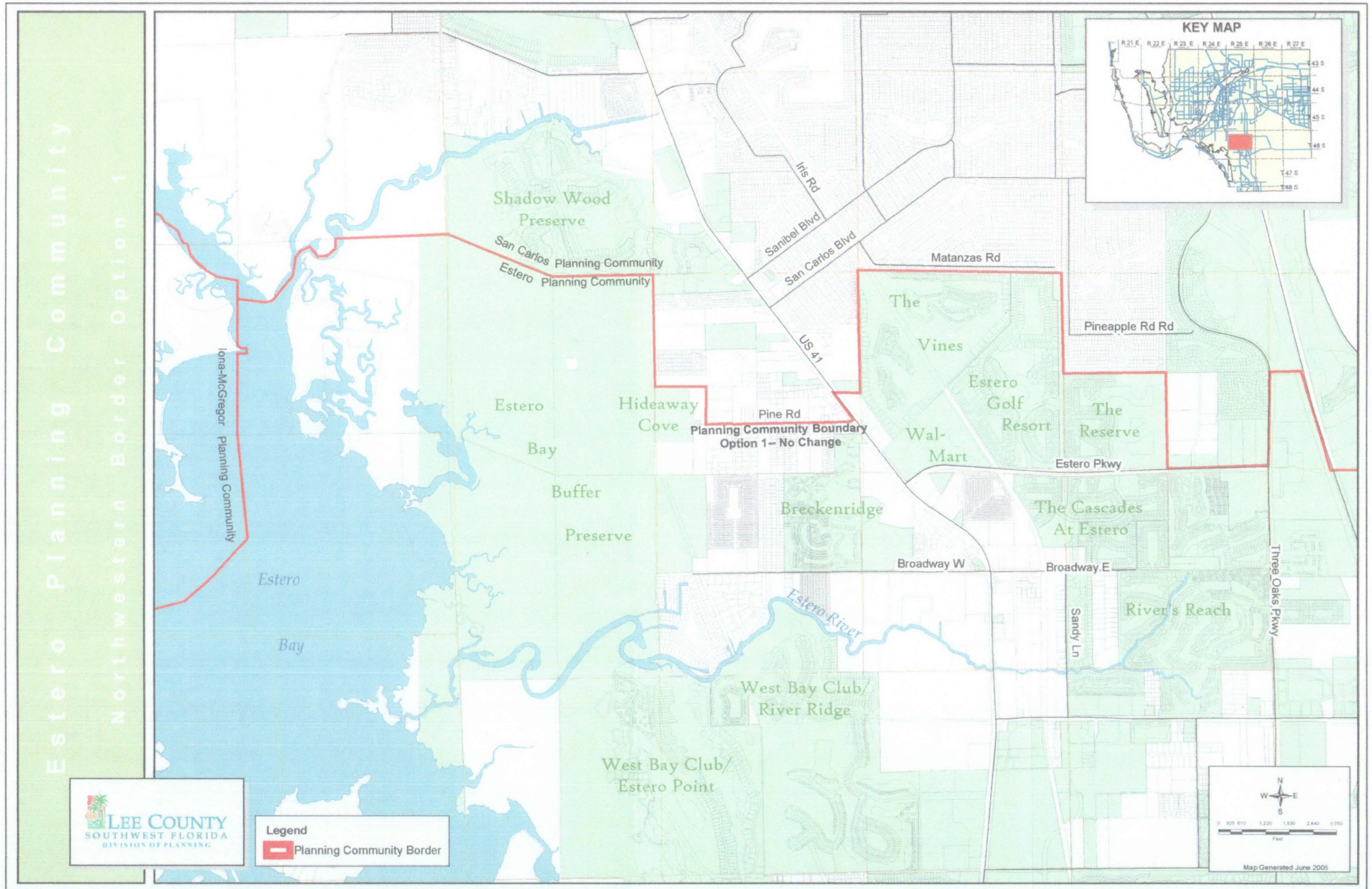
After the meeting, one resident approached staff and stated that he was not entirely pleased with the Estero Planning Panel, but was not suggesting that The Vines be removed from the Estero Planning Community. He indicated he was concerned with the Estero Planning Panel's handling of the Wal-Mart rezoning.

**July 19 - Breckenridge - Breckenridge Clubhouse:** There were 38 residents of Breckenridge present for the Breckenridge Master Board workshop. The residents voted unanimously to support Option 2 that staff was recommending. Option 2 would place all of the Pine Road neighborhood in the San Carlos Park Planning Community, but would not affect Breckenridge, the Wal-Mart site, Osprey Cove, The Vines or the Reserve at Estero.

Staff did not talk to any representative from Wal-Mart. Osprey Cove and the Reserve at Estero are under construction. Following the meeting with Belle Lago, staff was approached by a realtor who had sold one of the lots in the Reserve at Estero to his son. He indicated that his son was aware his property was located in the Estero Planning Community and that he wanted to remain there.

**July 21- San Carlos Park - Gumpert residence:** Staff explained the outcomes of meetings with residents of The Vines, Belle Lago and Breckenridge to eight residents of the Pine Road neighborhood. Three options for the San Carlos Park and Estero Planning Community boundaries were also discussed. Staff indicated that they were recommending Option 2, which would place all of the Pine Road neighborhood into the San Carlos Park Planning Community. Option 2 would not change the boundary for Breckenridge, the Wal-Mart site, Osprey Cove, The Vines, Belle Lago or the Reserve at Estero.

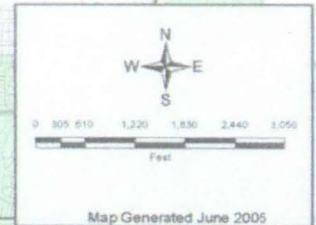
The residents at the meeting agreed that Option 2 was acceptable, but indicated that their preference was Option 3. That option would place all of the property located within the San Carlos Park Fire District, from Hendry Creek to the eastern edge of the Reserve at Estero, within the San Carlos Park Planning Community. One resident stated that Option 3 was also preferred by the San Carlos Park Civic Association.



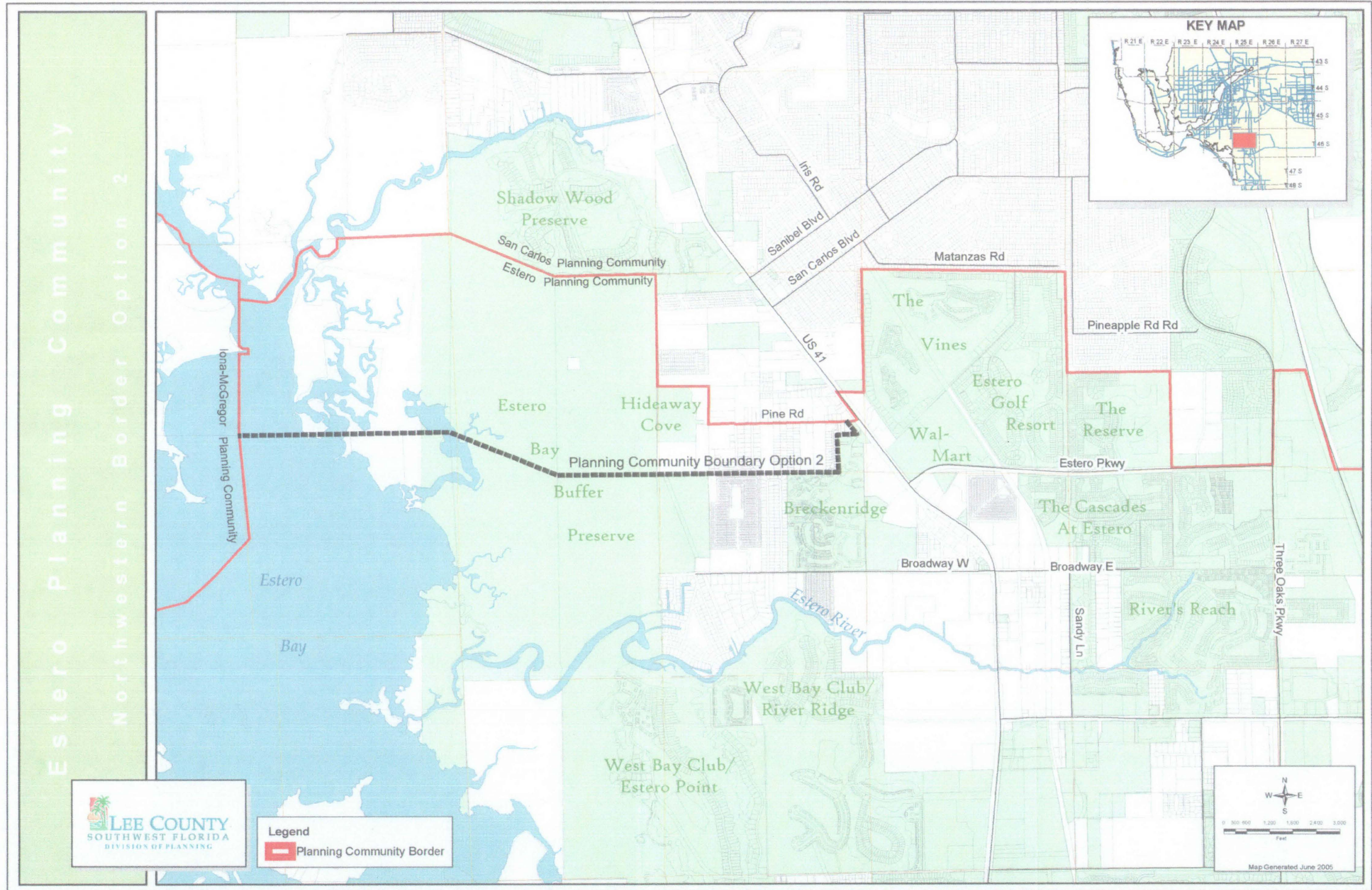
Estero Planning Community  
 Northwestern Border Option 1



**Legend**  
 Planning Community Border

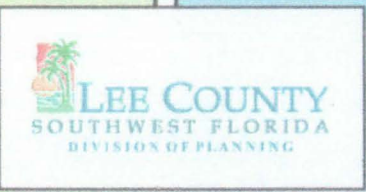




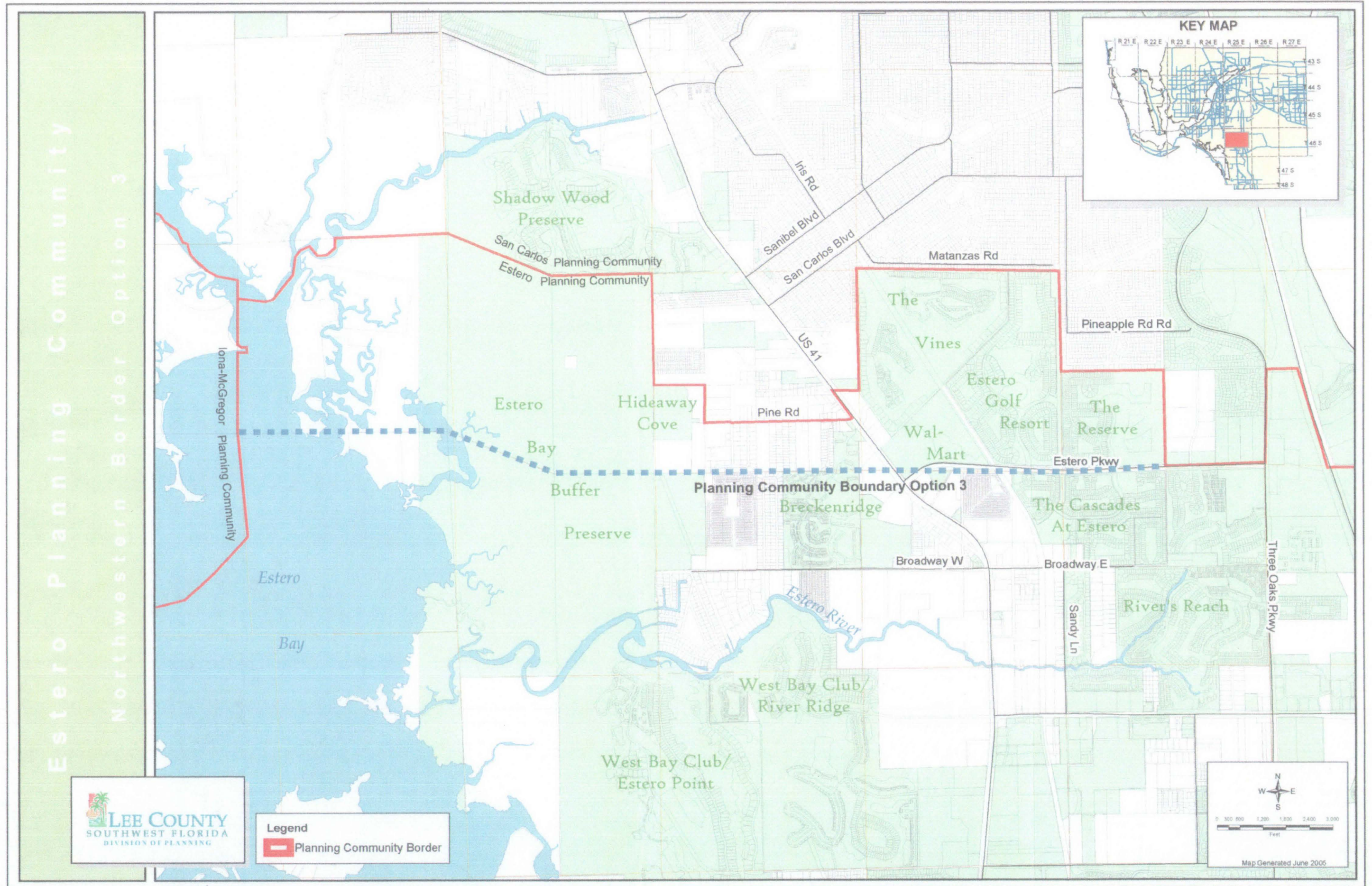


Estero Planning Community

Northwestern Border Option 2



**Legend**  
 Planning Community Border

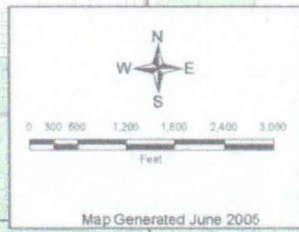


Estero Planning Community

Northwestern Border Option 3



Legend  
 Planning Community Border



Excerpt from  
A Workshop Meeting of the Board of Lee County Commissioners  
sitting as the Board Management and Planning Committee  
Date of Meeting: August 1, 2005

**6. SAN CARLOS PARK AND ESTERO PLANNING COMMUNITY BOUNDARIES**

**Review staff's report regarding meetings held to address the concerns of San Carlos Park and Estero residents about the current boundary between the two Planning Communities.**

**OPTIONS:**

1. Make no changes to the existing San Carlos Park and Estero Planning Community boundaries.
2. Change the boundary between the San Carlos Park and Estero Planning Communities to place the entire Pine Road neighborhood within the San Carlos Planning Community.
3. Change the boundary between the San Carlos Park and Estero Planning Communities to conform with the San Carlos Park and Estero Fire District boundaries from Hendry Creek to the eastern edge of the Reserve at Estero RPD.

**RECOMMENDATION:**

Staff recommends Option 2. Option 1 is opposed by residents of the Pine Road neighborhood; and Option 3 is opposed by residents of The Vines, Belle Lago, and Breckenridge.

After briefly reviewing the item, Planning Division Community Planner Jim Mudd stated that he had met with residents of the Pine Road neighborhood, and those that he had spoken with would prefer that all the property located within the San Carlos Park Fire District, along its southern edge, be included in a San Carlos Park Planning Community (SCPPC); and pointed out that this was Option 3 on the map that was provided to the Board. He further stated that he had met with residents of The Vines, Belle Lago, and Breckenridge; and noted that of the three options that have been presented to the Board, Option 2 is the only Option that no one had objected to, and would not affect Breckenridge, Ospery Cove, the Vines, Belle Lago, or the Reserve at Estero. At the request of Commissioner Judah, Mr. Mudd stated that staff recommended Option 2, and further noted that Option 2 would require an amendment to the Lee Plan and the Land Development Code. In response to Commissioner Albion's opinion that the San Carlos decision regarding the Community Planning should be based on Fire district boundaries, Mr. Mudd stated he believed the Pine Road residents are interested in developing a planning council. Commissioner St. Cerny commended Mr. Mudd on a job well done in forming a consensus. In response to Commissioner Albion's request for Board consensus on the boundaries of a SCPPC following the boundaries of the San Carlos Park Fire District, Mr. Mudd described the boundaries of the fire district as extending several miles east into the DRGR from the edge of the planning community line and a mile north; and noted that the residents of Pine Road haven't made any mention of that area, they only seem interested in the southern edge corresponding with the fire district boundaries. Commissioner Hall expressed concern with setting a precedent where the community planning districts boundaries would have to meet the fire district boundaries; stated that she felt this was a unique situation, and confirmed she was in support of Option 2 as written. In response to Commissioner Hall's comments, Commissioner Albion noted that from his involvement in the San Carlos area he could foresee a boarder war, and noted that some of the residents see this as a major movement toward incorporation. In response to Commissioner Judah's inquiry, Mr. Mudd stated if the Board initiated option two at the end of September, which is the deadline for Comprehensive Plan amendments, it would take one year. The Board was in agreement with Option two.