



DIVISION	OF	PLA	ANN	ING
MEMORANDUN	T			

to:	Board of County Commissioners
from:	Paul O'Connor, AICP, Director
subject:	April 11, 2007 Comprehensive Plan Amendment Adoption Hearing
date:	Wednesday, April 4, 2007

Attached is your packet for the April 11<sup>th</sup> Comprehensive Plan Amendment Adoption Hearing. This packet contains the amendments that were transmitted to the Department of Community Affairs at the December 13, 2006 Transmittal Hearing.

An Objections, Recommendations and Comment Report (ORC Report) was issued by the DCA on March 2<sup>nd</sup>. Staff has updated the Comprehensive Plan Amendments reports to include any ORC Report objections or comments. If a proposed amendment did not receive any objections or comments the staff report indicates that and recommends adoption of the proposed amendment. If a proposed amendment was objected to or commented on the staff report has been updated to include the objections or comments, followed by a staff discussion to address the objections or comments.

The agenda has been divided into a Consent Agenda and an Administrative Agenda. The Consent Agenda contains those amendments which did not have any DCA objections or comments. One ordinance is included to adopt these amendments. The Administrative Agenda contains those amendments that the DCA did have an objection or comment. An ordinance to adopt each of these amendments individually is included following the staff report.

Staff still has additional work to perform to address DCA objections on three proposed amendments, CPA 2005-05 – Three Oaks North, CPA 2005-24 – Update the Capital Improvement Element, and CPA 2005-47 – Housing Element Update. These are Administrative Agenda items A, K and S respectively. These three staff reports and their adopting ordinances will follow shortly.

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 ADOPTION HEARING

### **COMMISSION CHAMBERS, 2120 MAIN STREET** APRIL 11, 2007 9:30 A.M.

### AGENDA

### Call to order; Certification of Affidavit of Publication 1.

#### 2. **Consent Agenda:**

- Public comment on Consent Agenda
- Items to be pulled for discussion by the Board
- Motion to approve the balance of items
- Consideration of items pulled for discussion

#### CPA2005-08 - Caloosahatchee Shores Community Plan A.

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. CPA2005-09 - Palm Beach Community Plan

Amend the Future Land Use Element to add a Goal, Objectives, and Policies specific to the Palm Beach Community. Sponsor: Board of County Commissioners/The East Lee County Council

### CPA2005-10 – Airport Noise Boundaries and Number of Gas Pumps C. 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.

#### D. CPA2005-11 - Greenways Recreational Trail Master Plan

Incorporate the Lee County Multi-Propose 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).

Sponsor: Board of County Commissioners.

### E. 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.

### F. 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.

### G. 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.

### H. 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.

# 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.

## J. CPA2005-20 – Deletion of Policy 38.2.3

Amend the Transportation Element to delete Policy 38.2.3. **Sponsor:** Board of County Commissioners.

K. 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.
Spansor: Roard of County Commissioners

Sponsor: Board of County Commissioners.

### L. 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.

- M. 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.
- N. 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.
   Spansor: Board of County Commissioners

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. CPA2005-39 – 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.

### S. 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.

### T. 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.

### U. 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.

- 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.
- W. 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.
- X. Adopt the following Ordinance, which incorporates the substance of the items on the consent agenda into the Lee Plan:

ORDINANCE AMENDING THE LEE COUNTY AN COMPREHENSIVE LAND USE PLAN. COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE AS AMENDED. SO AS TO ADOPT NO. 89-02, AMENDMENTS APPROVED ON THE CONSENT AGENDA COUNTY'S 2005/2006 REGULAR DURING THE COMPREHENSIVE PLAN AMENDMENT CYCLE: PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS AND TABLES; PURPOSE AND SHORT TITLE; EFFECT; GEOGRAPHICAL APPLICABILITY, LEGAL SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

### 3. Administrative Agenda – Adoption of Lee Plan Amendments

### A. 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. B. Adopt the following Ordinance, which incorporates the contents of CPA2005-05 into the Lee Plan:

ORDINANCE AMENDING THE LEE COUNTY AN COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-05 (PERTAINING TO THE FUTURE LAND USE MAP CHANGE FOR AN 83±-ACRE PARCEL NORTH OF ALICO DEVELOPMENT TO FROM INDUSTRIAL ROAD COMMERCIAL INTERCHANGE) INDUSTRIAL COUNTY'S APPROVED DURING THE 2005/2006 PLAN COMPREHENSIVE AMENDMENT REGULAR CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; CODIFICATION, SCRIVENER'S SEVERABILITY. ERRORS, AND AN EFFECTIVE DATE.

### C. CPA2005-07 – Riverhall (fka Hawk's Haven)

Amend the Future Land Use Map Series for 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 two 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. Adopt the following Ordinance, which incorporates the contents of CPA2005-07 into the Lee Plan:

ORDINANCE AMENDING THE LEE COUNTY AN COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-07 (PERTAINING TO AN AMENDMENT TO THE FUTURE LAND USE MAP SERIES FOR A PARCEL OF 1,727 ACRES TO CHANGE THE FUTURE LAND USE CLASSIFICATION SHOWN ON MAP 1 FROM "RURAL" AND "SUBURBAN" TO "OUTLYING SUBURBAN" AND "PUBLIC FACILITIES" AND ALSO AMENDING TABLE 1(a), FOOTNOTE 6, TO RESTRICT PERMISSIBLE AND UNITS) APPROVED DURING THE DENSITY 2005/2006 REGULAR COMPREHENSIVE COUNTY'S FOR AMENDMENT CYCLE; PROVIDING PLAN AND AMENDMENTS TO ADOPTED TEXT, MAPS,

TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

- E. 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.
- F. Adopt the following Ordinance, which incorporates the contents of CPA 2005-17 into the Lee Plan:

THE LEE AN ORDINANCE AMENDING COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-LONG RANGE (PERTAINING то THE 17 TRANSPORTATION PLAN) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PROVIDING FOR AMENDMENT CYCLE: PLAN AMENDMENTS TO ADOPTED MAPS: TEXT AND PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE PLAN": GEOGRAPHICAL APPLICABILITY: LEE CODIFICATION, SCRIVENER'S SEVERABILITY, ERRORS, AND AN EFFECTIVE DATE.

- G. 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.
- H. Adopt the following Ordinance, which incorporates the contents of CPA2005-25 into the Lee Plan:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-CHANGING THE LEE PLAN 25(PERTAINING TO HORIZON YEAR TO 2030) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE CYCLE: FOR AMENDMENT PROVIDING PLAN AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE: LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY: CODIFICATION. SCRIVENER'S SEVERABILITY. ERRORS, AND AN EFFECTIVE DATE.

I. CPA2005-26 – Update BEBR Population Projections

Amend the Lee Plan text and tables to reflect the latest BEBR population projections. Amend Map 16 to reflect current City boundaries and amend Map 8 to reflect updated potable wellfield cones of influence. **Sponsor:** Board of County Commissioners.

J. Adopt the following Ordinance, which incorporates the contents of CPA2005-26 into the Lee Plan:

ORDINANCE AMENDING THE LEE COUNTY AN COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-BEBR POPULATION (PERTAINING TO THE 26 PROJECTION AND MAPS 8 AND 16 UPDATE) DURING THE COUNTY'S 2005/2006 APPROVED PLAN AMENDMENT REGULAR COMPREHENSIVE CYCLE: PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION. SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

- K. CPA2005-27 Update Capital Improvement Element (CIE) Tables 3 and 4 Amend the Capital Improvement Element (Tables 3 and 4) to reflect the latest adopted Capital Improvement Program.
   Sponsor: Board of County Commissioners.
- L. Adopt the following Ordinance, which incorporates the contents of CPA2005-27 into the Lee Plan:

ORDINANCE AMENDING THE LEE COUNTY AN COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-27 (PERTAINING TO TABLES 3 AND 4 OF THE CAPITAL IMPROVEMENT ELEMENT) APPROVED DURING THE COMPREHENSIVE COUNTY'S 2005/2006 REGULAR AMENDMENT CYCLE; PROVIDING FOR PLAN AMENDMENTS TO ADOPTED TEXT AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE APPLICABILITY: PLAN": GEOGRAPHICAL LEE SCRIVENER'S SEVERABILITY, CODIFICATION, ERRORS, AND AN EFFECTIVE DATE.

- M. CPA2005-35 New Urbanism Definitions
   Amend the Lee Plan Glossary to add new, and amend existing, definitions
   to incorporate the principles of New Urbanism.
   Sponsor: Board of County Commissioners.
- N. Adopt the following Ordinance, which incorporates the contents of CPA2005-35 into the Lee Plan:

ORDINANCE AMENDING THE LEE COUNTY AN COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-35 (PERTAINING TO THE INCORPORATION OF THE PRINCIPLES OF NEW URBANISM INTO THE LEE PLAN GLOSSARY) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY: SEVERABILITY. CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

O. 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.

P. Adopt the following Ordinance, which incorporates the contents of CPA2005-37 into the Lee Plan:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-37 (PERTAINING TO NEW URBANISM) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE: PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

### Q. CPA2005-46 – Smart Growth Recommendations

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Amend the Lee Plan to incorporate the recommendations from the County's Smart Growth Initiative into the Lee Plan

R. Adopt the following Ordinance, which incorporates the contents of CPA2005-46 into the Lee Plan:

ORDINANCE AMENDING THE LEE COUNTY AN COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-**46 (PERTAINING TO THE RECOMMENDATIONS FROM** THE SMART GROWTH INITIATIVE) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE: PROVIDING FOR TEXT MAPS: AMENDMENTS TO ADOPTED AND PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE PLAN"; GEOGRAPHICAL APPLICABILITY; LEE SCRIVENER'S SEVERABILITY, CODIFICATION, ERRORS, AND AN EFFECTIVE DATE.

- S. CPA2005-47 Housing Element Update Amend the Housing Element to reflect the findings of the most current Housing Needs Assessment.
   Sponsor: Board of County Commissioners.
- T. Adopt the following Ordinance, which incorporates the contents of CPA2005-47 into the Lee Plan:

ORDINANCE AMENDING THE LEE COUNTY AN COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-47 (PERTAINING TO THE HOUSING ELEMENT UPDATE) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE: PROVIDING FOR AMENDMENTS TO ADOPTED TEXT: PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; CODIFICATION. SCRIVENER'S SEVERABILITY, ERRORS, AND AN EFFECTIVE DATE.

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. Pursuant to Florida Statutes Section 163.3184(7), persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance. If a person decides to appeal a decision made by the Board with respect to any matter considered at this hearing, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Further information may be obtained by contacting the Lee County Division of Planning at 479-8585.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 479-8583.

### 2005/2006 EVALUATION AND APPRAISAL REPORT AND SMART GROWTH INITIATIVE LEE PLAN AMENDMENTS ADOPTION HEARING

### COMMISSION CHAMBERS, 2120 MAIN STREET

### CONTINUED FROM APRIL 11, 2007 TO MAY 16, 2007 9:30 A.M.

### AGENDA

1. Call to order; Certification of Affidavit of Publication

### 2. ADMINISTRATIVE AGENDA CONTINUED ITEMS

### A. <u>CPA2005-07 – Riverhall (fka Hawk's Haven)</u>

Amend the Future Land Use Map Series for 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 two 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.

### B. Adopt the following Ordinance, which incorporates the contents of CPA2005-07 into the Lee Plan:

THE LEE AN ORDINANCE AMENDING COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-07 (PERTAINING TO AN AMENDMENT TO THE FUTURE LAND USE MAP SERIES FOR A PARCEL OF 1,727 ACRES TO CHANGE THE FUTURE LAND USE CLASSIFICATION SHOWN ON MAP 1 FROM "RURAL" AND "SUBURBAN" TO "OUTLYING SUBURBAN" AND "PUBLIC FACILITIES" AND ALSO AMENDING TABLE 1(a), FOOTNOTE 6, TO RESTRICT PERMISSIBLE DENSITY AND UNITS) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS, AND TABLES; PURPOSE AND SHORT TITLE: LEGAL EFFECT OF "THE LEE PLAN": GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

### C. <u>CPA2005-27 – Update Capital Improvement Element (CIE) Tables</u> 3 and 4

Amend the Capital Improvement Element (Tables 3 and 4) to reflect the latest adopted Capital Improvement Program. **Sponsor:** Board of County Commissioners.

D. Adopt the following Ordinance, which incorporates the contents of CPA2005-27 into the Lee Plan:

THE LEE COUNTY ORDINANCE AMENDING AN COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO CPA2005-27 (PERTAINING TO AS TO ADOPT AMENDMENT TABLES 3 AND 4 OF THE CAPITAL IMPROVEMENT ELEMENT) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; SEVERABILITY, APPLICABILITY; GEOGRAPHICAL CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

3. MOTION TO FINIALIZE ALL ACTIONS TAKEN AT THE APRIL 11, 2007 ANDTHE MAY 16, 2007 ADOPTION HEARINGS

### 4. ADJOURN

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. Pursuant to Florida Statutes Section 163.3184(7), persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance.

If a person decides to appeal a decision made by the Board with respect to any matter considered at this hearing, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Further information may be obtained by contacting the Lee County Division of Planning at 479-8585.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 479-8583.

**CONSENT AGENDA ITEMS** 

# CPA2005-29 PUBLIC FACILITIES UPDATE AMENDMENT TO THE

# LEE COUNTY COMPREHENSIVE PLAN

# THE LEE PLAN

BoCC Public Hearing Document for the April 11<sup>th</sup> Adoption Hearing

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

> > March 2, 2007

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### LEE COUNTY DIVISION OF PLANNING STAFF REPORT FOR COMPREHENSIVE PLAN AMENDMENT CPA2005-29

Text Amendment

Map Amendment

/	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
	<b>Board of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: August 18, 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 1, by updating the mapped Public Facilities future land use category by adding and/or removing lands to more accurately identify publicly owned lands.

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

### 1. RECOMMENDATION:

Planning staff recommends that the Board of County Commissioners transmit this proposed amendment to the Future Land Use Element, Map 1, the Future Land Use Map, by redesignating the parcels listed in Table 1 to the Public Facilities future land use category.

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

• A variety of parcels of land owned by Lee County are being used for public facilities are not included in the Public Facilities future land use category.

STAFF REPORT FOR CPA2005-29 March 2, 2007 Page 1 of 8

- Florida Administrative Code 9J-5.006 (4) (a) 8 and 9 requires that the Lee Plan include a Future Land Use Map that indicates the location of public facilities and uses.
- Lee County has acquired several parcels since the last public facilities amendment in 1998. In addition, County staff have identified other properties that are currently being used as public facilities.

### C. BACKGROUND INFORMATION

On June 3, 1998 the Board of County Commissioners adopted Lee Plan Amendment PAM96-14. This was the last time the Board amended the Public Facilities future land use category on a county-wide basis. This amendment proposes to redesignate parcels throughout the County to the Public Facilities future land use category. The decision is based on the parcel either being acquired by a public agency to be used as a public facility or the parcel is currently being used as a public facility, per Lee Plan Policy 1.1.8, which is reproduced below:

**POLICY 1.1.8**: The <u>Public Facilities</u> areas include the publicly owned lands within the county such as public schools, parks, airports, and other government facilities. The allowable uses within these areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction.

Florida Administrative Code 9J-5.006 (4) (a) 8 and 9 requires that the Lee Plan include a Future Land Use Map that indicates the location of public buildings, grounds and other facilities. In order to remain consistent with this state mandate, the Future Land Use Map should be periodically updated.

### PART II - STAFF ANALYSIS

### A. STAFF DISCUSSION

Lee County has acquired several parcels of land since the last county-wide review of the Public Facilities future land use category. Some of these parcels have been acquired through the acquisition of private utility services by Lee County. Others have been acquired to accommodate new County facilities such as school sites or expanded County office space in downtown Fort Myers. Additional properties in the County's inventory which are currently being used as public facilities are also included in the proposed amendment. Table 1 lists the parcels as well as the future land use category from which each one is being changed.

The North Fort Myers senior center, including facilities such as the parking and tennis courts, are included in this amendment.

Three Fire Stations are included in this amendment. The fire station on Upper Captiva and an abutting parcel are proposed to be changed from Outer Island to Public Facility. The Tice and Alva fire stations are also proposed to be included in the Public Facilities category.

New school sites such as the new schools on Homestead Road in Lehigh Acres are proposed for re-designation to the Public Facilities category. These two schools are located near the Buckingham Airfield.

A vacant parcel of land owned by the Mosquito Control District in the Buckingham Park subdivision is being included in this proposal. This parcel abuts the current mosquito control facilities.

The Lee County DOT facilities at Billy Creek and on Evergreen Road are proposed to be included in the Public facilities category, as is the County Fleet Maintenance facility on Van Buren Street and the MARS operations south of Michigan Avenue. County offices such as the Medical Examiner, the County-City Building on Hendry Street, The Veterans Service building on Victoria Avenue, and the County departments located on Pondella road are also included. These departments include a sheriff's substation, and the Departments of Health, Human Services, and Social Services.

The Suntrust Building in downtown Fort Myers was recently acquired by Lee County. It is proposed to become part of the Public Facilities future land use category.

Parking lots are also part of this amendment. The Lee Tran Parking for Fort Myers Beach is proposed to be included in the Public facilities category. Additional County-owned parking in downtown Fort Myers on Thompson Street and Cottage Street are included as is the parking lot acquired as part of the Suntrust Building. Like the Suntrust building, many of these parcels are within incorporated Fort Myers which has its own future land use categories. Planning staff are recommending redesignating the parcels on the Lee Plan Future Land Use map for informational purposes.

The boat ramps on Barrancas Avenue in Bokeelia and on Davis Road in Fort Myers Shores are proposed to be classified in the Public Facilities category.

Several water tanks, such as the Miners Corner and Alico booster plants and the water towers in Tice and on Pine Island Road next to J. Colin English Elementary School, are proposed to be included in the Public Facility category. Other utility parcels include the pump stations and warehouses on San Carlos Island and Ballard Road in Fort Myers, two pump stations on State Road 80, the Fort Myers Beach sewage treatment plant on Pine Ridge Road, the Greenmeadow water treatment plant, and the waste water treatment plants at Fiesta Village and Gateway.

Facilities acquired by Lee County from private service providers are also included in this amendment. These consist of the facilities the County acquired from Gulf Environmental at Shadow Creek Boulevard, Corkscrew Road, Three Oaks Parkway, and San Carlos Parkway in San Carlos Park. The County also acquired a utilities customer service center from the Florida Cities utility provider. Items such as the Pine Island Waste Water Plant and the Olga Water Plant include vacant land abutting the physical facilities.

Recreational parks are part of this amendment. These include Mary Moody Park and Judd Park in North Fort Myers, Hunter Community Park in Pine Manor, the South Fort Myers Community Park on Bass Road and Alva Community Park in Alva. A small vacant parcel that is part of Veterans Park in Lehigh Acres is proposed to be redesignated as Public Facility. Also included is the recently opened Ten Mile Canal Linear Park.

STAFF REPORT FOR CPA2005-29

March 2, 2007 Page 3 of 8 Toll facilities for the Midpoint Bridge are included in this amendment, as is the parcel that provides access to these facilities. These parcels are in Cape Coral which has its own future land use categories. The parcels should still be redesignated on the Lee County Future Land Use Map to indicate their status as publicly-owned facilities.

Some community centers and their associated facilities are proposed to be changed to the Public Facilities category. These include the Boca Grande Community Center, the Matlacha Community Center, the Charleston Park Community Center, the Olga Community Center and the Schandler Hall Recreation Center.

The East County Regional Library and the parcel providing access to it are part of this amendment. Other library facilities to be amended include the Lakes Regional Library, the South Regional Library, and the Library Administration Expansion in Fort Myers.

### **B.** CONCLUSIONS

Lee Plan Map 1, the Future Land Use Map, should be updated in order to be as accurate as possible and maintain consistency with the requirements of Florida Administrative Code.

### C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit this proposed amendment to the Future Land Use Element, Map 1, The Future Land Use Map, by adding the parcels listed in Table 1 to the Public facilities future land use category.

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

### PUBLIC HEARING DATE: August 28, 2006

### A. LOCAL PLANNING AGENCY REVIEW

Planning staff gave a brief presentation. One LPA member had a question concerning a symbol on a general location map for the amendment. Staff noted that the symbol in question was an error created by the mapping software. The LPA had no further comments.

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

### 1. RECOMMENDATION:

The LPA recommends that the Board of Commissioners transmit the proposed amendment to the Future Land Use Element, Map 1, the Future Land Use Map, by re-designating the parcels listed in Table 1 to the Public Facilities future land use category.

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

The LPA accepted the facts advanced by planning staff.

C. VOTE:

NOEL ANDRESS	AYE
DEREK BURR	AYE
RONALD INGE	AYE
CARLETON RYFFEL	AYE
RAYMOND SCHUMANN, ESQ	AYE
RAE ANN WESSEL	AYE
VACANT	

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

### DATE OF TRANSMITTAL HEARING: December 13, 2006

A. **BOARD REVIEW:** The Board of County Commissioners provided no discussion concerning the proposed plan amendment. This item was approved on the consent agenda.

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

- 1. **BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed amendment.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Board accepted the findings of fact advanced by staff and the LPA

### C. VOTE:

A. BRIAN BIGELOW	AYE
TAMMARA HALL	AYE
BOB JANES	AYE
RAY JUDAH	AYE
FRANKLIN B. MANN	AYE

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

### DATE OF ORC REPORT: March 2, 2007

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

The Department of Community Affairs provided no objections, recommendations, or comments concerning the proposed amendment.

### **B. STAFF RESPONSE:**

Adopt the proposed amendment as transmitted.

STAFF REPORT FOR CPA2005-29

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

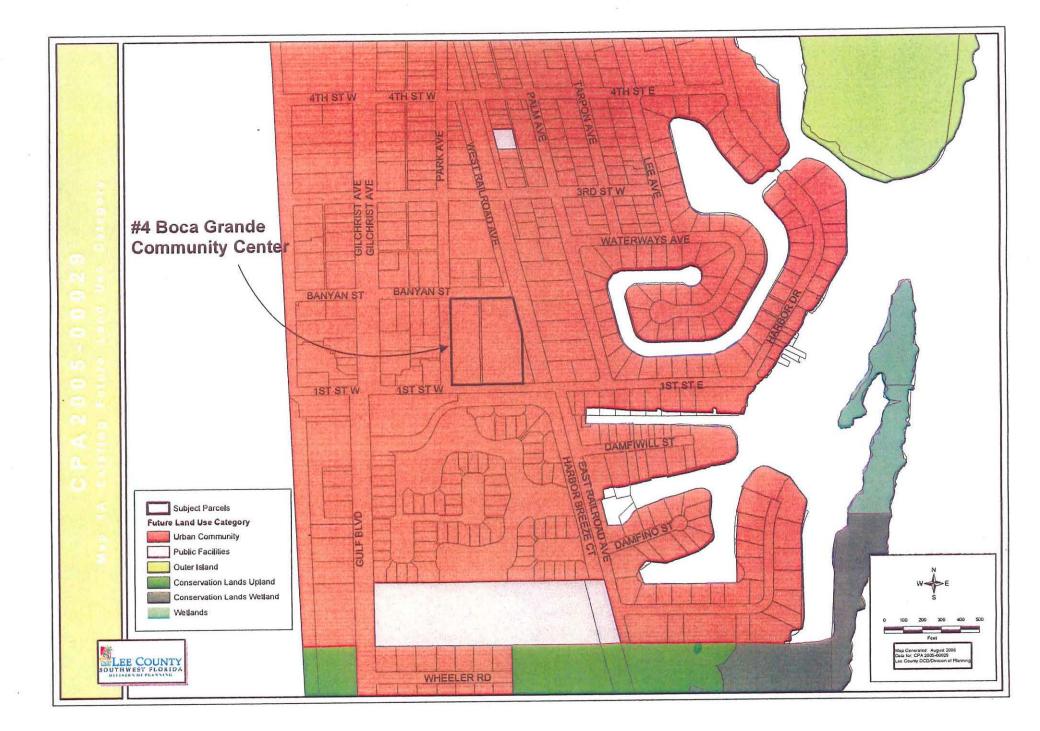
DATE OF ADOPTION HEARING: April 11, 2007

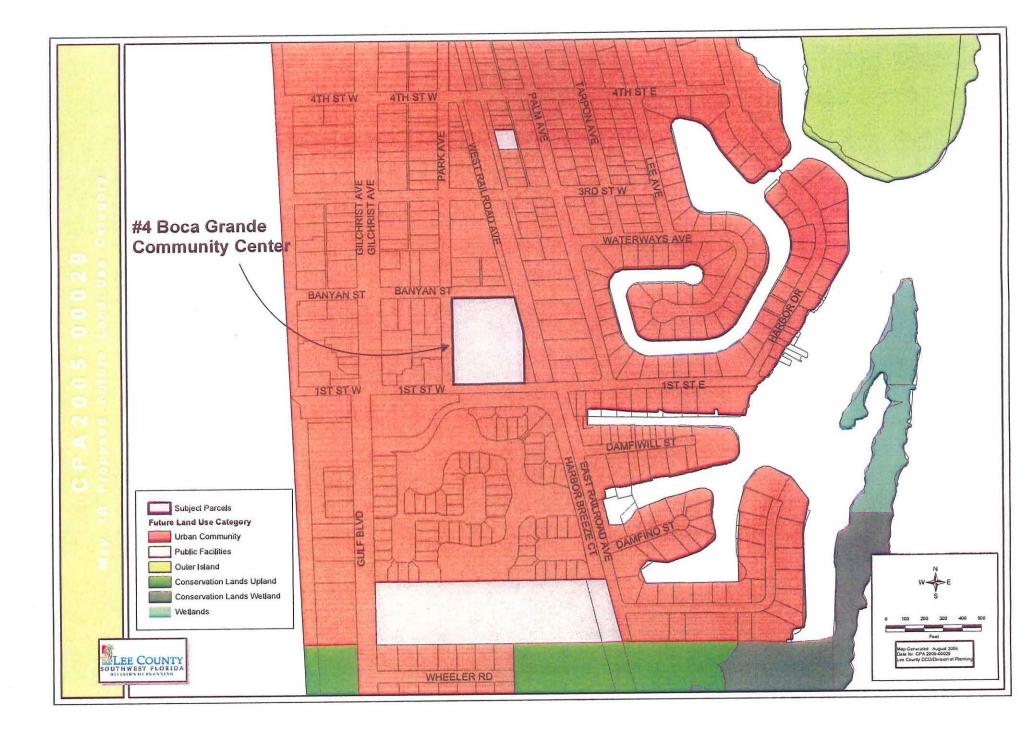
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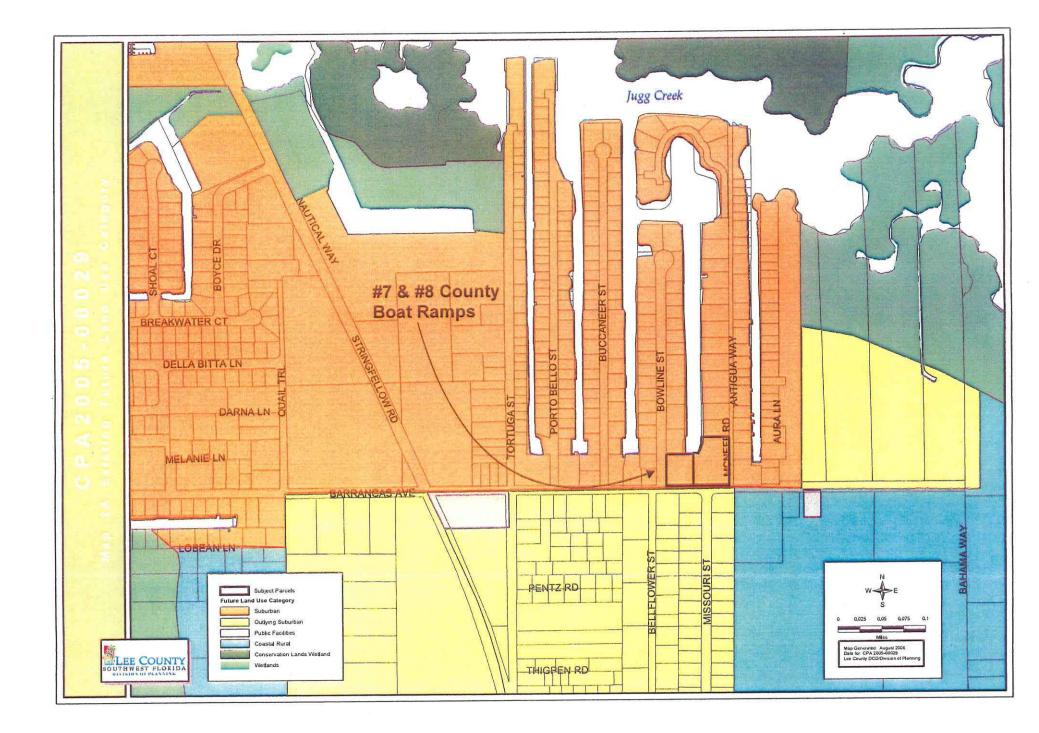
- **B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:** 
  - 1. BOARD ACTION:
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:

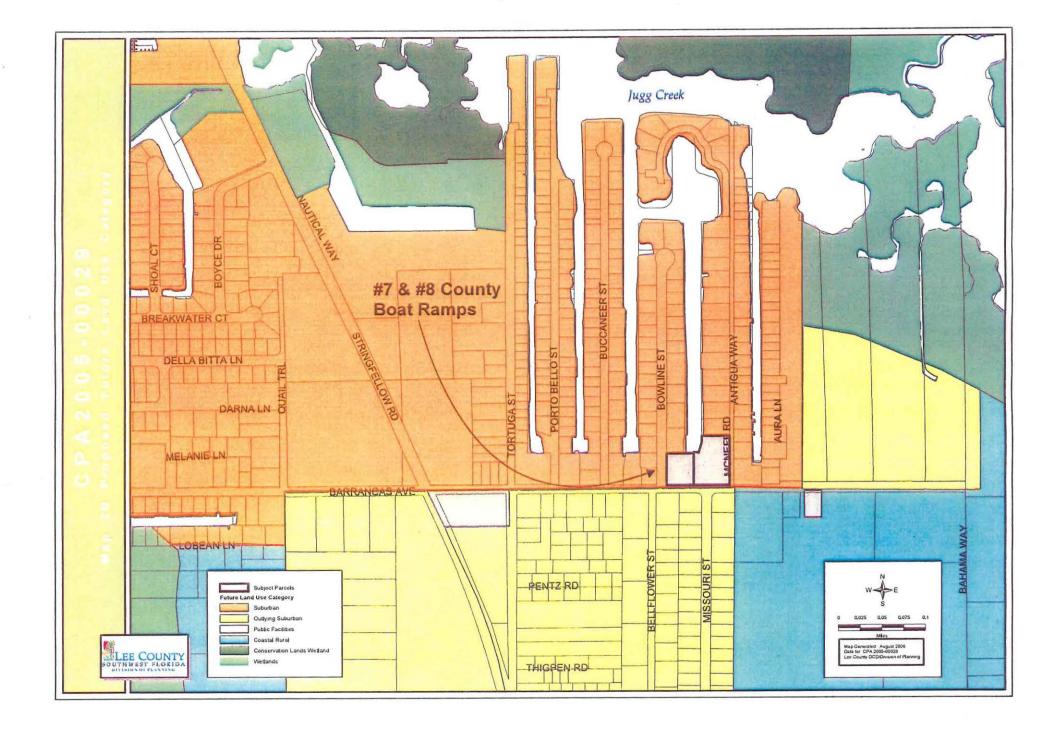
### C. VOTE:

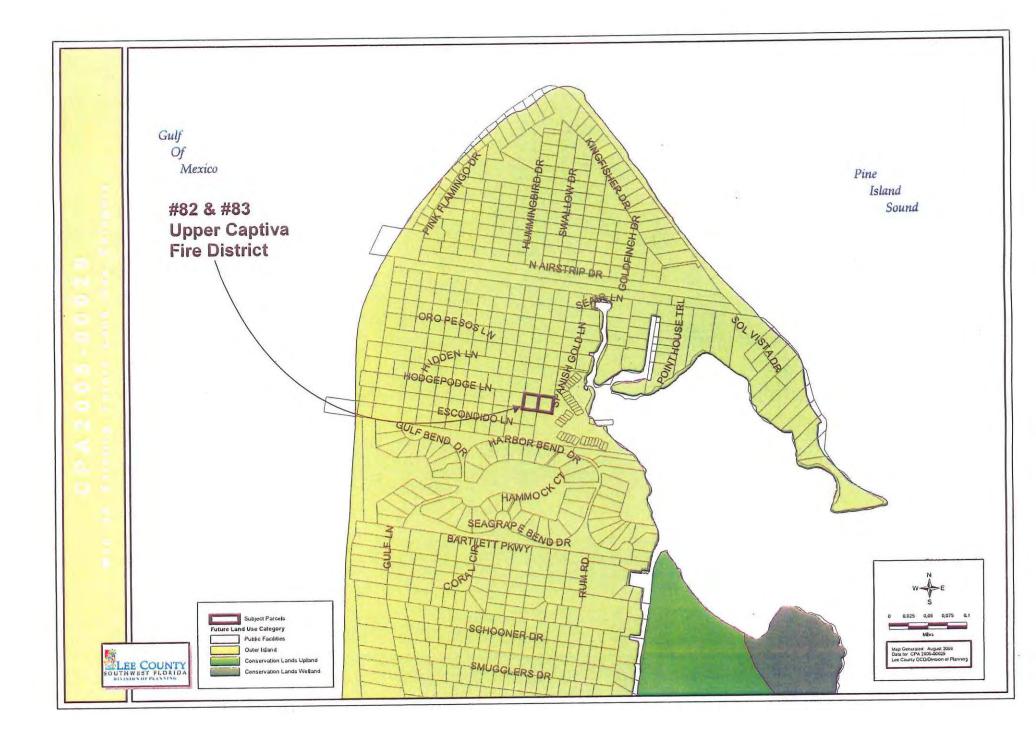
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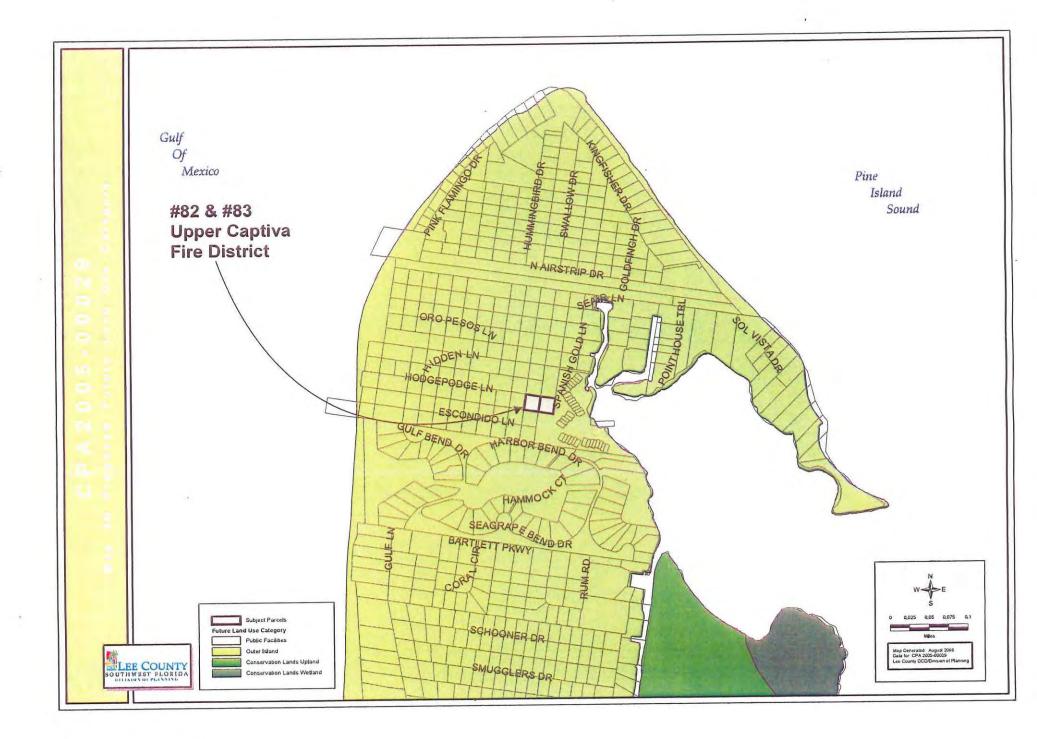


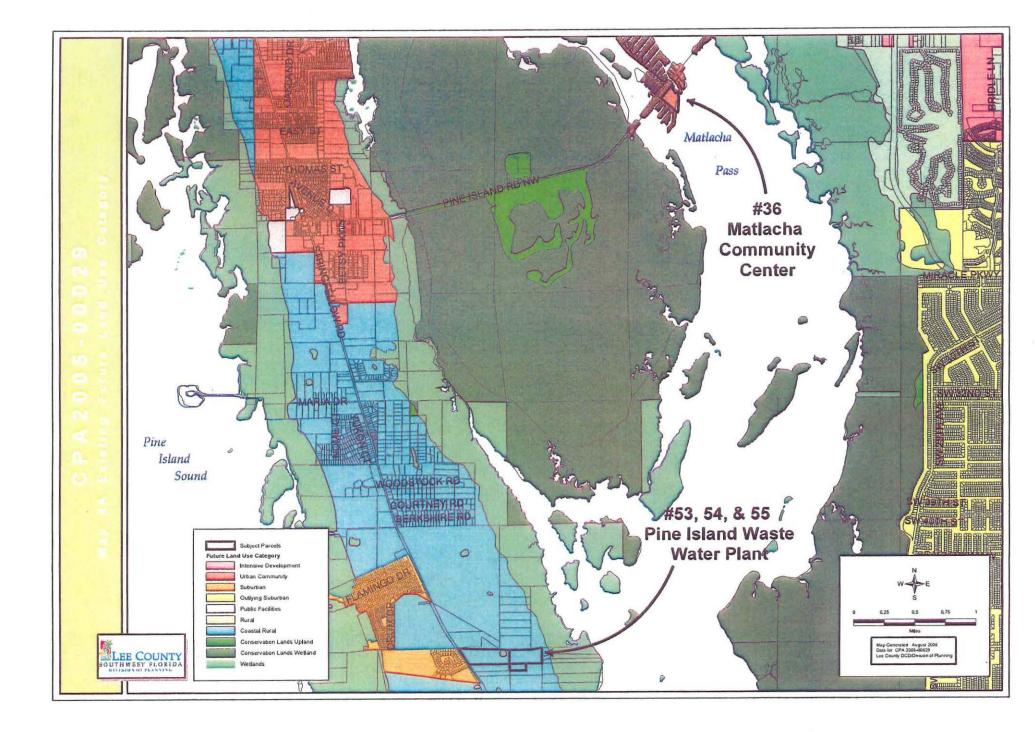


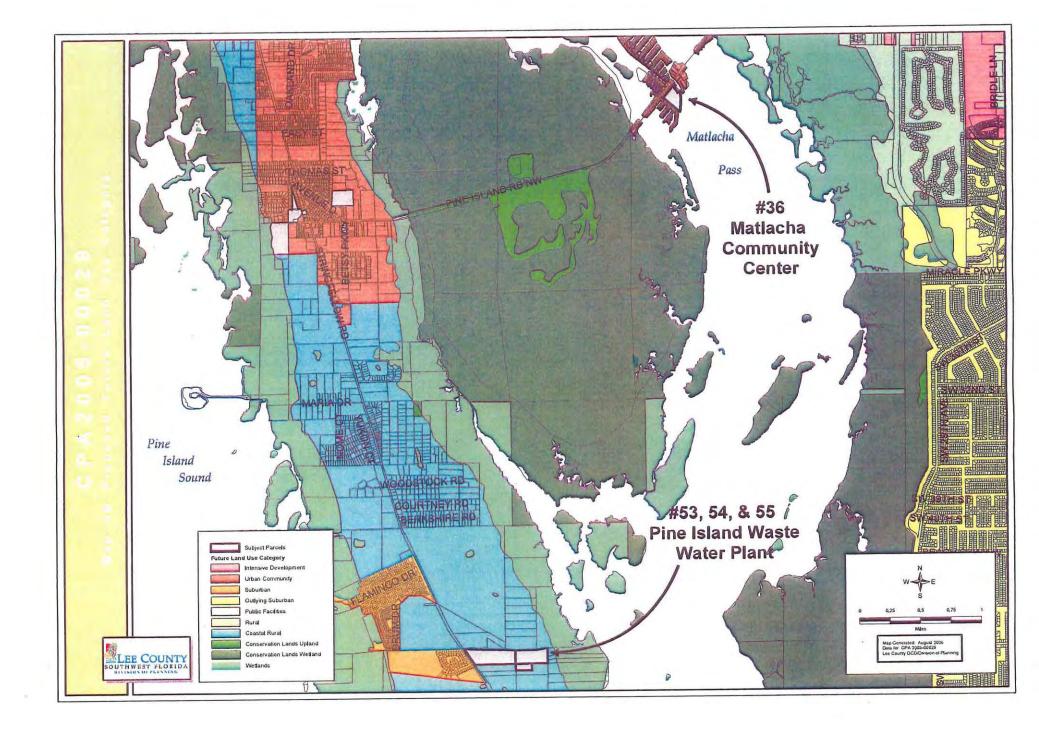


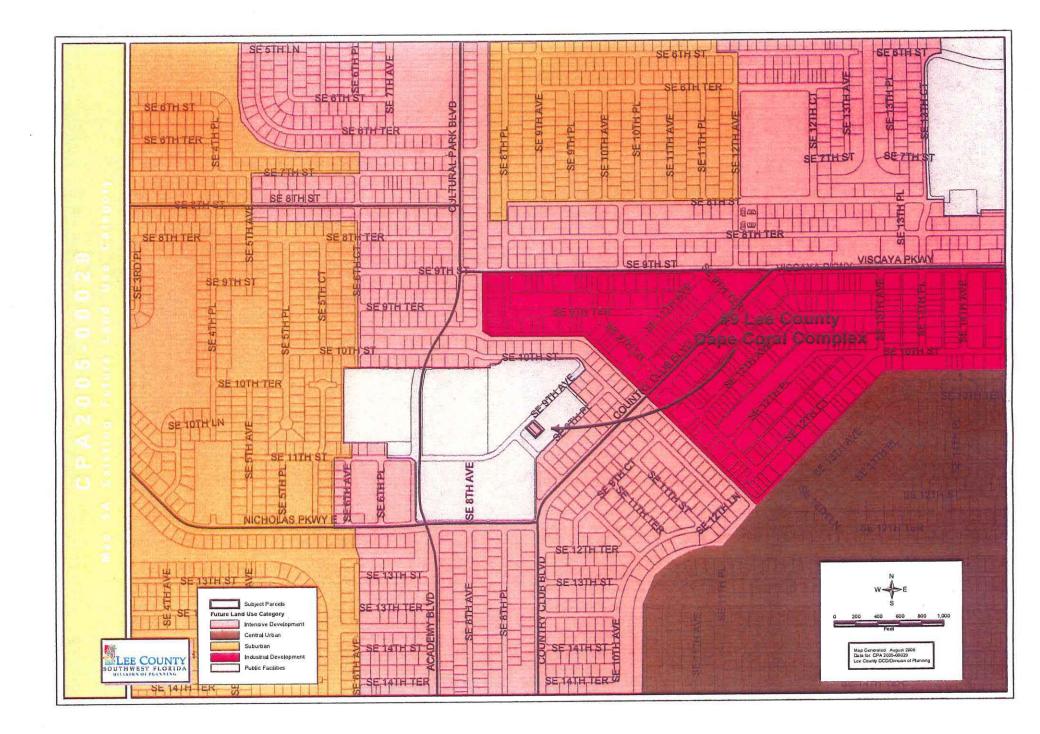


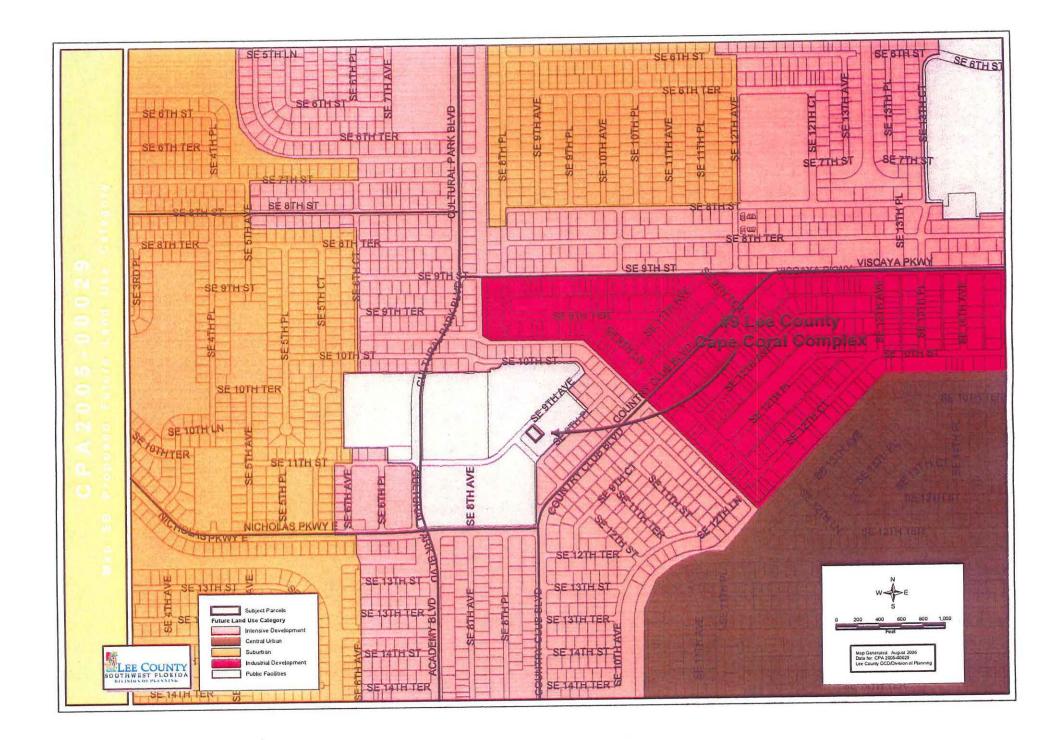


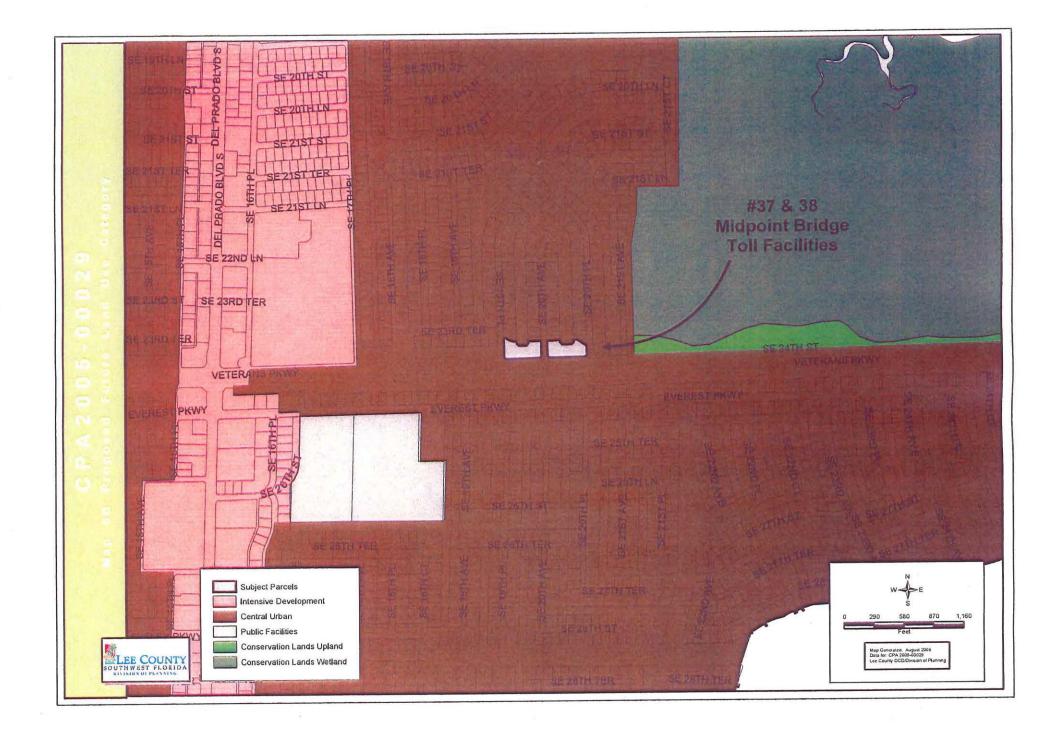


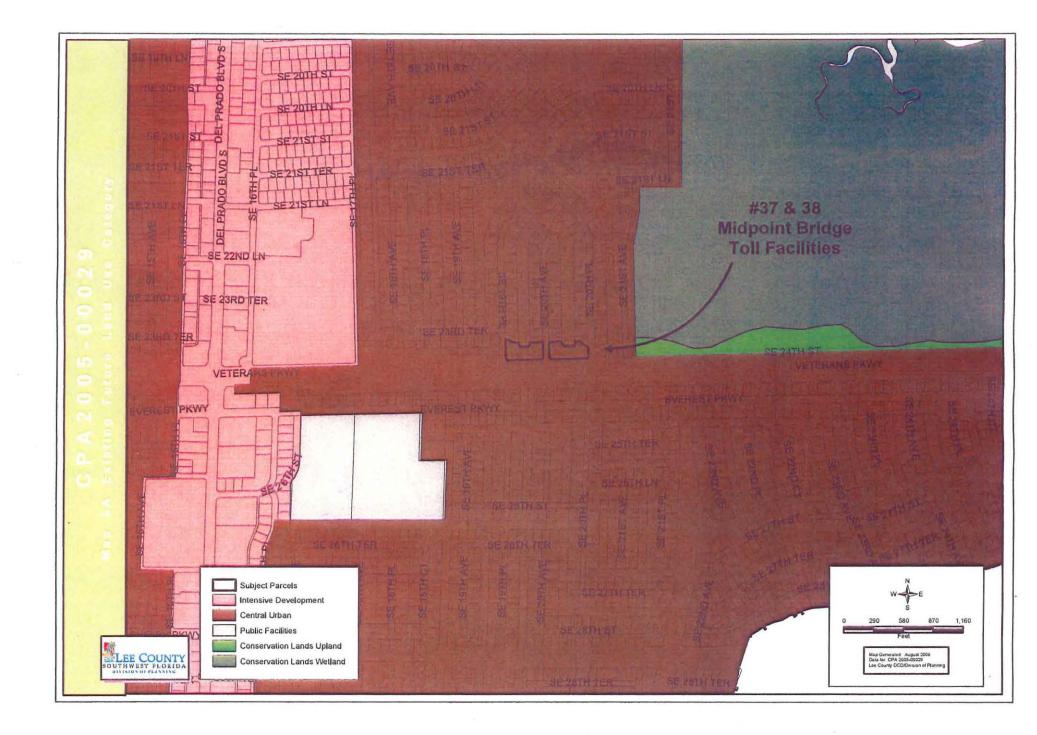


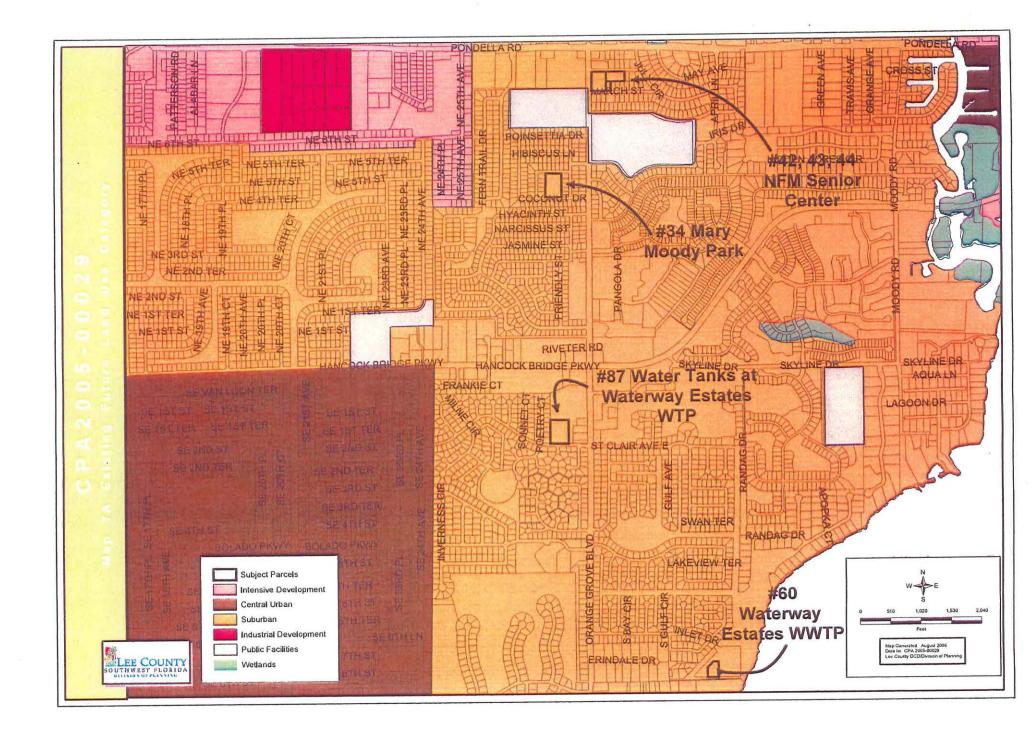


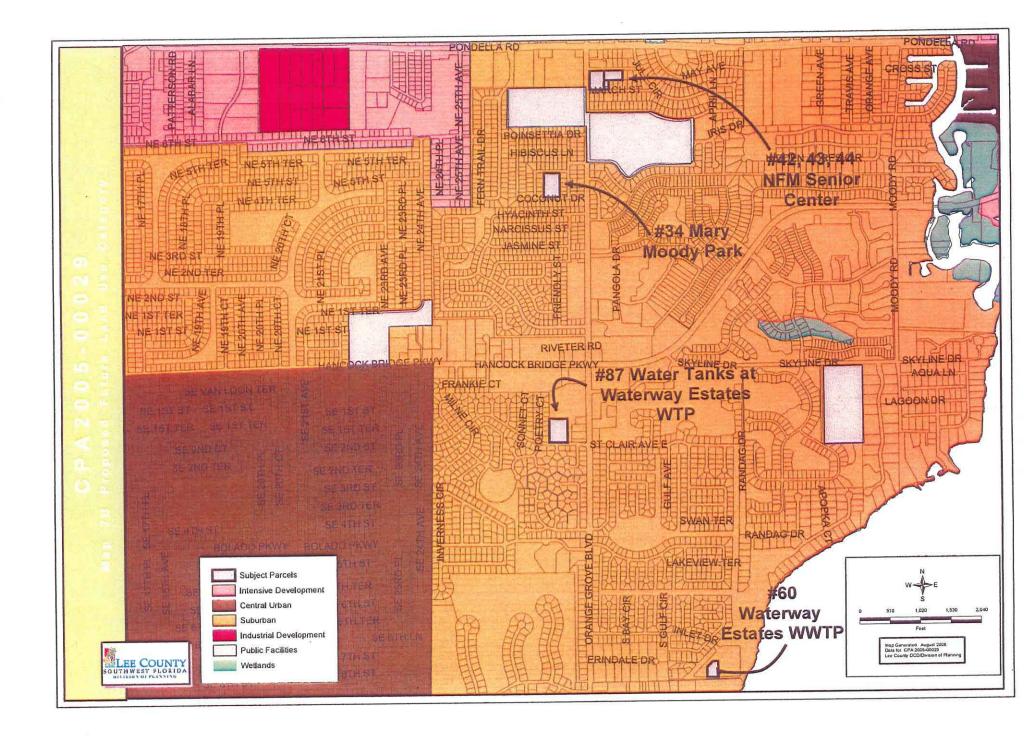


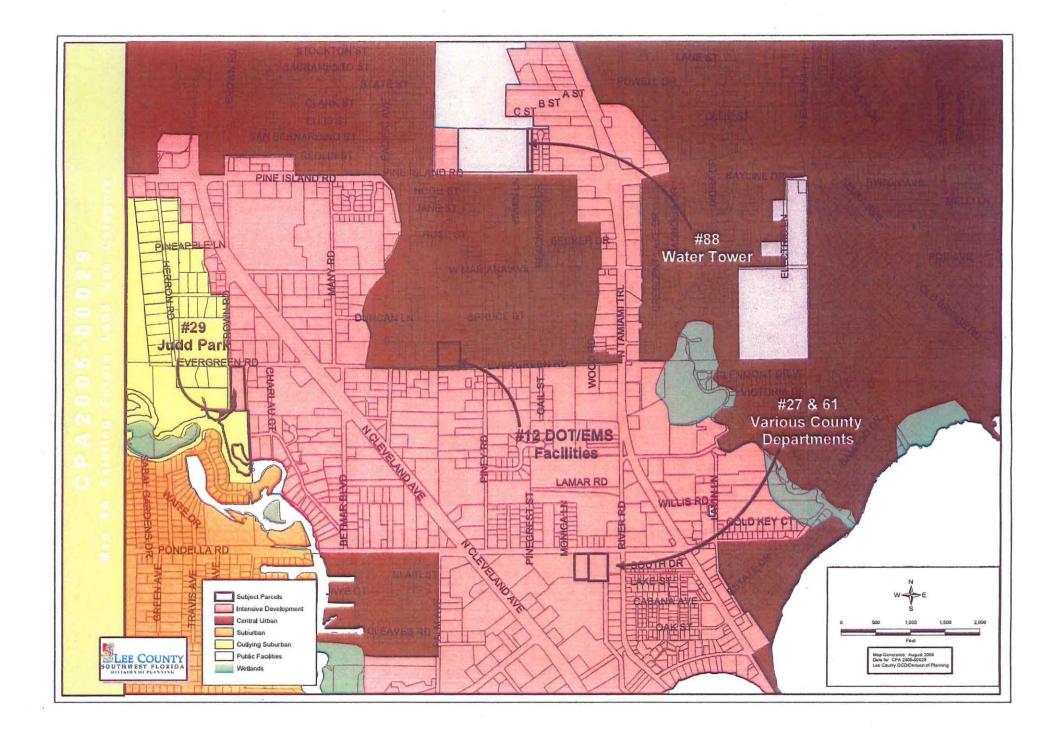


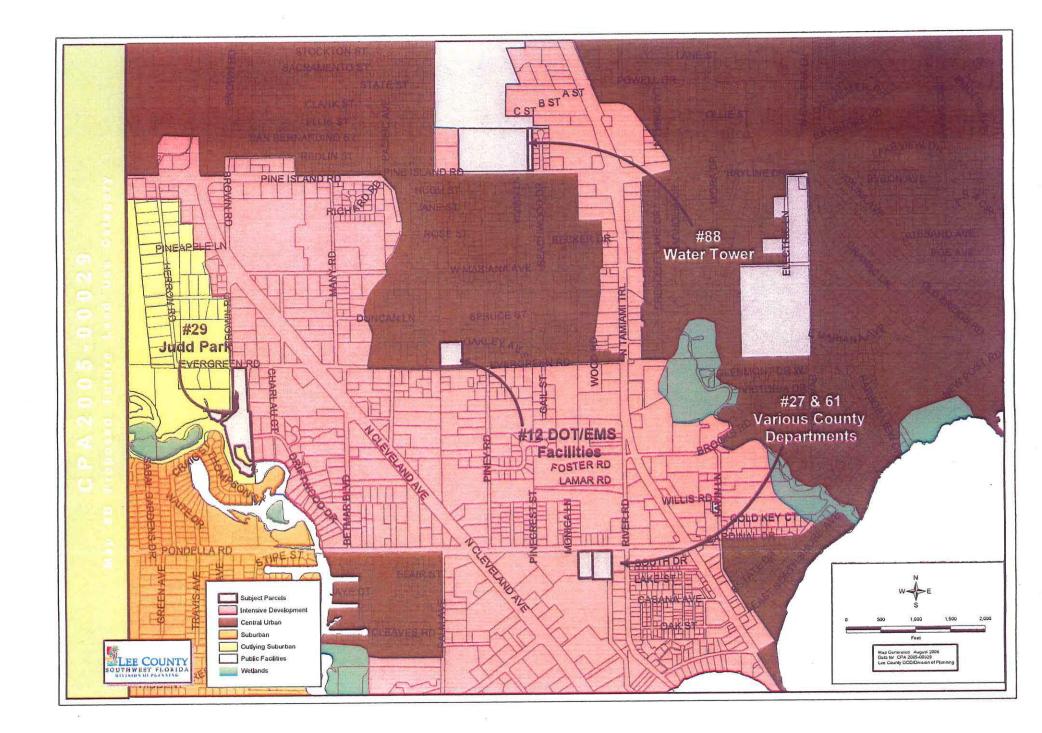


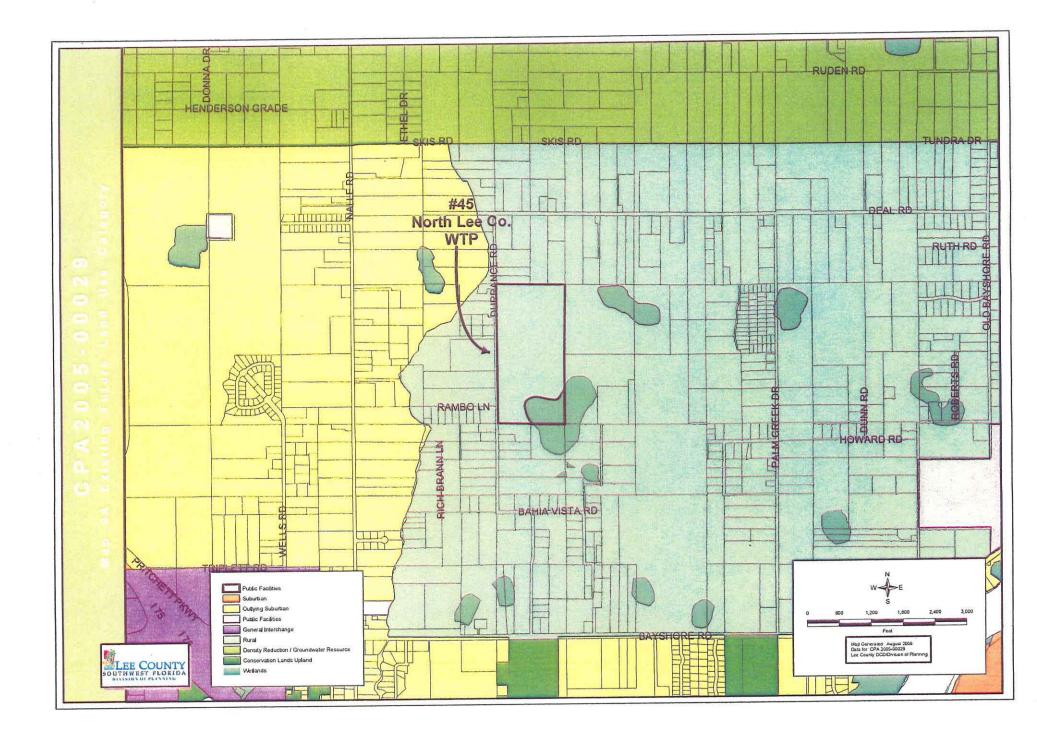


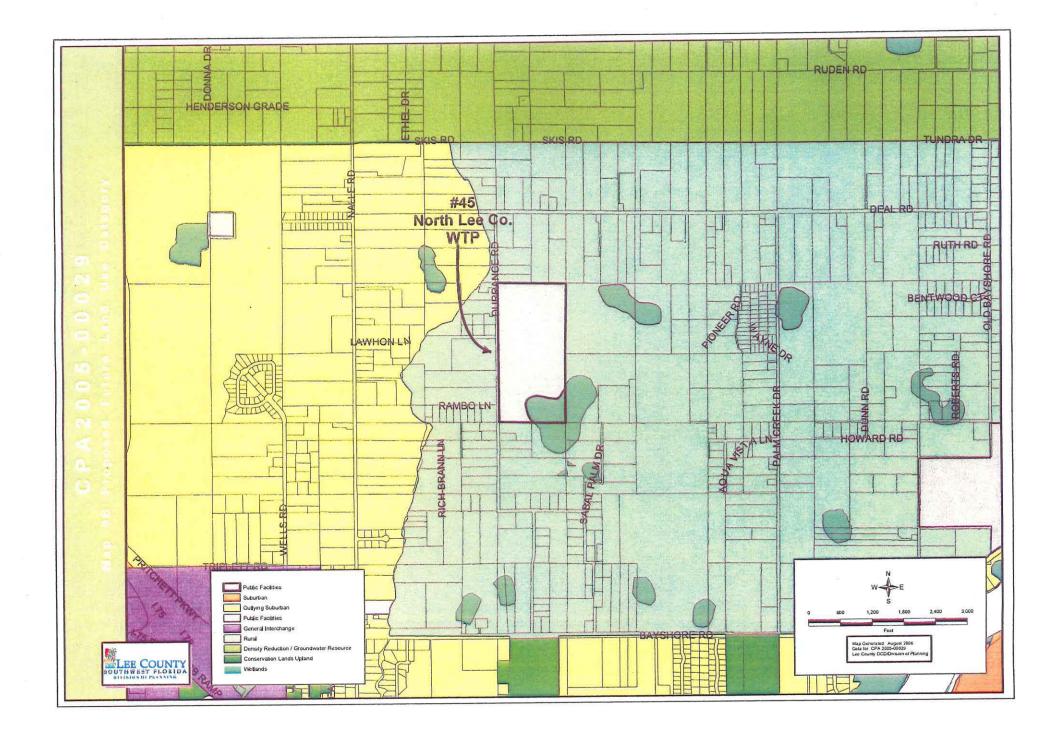


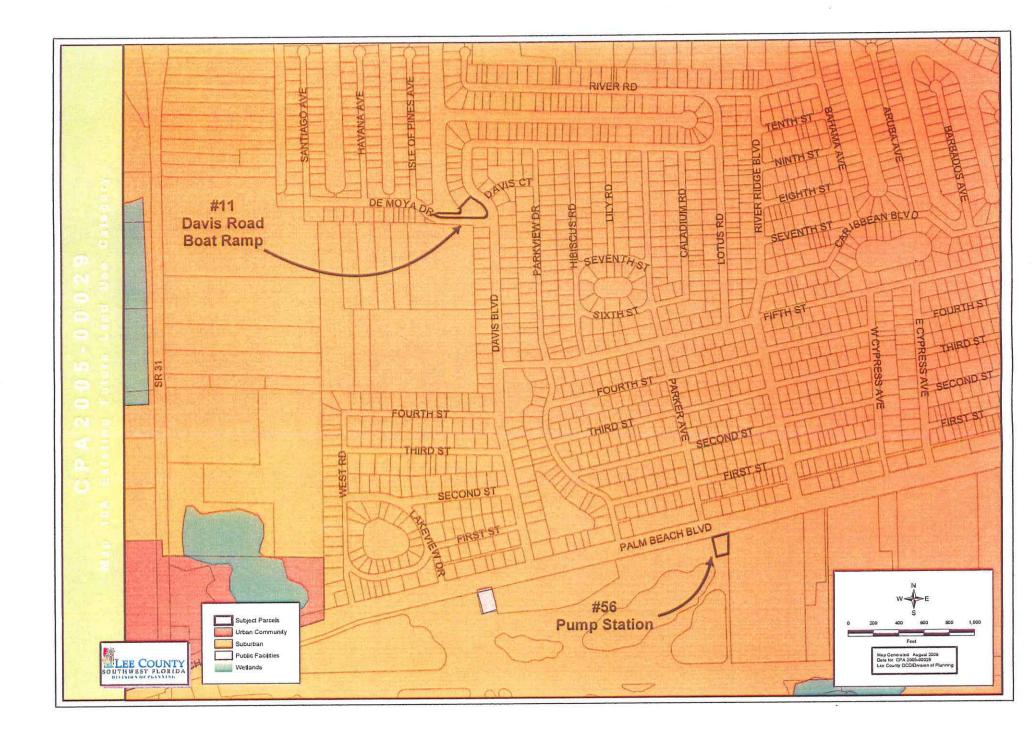


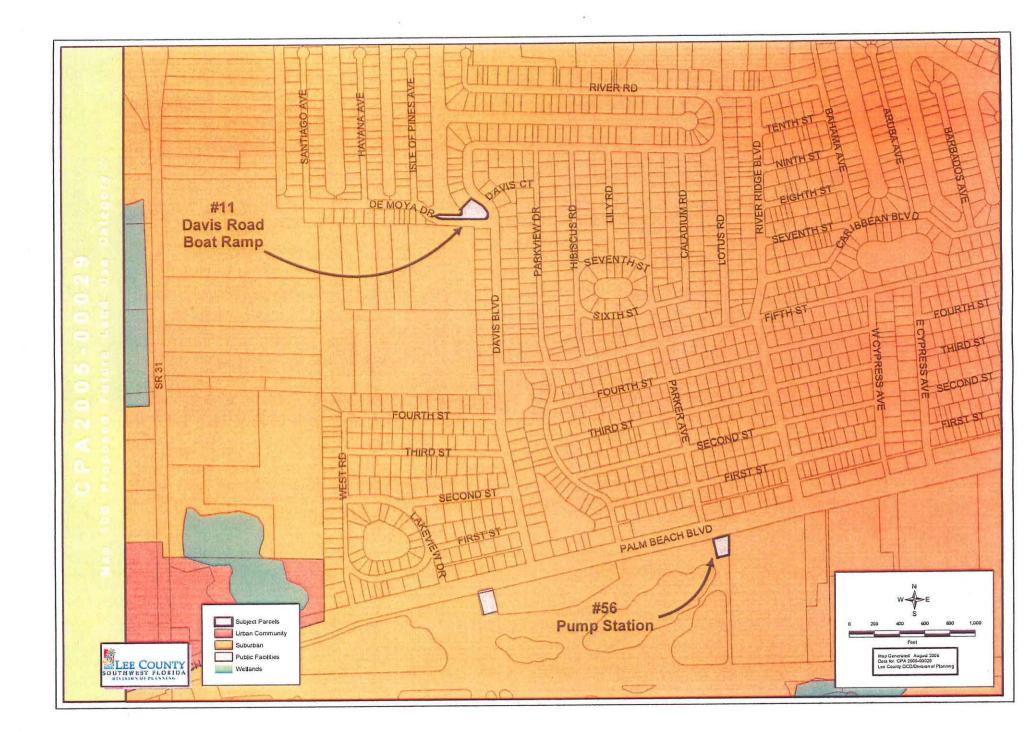


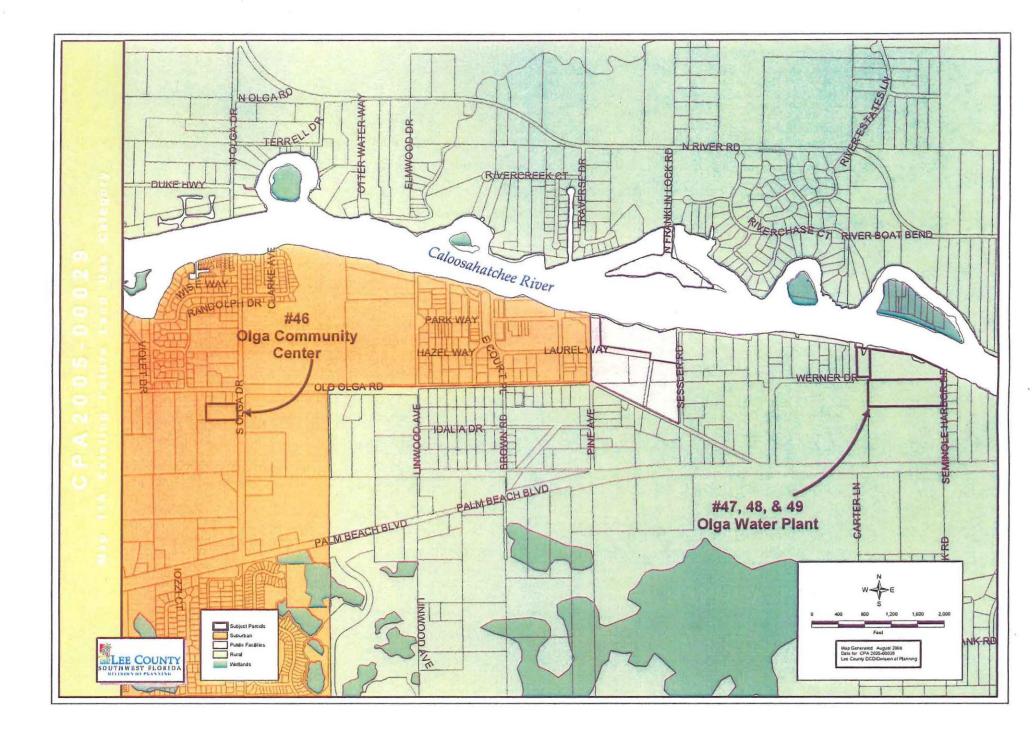


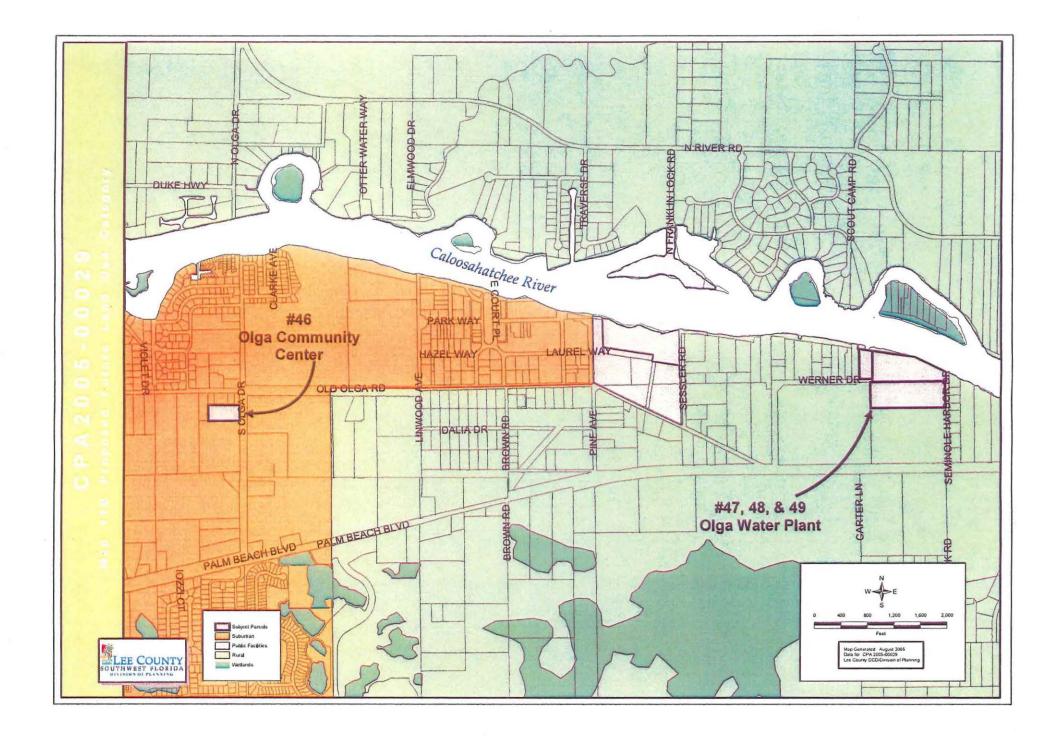


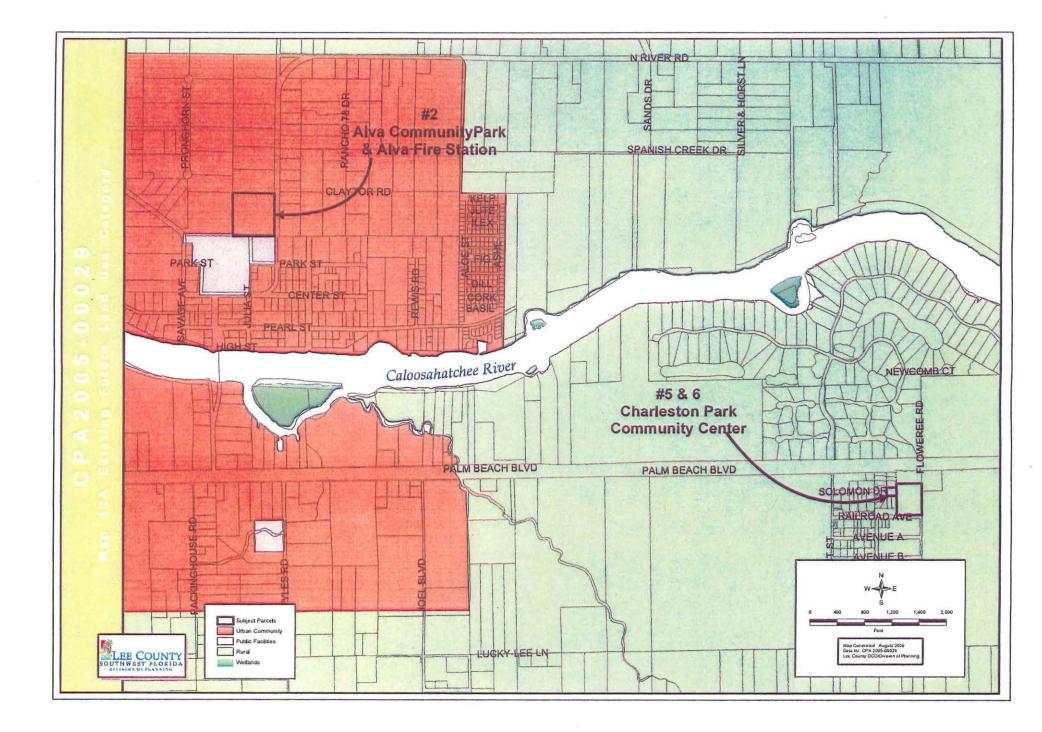


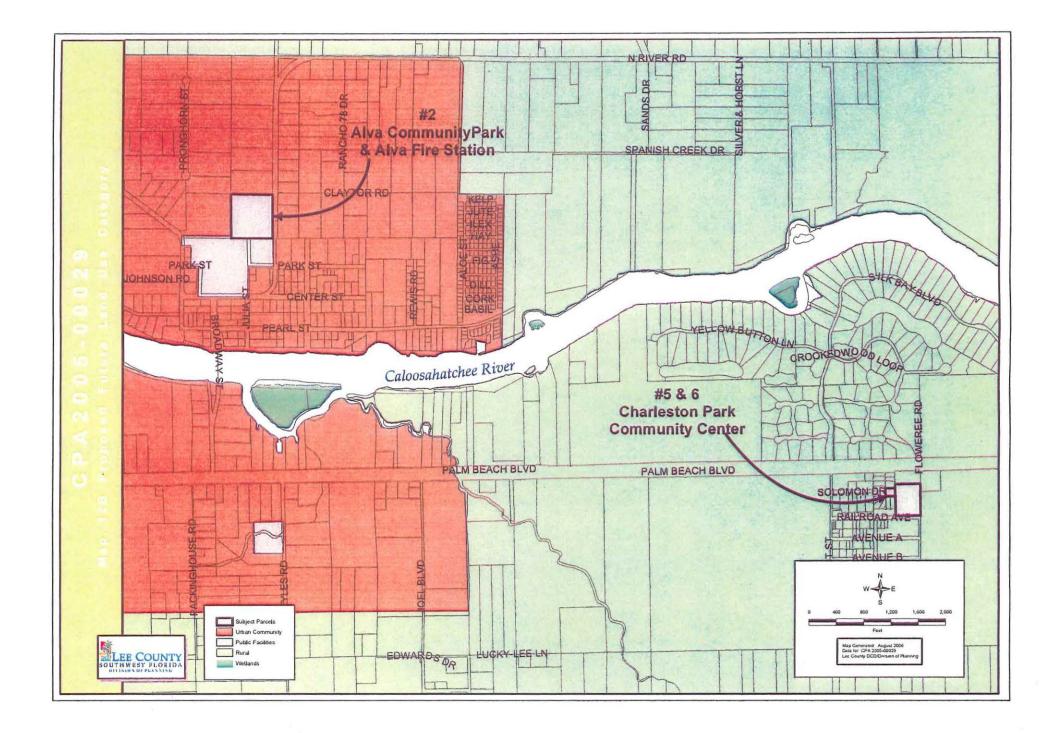


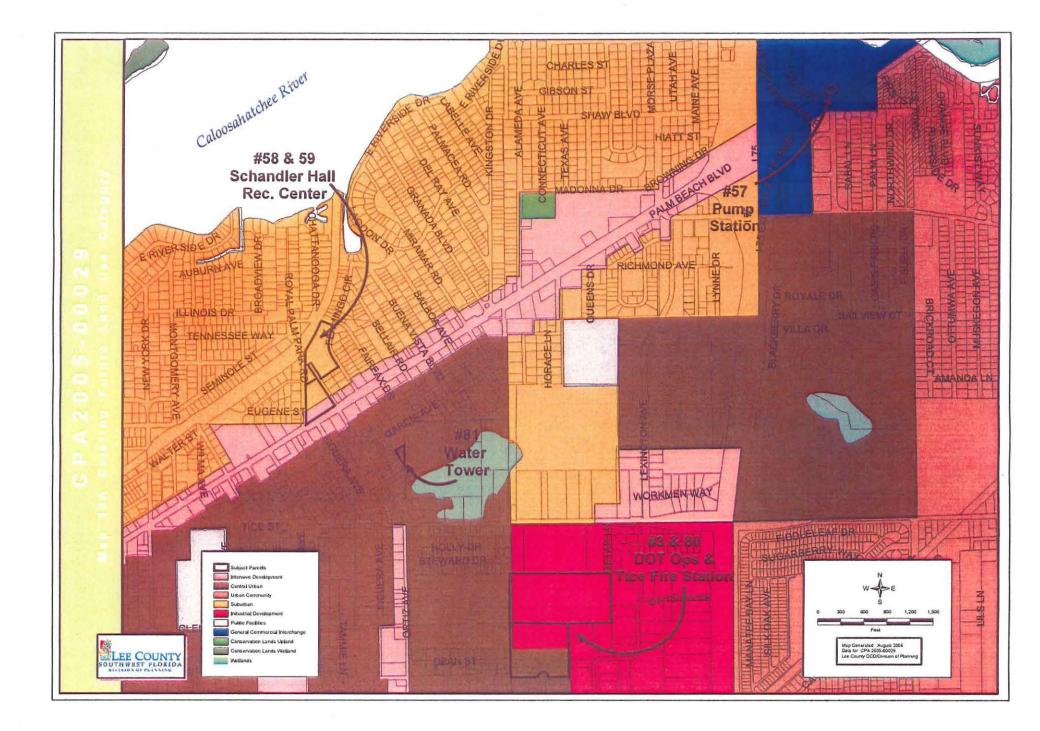


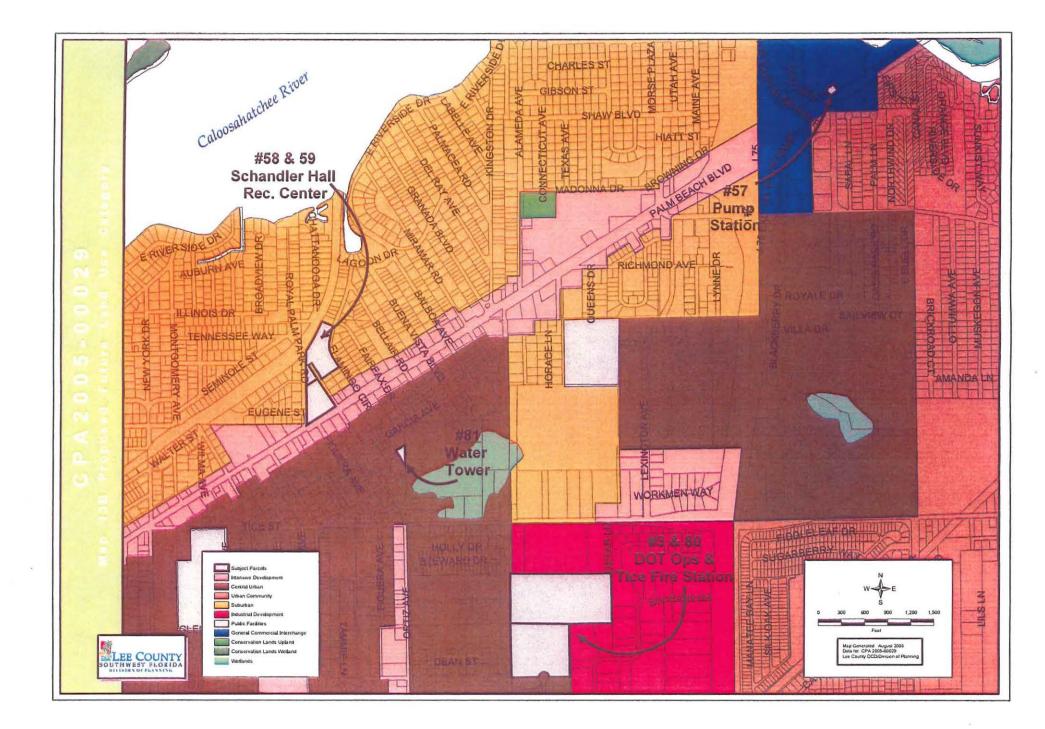


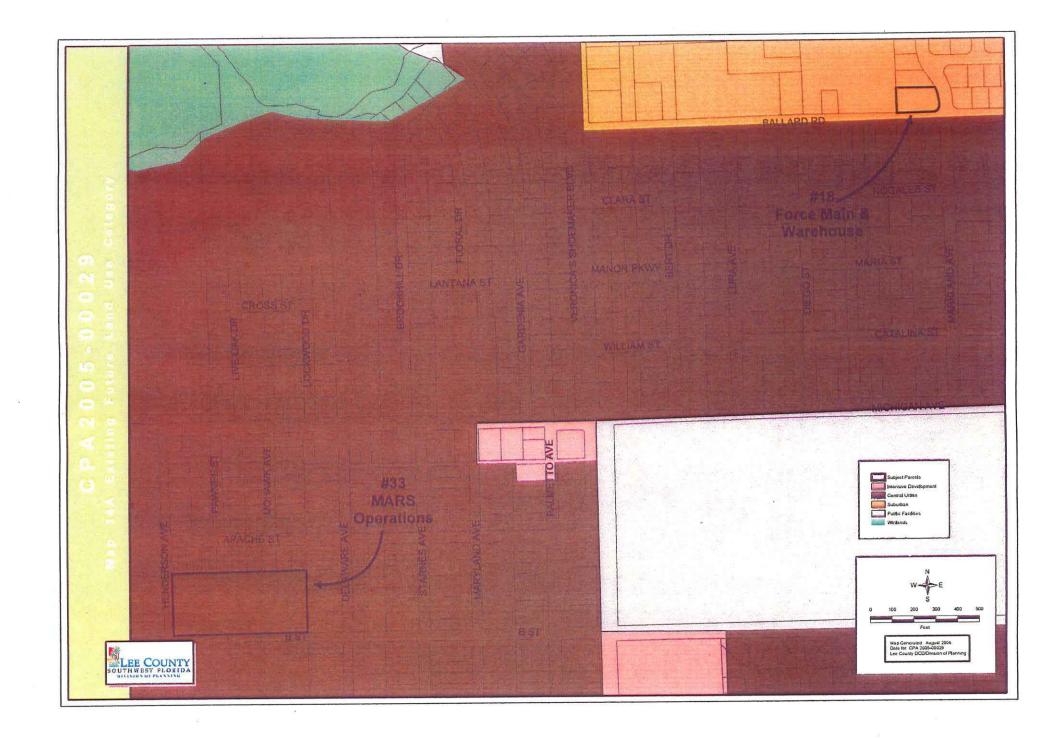


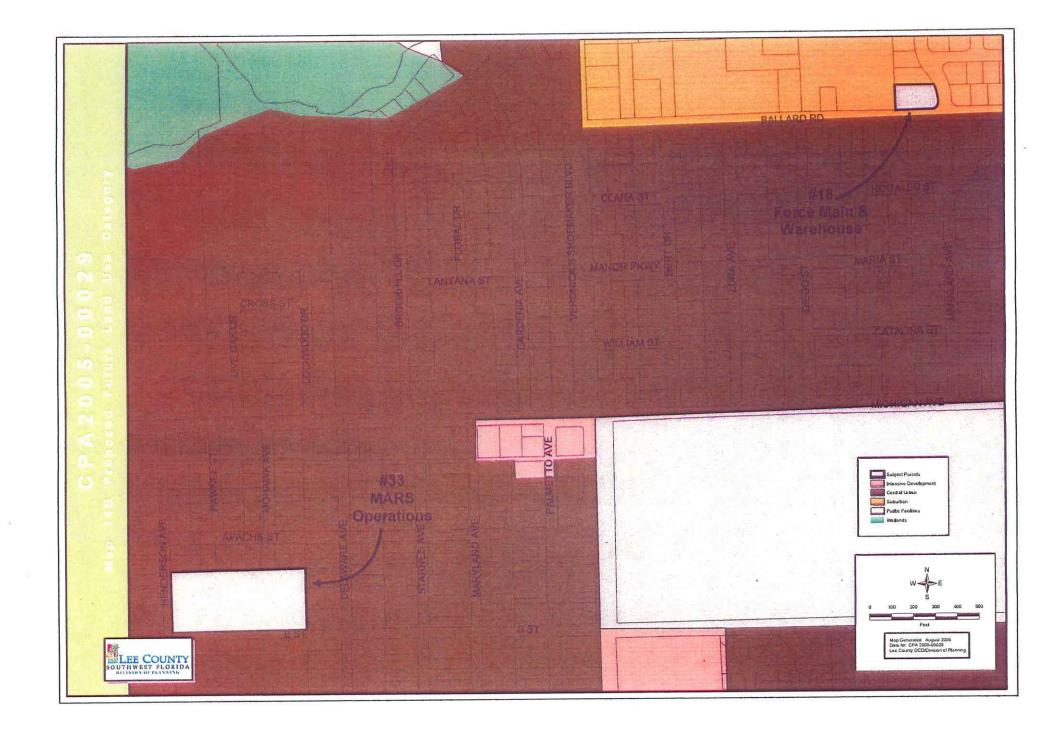


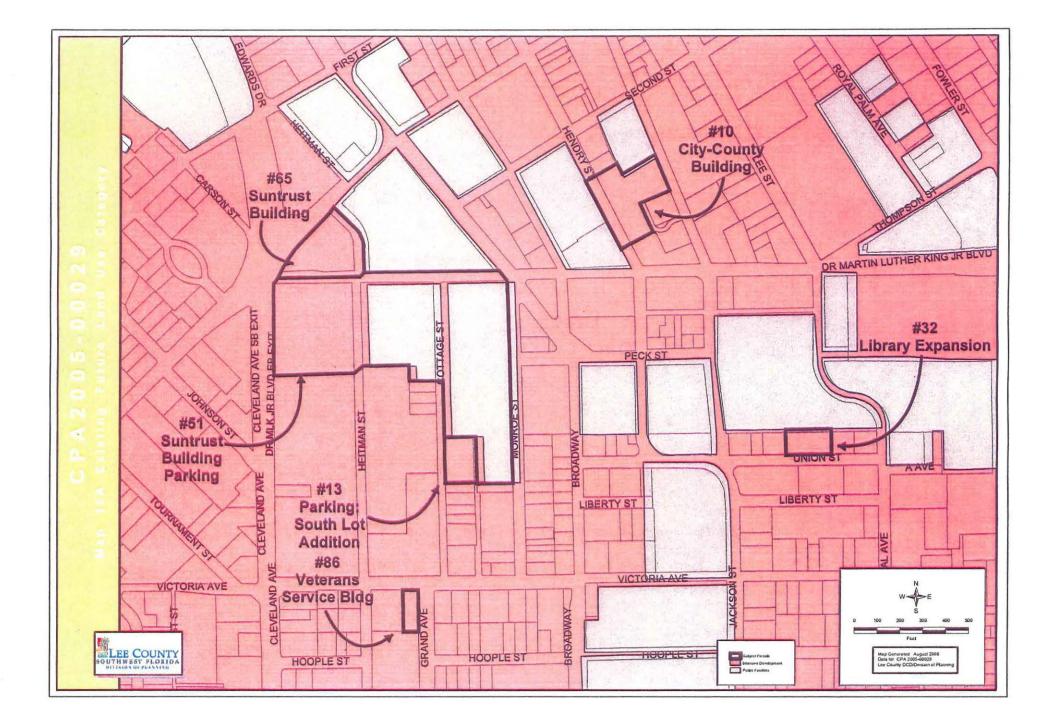


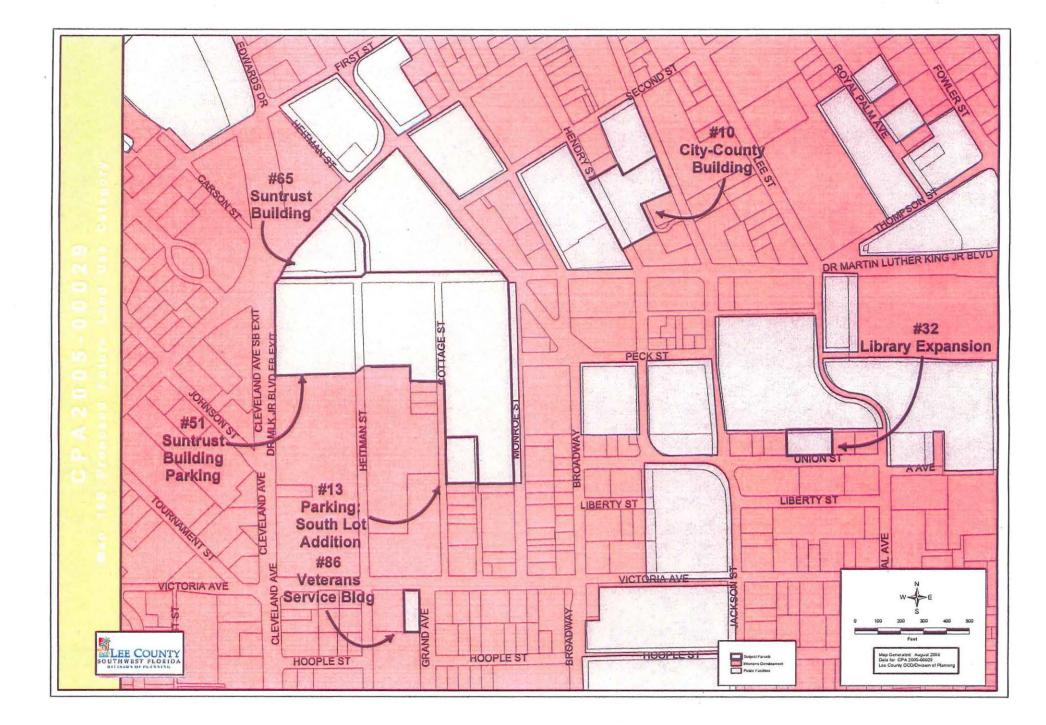


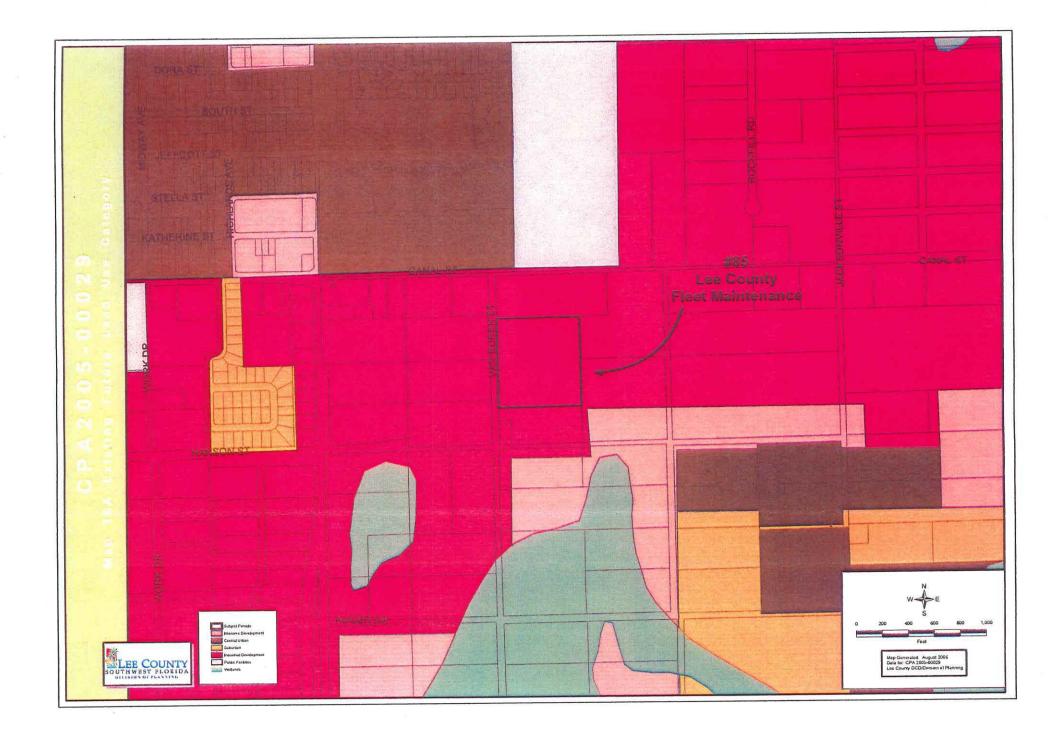


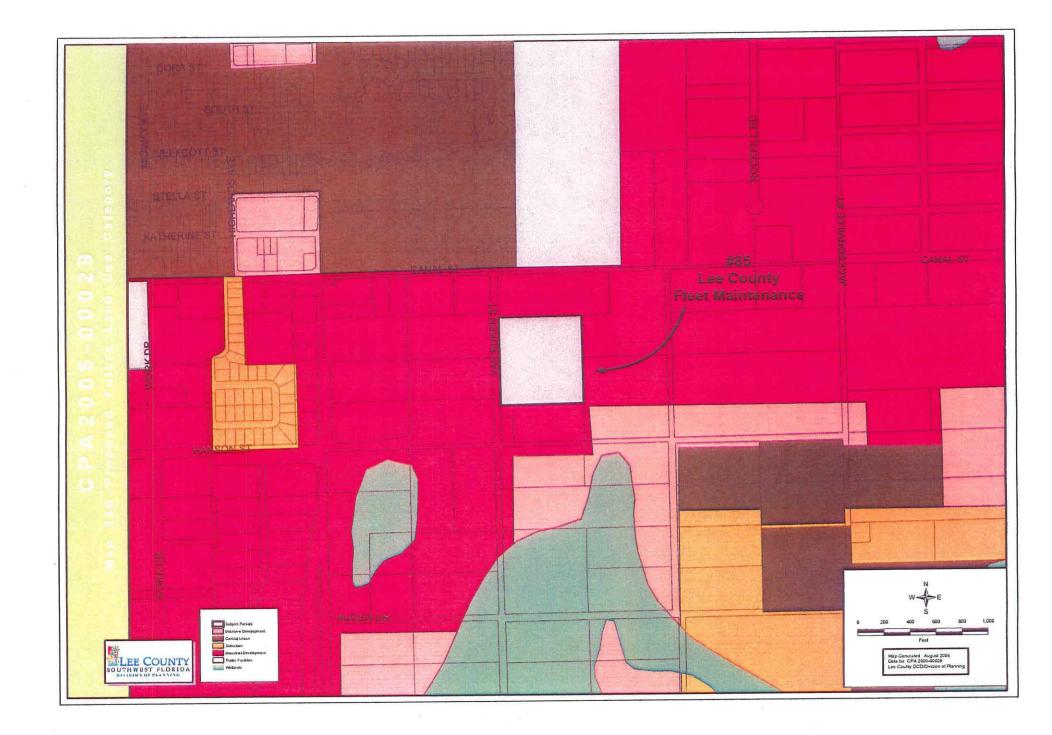


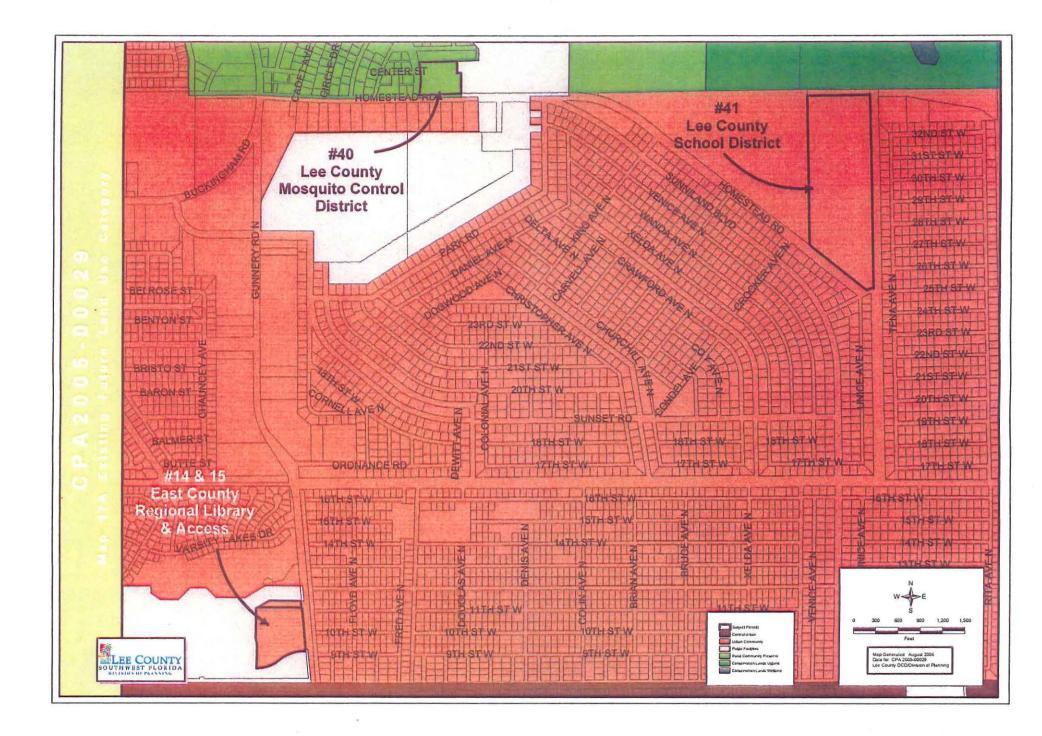


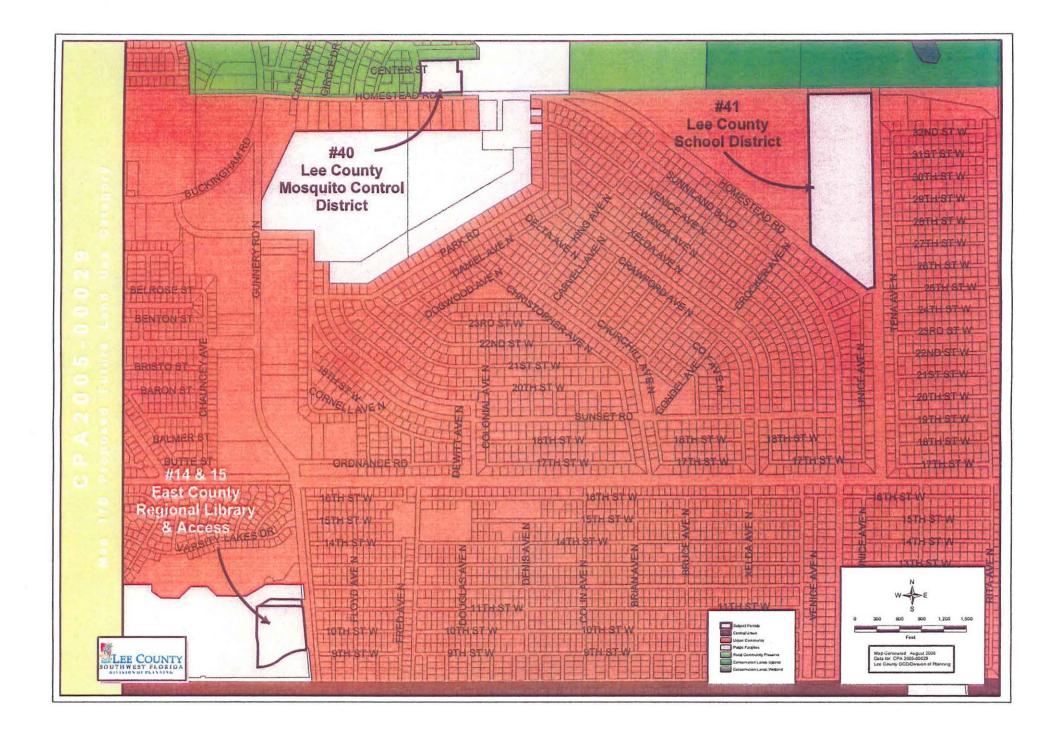


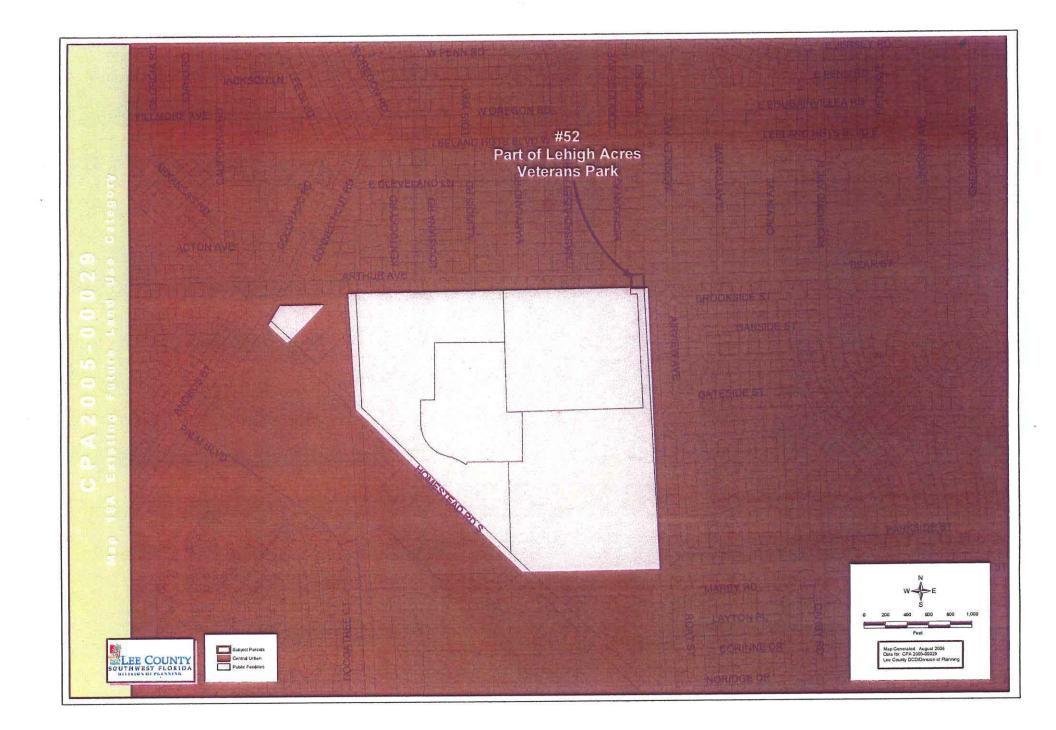


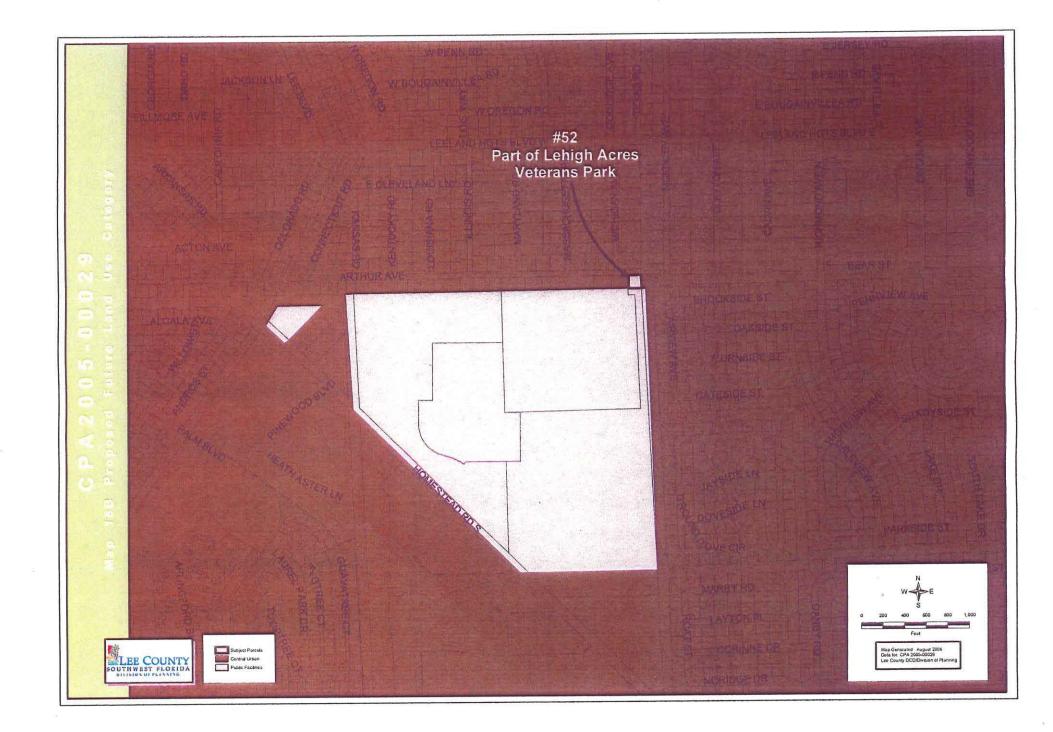




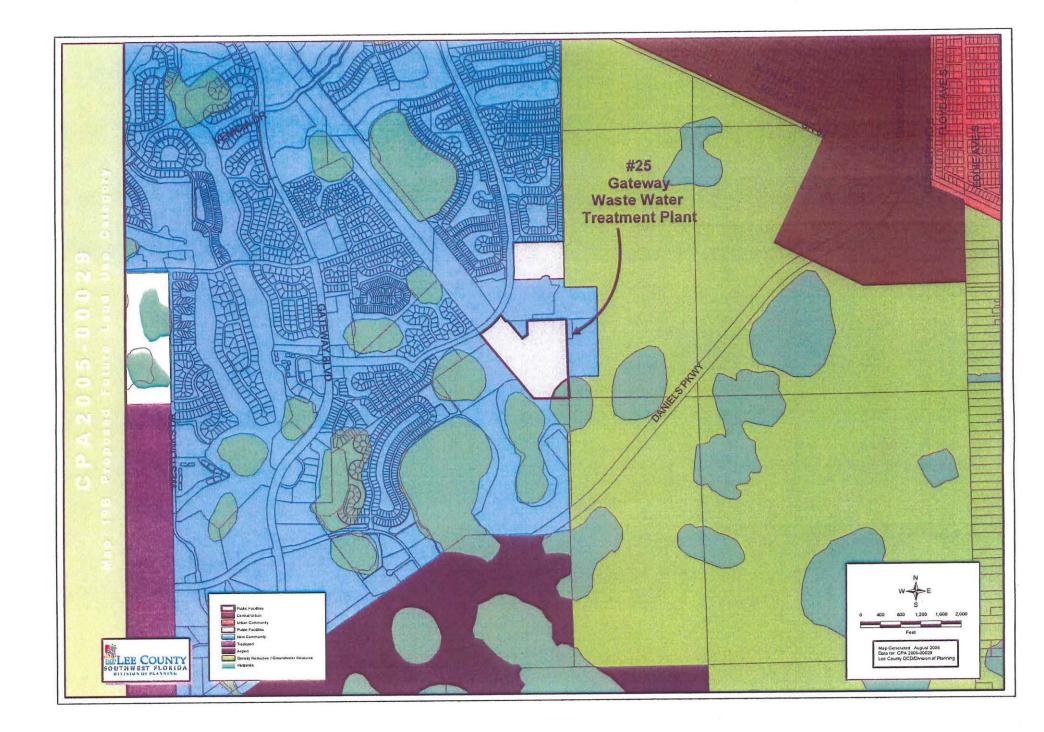


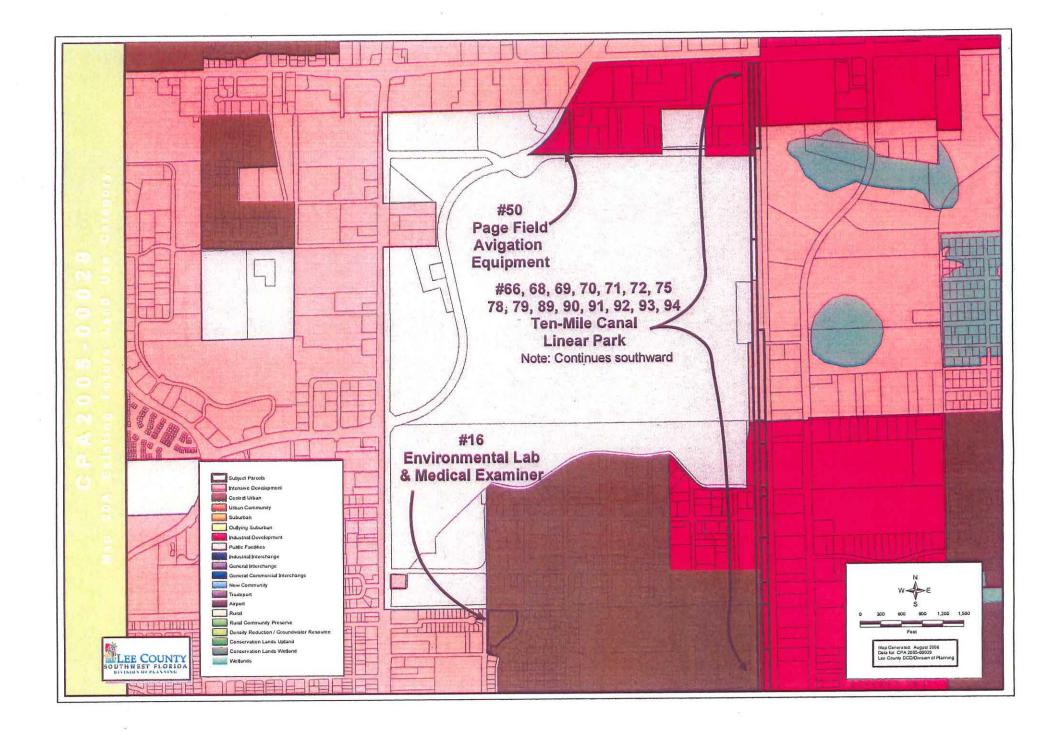


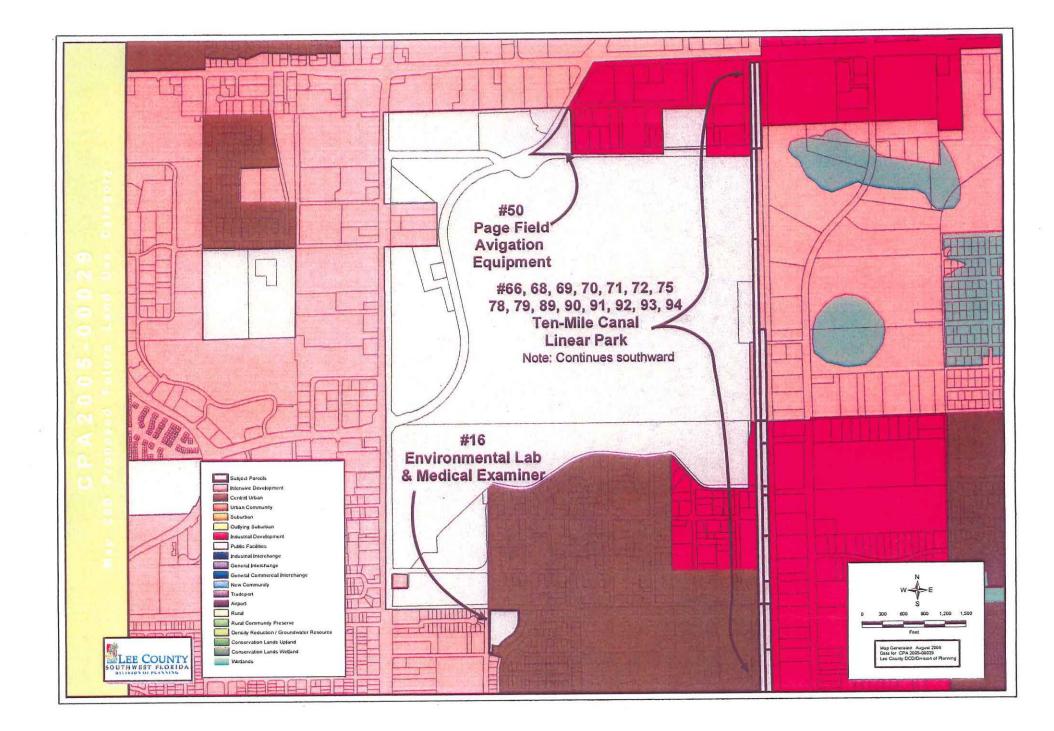


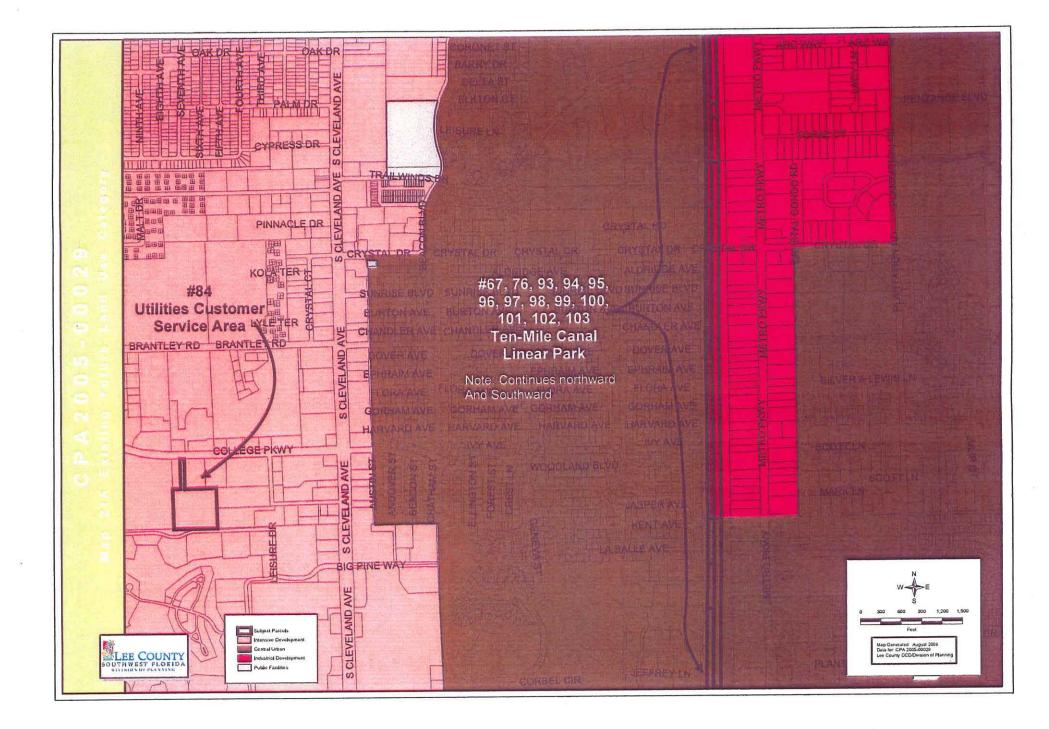


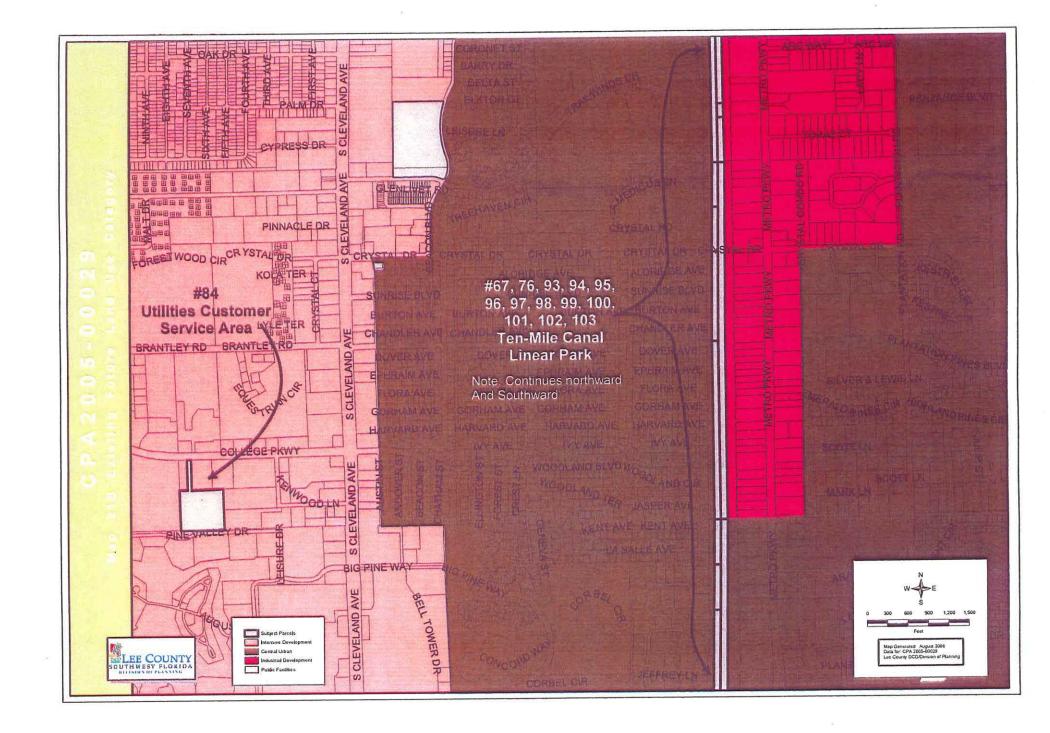


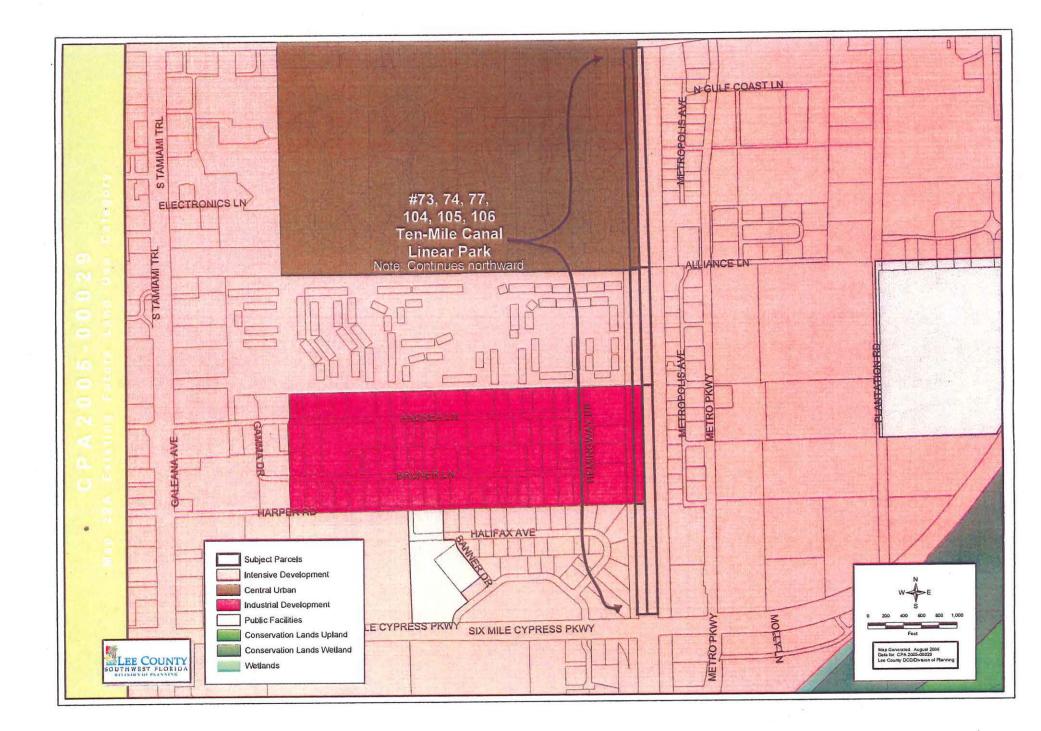


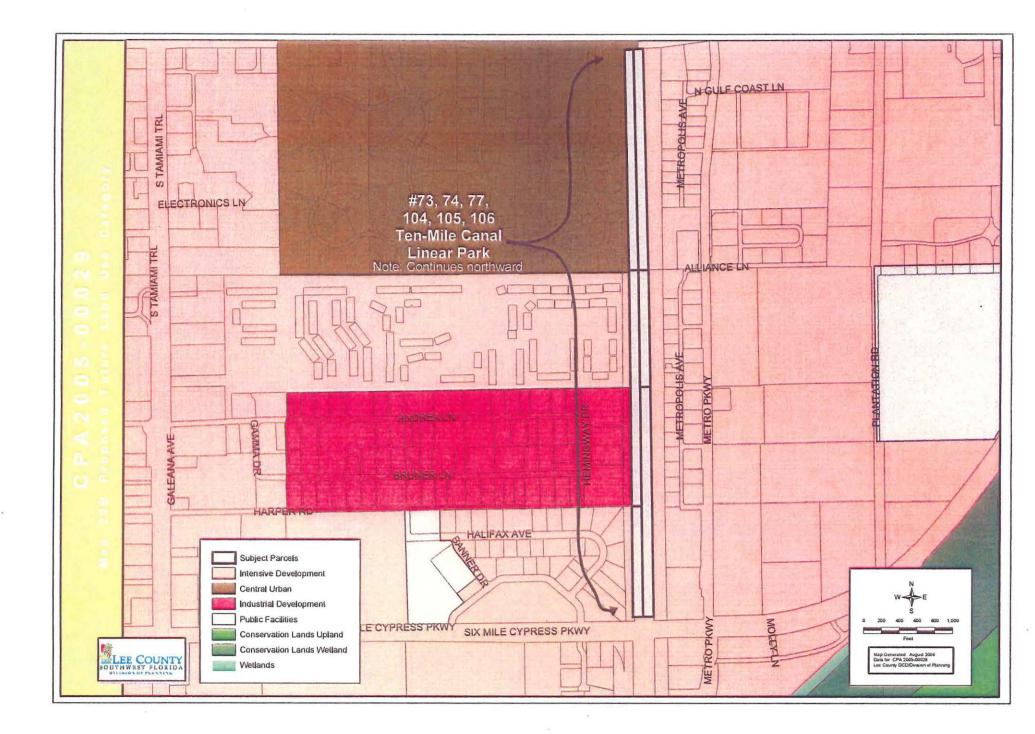


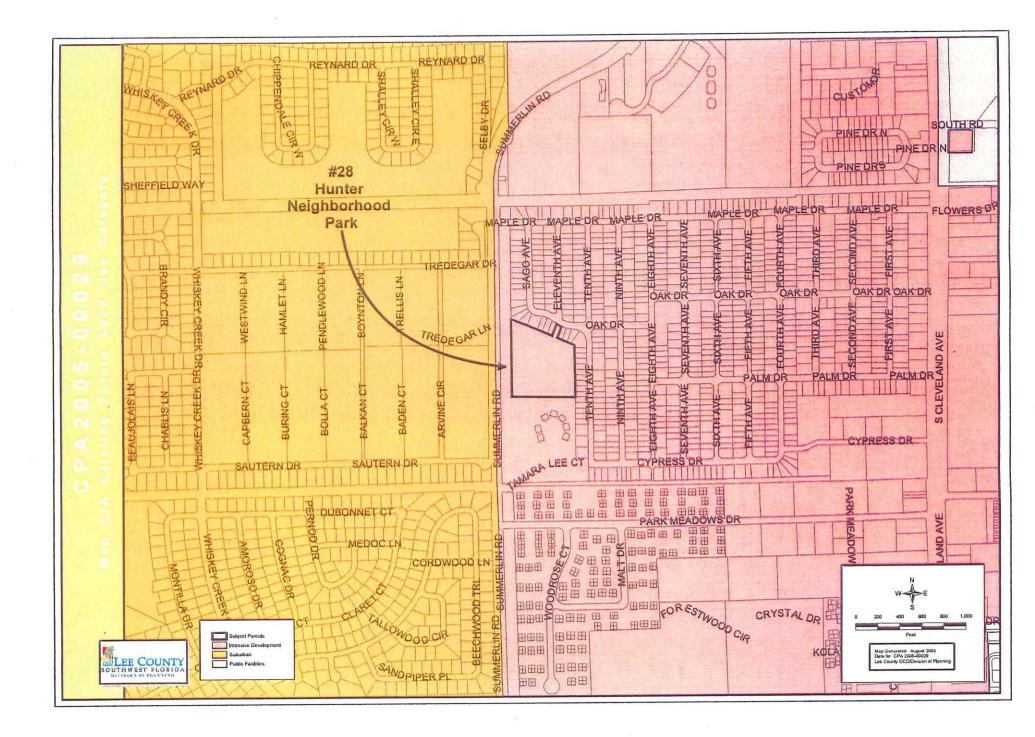


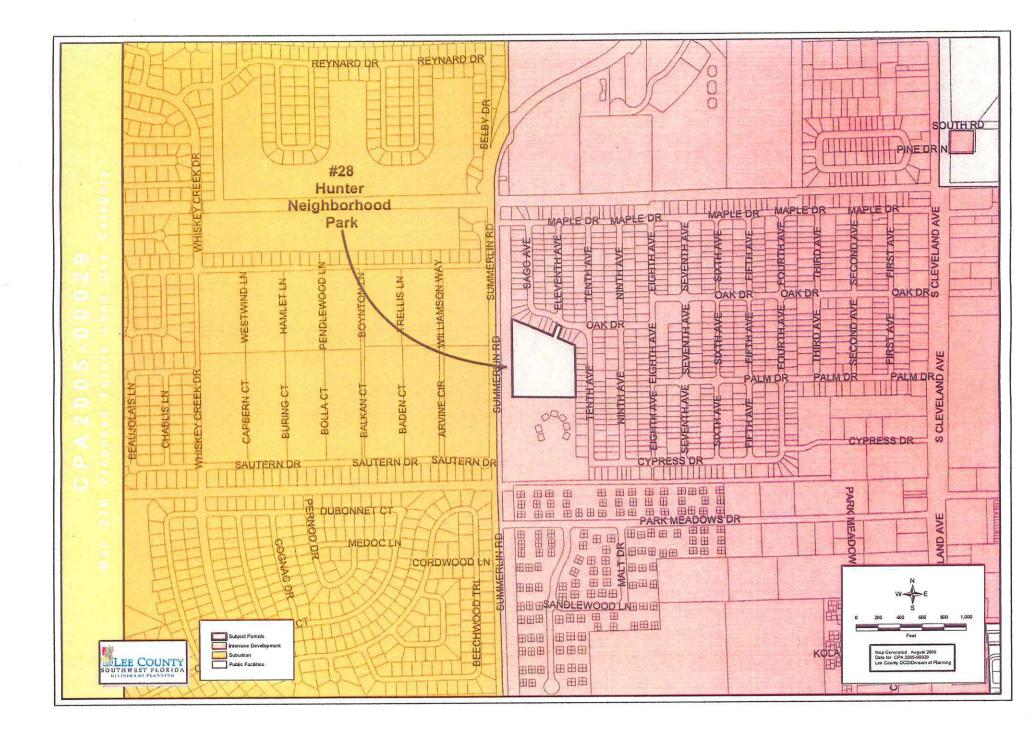


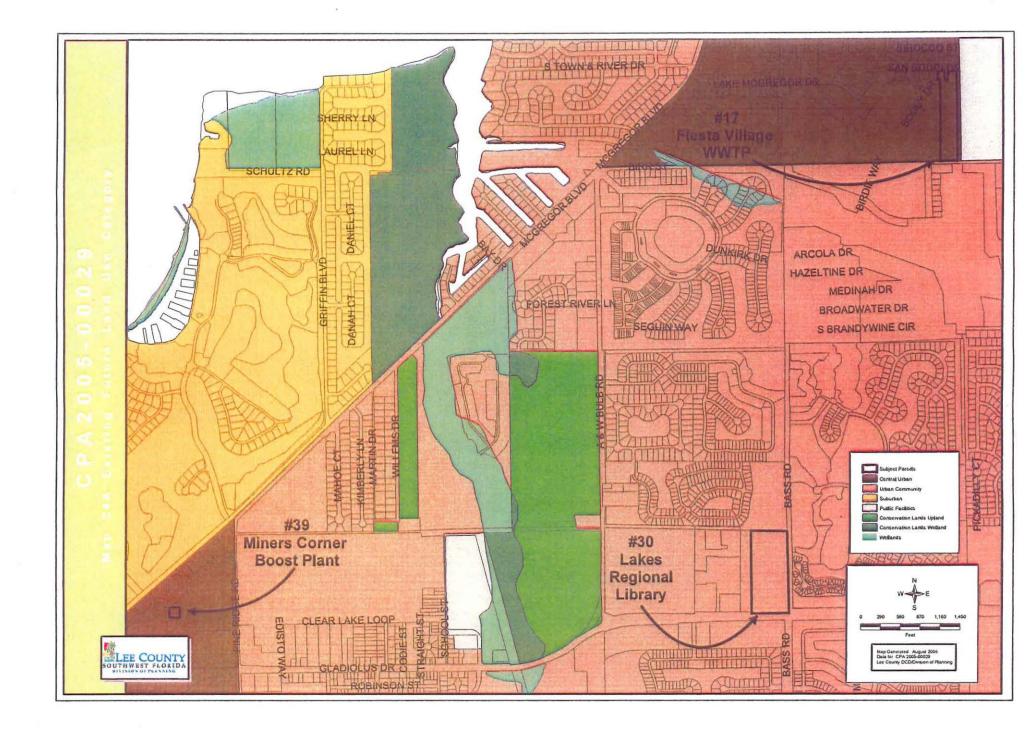


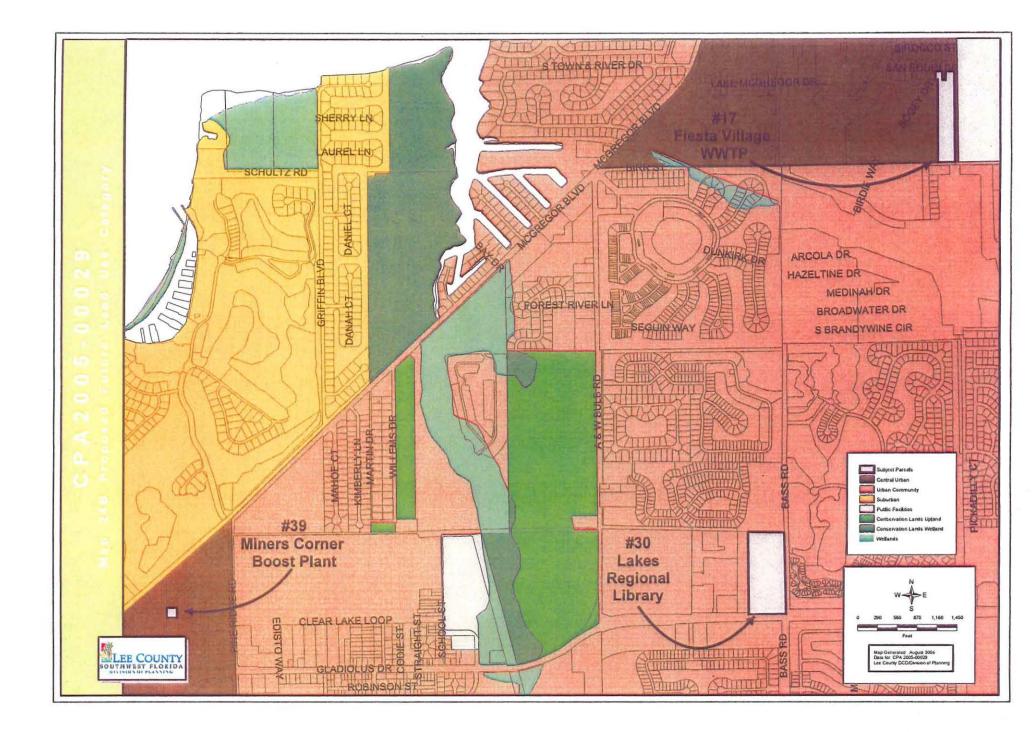


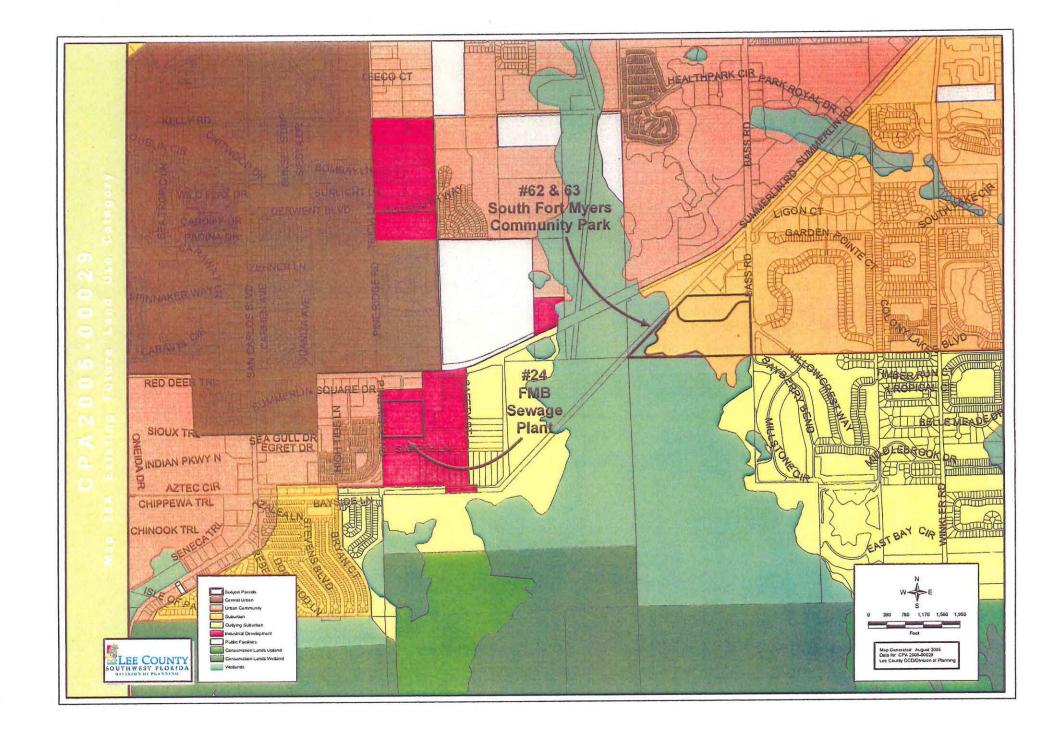


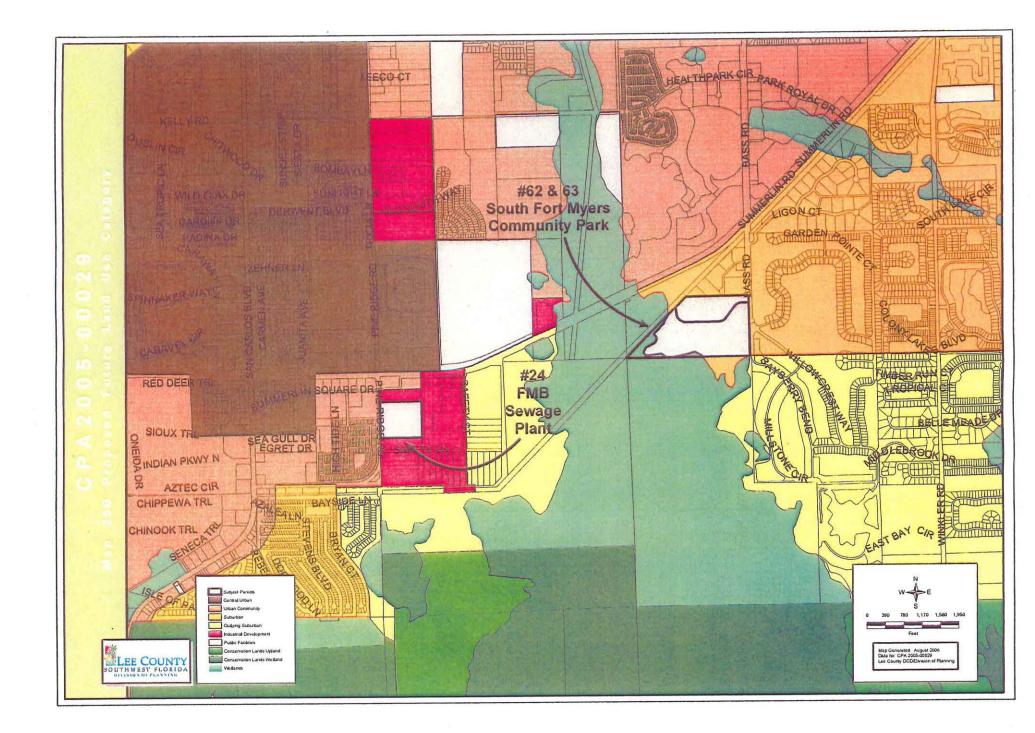


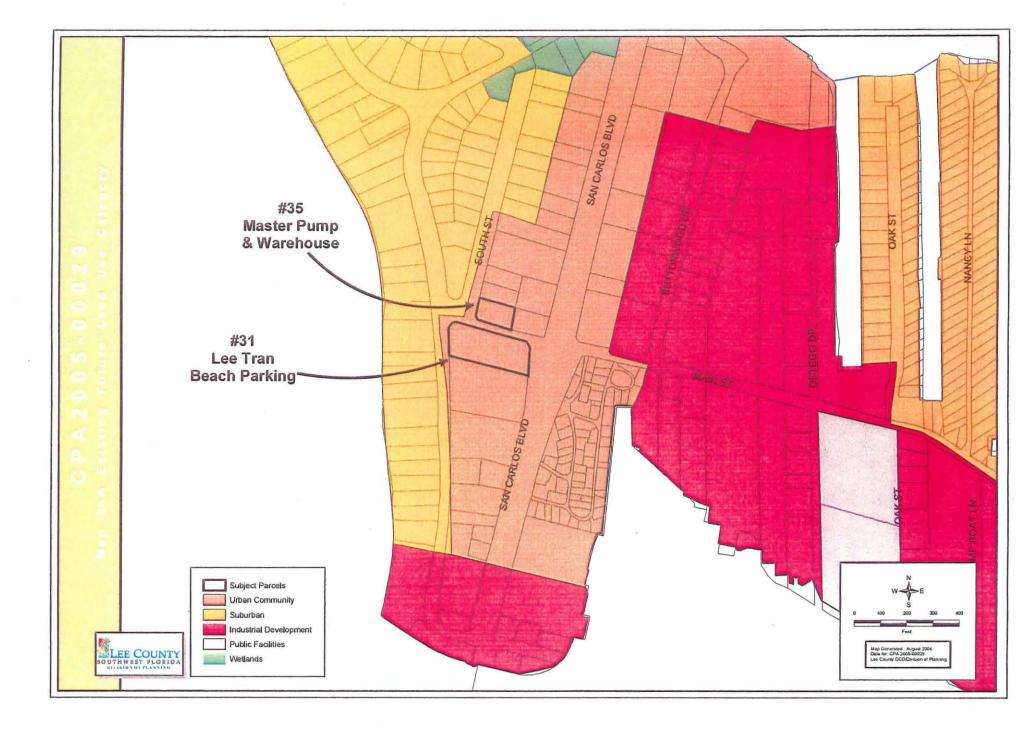


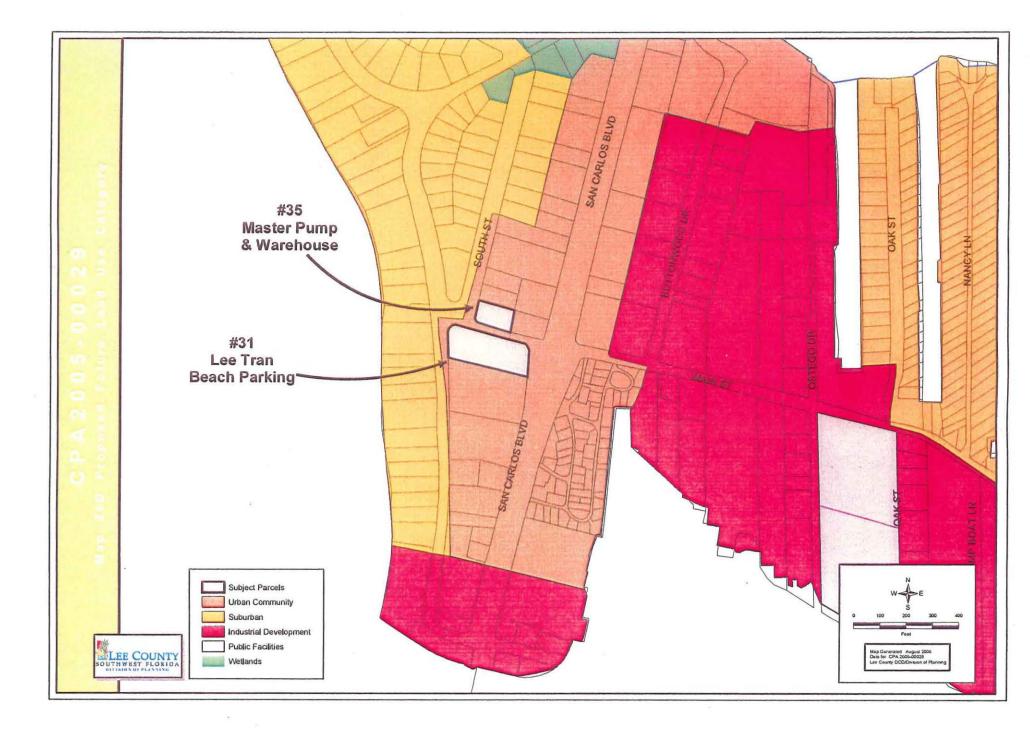


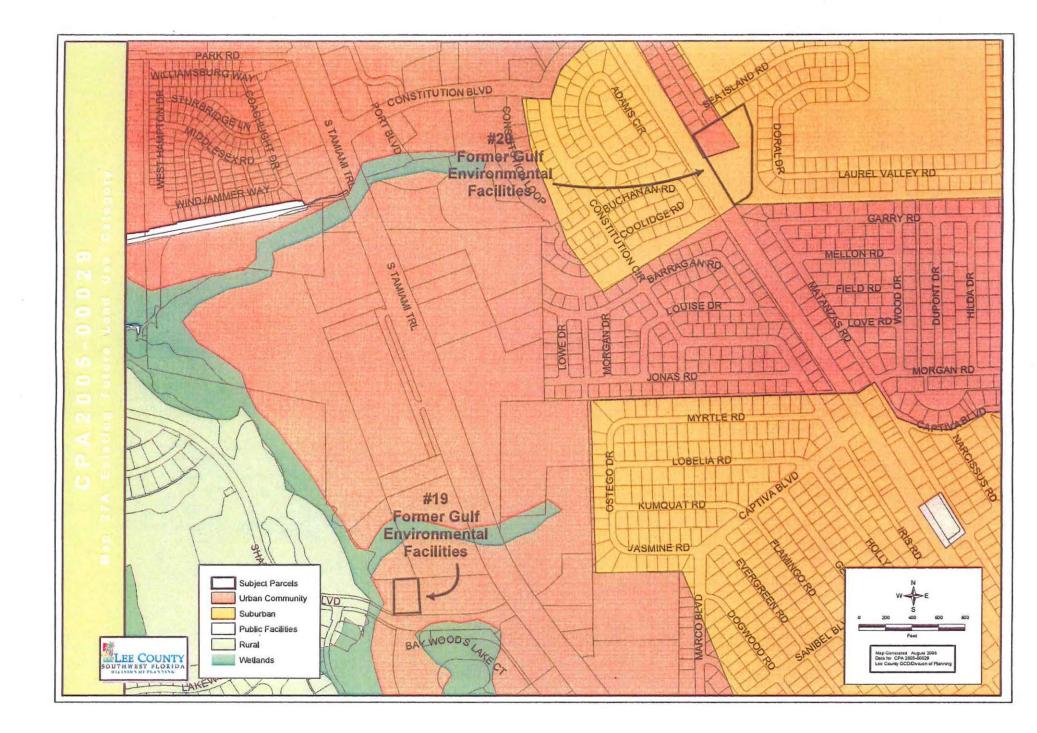


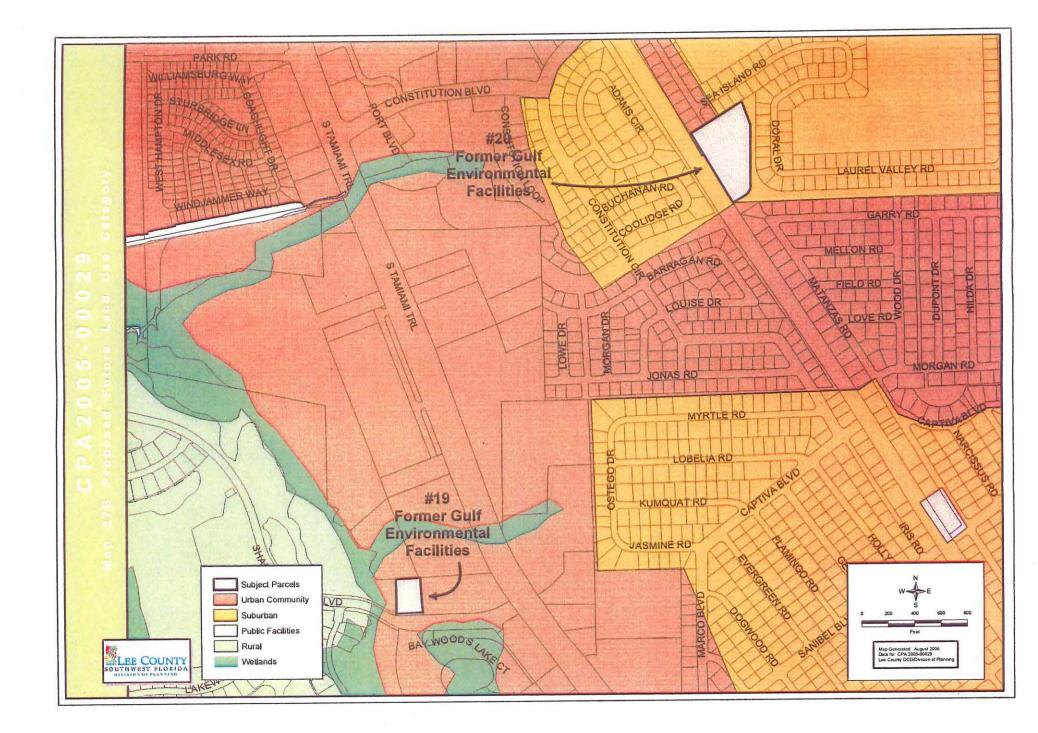


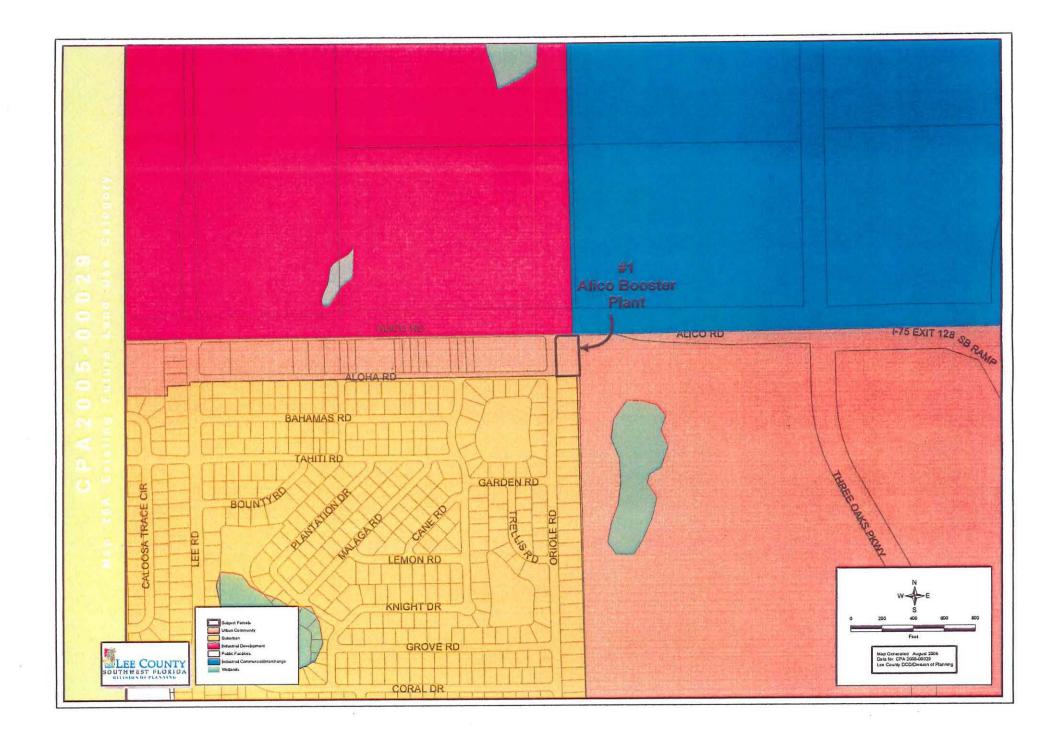


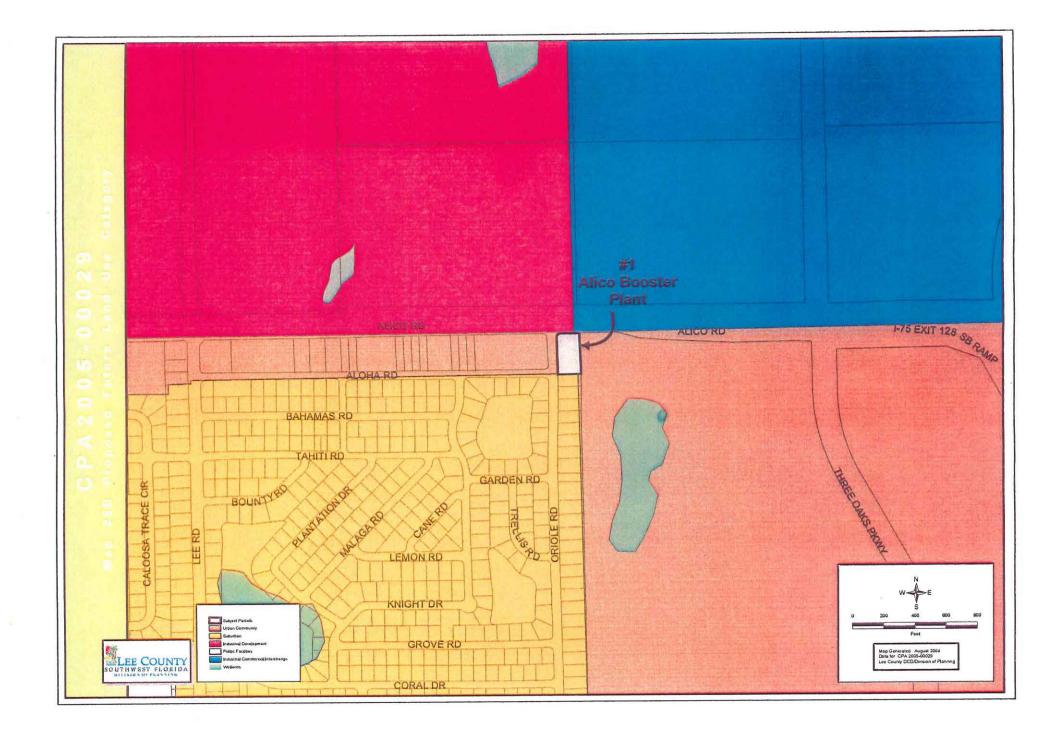


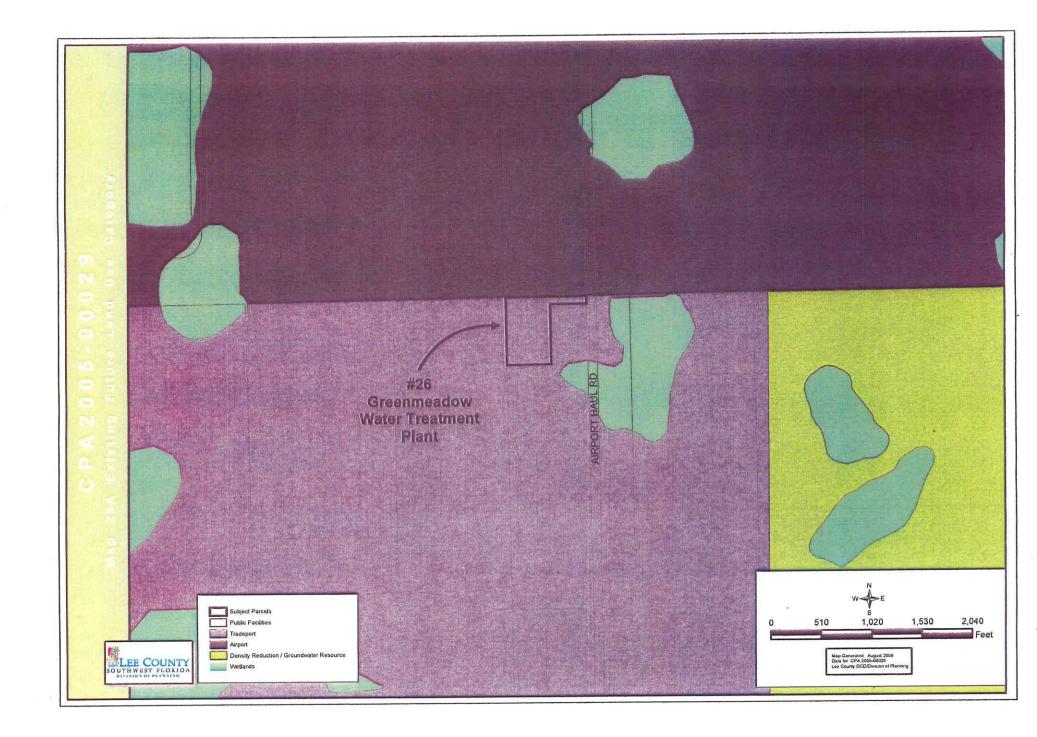


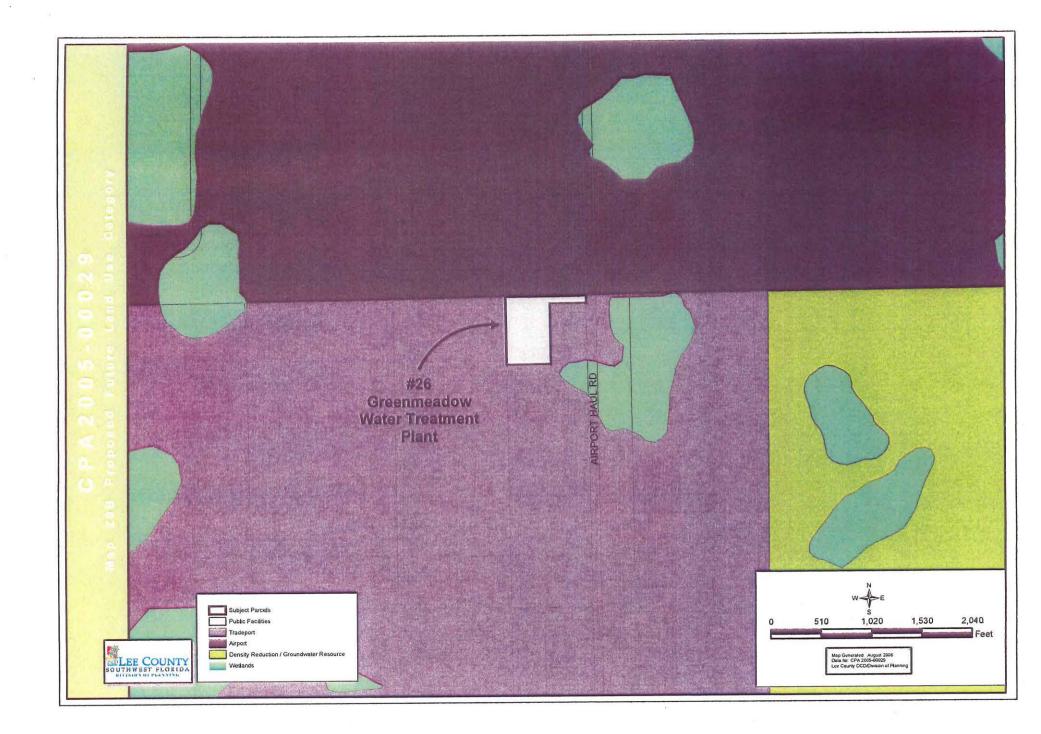


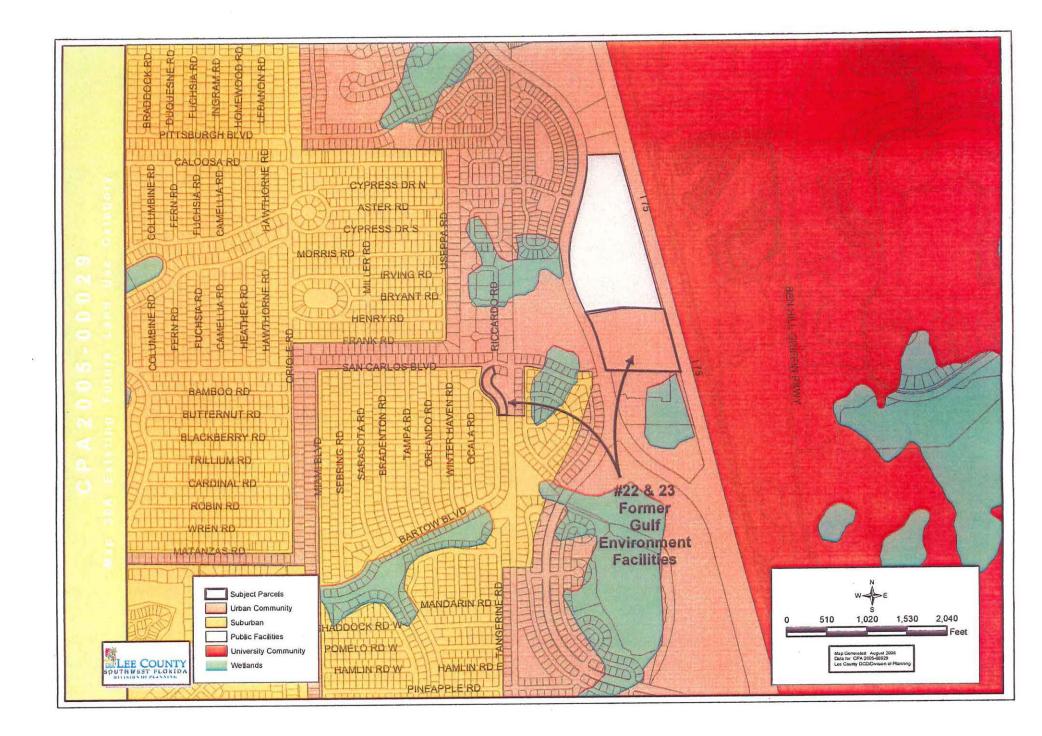


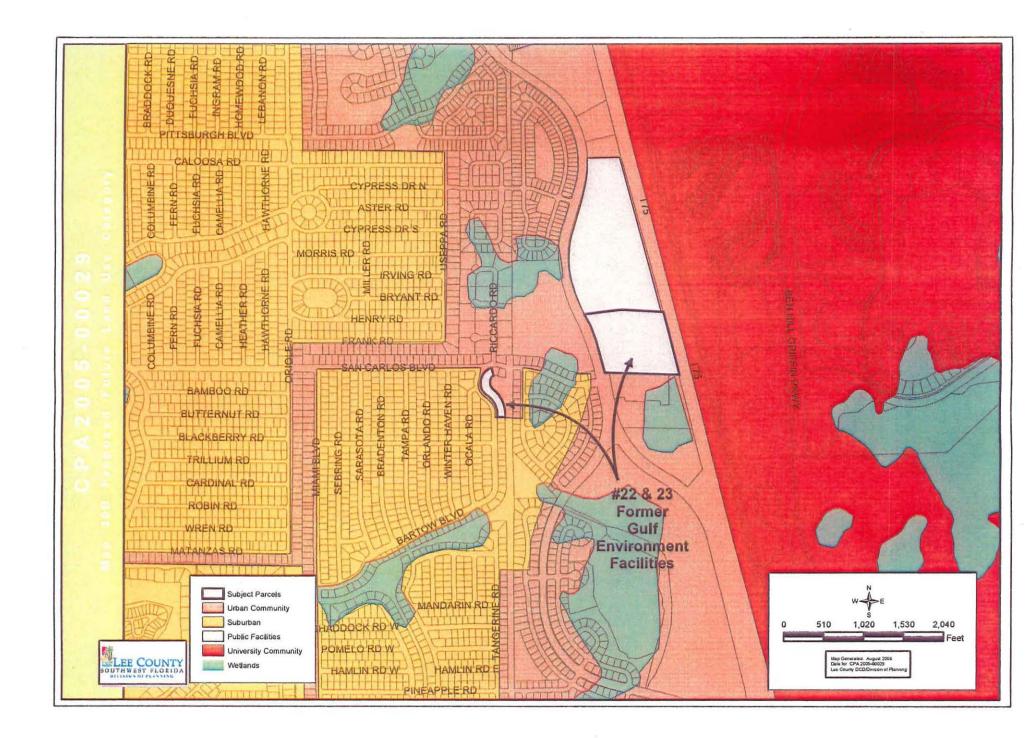


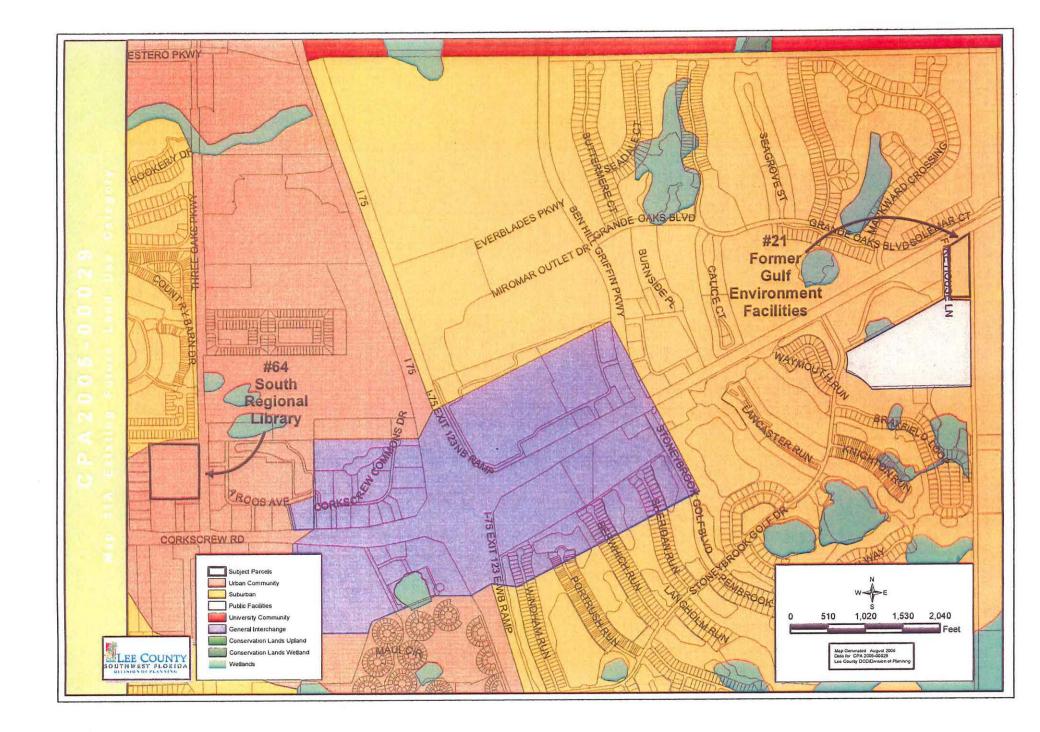


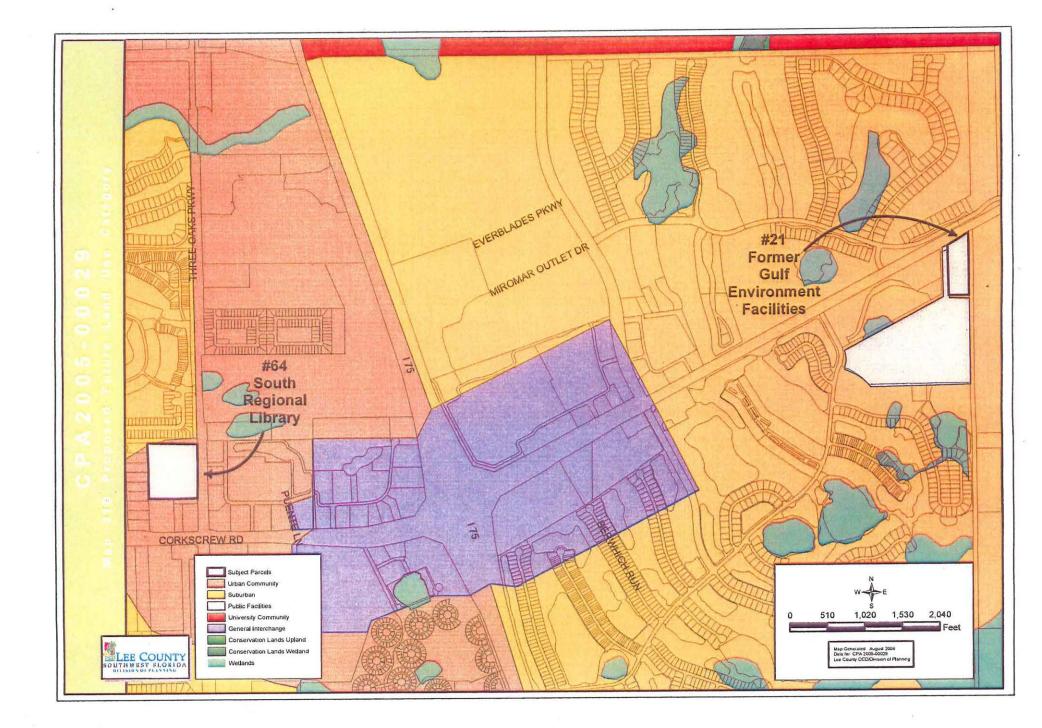


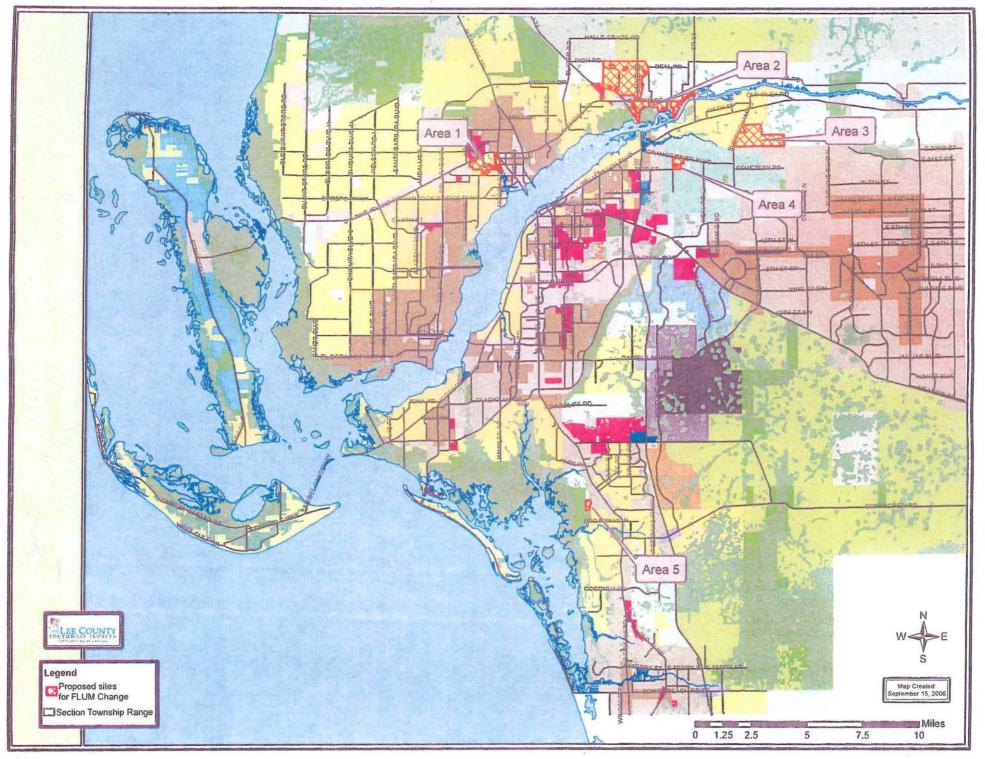


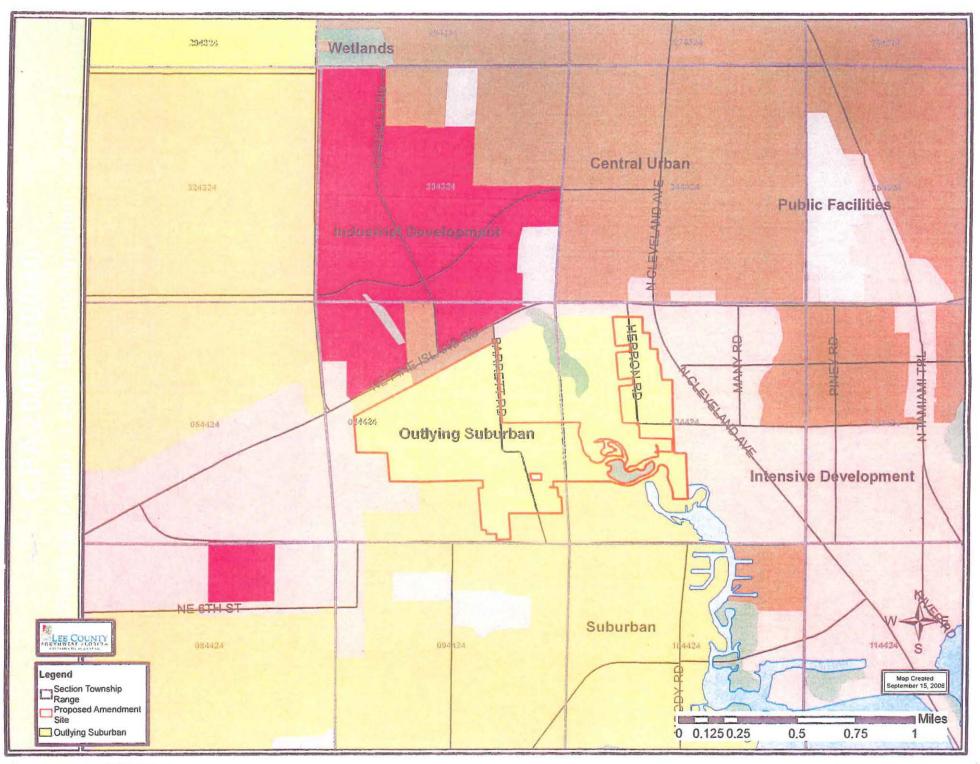






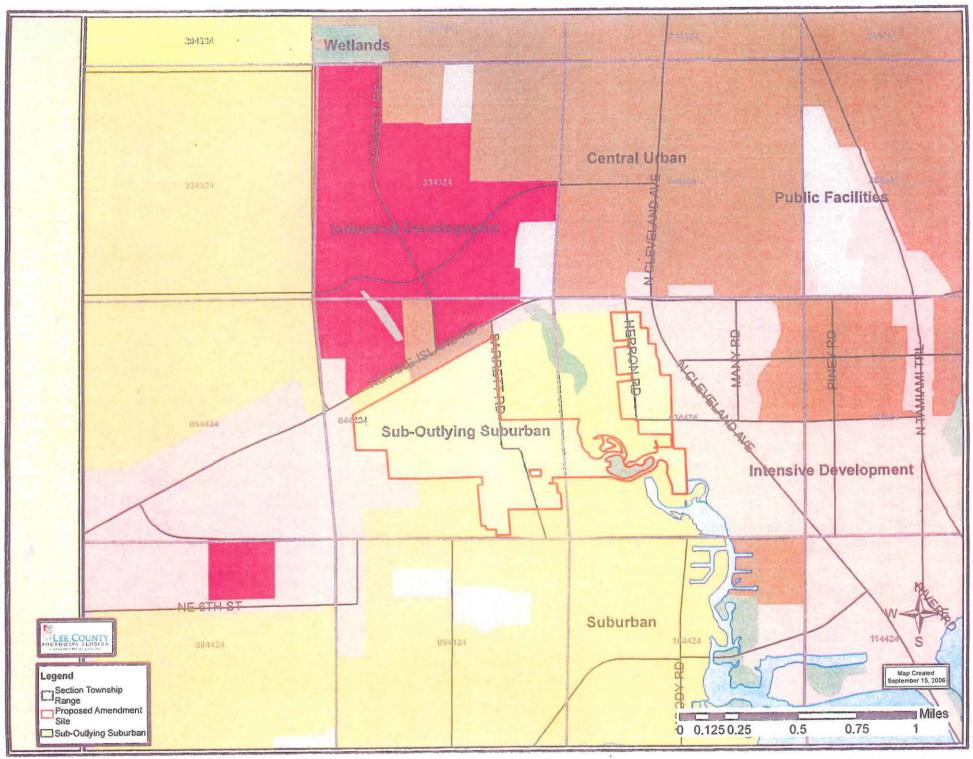


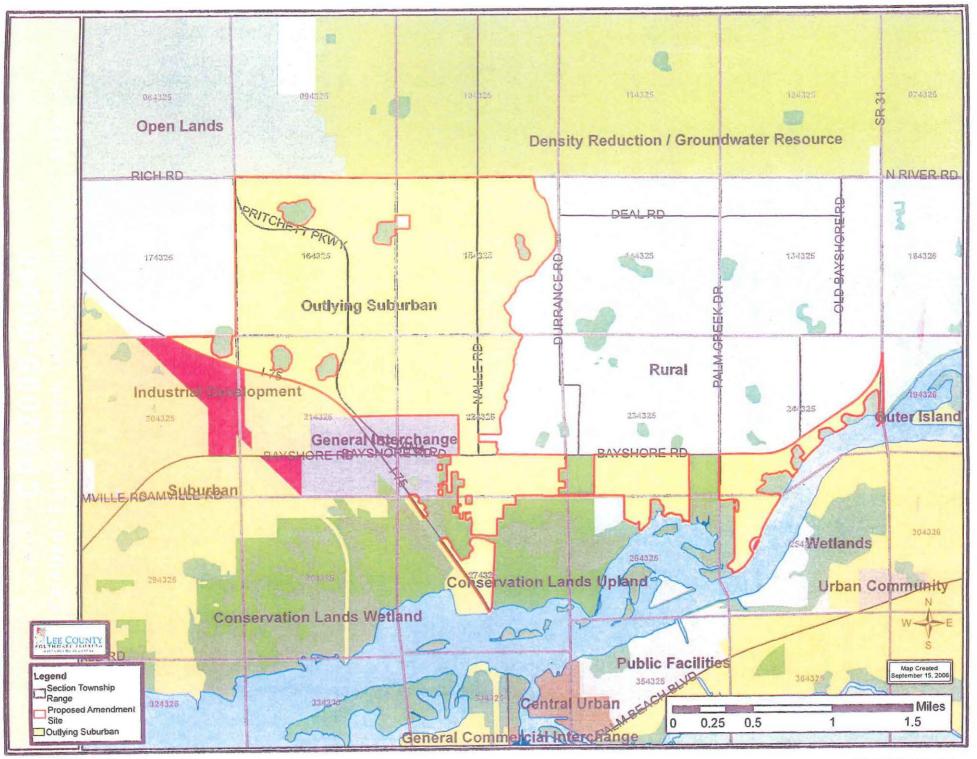


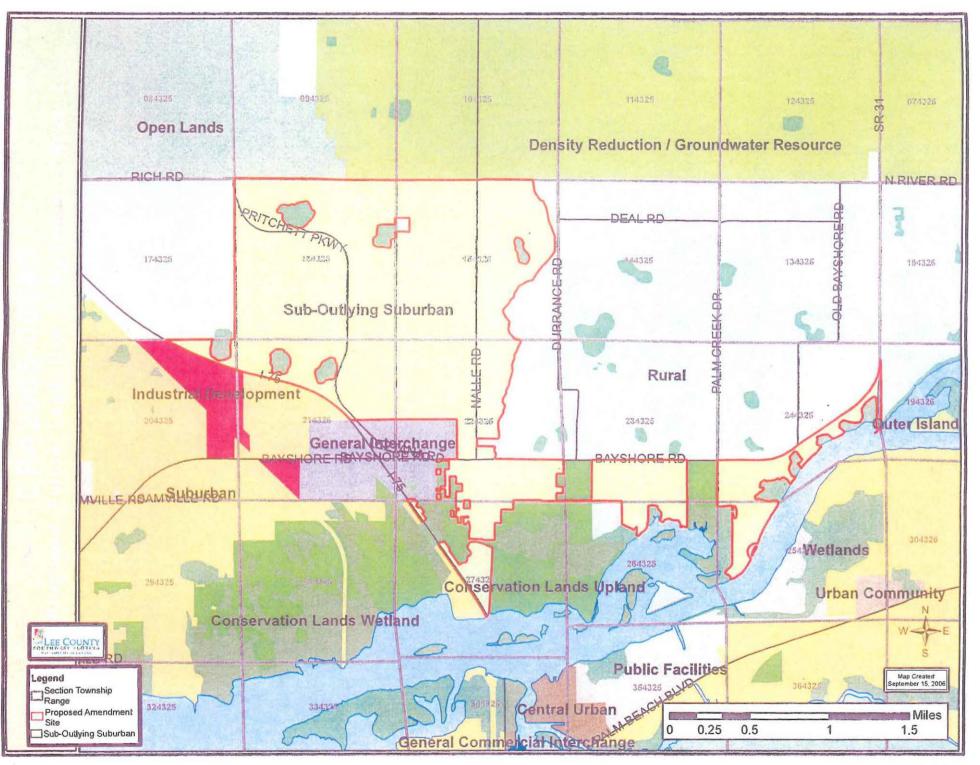


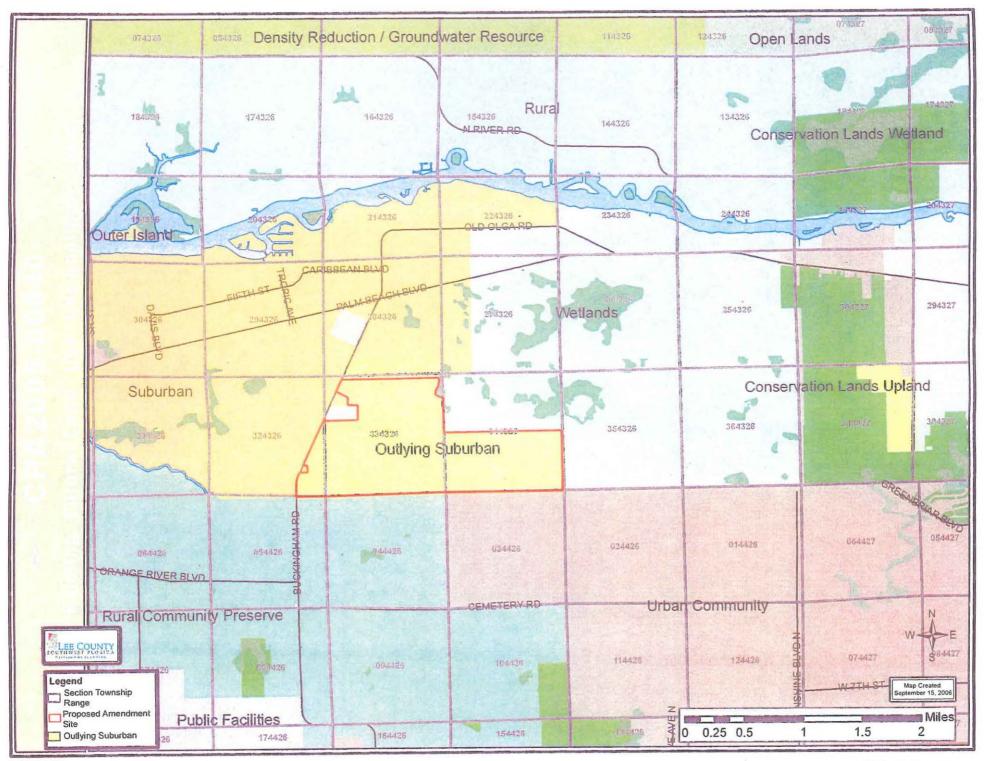
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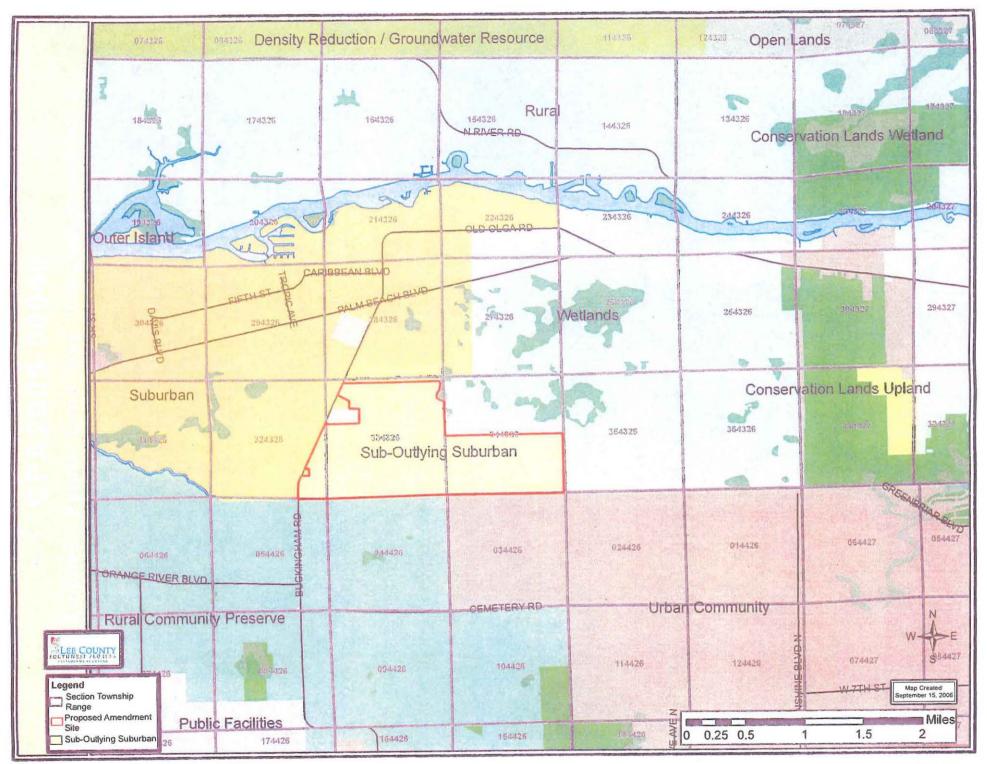
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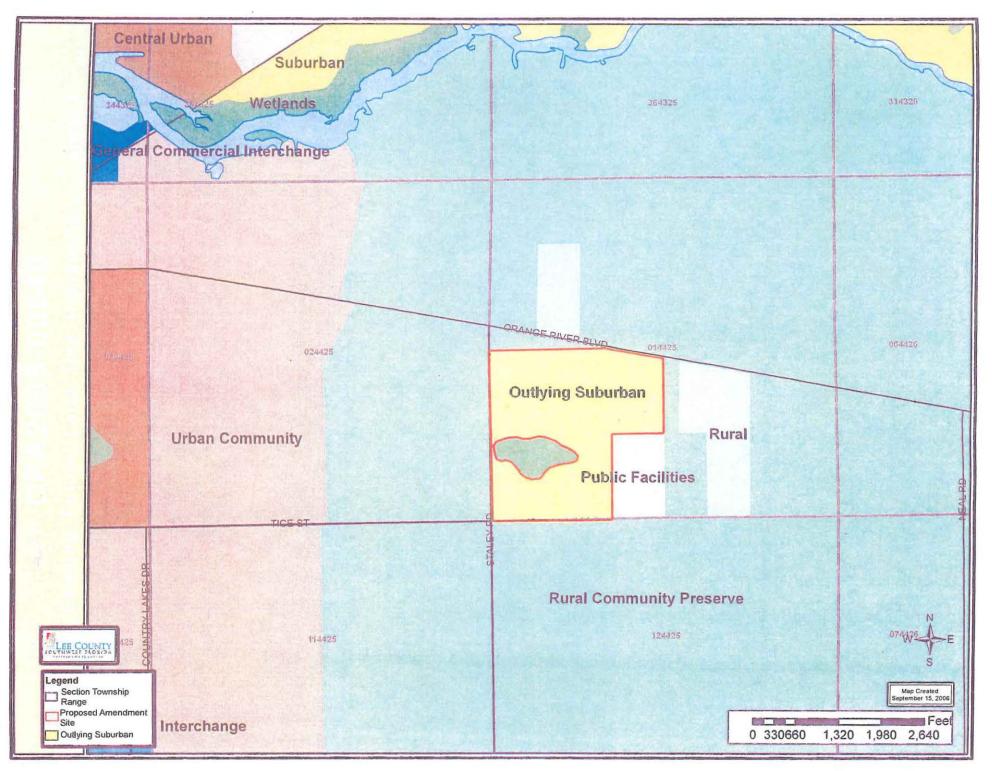


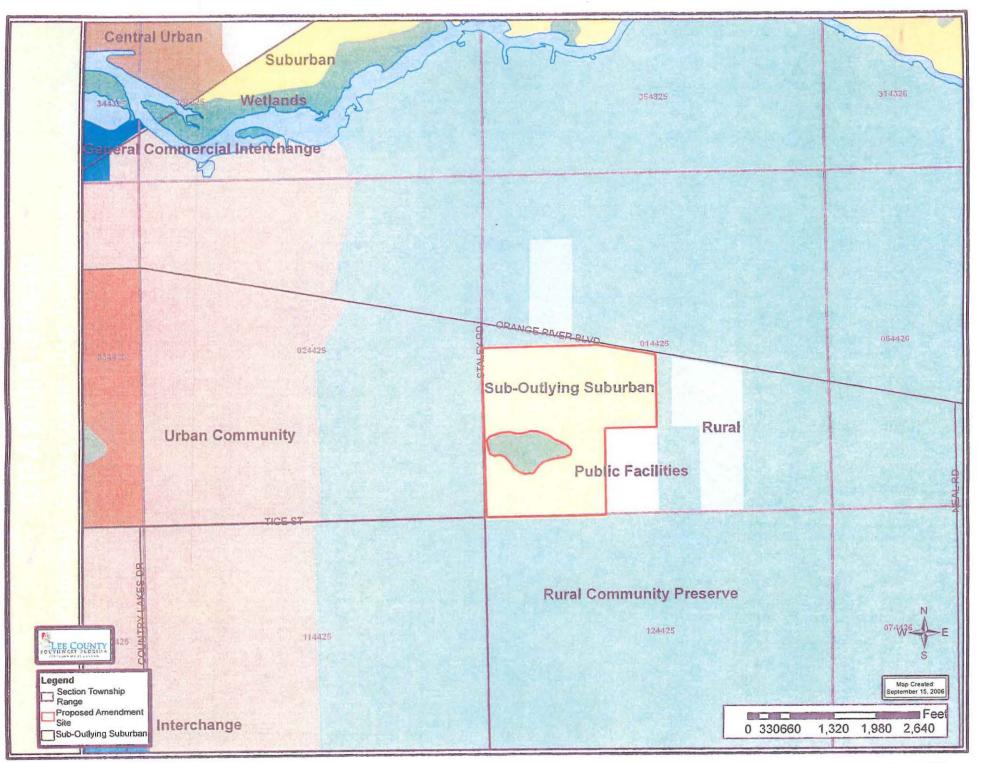


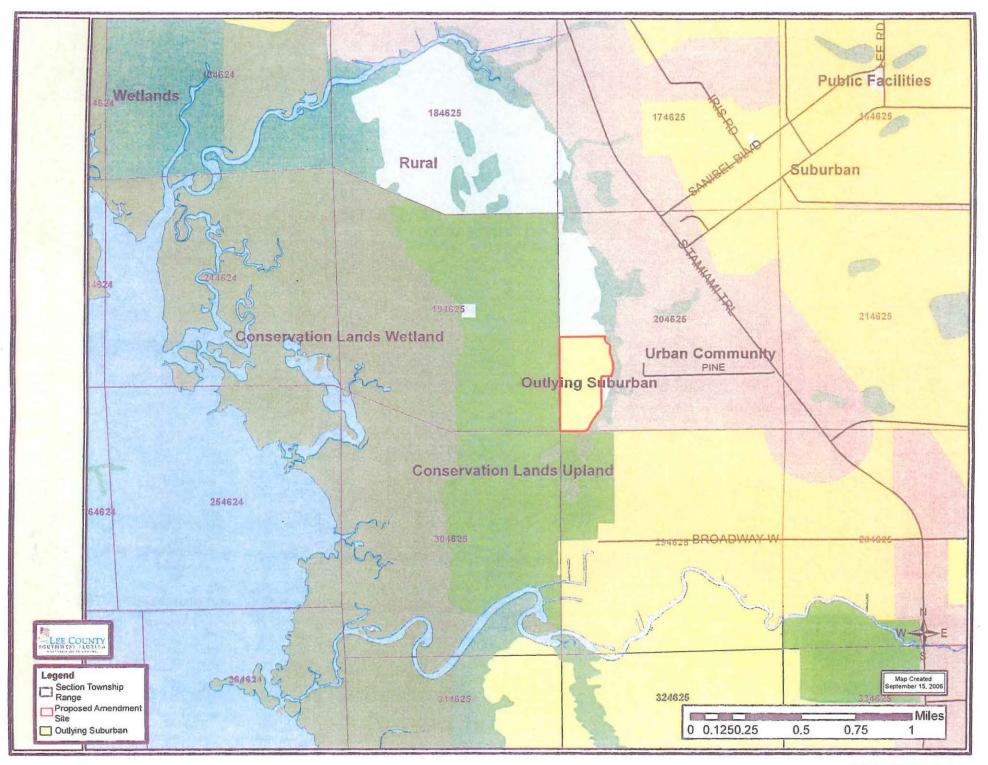


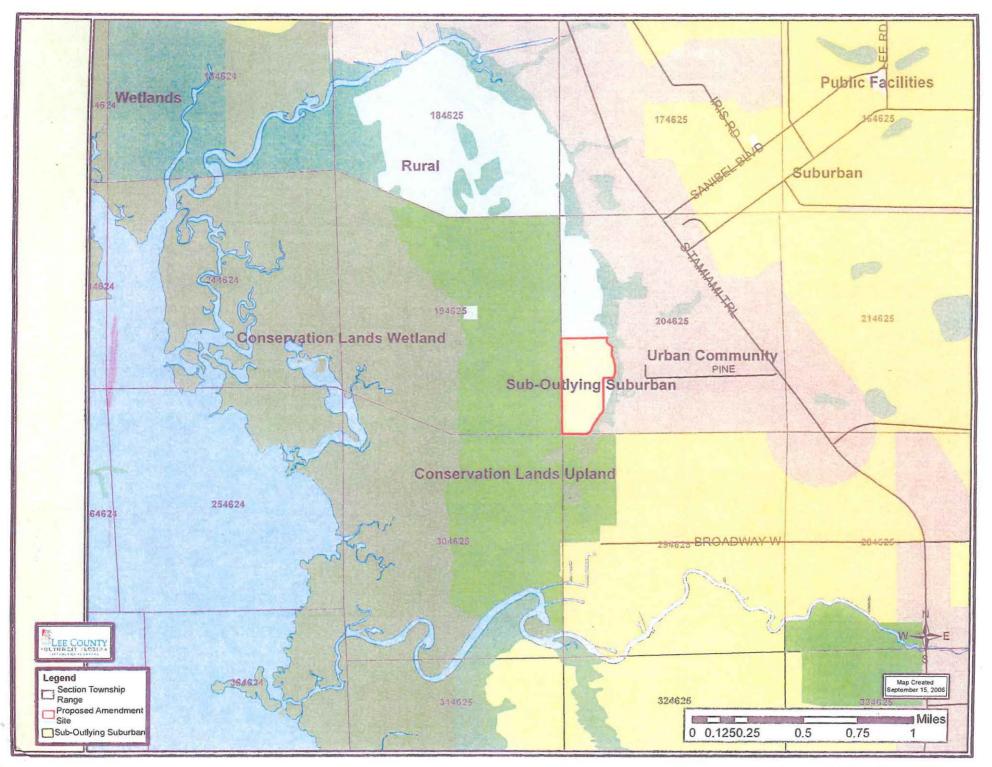












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