

DIVISION OF PLANNING

MEMORANDUM



LEE COUNTY

SOUTHWEST FLORIDA

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

Attached is your packet for the December 13th 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 13th, staff has reserved all day Thursday, December 14th 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
ADOPTION HEARING**

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

AGENDA

- 1. Call to order; Certification of Affidavit of Publication**
- 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**
- 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. CPA2005-09 - 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
- C. 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.
- 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.
- I. 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.
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.
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.
- V. 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:**

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE LAND USE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENTS APPROVED ON THE CONSENT AGENDA 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; GEOGRAPHICAL APPLICABILITY, 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:

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 CPA2005-05 (PERTAINING TO THE FUTURE LAND USE MAP CHANGE FOR AN 83±-ACRE PARCEL NORTH OF ALICO ROAD FROM INDUSTRIAL DEVELOPMENT TO INDUSTRIAL COMMERCIAL INTERCHANGE) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S 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:

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 CPA2005-07 (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.

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:

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 CPA2005-17 (PERTAINING TO THE LONG RANGE TRANSPORTATION PLAN) 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.

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 CPA2005-25(PERTAINING TO CHANGING THE LEE PLAN HORIZON YEAR TO 2030) 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.

- 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:**

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 CPA2005-26 (PERTAINING TO THE BEBR POPULATION PROJECTION AND MAPS 8 AND 16 UPDATE) 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.

- 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:**

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 CPA2005-27 (PERTAINING TO 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"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S 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:

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 CPA2005-35 (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

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:

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 CPA2005-46 (PERTAINING TO THE RECOMMENDATIONS FROM THE SMART GROWTH INITIATIVE) 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.

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:

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 CPA2005-47 (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; SEVERABILITY, CODIFICATION, SCRIVENER'S 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. 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.

- B. Adopt the following Ordinance, which incorporates the contents of CPA2005-07 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 CPA2005-07 (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. 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.

D. Adopt the following Ordinance, which incorporates the contents of CPA2005-27 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 CPA2005-27 (PERTAINING TO 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"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

3. MOTION TO FINALIZE ALL ACTIONS TAKEN AT THE APRIL 11, 2007 AND THE 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.

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ADMINISTRATIVE AGENDA ITEMS

CPA2005-37

**NEW URBANISM AND SMART GROWTH
AMENDMENT
TO THE
LEE PLAN**

LEE COUNTY COMPREHENSIVE PLAN

**BoCC Sponsored Application
and Staff Analysis**

**BoCC Public Hearing Document
for the
April 11th Adoption Hearing**

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

March 2, 2007

LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2005-37



Text Amendment



Map Amendment

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

STAFF REPORT PREPARATION DATE: November 14, 2006

PART 1 – BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT

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

2. REQUEST

Amend 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 a "Mixed Use Overlay".

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION

Staff recommends that the Board of County Commissioners adopt the proposed amendment as part of the 2004 EAR Amendment Cycle to incorporate principles of New Urbanism and Smart Growth by encouraging mixed use developments that follow these principles. Include a "Mixed Use Overlay" in the Future Land Use Map series (Map 1 Page 6 of 6) where mixed use developments following Smart Growth and New Urbanism principles will

calculate allowable residential units based on total project site. Also include a new Table 1(c) establishing intensity standards and land use mix ratios for the Mixed Use Overlay.

2. PROPOSED TRANSMITTAL LANGUAGE

GOAL 4: SUSTAINABLE DEVELOPMENT DESIGN —~~GENERAL AND MIXED USE DEVELOPMENT~~. To pursue or maintain innovative land development regulations which encourage creative site designs and mixed use developments. Using an overlay, locate appropriate areas for Mixed Use, Traditional Neighborhood Development, and Transit Oriented Development.

OBJECTIVE 4.1: Maintain the current planned development rezoning process which combines site planning flexibility with rigorous review. ~~By the end of 1995, take specific steps to further promote the creation of mixed-use developments to reduce the impact on collector and arterial roads.~~

POLICY 4.1.1: Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. (Amended by Ordinance No. 91-19, 00-22)

POLICY 4.1.2: Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. (Amended by Ordinance 91-19, 00-22)

OBJECTIVE 4.2: MIXED-USE OVERLAY - Designate areas on the Future Land Use Map for Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns.

POLICY 4.2.1: The County will maintain an overlay in the future land use map series identifying locations desirable for mixed use that are located in close proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Appropriate locations will have a positive impact on transportation facilities through increased transit service, internal trip capture, and reduced travel distance (preference will be given to locations serviced by multiple transit routes). An analysis showing the number of existing and potential residential units within the immediate and extended pedestrian shed (measured through connections and delineating pedestrian barriers) will be considered in identifying appropriate locations.

POLICY 4.2.2: The Mixed Use Overlay will not intrude into established single family neighborhoods. Connections to existing residential neighborhoods will be provided upon the residential neighborhood's desire and not precluded by the Mixed Use Development's design.

POLICY 4.2.3: Any Planned Development project adhering to the Mixed Use Overlay standards, at the discretion of the Board of County Commissioners, may extend beyond the Mixed Use Overlay zone up to one quarter mile.

POLICY 4.2.4: The Mixed Use Overlay may include areas within the Coastal High Hazard Area when unique public benefits exist. Such benefits may include providing

workforce housing options for employees of businesses located on barrier islands when transit is provided between the workforce housing and the employment areas.

POLICY 4.2.5: Encourage mixed use developments on sites that have existing connectivity to adjacent neighborhoods, qualify as a grayfield or brownfield sites, or are candidates for Transit Oriented Development. Properties lacking potential interconnections to adjacent properties will not be considered as preferred locations for the Mixed Use Overlay.

POLICY 4.2.6: Staff will work with communities, specifically during the community planning process, to explain the benefits and address concerns related to mixed use/higher density developments to build the consensus needed to identify appropriate locations for the Mixed Use Overlay.

Objective 4.3: Development, redevelopment, and infill rezonings located within the Mixed Use Overlay that utilize the Mixed Use Planned Development (MPD) zoning category and that incorporate the following Mixed Use, New Urbanism, Traditional Neighborhood Development (TND), and Transit Oriented Development (TOD) criteria will be allowed to use the area of commercial, office, light industrial, natural water bodies and other non-residential uses in their density calculations. These areas will be compact, multi-purpose, mixed use centers which integrate commercial development with residential, civic, and open space within the same neighborhood and buildings.

POLICY 4.3.1: By 2009, adopt amendments to the Land Development Code that support New Urbanism principles and address issues including: building placement, volume, and facade; pedestrian amenity requirements; parking location and requirements; open space and buffer requirements; creating inviting, human-scale streetscapes; and concurrent phasing of residential and non-residential uses. The amendments will include diagrams and visual examples that explain concepts contained in the regulations and that show clearly examples of elements that are desirable and those that are not. Minimum densities and non-residential Floor Area Ratios (FAR's) will be established.

POLICY 4.3.2: Mixed Uses: A balanced mixture of uses will be provided to reduce overall trip lengths, to support pedestrian, bicycle and transit opportunities and create pedestrian friendly streetscapes.

- a. Mixed uses will be encouraged within individual buildings (e.g. residential above retail or office space).
- b. Mixed Use Overlay areas will provide civic uses, such as green spaces or community centers.
- c. Mixed uses will be integrated within an overall design framework to create a pedestrian friendly, human scale environment, through objective, measurable criteria including size, scale, proportion, and materials detailed in the land development regulations. Flexibility in design will allow for choice and variety in architectural style.
- d. Primary and secondary uses will be determined based upon the needs of the community, character of the surrounding area, and characteristics of the transportation network.

POLICY 4.3.3: Site and Building Design: Integrate commercial, residential, civic, and open spaces to create multipurpose developments that feature unique style and ambiance through design, encouraging civic involvement and events to promote community interaction.

- a. Provisions for outdoor livability, including interconnected pedestrian and bike facilities, walkways, public plazas, ample seating, and walkable block size.
- b. Well defined centers and edges with public or civic space creating an element around which other development is located.
- c. Development plans will create focal points of signature buildings, civic spaces, natural amenities, and other prominent features through placement or street layout.
- d. Link pedestrian routes and bikeways with the street system or other public space such as parks or squares avoiding routes through parking lots and other locations out of the public realm.
- e. When necessary, development density and intensity will gradient from the center to the edge suitable to integrated surrounding land uses.
- f. The designs will include a pedestrian circulation system to connect the nonresidential uses with residential uses and areas.
- g. Local climate and history will dictate the architectural and landscape design and natural methods of cooling and heating will be encouraged. Evaluate Green Building techniques as an alternative way to provide open space.
- h. Streets and roads will be fronted by design features including sidewalks which define and contribute to a pedestrian street character. Building design, placement, and entrances will be at a pedestrian scale and oriented towards streets or other public space such as parks or squares.
- i. The street system will equally serve automobile and non-automobile modes of transportation. Development will provide pedestrian and bicycle- friendly access, and will provide transit facilities to the development and the surrounding community.
- j. Large scale nonresidential establishments will incorporate development design techniques to integrate the establishment into the surrounding community. Such design techniques will include:
 1. creation of a series of smaller, well defined customer entrances to break up long facades and provide pedestrian scale and variety, that may be achieved through the use of liner buildings.
 2. limited number and size of signs.
 3. landscaping and use of pocket parks and courtyards adequate to soften large building masses.
- k. An "A/B" street grid system may be utilized where "A" streets meet all pedestrian oriented standards and create a continuous uninterrupted pedestrian friendly streetscape, while "B" streets may include a limited amount of properly designed non-pedestrian oriented uses.

1. Crime Prevention Through Environmental Design (CPTED) guidelines will be incorporated to the maximum extent possible.

POLICY 4.3.4: Parking: Parking areas will be designed to minimize intrusiveness and impacts on the pedestrian character, through the following techniques:

- a. On-street parking with landscaping and design features, such as corner and mid-street bump outs, that afford traffic calming and produce a comfortable and safe pedestrian environment will be promoted.
- b. Parking lot locations will not separate pedestrian areas including sidewalks, squares, and plazas from the front of buildings containing the primary entrance.
- c. Parking lots will be screened from streets, sidewalks, and open spaces, and will be designed to maintain or enhance the street edge.
- d. Parking lots will be designed with safe pedestrian connections to business entrances and public space to create a park-once environment.
- e. Reduction of paved parking areas will be evaluated wherever practicable through measures such as provision of shared parking and parking structures to serve multiple uses and alternative paving materials. Large expanses of pavement will be discouraged. Reduced ratios of required parking for non-residential uses will be provided in the land development regulations.

POLICY 4.3.5: Automobile Access: Automobile facilities will be designed to provide safe access to the development.

- a. Internal traffic circulation system design will include:
 1. traffic calming techniques to maintain safe multi-modal transportation.
 2. an interconnected street grid system extended to adjacent sites at the least intrusive locations.
 3. maximum use of common access drives.
 4. a system of alleyways for service vehicles and access to parking.
 5. convenient access to transit facilities.
- b. Points of ingress to and egress from arterial roads carrying through traffic will be located at the allowed intersection spacing and connect to the internal traffic circulation system.
- c. A connector street system will provide multiple vehicular, bicycle, and pedestrian linkages to adjacent local destinations, including residential neighborhoods, as an alternative to arterial and collector roads, except where such connections are precluded by physical layout of natural environmental features.
- d. Automobile-oriented uses will have a limited number of driveways, and drive-in or drive-up windows will be located to avoid conflict with pedestrian and bicycle traffic.
- e. Block sizes will be small enough to create an easily dispersed traffic flow.

POLICY 4.3.6: Community Green Space: Public space and landscaping will be provided that includes.

- a. Public areas will provide adequate urban landscaping that includes street trees, planted areas, and street furniture.
- b. Required surface and storm water management facilities will be designed as an integral physical or visual amenity that provides usable open space or an aesthetic feature that resembles natural areas.
- c. Paved areas (including parking) will require overhead shading from tree canopy or building features based on factors such as scale of development and performance standards.

POLICY 4.3.7: Connectivity and Buffering: Mixed use developments will be well integrated both internally and externally.

- a. Automotive, pedestrian and/or bicycle connections to adjacent commercial development will be provided.
- b. Connections to adjacent residential neighborhoods will not be precluded by the Mixed Use Development's design.
- c. Buffering of uses internal to a Mixed Uses development are not required.
- d. Buffering from adjacent developments, when deemed absolutely necessary, will not preclude future interconnectivity.

POLICY 4.3.8: Properties in a Mixed Use Overlay Zone will be considered as preferred receiving areas for Transferable Development Rights (TDRs) and will allow these TDRs to serve as a method for obtaining allowable bonus densities.

POLICY 4.3.9: The owner or agent for a rezoning request utilizing the Mixed Use Overlay must conduct one publicly noticed informational session, before sufficiency, where the agent will, at a minimum, present an overview of the project's consistency with this objective. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

3. BASIS AND RECOMMENDED FINDINGS OF FACT

- August 26, 2004 the Lee County Board of County Commissioners adopted the Evaluation and Appraisal Report that included recommendations to amend the Lee Plan to promote Smart Growth, New Urbanism, Mixed Use, Traditional Neighborhood Development and Transit oriented development.
- The principles of Smart Growth have been incorporated into the 2006-2007 Board of County Commissioners Goals and County Manager Objectives.
- New urbanism provides alternative development patterns that promote good balances between community livability, economic viability, and environmental sensitivity.
- The recommended Objectives and Policies incorporate the recommendations, from the Smart Growth Committee, on mixed uses, infill, and redevelopment presented to the LPA in May 2003.

- The Mixed Use Planned Development zoning district (MPD) was added to the Land Development Regulations (LDR) in August 1994.
- The MPD was added as a result of the Lee Plan language in Goal 4 directing the creation of new zoning districts (conventional and planned development) to address traditional neighborhood developments.
- During the 1994 EAR the policies directing the creation of the zoning districts were removed from the Lee Plan.
- The analysis included in the 2004 EAR concluded that separation of uses and conventional subdivision design are still the predominant pattern of development in Lee County.
- Walkable, inviting, and safe streets are uncommon in Lee County.
- Current development patterns are not compact or connected.
- Development designs do not create a sense of place open to residents outside of the development
- Development patterns remain automobile oriented and do not provide for a variety of transportation choices.

C. BACKGROUND INFORMATION

This amendment was initiated by the Board of County Commissioners on September 28, 2005 to implement recommendations from The 2004 Evaluation and Appraisal Report (EAR). These recommendations gave direction to add or amend Lee Plan Goals, Objectives, and Policies to promote developments that will enhance pedestrian and transit accessibility at scales and densities that make these modes of transportation feasible, determine criteria to be established to foster mixed use development in appropriate areas, and to recommend changes to the existing regulations that promote mixed-use developments and neighborhoods.

RECOMMENDATIONS FROM THE 2004 EAR

Amend the future land use and transportation elements to include policies addressing connections between internal neighborhoods and adjoining land development, promoting the development of an efficient and landscaped pedestrian/bicycle network, and promoting a mix of land uses within a 5 to 10 minute walk of new residential neighborhoods.

Amend the Future Land Use Element to designate (by mapping or policy guidelines or a combination of both) areas most appropriate to encourage higher density mixed use transit oriented developments. (Mixed Use Target Areas) Also establishing minimum densities that are needed to support efficient mass transit.

Amend the future land use element to add policies that incorporate the Charter of the New Urbanism and the urban-rural transect and that direct the creation of form-based zoning options in the Land Development Code.

Amend the Future Land Use Element to add policies to enable zoning districts for New Urbanism, Traditional Neighborhood Development, and Transit-Oriented Development in the Land Development Code. Options would include both conventional and planned development zoning districts and would include incentives when utilized in mixed-use target areas.

Amend the Future Land Use Element to strengthen policies regarding the importance and benefits of appropriate infill development

Amend the Future Land Use and Parks, Recreation and Open Space Elements to add policies encouraging flexible placement of open space to promote greater pedestrian and vehicular connectivity within and between neighborhoods. Also evaluate the LDC's buffering and open space requirements as to their appropriateness for both lower and higher intensity developments, and direct LDC changes if needed

Amend the Future Land Use Element to add policies providing incentives for projects that demonstrate self-sufficiency and include uses compatible by nature due to size, scale, orientation, and design. Also include language to address non-residential uses at appropriate scales that support residential neighborhoods and should be allowed to locate within a neighborhood with reduced buffering requirements when it can be demonstrated that pedestrian trips would be expected.

The principles of Smart Growth have been incorporated into the 2006-2007 Board of County Commissioners Goals and County Manager Objectives.

Goal 1: Enhance and improve the quality of life in Lee County through a Smart Growth Initiative that balances growth and environment with community support and participation.

Objective 1: Continue to pursue review and implementation of Smart Growth (SG) recommendations:

- a) Complete Comprehensive Plan amendments as part of the EAR (Evaluation and Appraisal Report) based plan amendments (December 2006).
- d) Draft and process plan amendments and/or land development code amendments that provide incentives for increased density and intensity in appropriate urban areas, no later than September 2007.
- g) Update the Land Development Regulations (LDRs) for amendments appropriate with Smart Growth related Comprehensive Plan amendments, with emphasis on mixed uses, infill, and redevelopment, as necessary in the two-year update.

Objective 2: Identify future "village" centers, small centers of commerce and services for retirement and tourism section of our economy that can be promoted through county infill and redevelopment efforts.

This amendment is in response to the EAR recommendations and addresses "County Manager Objective 1(a)". Objective 4.2 (and subsequent policies) establishes criteria for placing properties on the Mixed Use Overlay and addresses "County Manager Objective 2". Objective 4.3 (and subsequent policies) creates guideline for amending the Mixed Use Planned Development zoning category in the Land Development Regulations addressing "County Manager Objective 1(g)". Proposed Policy 4.3.8 clarifies that the areas within the Mixed Use Overlay are appropriate for higher density development and should be considered for Bonus Density through the TDR process addressing "County Manager Objective 1(d)".

PART II – STAFF ANALYSIS

A. STAFF DISCUSSION

New Urbanism and Smart Growth are rapidly becoming recognized as successful and effective tools to direct growth and alleviate sprawl. The benefits of “Smart Development” have been identified as:

- ⇒ Economic development and improved tax base through revitalization of underutilized strip development and shopping centers;
- ⇒ Development of needed housing close to jobs and services; and the creation of jobs close to where people live;
- ⇒ Transportation choices and connectivity;
- ⇒ Walkable communities and, where applicable, transit-supportive development;
- ⇒ Decreased commuter road congestion;
- ⇒ Efficient use of existing urban services and facilities, as an alternative to extending new facilities;
- ⇒ Energy conservation through reduced reliance on the automobile; and
- ⇒ Public cost savings (over sprawl development patterns).

The Smart Growth Network (SGN) is coordinated by The U.S. EPA's Urban and Economic Development Division. The SGN has compiled a list of 10 Key Principles of Smart Growth¹.

- 1) Create Range of Housing Opportunities and Choices;
- 2) Create Walkable Neighborhoods;
- 3) Encourage Community and Stakeholder Collaboration;
- 4) Foster Distinctive, Attractive Communities with a Strong Sense of Place;
- 5) Make Development Decisions Predictable, Fair and Cost Effective;
- 6) Mix Land Uses;
- 7) Preserve Open Space, Farmland, Natural Beauty and Critical Environmental Areas;
- 8) Provide a Variety of Transportation Choices;
- 9) Strengthen and Direct Development Towards Existing Communities; and,
- 10) Take Advantage of Compact Building Design.

These principles are fully discussed in Attachment 1.

The spirit of the New Urbanism is in the design of neighborhoods, which can be defined by 9 principles as defined by the Congress for the New Urbanism. An authentic neighborhood contains most of these elements:²

- 1) The neighborhood, the district, and the corridor are the essential elements of development and redevelopment in the metropolis. They form identifiable areas that encourage citizens to take responsibility for their maintenance and evolution.
- 2) Neighborhoods should be compact, pedestrian-friendly, and mixed-use. Districts generally emphasize a special single use, and should follow the principles of neighborhood design when possible. Corridors are regional connectors of neighborhoods and districts; they range from boulevards and rail lines to rivers and parkways.

¹ Smart Growth Network

² The Congress for the New Urbanism

- 3) Many activities of daily living should occur within walking distance, allowing independence to those who do not drive, especially the elderly and the young. Interconnected networks of streets should be designed to encourage walking, reduce the number and length of automobile trips, and conserve energy.
- 4) Within neighborhoods, a broad range of housing types and price levels can bring people of diverse ages, races, and incomes into daily interaction, strengthening the personal and civic bonds essential to an authentic community.
- 5) Transit corridors, when properly planned and coordinated, can help organize metropolitan structure and revitalize urban centers. In contrast, highway corridors should not displace investment from existing centers.
- 6) Appropriate building densities and land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.
- 7) Concentrations of civic, institutional, and commercial activity should be embedded in neighborhoods and districts, not isolated in remote, single-use complexes. Schools should be sized and located to enable children to walk or bicycle to them.
- 8) The economic health and harmonious evolution of neighborhoods, districts, and corridors can be improved through graphic urban design codes that serve as predictable guides for change.
- 9) A range of parks, from tot-lots and village greens to ballfields and community gardens, should be distributed within neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods and districts.

The proposed amendments to Goal 4 of the Lee Plan are needed to address the Principles of Smart Growth and New Urbanism. The proposed changes to Goal 4 address all of the principles listed above with the greatest emphasis on allowing and promoting mixed use development in the single building format and traditional neighborhood development pattern. This amendment will add 2 new objectives to Goal 4 each with its specific but related purpose. The first will add guidelines for creating overlay locations on the Future Land Use Map Series where this development style should be initially implemented. The second objective to be added to Goal 4 will set parameters for development styles within the overlay.

Changes to Goal 4

This amendment is not intended to change the current process for approvals of planned development zonings. The focus of this amendment is to supplement the current process with a new option that may be applied in designated areas in Lee County. The intent is to identify redevelopment and infill locations, generally within existing non-residential areas, and promote new developments that will include both residential and non-residential uses in a traditional neighborhood design. Changes to the Goal 4 language will clarify the intent to promote sustainable design throughout the county and through developments following the smart growth/new urbanism principles.

GOAL 4: ~~SUSTAINABLE DEVELOPMENT DESIGN – GENERAL AND MIXED USE DEVELOPMENT.~~ *To pursue or maintain innovative land development regulations which encourage creative site designs and mixed use developments. Using an overlay, locate appropriate areas for Mixed Use, Traditional Neighborhood Development, and Transit Oriented Development.*

Changes to OBJECTIVE 4.1 and the subsequent policies have also been kept to a minimum. Objective one is the existing language that is intended to guide the existing planned development rezoning process. The only change included in this amendment is to remove the date specific phrase in the objective.

***OBJECTIVE 4.1:** Maintain the current planned development rezoning process which combines site planning flexibility with rigorous review. ~~By the end of 1995, take specific steps to further promote the creation of mixed-use developments to reduce the impact on collector and arterial roads.~~*

The creation of mixed use neighborhoods that promote the principles of Smart Growth will be promoted within areas designated on an overlay of the Future Land Use Map. Development within the overlay is intended to be mixed use, traditional neighborhood, and transit oriented patterns.

OBJECTIVE 4.2: Mixed-Use Overlay - Designate areas on the Future Land Use Map for Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns.

Both the Principles of the Smart Growth Network and the Congress for the New Urbanism emphasize mixed use development (see lists above). Single use zoning separates uses isolating activities and increasing the dependency on the car. Parking standards (discussed later in this report) and street width requirements increase the separation of all uses, not only residential from non-residential, and limit the mobility of pedestrians. The stringent regulatory conditions of single use zoning make it virtually impossible to develop or redevelop an integrated commercial/residential neighborhood that provides walking and bicycling opportunities.

The intent of the Mixed Use Overlay is to designate areas where commercial activity can occur with the added element of residential uses. In order to implement many of the principles of Smart Growth and New Urbanism it is critical that the selection of these sites follow a firm set of criteria. The objective specifies the desired development pattern will be mixed use, traditional neighborhood, and transit oriented designs. Clearly, transit oriented developments require close proximity to transit routes. Currently, Lee County's only transit system is the Lee Tran bus system. Therefore, overlay locations will be evaluated for proximity to existing and future routes on this system. When possible, access to multiple routes is preferred to allow residents access to a greater array of destinations from a single site as well as access to the site from a variety of areas of the county without the need to transfer between routes. The mixed use developments, when located on multiple routes, may also serve as convenient transfer locations.

The goal of any mixed use development is to include a broad spectrum of uses. Certain civic uses are required to adhere to location criteria not determined by individual developers. Often, it is not possible for the developer to provide some public uses deemed desirable. Therefore, locations with connections to existing civic uses such as schools, libraries, and recreation facilities are desirable. Residential uses are critical to support commercial uses in mixed use developments. Locations with connections to existing residential units will allow the newly developed commercial uses to be supported by existing residents. Likewise, connections to existing retail and employment centers will give residents of mixed use developments additional choices and opportunities and provide additional daytime customers for the retail within the mixed use development. To foster pedestrian trips and reducing the dependency on

vehicular trips, these uses need to be within easy walking distance to the mixed use development. Accepted distance for pedestrian trips is generally ¼ mile also known as a “Pedestrian Shed”. Given the low density patterns of development, an “Extended Pedestrian Shed” of ½ mile may be possible if the pedestrian setting is comfortable, interesting, and safe. The pedestrian shed and extended pedestrian shed will put uses within a 5 to 10 minute walk. Before areas are included in the overlay it should be determined how many existing dwelling units will be able to access the new developments by foot.

It should also be acknowledged that pedestrian distance may not be delineated within a radius from the proposed overlay. Pedestrian barriers should also be considered to determine where future connections are possible. Gated communities may create barriers such that a residential unit may be located a few hundred feet from a proposed location but in reality the actually walking distance may be well beyond the accepted pedestrian shed or extended pedestrian shed. Without connectivity, the range of uses and supply of residents may be severely limited. An example is the strip proposed along SR 80 in the Caloosahatchee Shores community planning area. Using a diameter of ¼ mile (1320 feet) the typical pedestrian shed would include 31.4 acres and an extended pedestrian shed ½ mile (2640 feet) would include 125.6 acres of land. The proposal for SR 80 includes 96.4 acres. However, in calculating the ¼ or ½ mile walking distances for the pedestrian sheds, the designated overlay would in effect contain 9 Pedestrian Sheds each containing roughly 8 acres of land (16 when assuming a ½ mile walking distance). Considering existing development patterns and current zoning, other overlay designations will also be linear in nature and connections to surrounding development will be the primary method required to achieve many of the benefits of smart growth.

POLICY 4.2.1: *The County will maintain an overlay in the future land use map series identifying locations desirable for mixed use that are located in close proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Appropriate locations will have a positive impact on transportation facilities through increased transit service, internal trip capture, and reduced travel distance (preference will be given to locations serviced by multiple transit routes). An analysis showing the number of existing and potential residential units within the immediate and extended pedestrian shed (measured through connections and delineating pedestrian barriers) will be considered in identifying appropriate locations.*

A challenge for designating areas in the mixed use overlay will be overcoming neighborhood concerns. Higher density and commercial uses typically raise concerns with existing residents. To reduce the number of objections from neighbors, existing residential neighborhoods should not be included in the overlay unless requested by the neighborhood itself. The objective of designating areas for mixed use development is to create active commercial centers for residents not just within the mixed use development, but also the surrounding residents. To accomplish this and promote walking to these developments rather than driving, it is necessary that pedestrian connections are available. Recognizing that some residents will prefer to arrive by car, it is also appropriate to reduce the number of trips forced to the major arterials in Lee County by providing connections between neighboring developments. Existing residential neighborhoods may resist connections to the new development when it is initially proposed. Residents often see the connection to the commercial development as a negative that will increase traffic by allowing “cut through” traffic. Historically, commercial developments have been designed with an orientation to the automobile. Convenient, safe, and comfortable

pedestrian connections within a reasonable walking distance have not been provided between residential and commercial areas (see discussion below). With proper traffic calming techniques this issue may be resolved. Once the mixed use project is built residents of the neighboring development may realize that a connection to the pedestrian friendly environment would be desirable. Therefore, mixed use projects will be designed to allow connections to neighboring properties even when the connection will not be established at the time of construction.

POLICY 4.2.2: *The Mixed Use Overlay will not intrude into established single family neighborhoods. Connections to existing residential neighborhoods will be provided upon the residential neighborhood's desire and not precluded by the Mixed Use Development's design.*

Sites designated on the overlay at first will be conservative allowing the concept to prove worthy of expansion. However, it is recognized the potential property outside the overlay to be included in a mixed use proposal. To maintain a level of compactness the proposed project should not extend more than ¼ mile from the existing boundary and the development within the expanded area should be very sensitive to the surrounding neighborhood while still adhering to the criteria of the Mixed Use Overlay. Projects extending more than ¼ mile would be required to amend the overlay prior to approval of the project. It would also be appropriate to amend the overlay in a subsequent plan amendment cycle to reflect the decision to allow the mixed use project.

POLICY 4.2.3: *Any Planned Development project adhering to the Mixed Use Overlay standards, at the discretion of the Board of County Commissioners, may extend beyond the Mixed Use Overlay zone up to one quarter mile.*

Lee County has had a long standing policy to not increase density in the Coastal High Hazard areas of the county. The need to provide workforce housing for businesses on the barrier islands is also a concern of the county. Allowing the Mixed Use Overlay to be utilized in certain coastal high hazard locations could be beneficial. Properly designed projects could circumvent the negative results that are county concerns. The mixed use projects could revitalize "greyfields" and "brownfields" in the Coastal High Hazard Areas. Allowing residential above commercial development could create affordable workforce housing in a location where the supply is deficient. Residents in the mixed use project would be less dependent on personal automobiles by having retail outlets located in walking distance. The sites selected in the Coastal High Hazard area should be served by transit to allow access to other areas in the urbanized areas of the county. Alternative transportation to the barrier island should be provided for the workers by public transit, vanpools, or other options. Mixed use buildings should be required to qualify for the benefits of the Mixed Use Overlay. This would place residential uses above the commercial uses and reduce the exposure of dwelling units to potential storm flooding. This would not eliminate the need for residents to evacuate during storm events but it might reduce the resulting flood damage to their homes.

POLICY 4.2.4: *The Mixed Use Overlay may include areas within the Coastal High Hazard Area when unique public benefits exist. Such benefits may include providing workforce housing options for employees of businesses located on barrier islands when transit is provided between the workforce housing and the employment areas.*

To achieve the maximum benefit from mixed use development and eliminate some of the impacts associated with intensifying the use of a site, connectivity within the site and to neighboring sites is critical. The needs and benefits of connectivity have been discussed above (see discussion prior to Policies 4.2.1 and 4.2.2).

Greyfield and Brown Field sites are also desirable locations of mixed use development for a variety of reasons. First and foremost, redevelopment of these sites with a more sustainable style of development will have significant environmental benefits. Many of these sites were developed prior to the current environmental standards were in place. These sites are likely to have been developed before current buffering requirements that have resulted in losing connectivity and increased separation of uses. Redevelopment of these sites would also direct growth to areas of the county where infrastructure currently exists. Accommodating more development on redevelopment sites will reduce the need to develop Greenfield locations. Mixed use redevelopment should strive to maximize the potential development on a site and not a reduction from what currently exists. Infill sites should also be favored over Greenfield sites to direct growth into the more urbanized areas. The most desirable infill, greyfield, and brownfield sites are those served by infrastructure with available capacity.

Sites desirable for transit oriented development (TOD) would also benefit from being included in the Mixed Use Overlay. The principles of TOD are similar to Smart Growth and New Urbanism Principles. They include creating a vision, creating a sense of place, mixing of uses, mixing income levels, and managing parking. TOD also emphasizes higher densities and intensities. Transit Oriented Development generally requires about 7 residential units per acre to support bus service every 30 minutes and about 30 units per acre for bus service every 10 minutes. Employment density should be 50-60 employees per acre with a Floor Area Ratio greater than 2 to justify frequent service³. Moderate densities of 7 to 30 dwelling units per acre can be achieved through small lot single family homes, multiplexes or townhomes. These densities create adequate transit ridership to justify frequent service, help create active street life, and support neighborhood commercial activities, such as grocery stores and coffee shops, within convenient walking distance of homes and worksites. The most direct method to achieve TOD-supportive densities is to set forth a range of maximum and minimum densities. Factors to be evaluated when selecting sites for TOD include location on transit routes, connections to surrounding neighborhoods, and compatibility of higher densities with surrounding neighborhoods. TOD locations adjacent to lower density neighborhoods may be perceived as incompatible.

POLICY 4.2.5: *Encourage mixed use developments on sites that have existing connectivity to adjacent neighborhoods, qualify as a grayfield or brownfield sites, or are candidates for Transit Oriented Development. Properties lacking potential interconnections to adjacent properties will not be considered as preferred locations for the Mixed Use Overlay.*

Creating community “buy-in” for development proposals is not a concept unique to Smart Growth. However, Smart Growth and New Urbanism advocates do stress creating community support for development plans as an essential element of any plan. The Charette process is commonly used to solicit community opinions and ideas regarding development in a proposed redevelopment area. It is also stated that promoting Smart Growth through education is a

³ Good Practices for Transit-Supportive Development, FTA, Transit Supportive Development in the United States, 1993.

valuable technique. Historically, residents and neighbors fear higher density will lead to traffic, parking issues, noise, and incompatible building design. Since the building techniques promoted in TND and TOD are often new concepts in communities, it is worthwhile to educate residents on these topics. Lee County is fortunate to have a process where communities organize themselves to enter into a planning process for the future development of their community. During the community planning process, efforts should be taken to educate residents about the benefits of compact pedestrian oriented developments and to encourage them to identify sites in their community where this type of development would be welcomed.

POLICY 4.2.6: Staff will work with communities, specifically during the community planning process, to explain the benefits and address concerns related to mixed use/higher density developments to build the consensus needed to identify appropriate locations for the Mixed Use Overlay.

The principles of Smart Growth will be promoted by development designs following a traditional neighborhood design (TND) with an integration of residential and non-residential uses. To allow the principles of TND, the Land Development Regulations (LDR) must be revised to allow residential development within a mixed use project to calculate density based on the total project size. These developments will be held to the Principles of Smart Growth and New Urbanism and clustered within areas designated Mixed Use Overlay. Since the option will be utilized within areas that are primarily commercial in nature, including commercial infill, greyfield, and potential redevelopment sites, the Land Development Regulation amendments need to address mixed-use “smart commercial” development. The objectives of “Smart Commercial and Mixed-Use Development” are:

- 1) Compact Development;
- 2) Mixed Land Use;
- 3) Pedestrian Access, Safety, and Comfort;
- 4) Street Connections;
- 5) Crime Prevention and Security;
- 6) Creating and Protecting Public Spaces;
- 7) Parking and Efficient Land Use; and
- 8) Human Scaled Building Design.

There are also economic benefits to Smart Growth/New Urbanism developments. For communities and businesses, attracting and retaining qualified employees is a major concern. To compete, many communities are employing innovative development strategies, often referred to as smart growth, that simultaneously support multiple economic and quality of life goals. Places that thrive in the new economy and attract an educated workforce are distinctive, attractive and rich in amenities. Existing infrastructure, proximity to employment, and access to transit are among factors that make communities attractive to developers, businesses and residents⁴. The Local Government Commission includes the following points when, in 1997, they developed a set of 15 principles specifically focused on economic development. These

⁴ Economic Development and Smart Growth, 8 Case Studies on the Connections between Smart Growth Development and Jobs, Wealth, and Quality of Life in Communities, International Economic Development Council, August 2006. [www.IEDOnline.org http://www.iedconline.org/?p=Smart_Growth](http://www.iedconline.org/?p=Smart_Growth)
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principles state "We can no longer afford to waste our resources, whether financial, natural or human."⁵

11. **Compact Development:** To minimize economic, social, and environmental costs and efficiently use resources and infrastructure, new development should take place in existing urban, suburban, and rural areas before using more agricultural land or open space. Local and regional plans and policies should contain these physical and economic development planning principles to focus development activities in desired existing areas.

12. **Livable Communities:** To protect the natural environment and increase quality of life, neighborhoods, communities and regions should have compact, multidimensional land use patterns that ensure a mix of uses, minimize the impact of cars, and promote walking, bicycling, and transit access to employment, education, recreation, entertainment, shopping, and services. Economic development and transportation investments should reinforce these land use patterns, and the ability to move people and goods by non-automobile alternatives wherever possible.

13. **Center Focus:** Communities should have an appropriately scaled and economically healthy center focus. At the community level, a wide range of commercial, residential, cultural, civic, and recreational uses should be located in the town center or downtown. At the neighborhood level, neighborhood centers should contain local businesses that serve the daily needs of nearby residents. At the regional level, regional facilities should be located in urban centers that are accessible by transit throughout the metropolitan area.

14. **Distinctive Communities:** Having a distinctive identity will help communities create a quality of life that is attractive for business retention and future residents and private investment. Community economic development efforts should help to create and preserve each community's sense of uniqueness, attractiveness, history, and cultural and social diversity, and include public gathering places and a strong local sense of place.

Objective 4.3: Development, redevelopment, and infill rezonings located within the Mixed Use Overlay that utilize the Mixed Use Planned Development (MPD) zoning category and that incorporate the following Mixed Use, New Urbanism, Traditional Neighborhood Development (TND), and Transit Oriented Development (TOD) criteria will be allowed to use the area of commercial, office, light industrial, natural water bodies and other non-residential uses in their density calculations. These areas will be compact, multi-purpose, mixed use centers which integrate commercial development with residential, civic, and open space within the same neighborhood and buildings.

This plan amendment cycle includes an amendment that proposes to add and modify definitions in the Lee Plan to clarify changes needed to implement the policies proposed in this amendment. The terms Corner-Store Commercial, Density, Extended Pedestrian Shed, Façade, Greyfield Development, Human-Scale Development, Infill, Liner Building, Park-Once Environment, Pedestrian Shed, Redevelopment, Streetscape, Traditional Neighborhood Development (TND), Transit Oriented Development (TOD), Village Commercial will be added by CPA2005-00035. The terms density, mixed-use, and open space will be amended to reflect new information and views. The terms address the criteria to be added for developing mixed use projects within the Mixed Use Overlay. Facade, Human-Scale, and Liner Building are terms that address the projects physical structures. The terms infill, greyfield, and

⁵ Economic Development, Local Government Commission., <http://www.lgc.org/economic/index.html>.

redevelopment clarify the most desirable locations for the implementation of this style of development. Streetscape, human scale, park-once environment, and open space were added or changed to clarify the pedestrian requirements of the Mixed Use Overlay. In general, the concepts behind the Mixed Use Overlay overlap and are equally important to create the intended results. In other words, the building design will affect the pedestrian nature which is also effected by the amount, placement, and design of the open space. The 2004 Evaluation and Appraisal Report (as adopted) included the following recommendation:

"Recommendation: During the EAR Amendment cycle, initiate an amendment, supported by ongoing research, to add policies to the Lee Plan similar to those deleted in the previous EAR. The amendment should address the strengths and weaknesses of existing and previous mixed regulations. Consideration should also be given to prior regulations and evaluate the weaknesses in those regulations. The new policies should incorporate appropriate incentives for developers while assuring that the benefits from new urbanism projects are realized. The benefits that should be stressed should include but not be limited those listed above. Given the interest in this topic, there is an ongoing release of findings from new research which should be incorporated in the proposed amendment. For example, the June 2004 issue of New Urban News devoted a major portion of the issue to street connectivity." (emphasis added)

The policies deleted in the 1994 EAR had directed staff to develop Land Development Regulations to address traditional neighborhood development (TND) in both conventional and planned development districts. The changes to the conventional districts were considered not warranted and the planned development changes were completed by adding the current Mixed-Use Planned Development (MPD) zoning district. In 1994 the MPD process was being written and the outcomes of this process could not be evaluated. The first MPD case was filed in 1994 and approved in 1995. Actual development within an approved MPD did not commence until the late 1990s. A study of existing and approved MPD projects completed for the EAR revealed that these projects did not incorporated the concepts of TND. The conclusion in the 2004 EAR was that the MPD process should be amended to address the findings of the project review with an emphasis on form of building not on specific uses.

POLICY 4.3.1: By 2009, adopt amendments to the Land Development Code that support New Urbanism principles and address issues including: building placement, volume, and facade; pedestrian amenity requirements; parking location and requirements; open space and buffer requirements; creating inviting, human-scale streetscapes; and concurrent phasing of residential and non-residential uses. The amendments will include diagrams and visual examples that explain concepts contained in the regulations and that show clearly examples of elements that are desirable and those that are not. Minimum densities and non-residential Floor Area Ratios (FAR's) will be established.

Compact development means that buildings, parking areas, streets, driveways, and public spaces are developed in a way that shortens trips, and lessens dependence on the automobile, thereby reducing levels of land consumption, energy use, and air pollution. Compact development promotes full utilization of urban services, such as water lines, sewers, streets, and emergency services, by taking advantage of existing public facilities and minimizing the need for new facilities. Building size will also impact walkability by lengthening the distance between uses. Compactness of building design should also be considered within the Mixed

Use Overlay areas. The definitions of Corner Store Commercial and Village Commercial have been proposed for inclusion in the Lee Plan Glossary to address the commercial building size issue.

Mixed-use development is appropriate in downtowns, neighborhood-oriented centers, transit nodes, main streets, and some community commercial centers. Locating stores, offices, residences, public services, and recreation spaces within walking distance of each other in these locations promotes:

- Independence of movement, especially for the young and the elderly who can conveniently walk, cycle, or ride transit;
- Safety through around-the-clock presence of people;
- Reduction in auto use, especially for shorter trips;
- Support for those who work at home, through nearby services and amenities; and
- A variety of housing choices, so that the young and old, singles and families, and those of varying economic ability may find places to live.

Examples of appropriate mixed-use include a corner store in a residential area, an apartment near or over a shop, and a lunch counter in an industrial zone. Auto- or truck-dependent uses, such as heavy industrial, distribution, automobile sales lots, and some drive-up or drive-through facilities, should not be located in centers, nodes, or other compact, mixed-use areas because of their negative impact on nearby residences and the pedestrian environment. Most codes prohibit the co-location of residential and commercial buildings. This prohibition is based on the functional and architectural incompatibility of the buildings. Using design standards in conjunction with mixed use zoning, incompatibility can be overcome. Additionally, limitations on commercial functions, such as hours of operation and delivery truck access, may be necessary. More fundamentally, to gain the full benefits of mix of uses, buildings must have convenient access to a connected system of streets and paths. Otherwise, people will still be encouraged or required to use cars, even for the shortest trips.

POLICY 4.3.2: Mixed Uses: *A balanced mixture of uses will be provided to reduce overall trip lengths, to support pedestrian, bicycle and transit opportunities and create pedestrian friendly streetscapes.*

- a. *Mixed uses will be encouraged within individual buildings (e.g. residential above retail or office space).*
- b. *Mixed Use Overlay areas will provide civic uses, such as green spaces or community centers.*
- c. *Mixed uses will be integrated within an overall design framework to create a pedestrian friendly, human scale environment, through objective, measurable criteria including size, scale, proportion, and materials detailed in the land development regulations. Flexibility in design will allow for choice and variety in architectural style.*
- d. *Primary and secondary uses will be determined based upon the needs of the community, character of the surrounding area, and characteristics of the transportation network.*

An ongoing issue with the current Lee Plan language is the definition of density. The current definition states that *"Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included."* in the density calculation. Therefore, a site with retail on the ground floor would not include any land remaining to generate dwelling units on the site. A proposed change to this definition was included in CPA2006-00035 and adds *"... included, except where the Mixed Use Overlay applies."*

Pedestrian Access, Safety, and Comfort is a primary concern when designing pedestrian oriented areas. Since every trip begins and ends with a pedestrian trip, this objective will benefit everyone. One goal of the mixed use overlay is also to create a "Park Once" environment and encourage patrons of the commercial establishments to walk between shops. The level of pedestrian access will impact the ease and convenience of reaching multiple destinations by foot, bike, or transit. Safety includes the exposure to vehicle traffic, crime, and other hazards and can be addressed by delineation of private space, natural surveillance, control of access, space for various activities, and proper maintenance of the area. Design elements need to create a sense of stewardship over private and semipublic spaces allowing for people to engage in legitimate activities. Activities should be directed naturally to appropriate locations like plazas used for gatherings (both organized and informal, playgrounds to entertain children, and outdoor dining to serve street cafés or "brown baggers". Lighting, design features, sidewalks, and pavement will delineate and guide the public's movement and discourage entry into less appropriate areas. Appropriate access and safety cultivate comfort levels which are also influenced by temperature, vehicle traffic, noise, and pollution. Streets that are deemed uncomfortable will discourage pedestrian usage and promote travel by car. Creating visual interest will also enhance the comfort level and promote pedestrian activity. Inclusion of street furniture, recreation areas, window shopping, and other points of interest will give people a reason for being on the street. Design standards used for typical automobile dependent development create barriers to pedestrians by requiring large setbacks, walls, large amounts of open space, and landscaping between pedestrian areas and final destinations. Smart Development orients buildings to the street sidewalk and break-up large areas of parking and open space.

Human Scaled Building Design is a critical element in creating places for pedestrians, cyclists, and motorists alike (all vehicular trips end in a pedestrian trip). Properly designed built environments can create outdoor living spaces for local residents and workers. Built environments that look attractive a 45 mph or 30 mph behind a windshield will create a completely different impression from the sidewalk at 2 mph. Building fronts, signs, lighting, and open space should be designed for the pedestrian's perspective. Buildings surrounded by parking lots, gas stations and drive-ins distort the human scale and make pedestrians unwelcome. These uses are not excluded from the streetscape if properly designed to blend with the neighborhood. Even gas stations can be designed to bring the retail store/cashier booth to the sidewalk and placing the pumps in the rear hidden by the building. Additional building space can be added to conceal the pump facilities through the use of liner buildings. This same technique is used to hide parking lots/garages and larger buildings. Even properly designed, these uses should not be located primary pedestrian streets. Instead, these uses should be accommodated on a lesser pedestrian street. These would be streets that have a higher traffic volume closer to the edge of the project abutting other auto-oriented areas. These uses should not locate on transit routes causing the pedestrian environment from a transit stop to the primary pedestrian area to be degraded. This system for use placement has been called an "A/B" street classification. Features required by these uses needing to be viewed from behind

the windshield should be designed for 20 mph or slower and placed to not detract from the pedestrian environment that does exist on the street. To maintain the appropriate scale of buildings and mix of uses, commercial uses are intended to follow the definition of Village and Corner Store Commercial. The Land Development Regulations for Mixed Use Planned Development should at a minimum address the following building form issues.

POLICY 4.3.3: Site and Building Design: Integrate commercial, residential, civic, and open spaces to create multipurpose developments that feature unique style and ambiance through design, encouraging civic involvement and events to promote community interaction.

- a. Provisions for outdoor livability, including interconnected pedestrian and bike facilities, walkways, public plazas, ample seating, and walkable block size.
- b. Well defined centers and edges with public or civic space creating an element around which other development is located.
- c. Development plans will create focal points of signature buildings, civic spaces, natural amenities, and other prominent features through placement or street layout.
- d. Link pedestrian routes and bikeways with the street system or other public space such as parks or squares avoiding routes through parking lots and other locations out of the public realm.
- e. When necessary, development density and intensity will gradient from the center to the edge suitable to integrated surrounding land uses.
- f. The designs will include a pedestrian circulation system to connect the nonresidential uses with residential uses and areas.
- g. Local climate and history will dictate the architectural and landscape design and natural methods of cooling and heating will be encouraged. Evaluate Green Building techniques as an alternative way to provide open space.
- h. Streets and roads will be fronted by design features including sidewalks which define and contribute to a pedestrian street character. Building design, placement, and entrances will be at a pedestrian scale and oriented towards streets or other public space such as parks or squares.
- i. The street system will equally serve automobile and non-automobile modes of transportation. Development will provide pedestrian and bicycle- friendly access, and will provide transit facilities to the development and the surrounding community.
- j. Large scale nonresidential establishments will incorporate development design techniques to integrate the establishment into the surrounding community. Such design techniques will include:
 1. creation of a series of smaller, well defined customer entrances to break up long facades and provide pedestrian scale and variety, that may be achieved through the use of liner buildings.
 2. limited number and size of signs.

3. landscaping and use of pocket parks and courtyards adequate to soften large building masses.
- k. An "A/B" street grid system may be utilized where "A" streets meet all pedestrian oriented standards and create a continuous uninterrupted pedestrian friendly streetscape, while "B" streets may include a limited amount of properly designed non-pedestrian oriented uses.
- l. Crime Prevention Through Environmental Design (CPTED) guidelines will be incorporated to the maximum extent possible.

Parking is a required aspect of development and should be efficiently designed and managed to minimize unnecessary impervious surfaces. Surface parking lots usually cover more ground than the buildings they serve. Lee County regulations for 90° parking requires a non-handicapped space of 9'x18' typically located on a parking isle of 24' wide (minimum serving 2 sides of parking). This is equal to 270 sq ft per space (9 x (18 + 12)). Looking at the current parking regulations in a different context, a 10,000sf commercial center will require a minimum of 10,800sf of parking (4 spaces per 1,000sf), a 600,000sf shopping center will require 810,000sf of parking (5 spaces per 1,000sf), and a 6,000sf sit down restaurant will require 22,680sf of parking (14 spaces per 1000sf). A review of 2 exiting shopping centers reveals that pavement covers nearly 3 times as much land as the buildings they serve. Parking standards are typically established by one of two methods, by standards are provided in publications of the Institute of Transportation Engineers (ITE), or based on other cities' ordinances⁶. One of the shortcomings of generic parking requirements is that they often do not take into account the mix of community-specific variables (density, demographics, availability of non-auto transit, or the surrounding land-use mix) all of which influence demand for parking and should be reflected in parking requirements.⁷ Alternatively, parking requirements can be established using methods that are better tailored to specific development projects. This approach entails careful consideration of the following land use characteristics that relate to parking demand:⁸

- ⇒ ***Building/development type and size.*** Takes into account the specific characteristics of the project. Parking demand is influenced by the size of the development (typically measured by total building square footage), as well as the type of land use (e.g., retail, industrial). Generic parking formulas address these factors to some extent.
- ⇒ ***Population and development density.*** Considers the density and demographic characteristics of the people using the building, including employees, customers, residents, and visitors. Information on income, car ownership, and age distribution also helps in projecting total parking demand.
- ⇒ ***Availability of nonauto modes of transportation.*** Takes into account the modes of transportation available to employees, visitors, and residents. Proximity of public transportation to a particular development, for example, will reduce parking demand. Walkable neighborhoods and bicycle amenities will also reduce parking demand. To reduce the amount of land dedicated to parking, alternative and creative parking methods

⁶ Shoup, Donald. 1998. "In-Lieu Parking Fees." *Journal of Planning Education and Research*.

⁷ "Parking Alternatives: Making Way for Urban Infill and Brownfield Redevelopment", Urban and Economic Development Division, U.S. Environmental Protection Agency, Washington, DC 20460, November 1999.

⁸ IBID.

are needed such as parking structures, shared parking between stand alone businesses, on-street parking, and parking credits for transit and high internal trip capture.

In the article *People, Parking, and Cities*, by Michael Manville and Donald Shoup (ACCESS No. 25 Fall 2004) the authors compare the parking of 2 concert halls, the Louise Davies Hall in San Francisco and the Disney Hall in Los Angeles. Los Angeles requires, as a minimum, fifty times more parking than San Francisco allows as its maximum. Their conclusion from the comparison was:

"CONCLUSION.. "The right to access every building in the city by private motorcar," Lewis Mumford wrote in 1961, "in an age when everyone owns such a vehicle, is actually the right to destroy the city." Mumford meant not physical destruction, of course, but loss of the cohesion that can make a CBD more than the sum of its parts. Parking requirements go a long way toward making downtown LA little more than a group of buildings, each a destination in its own right, to be parked at and departed from, and not part of some larger whole. This missing sense of urbanity—subjective though that term may be—might explain why people often react with disbelief when they are told LA sprawls less than New York or San Francisco.

So what should we do? We could start by admitting that there is such a thing as too much parking. So long as we continue to make minimum parking requirements a condition of development, we subordinate almost every other function of our cities to the need for free parking. But free parking—indeed, parking in general—is not what makes cities great. It doesn't create Manhattan and it doesn't make downtown San Francisco. Urbanists who admire these cities should call for other areas to mimic not simply their density, but also their willingness to limit rather than require parking. Perhaps the simplest and most productive reform of American zoning would be to declare that all existing off-street parking requirements are maximums rather than minimums. From that point we could let the market take care of parking, and let city planners take care of the many vital issues that really demand their attention."

Multiple studies have concluded that parking, while necessary, can positively or negatively impact the walkability of a neighborhood.

POLICY 4.3.4: Parking: Parking areas will be designed to minimize intrusiveness and impacts on the pedestrian character, through the following techniques:

- a. On-street parking with landscaping and design features, such as corner and mid-street bump outs, that afford traffic calming and produce a comfortable and safe pedestrian environment will be promoted.*
- b. Parking lot locations will not separate pedestrian areas including sidewalks, squares, and plazas from the front of buildings containing the primary entrance.*
- c. Parking lots will be screened from streets, sidewalks, and open spaces, and will be designed to maintain or enhance the street edge.*
- d. Parking lots will be designed with safe pedestrian connections to business entrances and public space to create a park-once environment.*
- e. Reduction of paved parking areas will be evaluated wherever practicable through measures such as provision of shared parking and parking structures to serve multiple uses and alternative paving materials. Large expanses of pavement will be discouraged. Reduced ratios of required parking for non-residential uses will be provided in the land development regulations.*

An interconnected street system providing convenient access between shopping, services, housing, and civic uses foster higher internal trip capture when residential densities are high

enough to support commercial areas and non-residential uses satisfy the needs of the residents. Disconnected streets force all trips to use arterial streets antagonizing traffic congestion. Smaller street blocks disperse traffic by creating route choices and reduces trip lengths encouraging many to find walking more agreeable than driving.

POLICY 4.3.5: Automobile Access: Automobile facilities will be designed to provide safe access to the development.

- a. Internal traffic circulation system design will include:
 6. traffic calming techniques to maintain safe multi-modal transportation.
 7. an interconnected street grid system extended to adjacent sites at the least intrusive locations.
 8. maximum use of common access drives.
 9. a system of alleyways for service vehicles and access to parking.
 10. convenient access to transit facilities.
- b. Points of ingress to and egress from arterial roads carrying through traffic will be located at the allowed intersection spacing and connect to the internal traffic circulation system.
- c. A connector street system will provide multiple vehicular, bicycle, and pedestrian linkages to adjacent local destinations, including residential neighborhoods, as an alternative to arterial and collector roads, except where such connections are precluded by physical layout of natural environmental features.
- d. Automobile-oriented uses will have a limited number of driveways, and drive-in or drive-up windows will be located to avoid conflict with pedestrian and bicycle traffic.
- e. Block sizes will be small enough to create an easily dispersed traffic flow.

Creating and Protecting Public Spaces once a high level of comfort is created will provide a sense of place for the neighborhood. Public spaces allow individuals and groups to organize outdoor markets, festivals, and gatherings (formal and informal). They also create places for the social greetings, conversations, and passive contacts that create a close community. Public places can be plazas, small parks, even wide sidewalks.

POLICY 4.3.6: Community Green Space: Public space and landscaping will be provided that includes.

- a. Public areas will provide adequate urban landscaping that includes street trees, planted areas, and street furniture.
- b. Required surface and storm water management facilities will be designed as an integral physical or visual amenity that provides usable open space or an aesthetic feature that resembles natural areas.
- c. Paved areas (including parking) will require overhead shading from tree canopy or building features based on factors such as scale of development and performance standards.

Compact mixed-use developments gain greater community acceptance when the surroundings have a distinct look and identity. Other than historic requirements, creating a distinct identity does not require mirroring of architectural style for all of the buildings. Key elements are building mass (height and frontage) street level and upper level detailing, roof forms, rhythm of windows and doors, and the relationship of buildings to public spaces such as streets, plazas, and open space. Connectivity is fostered by a compact design and promotes the principles of New Urbanism and Smart Growth. Connectivity, buffering, and mixing of uses has been discussed in detail above.

POLICY 4.3.7: Connectivity and Buffering: Mixed use developments will be well integrated both internally and externally.

- a. Automotive, pedestrian and/or bicycle connections to adjacent commercial development will be provided.
- b. Connections to adjacent residential neighborhoods will not be precluded by the Mixed Use Development's design.
- c. Buffering of uses internal to a Mixed Uses development are not required.
- d. Buffering from adjacent developments, when deemed absolutely necessary, will not preclude future interconnectivity.

The average density of current residential development is 3.36 units per acre (5.96 persons per residential acre) in the unincorporated portion of Lee County. This includes the rural areas as well as the urbanized areas.⁹ The latest estimate of population from the University of Florida Bureau of Economic and Business Research for the year 2030 is 979,000.¹⁰ The estimated unincorporated county portion of this population growth is approximately 438,000 or an increase from the April 1, 2005 estimate of 150,000 requiring an additional 84,000 units (allowing for an average 79% occupancy rate). Maintaining the existing patterns of development will require an additional 40 square miles of land be developed for residential uses alone. Increasing the **average** dwelling units per acre by 1 (4.36 upa) would reduce the land needed future residential development to 30sq miles. This could be done by adding 1 unit per acre county-wide, which would be doubling the density in rural areas of the county (not including DRGR and Open Lands), or by directing new residential development to the urban areas where higher densities are appropriate. If seven square miles (1.2% of the unincorporated area of the county) were prioritized to promote higher densities of 7upa (the accepted density recommended for supporting minimal transit¹¹) only 25sq miles would be required for residential development at 3.36upa. This would reduce the total residential land demand through the year 2030 to 32sq miles. Adding to this a mechanism that allows densities to be transferred from the rural areas to these priority areas would also serve to further protect more sensitive lands. A benefit of higher densities is the creation of active street life which has been stated as an element that attracts the young college educated residents. This segment of population is needed to support a diverse economic base as stated in the Lee Plan Vision Statement as a goal of the county. A 2006 seminar on attracting a young educated workforce

⁹ Existing Land Use Inventory, Lee County Department of Community Development Planning Division, April 1, 2005.

¹⁰ Florida Population Studies, Projections of Florida Population by County, 2005-2030. February 2006.

¹¹ PEDESTRIAN- AND TRANSIT-FRIENDLY DESIGN, Florida Atlantic University/Florida International University, Prepared for the Public Transit Office, Florida Department of Transportation, March 1996.

listed that this group was inclined to live in a city that is an interesting and diverse place to live that has space for social interactions.¹²

POLICY 4.3.8: *Properties in a Mixed Use Overlay Zone will be considered as preferred receiving areas for Transferable Development Rights (TDRs) and will allow these TDRs to serve as a method for obtaining allowable bonus densities.*

Among the challenges to creating better communities is building community support for smart growth projects. Growth can create great places to live, work and play -- if it responds to a community's own sense of how and where it wants to grow. Communities have different needs and will emphasize some smart growth principles over others: those with robust economic growth may need to improve housing choices; others that have suffered from disinvestment may emphasize infill development; newer communities with separated uses may be looking for the sense of place provided by mixed-use town centers; and still others with poor air quality may seek relief by offering transportation choices. The common thread among all, however, is that the needs of every community and the programs to address them are best defined by the people who live and work there¹³.

Citizen participation can be time-consuming, frustrating and expensive, but encouraging community and stakeholder collaboration can lead to creative, speedy resolution of development issues and greater community understanding of the importance of good planning and investment. Smart Growth plans and policies developed without strong citizen involvement will at best not have staying power; at worst, they will be used to create unhealthy, undesirable communities. When people feel left out of important decisions, they will be less likely to become engaged when tough decisions need to be made. Involving the community early and often in the planning process vastly improves public support for smart growth and often leads to innovative strategies that fit the unique needs of each community¹⁴.

POLICY 4.3.9: *The owner or agent for a rezoning request utilizing the Mixed Use Overlay must conduct one publicly noticed informational session, before sufficiency, where the agent will, at a minimum, present an overview of the project's consistency with this objective. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.*

Mixed Use Overlay Map. The objectives and policies discussed above will provide the needed guidance for creating a mechanism to promote Smart Growth and New Urbanism in select locations of Lee County. The attached map indicates a number of locations that should be considered for implementing the Mixed Use Overlay. A few locations have been recommended by local Community Planning Groups. The area along State Road 80 was previously identified in the Lee Plan as an area where residential density calculations should be based on total project acreage including all non-residential property such as commercial uses. The original language that allowed the more flexible calculation of density did not require any adherence to the principles of Smart Growth or New Urbanism. Placing the property in the

¹² Attracting the Young College-Educated to Cities, CEO's for Cities, National Meeting May 11, 2006.

¹³ Smart Growth Network

¹⁴ Ibid

overlay would add these principles to the requirements for approving additional dwelling units to projects. This area should be put on the Mixed Use Overlay map immediately.

B. CONCLUSIONS

Smart Growth/New Urbanism development practices benefit the community by improving air and water quality, preserving habitat and open space, and re-use of underutilized urban sites. When developments where we live, work, shop, and play when directed to compact, mixed use, transit accessible, pedestrian friendly neighborhoods that reduce impervious surface and enhance water management systems are directed away from sensitive areas of the county can preserve wild life habitat, natural vegetation, farmland, and other natural resources.

Compact growth can save money on infrastructure expansion and maintenance. Studies comparing cost for police, fire, road, and school services were consistently lower in compact development versus dispersed development. It stands to reason that providing costs to the same level of development would cost less in denser and more contiguous neighborhoods than to scattered, low-density, disconnected neighborhoods. A study for the State of Delaware estimates the savings of compact development at more than 30%.¹⁵

Many studies also state the positive impacts that developments adhering to the principles of Smart Growth and New Urbanism have on local economies (retail establishments located on an active pedestrian street) and the health benefits of providing more opportunities for choosing walking and biking over the car.

Addressing locations for mixed use development through the proposed overlay and site design, building form, pedestrian/public space orientation, and mixture of uses (including density and intensity) will further the principles of Smart Growth and New Urbanism. Implementing a process to promote traditional neighborhood designs and transit oriented development will have positive impacts on the local economy and life styles for all residents of Lee County.

C. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners transmit the proposed amendment as part of the 2004 EAR Amendment Cycle incorporated principles of New Urbanism and Smart Growth to initiate mixed use development potential in the Lee Plan. Staff also recommends that the Mixed Use Overlay Map be incorporated into the Future Land Use Map Series.

¹⁵ "Exploring the Benefits of Compact Development", A Research Paper Produced for the Delaware's Office of State Planning Coordination, August 29, 2003.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

PUBLIC HEARING DATE: November 27, 2006

A. LOCAL PLANNING AGENCY REVIEW

Planning staff introduced this amendment to the LPA stating that the premise of the proposal is to add New Urbanism and Smart Growth principles into the Lee Plan. The presentation was then turned over to the Smart Growth Director to narrate the Power Point Presentation prepared to explain the concept of this amendment. Following the presentation, LPA members asked about proposed Policy 4.2.3 and particularly why the limit of a quarter mile.

POLICY 4.2.3: Any Planned Development project adhering to the Mixed Use Overlay standards, at the discretion of the Board of County Commissioners, may extend beyond the Mixed Use Overlay zone up to one quarter mile.

The Smart Growth Director responded that this allows some flexibility for developers ("fuzzy borders") and still implement the concept in "test areas", the phrase "taking baby steps" was used. The quarter mile limit was determined to be an appropriate extension as it is considered the natural limit a pedestrian will be comfortable walking from their starting destination, or a "Pedestrian Shed". The second policy question raised was concerning proposed Policy 4.2.5. The LPA asked why locations without potential interconnections would not be preferred locations.

POLICY 4.2.5: Encourage mixed use developments on sites that have existing connectivity to adjacent neighborhoods, qualify as a grayfield or brownfield sites, or are candidates for Transit Oriented Development. Properties lacking potential interconnections to adjacent properties will not be considered as preferred locations for the Mixed Use Overlay.

It was explained that the smart growth principles discourages putting density on firm edges which creates greater impacts on the transportation network by forcing trips onto the main corridors. The goal is to create areas that encourage walk-in traffic.

PUBLIC COMMENTS: Eight members of the public commented on this amendment. The first speaker requested that the overlay area north of Corkscrew Road west of US 41 be expanded to include the entire property subject of a current zoning request (Estero On the River). The version of the map included in the LPA packet includes the land between US 41 and the railroad ROW while the subject property of the zoning request extends to Sandy Lane. This project is proposed to be a mixed use project incorporating new urbanism design principles.

The second speaker also asked to expand the overlay in the Estero Community. The overlay shown on the map did not include the Coconut Point development where a change to the existing approval is being considered to develop a true New Urbanism Development with residential above retail and office. This speaker's other comments were regarding the policy language. His first concern was that the amendments to the Land Development Codes (LDC) would not be completed until 2009 (Policy 4.2.3). Additionally, he was concerned about the emphasis on transit and interconnections. He stated that establishing interconnections to existing neighborhoods was difficult if not impossible and the result might be no projects being built. He concluded that while transit is a good thing, that there is no guarantee that it will not be cut and that the true emphasis should be on internal trip capture.

The next speaker stated that the concept presented by staff and depicted in the PowerPoint presentation was a good thing for Lee County. She added she particularly liked the slide of Mizner Park in Boca Raton. She felt that that particular development was exactly what her client was trying to achieve on their site (Harbor Park) in the San Carlos Community. She spoke to the property north of Park Drive, her client's property and also the property north of that site to Alico Road. Her client's property is the subject of CPA2005-00004, a request to allow for mixed use, and if the site was included in the Overlay, that amendment would not be necessary. She added that north of their site was an approved MPD and the former K-Mart site that was converted to a public school (Rayma C. Page Elementary School) and adding these properties to the overlay would help establish a good mixed use district. She concluded by agreeing with the comments made earlier regarding the emphasis on transit.

The next person to address the LPA also requested the Harbor Park site be included on the overlay. He stated the area had a number of existing rooftops but lacked commercial. He stated that most of the vacant land is currently zoned with conventional commercial districts and allowing true mixed use would be more compatible with the existing developments. His suggestion was to add all of the vacant property between the existing development and US 41 between Park Road and Alico Road to the Overlay.

The fifth speaker was a resident of the Harborage the residential project immediately west of the Harbor Park site. She stated she was speaking for the other residents who had been at the Public Hearing earlier in the morning when the discussion on CPA2005-00004 was held. The other residents had to return to work and could not attend the hearing past noon. She stated that the residents feared the limited access points to the site would create safety problems if the proposed development is allowed. Access to the Harborage is by dedicated easement through the Harbor Park site. The Harbor Park site has access to US41 via Harbor Drive or, based on the plans shown to them by the applicant, through a parking lot onto Park Road which intersects US41. She compared

this to the sites in the overlay across US41 which have multiple access points to US41 and San Carlos Park. For these reasons they asked that this site not be included on the Mixed Use Overlay.

The next speaker was speaking for the East Lee County Community Panel. He echoed the concern that not having the revisions to the Land Development Codes until 2009 would be problematic especially for areas in Caloosahatchee Shores Community where a change in the methodology used to calculate allowable residential units has already been approved. Without the LDC changes, these area would in essence be taking a step backward. Currently the definition of density allows areas in the Caloosahatchee Shores Community to calculate density off of the commercial component of the development. The Community Panel consented to changes in the definition of density making it possible for all areas within the Mixed Use Overlay but they were not aware that it would not be applicable until the code changes were made. He also stated that the intersection of SR80 and Buckingham Road was originally intended to allow residential density to be calculated from the commercial portion of a project. This intersection was left off the Overlay. He also asked that the property at the northeast quadrant of Interstate 75 and Palm Beach Blvd (Leeward Yacht Club) be included in the Overlay.

The developer of the property at the southeast corner of Williams Road and US 41 (North Village within the Coconut Point development) restated the desired to have that site included on the Mixed Use Overlay.

The final speaker was not sure if the property between Constitution Blvd and Babcock Road east of US41 was included on the Mixed Overlay Map. Also, he felt the Alico Interchange Park project south of Alico Road, west of Interstate 75 would be an appropriate site to be included on the Mixed Use Overlay. He also felt that the emphasis on transit and connectivity could be problematic.

LOCAL PLANNING AGENCY COMMENTS: The Local Planning Agency discussion began with the comment that this was a good concept and should be transmitted to the state including adding the properties discussed in the public input to the Overlay map. Another member felt that adding these properties gave an unfair advantage to property owners who happen to be at this hearing or had representatives at the meeting. She was concerned that the item was being rushed through the process and caution should be used in adopting the map to insure others who, if they had been in attendance, would have requested additional properties be included on the overlay have a chance to address the item. It was discussed that the language being proposed included a process for adding more property to the overlay map and that the Overlay Map was not limited to those properties on the map at the time of adoption. They also discussed the issue of when the Land Development Codes would be amended to include the concepts in this

amendment. Staff was asked if the LDC changes could be adopted in 2007. Staff responded that staff does not have the time and expertise to write the needed LDC amendments and a consultant will need to be hired. This amendment cycle will not be adopted until the spring of 2007 and the process to hire, write and adopt the LDC changes make it unfeasible to expect the process to be completed in 2007. The most realistic date for these changes becoming effective is during 2008.

The motion was made to recommend transmittal of the proposed amendment language as proposed by staff, to transmit the Overlay Map with the inclusion of the Coconut Point Development, Harbor Park (including the properties north to Alico Road), Alico Interchange Park (southwest quadrant of I-75 and Alico Road), Leeward Yacht Club, and the intersection of SR 80 and Buckingham Road, and to push for adoption of the LDC changes as early in 2008 as possible. This amendment passed unanimously.

STAFF COMMENTS: Staff concurs with the LPA recommendation. The Overlay Map was revised to reflect the motion made by the LPA. While making these additions staff reviewed the areas to make sure the overlay included adjoining properties with the same conditions.

The overlay at the northeast corner of US41 and Corkscrew Road was expanded not only to include the entire Estero on the River site but also the entire area between Sandy Land and US41 south of Broadway. Sandy Lane was used as the boundary for the overlay south of Corkscrew Road to the point where it crosses the railroad ROW. This ROW was used to extend the overlay south to the City of Bonita Springs city limit line east of US41 (the Coconut Point development).

The boundaries of the overlay were checked to confirm that the area between Constitution Blvd and Babcock Road east of US 41 was included. The Harbor Park site was also added to the overlay including the commercially zoned land north to Alico Road. Only the commercial component of the existing Emerson Square MPD was included in the overlay. As stated in both the 2004 EAR document and this report, the findings of a review of existing mixed use planned developments was they do not incorporate the principles of Smart Growth and New Urbanism. The developments are not Traditional Neighborhood Designs and are not pedestrian oriented. In fact, Emerson Square includes a gated residential development, under construction, and the master concept plan shows only one pedestrian connection to the entrance road which separates the residential areas from the commercial component. Adding the commercial component to the overlay would allow this portion of the project, not under construction, to be redesigned as a true mixed use development. Given the objections raised by the neighboring residential community, staff recommends that developments in

this area incorporate a high degree of public involvement, possibly including a neighborhood charett in keeping with the intent of POLICY 4.3.9. The Alico Interchange Park development was also added to the overlay. This site has many potential interconnections to surrounding residential areas and is on the transit route that services the university. This site could provide affordable housing for the university students in an active mixed use setting.

In the Caloosahatchee Shores area, staff added the four quadrants of the Buckingham Road/SR80 intersection. This area should have been on the original Overlay Map presented to the LPA. The Leeward Yacht Club area was expanded to include all of the property in the north east I-75/Palm Beach Blvd interchange quadrant to the Orange River. This area is currently served by one transit route but does not have potential connections to adjoining neighborhoods. This 33 acre triangular area is enclosed by I-75 on the west, Orange River on the north and east and a 6+ lane section of Palm Beach Blvd. on the south and east.

As with the entire map included as part of this amendment, these areas are suggested areas for implementing the principles of Smart Growth and New Urbanism and discussion of these sites is encouraged before final adoption. Since the LDC amendments will need to be completed as well, there is also time to initiate an amendment in a subsequent cycle to add sites to the overlay map prior to the adoption of the LDC amendments.

Subsequent to the November LPA hearing, the applicant for CPA2005-00004 has withdrawn the plan amendment request concerning the Harbor Park site.

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. The LPA further recommends that staff review 6 additional locations to be included on the Mixed Use Overlay Map. Additionally, the LPA recommends that the amendments to the Land Development Code be completed as early in 2008 as feasible.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	Aye
DEREK BURR	Aye
RONALD INGE	Aye
CARLETON RYFFEL	Absent
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:

Staff furnished the board with a new map for the proposed overlay that depicted requests from the public made to staff after the LPA meeting. This handout also contained a brief explanation of each request (Attachment 3). Staff made a brief introduction for the amendment and stated the staff and Local Planning Agency recommendation was to transmit this amendment. Staff briefly explained the 3 components of this amendment were the criteria to be used for selecting locations for the Mixed Use Overlay, the criteria to be used for drafting the require Land Development Code amendments, and the Mixed Use Overlay Map to adopted as part of the Future Land Use Map Series. The Board had a question regarding including property along SR 82 in Lehigh Acres where limited access is proposed for that facility. Staff explained that projects in the overlay would still be required to meet the access management provisions in adopted in the "CAMP 82" (State Road 82 access management plan). The second question asked of staff was regarding including properties in the Coastal High Hazard Area in the Overlay. He was also concerned with the policy that would allow transfer of development rights (TDRs) to be used in the overlay. The board member felt this was a way to increase densities in the coastal high hazard areas. Staff stated that these projects would come before the board for approval as a planned development zoning case. Staff also stated that the State had acknowledged that the County had done a good job of reducing density in the Coastal High Hazard Area countywide. Staff was asked if the amendment could go forward without the policies identified by the first commissioner. The county attorney stated that a possible solution would be to revised the policy allowing TDRs in the Mixed Use Overlay to not allow them if the property was in the Coastal High Hazard Area. The motion was made to transmit this amendment with a revision to Policy 4.3.8. to not allow TDRs in the Coastal High Hazard Area.

The hearing was then opened for public comment. The first speaker was a resident of the Harborage residential community. He addressed his comments made at the LPA meeting where he asked that no action be taken on the text amendment involving property adjacent to the Haborage subdivision. He stated that the home owners association is now in negotiations with the adjacent property owners and now favors this amendment and requests the board transmit the amendment. The next speaker was the chairman of the Estero Community Planning Panel. The ECPP is supportive of this amendment. He stated that there are three issues he feels need to be addressed in the future regarding mixed use developments. First, a plan/methodology should be created to measure the

actual traffic created by a project versus the projected traffic to see if this type of development has a positive impact on reducing trips. Secondly, with regards to bonus density approved based on providing affordable housing, that the community where the bonus density is approved should receive either the funding paid into the affordable housing program or the actual affordable units within the project. Finally, he felt that where open space/green space becomes an issue within a mixed use development, that consideration should be given to allowing mitigation of open space in areas where it is more appropriate to preserve land as passive open space. The next speaker was a representative of the Park Royal Properties who spoke in favor of this amendment. She also read into the record a letter from another Harborage home owner which was supportive of the amendment and the mixed use project proposed on the property adjacent to his subdivision. The next speaker was also a representative of the Park Royal Properties who briefly stated he was in favor of the proposed amendment. The next speaker represented the East Lee County Council. He stated that the ELCC requested that the areas west of I-75 along Palm Beach Boulevard be included on the Mixed Use Overlay Map. He also stated their concern about the time frame specified for adopting the changes to the Land Development Code. The final speaker represented Hunt Development who asked that the definition of urban open space be included in the definitions and specifically, plazas, pocket parks, and paved pedestrian spaces which he felt are some of the building blocks of New Urbanism. A Board member stated that the direction was given to staff while discussing CPA2005-00035 to address this specific issue. Following this speaker, public comment was closed and the board discussion resumed.

A board member asked if the Palm Beach Boulevard mapping issue could be included in the motion made before public comment. Staff stated that it was on the map distributed by staff at the beginning of the presentation. Also staff clarified that the LPA motion included moving the LDC amendment date to as early in 2008 as possible. The board called for the vote.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board made a motion to transmit this amendment as recommended by the Local Planning Agency with revisions to Policy 4.3.8 to exclude using TDRs within Coastal High Hazard Area.

TRANSMITTED LANGUAGE

GOAL 4: SUSTAINABLE DEVELOPMENT DESIGN —~~GENERAL AND MIXED-USE DEVELOPMENT~~. To pursue or maintain innovative land development regulations which encourage creative site designs and mixed use developments. Using an overlay, locate appropriate areas for Mixed Use, Traditional Neighborhood Development, and Transit Oriented Development.

OBJECTIVE 4.1: Maintain the current planned development rezoning process which combines site planning flexibility with rigorous review. ~~By the end of 1995, take specific steps to further promote the creation of mixed use developments to reduce the impact on collector and arterial roads.~~

POLICY 4.1.1: Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. (Amended by Ordinance No. 91-19, 00-22)

POLICY 4.1.2: Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. (Amended by Ordinance 91-19, 00-22)

OBJECTIVE 4.2: MIXED-USE OVERLAY - Designate areas on the Future Land Use Map for Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns.

POLICY 4.2.1: The County will maintain an overlay in the future land use map series identifying locations desirable for mixed use that are located in close proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Appropriate locations will have a positive impact on transportation facilities through increased transit service, internal trip capture, and reduced travel distance (preference will be given to locations serviced by multiple transit routes). An analysis showing the number of existing and potential residential units within the immediate and extended pedestrian shed (measured through connections and delineating pedestrian barriers) will be considered in identifying appropriate locations.

POLICY 4.2.2: The Mixed Use Overlay will not intrude into established single family neighborhoods. Connections to existing residential neighborhoods will be provided upon the residential neighborhood's desire and not precluded by the Mixed Use Development's design.

POLICY 4.2.3: Any Planned Development project adhering to the Mixed Use Overlay standards, at the discretion of the Board of County Commissioners, may extend beyond the Mixed Use Overlay zone up to one quarter mile.

POLICY 4.2.4: The Mixed Use Overlay may include areas within the Coastal High Hazard Area when unique public benefits exist. Such benefits may include providing workforce housing options for employees of businesses located on barrier islands when transit is provided between the workforce housing and the employment areas.

POLICY 4.2.5: Encourage mixed use developments on sites that have existing connectivity to adjacent neighborhoods, qualify as a grayfield or brownfield sites, or are candidates for Transit Oriented Development. Properties lacking potential interconnections to adjacent properties will not be considered as preferred locations for the Mixed Use Overlay.

POLICY 4.2.6: Staff will work with communities, specifically during the community planning process, to explain the benefits and address concerns related to mixed use/higher density developments to build the consensus needed to identify appropriate locations for the Mixed Use Overlay.

Objective 4.3: Development, redevelopment, and infill rezonings located within the Mixed Use Overlay that utilize the Mixed Use Planned Development (MPD) zoning category and that incorporate the following Mixed Use, New Urbanism, Traditional Neighborhood Development (TND), and Transit Oriented Development (TOD) criteria will be allowed to use the area of commercial, office, light industrial, natural water bodies and other non-residential uses in their density calculations. These areas will be compact, multi-purpose, mixed use centers which integrate commercial development with residential, civic, and open space within the same neighborhood and buildings.

POLICY 4.3.1: During 2008, adopt amendments to the Land Development Code that support New Urbanism principles and address issues including:- building placement, volume, and facade; pedestrian amenity requirements; parking location and requirements; open space and buffer requirements; creating inviting, human-scale streetscapes; and concurrent phasing of residential and non-residential uses. The amendments will include diagrams and visual examples that explain concepts contained in the regulations and that show clearly examples of elements that are desirable and those that are not. Minimum densities and non-residential Floor Area Ratios (FAR's) will be established.

POLICY 4.3.2: Mixed Uses: A balanced mixture of uses will be provided to reduce overall trip lengths, to support pedestrian, bicycle and transit opportunities and create pedestrian friendly streetscapes.

- a. Mixed uses will be encouraged within individual buildings (e.g. residential above retail or office space).
- b. Mixed Use Overlay areas will provide civic uses, such as green spaces or community centers.
- c. Mixed uses will be integrated within an overall design framework to create a pedestrian friendly, human scale environment, through objective, measurable criteria including size, scale, proportion, and materials detailed in the land development regulations. Flexibility in design will allow for choice and variety in architectural style.
- d. Primary and secondary uses will be determined based upon the needs of the community, character of the surrounding area, and characteristics of the transportation network.

POLICY 4.3.3: Site and Building Design: Integrate commercial, residential, civic, and open spaces to create multipurpose developments that feature unique style and ambiance through design, encouraging civic involvement and events to promote community interaction.

- a. Provisions for outdoor livability, including interconnected pedestrian and bike facilities, walkways, public plazas, ample seating, and walkable block size.
- b. Well defined centers and edges with public or civic space creating an element around which other development is located.
- c. Development plans will create focal points of signature buildings, civic spaces, natural amenities, and other prominent features through placement or street layout.
- d. Link pedestrian routes and bikeways with the street system or other public space such as parks or squares avoiding routes through parking lots and other locations out of the public realm.

- e. When necessary, development density and intensity will gradient from the center to the edge suitable to integrated surrounding land uses.
- f. The designs will include a pedestrian circulation system to connect the nonresidential uses with residential uses and areas.
- g. Local climate and history will dictate the architectural and landscape design and natural methods of cooling and heating will be encouraged. Evaluate Green Building techniques as an alternative way to provide open space.
- h. Streets and roads will be fronted by design features including sidewalks which define and contribute to a pedestrian street character. Building design, placement, and entrances will be at a pedestrian scale and oriented towards streets or other public space such as parks or squares.
- i. The street system will equally serve automobile and non-automobile modes of transportation. Development will provide pedestrian and bicycle- friendly access, and will provide transit facilities to the development and the surrounding community.
- j. Large scale nonresidential establishments will incorporate development design techniques to integrate the establishment into the surrounding community. Such design techniques will include:
 - 11. creation of a series of smaller, well defined customer entrances to break up long facades and provide pedestrian scale and variety, that may be achieved through the use of liner buildings.
 - 12. limited number and size of signs.
 - 13. landscaping and use of pocket parks and courtyards adequate to soften large building masses.
- k. An "A/B" street grid system may be utilized where "A" streets meet all pedestrian oriented standards and create a continuous uninterrupted pedestrian friendly streetscape, while "B" streets may include a limited amount of properly designed non-pedestrian oriented uses.
- l. Crime Prevention Through Environmental Design (CPTED) guidelines will be incorporated to the maximum extent possible.

POLICY 4.3.4: Parking: Parking areas will be designed to minimize intrusiveness and impacts on the pedestrian character, through the following techniques:

- a. On-street parking with landscaping and design features, such as corner and mid-street bump outs, that afford traffic calming and produce a comfortable and safe pedestrian environment will be promoted.
- b. Parking lot locations will not separate pedestrian areas including sidewalks, squares, and plazas from the front of buildings containing the primary entrance.
- c. Parking lots will be screened from streets, sidewalks, and open spaces, and will be designed to maintain or enhance the street edge.
- d. Parking lots will be designed with safe pedestrian connections to business entrances and public space to create a park-once environment.

- e. Reduction of paved parking areas will be evaluated wherever practicable through measures such as provision of shared parking and parking structures to serve multiple uses and alternative paving materials. Large expanses of pavement will be discouraged. Reduced ratios of required parking for non-residential uses will be provided in the land development regulations.

POLICY 4.3.5: Automobile Access: Automobile facilities will be designed to provide safe access to the development.

- a. Internal traffic circulation system design will include:
 - 14. traffic calming techniques to maintain safe multi-modal transportation.
 - 15. an interconnected street grid system extended to adjacent sites at the least intrusive locations.
 - 16. maximum use of common access drives.
 - 17. a system of alleyways for service vehicles and access to parking.
 - 18. convenient access to transit facilities.
- b. Points of ingress to and egress from arterial roads carrying through traffic will be located at the allowed intersection spacing and connect to the internal traffic circulation system.
- c. A connector street system will provide multiple vehicular, bicycle, and pedestrian linkages to adjacent local destinations, including residential neighborhoods, as an alternative to arterial and collector roads, except where such connections are precluded by physical layout of natural environmental features.
- d. Automobile-oriented uses will have a limited number of driveways, and drive-in or drive-up windows will be located to avoid conflict with pedestrian and bicycle traffic.
- e. Block sizes will be small enough to create an easily dispersed traffic flow.

POLICY 4.3.6: Community Green Space: Public space and landscaping will be provided that includes.

- a. Public areas will provide adequate urban landscaping that includes street trees, planted areas, and street furniture.
- b. Required surface and storm water management facilities will be designed as an integral physical or visual amenity that provides usable open space or an aesthetic feature that resembles natural areas.
- c. Paved areas (including parking) will require overhead shading from tree canopy or building features based on factors such as scale of development and performance standards.

POLICY 4.3.7: Connectivity and Buffering: Mixed use developments will be well integrated both internally and externally.

- a. Automotive, pedestrian and/or bicycle connections to adjacent commercial development will be provided.
- b. Connections to adjacent residential neighborhoods will not be precluded by the Mixed Use Development's design.

- c. Buffering of uses internal to a Mixed Uses development are not required.
- d. Buffering from adjacent developments, when deemed absolutely necessary, will not preclude future interconnectivity.

POLICY 4.3.8: Properties in a Mixed Use Overlay Zone, not within the Coastal High Hazard Area, will be considered as preferred receiving areas for Transferable Development Rights (TDRs) and will allow these TDRs to serve as a method for obtaining allowable bonus densities.

POLICY 4.3.9: The owner or agent for a rezoning request utilizing the Mixed Use Overlay must conduct one publicly noticed informational session, before sufficiency, where the agent will, at a minimum, present an overview of the project's consistency with this objective. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of facts as advanced by the staff and Local Planning Agency.

C. VOTE:

A. BRIAN BIGELOW	<hr/> Aye
TAMMARA HALL	<hr/> Aye
BOB JANES	<hr/> Aye
RAY JUDAH	<hr/> Aye
FRANKLIN B. MANN	<hr/> 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 has raised objections to proposed amendment CPA2005-00037. The DCA objections are reproduced below.

OBJECTION:

The Future Land Use Element is proposed to be revised to incorporate the concepts and principles of New Urbanism, Traditional Neighborhood Design, and Transit Oriented Development. In view of this, Objective 4.2 and associated policies are proposed to guide mixed use, traditional neighborhood, and transit oriented development patterns. However, the overlay areas are not designated on the Future Land Use Map and the density and intensity of use that will apply in the mixed use overlay areas as well as the mixture of uses are not stated. This is inconsistent with the minimum criteria of State law which require local comprehensive plans to establish standards for densities or intensities of use for each future land use category; and for mixed use areas, the percentage distribution among the mix of uses or other objective measurement be established. [Chapter 163.3177(6)(a), F.S., and Rule 9J-5.006((3)(c)L, & 7., and (4)(c), F.A.C.]

Recommendation: *Revise the amendment to establish the land use densities and intensities that shall apply in the Mixed Use Overlay area. Also, define the proportion of mix or the percentage distribution among the use that will be allowed, including the proportion of mix among the various residential land use types (single family residential and multifamily residential uses; etc.).*

B. STAFF RESPONSE:

The residential densities allowed in a mixed use project within the Mixed Use Overlay, are the same as allowed by the underlying Future Land Use Map category. As with residential density, the intensity of non-residential development will be directed by the underlying Future Land Use Map (FLUM) category. Each area designated as part of the Mixed Use Overlay is intended to have a unique character which will aid in establishing community character. Proposed **POLICY 4.3.1** includes a provision for these measures to be established in the Land Development Code. It will be at this stage, once areas have been designated on the map, that more detailed information will be available. Since specific floor area ratios (FAR) have not been established for each FLUM category, staff recommends that the maximum FARs be established for the Mixed Use Overlay areas as stated in Table 1. Initially, the Mixed Use Overlay is intended to address infill, greyfield/redevelopment sites in the more urbanized area of Lee County. It is the intention to introduce new residential uses within the commercial areas and not commercial uses into residential areas. Therefore, the

expected mixture of uses will be more commercial oriented than residential. As stated in the staff report, the intention is for the redevelopment of these areas to create pedestrian opportunities for the surrounding neighborhoods with the addition of adding on-site residential uses. Since these areas are expected to be predominantly developed with mixed use buildings the percentage of multi-family units will be high. However, as in most Traditional Neighborhood Designs, it is anticipated that some of the areas will have detached residential units. Table 1 includes a general range for development types anticipated in the Mixed Use Overlay.

Table 1

Future Land Use Map Category	Floor Area Ratio	Acres*	Percent Residential	Percent Non-Residential
Intensive Development	3.0	1,399	10-50%	50-90%
Central Urban	2.0	1,985	20-50%	50-80%
Urban Community	2.0	2,629	25-60%	40-75%
Suburban	1.0	391	30-70%	30-70%
Outlying Suburban	1.0	123	30-70%	30-70%
*Remaining acres are within non-residential areas that are situated within the overlay such as Public Facilities and Wetlands.				

The proposed overlay map contains approximately 7,000 acres of land which is less than 2% of the entire unincorporated area of Lee County. The ratios included in Table 1 are for the Mixed Use Overlay Areas as a whole and not to be assigned at the parcel or project level. This will foster a greater sense of character for each project and each area. A similar approach is taken with the Industrial Development category where a maximum amount of commercial development is allowed. This is measured at the Planning Community level. Ratios set forth in Table 1 for the Mixed Use Overlay should also be measured at the Planning Community level.

C. STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners adopt the proposed amendment as part of the 2004 EAR Amendment Cycle to incorporate principles of New Urbanism and Smart Growth to initiate mixed use development potential in the Lee Plan. Staff also recommends that the Mixed Use Overlay Map be incorporated into the Future Land Use Map Series as Map 1 page 6 of 6. Staff also recommends that Table 1 of this report be added to the Lee Plan as Table 1(c).

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

DATE OF ADOPTION HEARING: April 11, 2007

D. BOARD REVIEW:

E. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

F. VOTE:

A. BRIAN BIGELOW

TAMMARA HALL

BOB JANES

RAY JUDAH

FRANKLIN B. MANN

Smart Growth Principles

CPA2005-00037

Create Range of Housing Opportunities and Choices

Providing quality housing for people of all income levels is an integral component in any smart growth strategy. Housing is a critical part of the way communities grow, as it constitutes a significant share of new construction and development. More importantly, however, is also a key factor in determining households' access to transportation, commuting patterns, access to services and education, and consumption of energy and other natural resources. By using smart growth approaches to create a wider range of housing choices, communities can mitigate the environmental costs of auto-dependent development, use their infrastructure resources more efficiently, ensure a better jobs-housing balance, and generate a strong foundation of support for neighborhood transit stops, commercial centers, and other services.

No single type of housing can serve the varied needs of today's diverse households. Smart growth represents an opportunity for local communities to increase housing choice not only by modifying their land use patterns on newly-developed land, but also by increasing housing supply in existing neighborhoods and on land served by existing infrastructure. Integrating single- and multi-family structures in new housing developments can support a more diverse population and allow more equitable distribution of households of all income levels across the region. The addition of units -- through attached housing, accessory units, or conversion to multi-family dwellings -- to existing neighborhoods creates opportunities for communities to slowly increase density without radically changing the landscape. New housing construction can be an economic stimulus for existing commercial centers that are currently vibrant during the work day, but suffer from a lack of foot traffic and consumers in evenings or weekends. Most importantly, providing a range of housing choices allow all households to find their niche in a smart growth community -- whether it is a garden apartment, a rowhouse, or a traditional suburban home -- and accommodate growth at the same time.

Create Walkable Neighborhoods

Walkable communities are desirable places to live, work, learn, worship and play, and therefore a key component of smart growth. Their desirability comes from two factors. First, walkable communities locate within an easy and safe walk goods (such as housing, offices, and retail) and services (such as transportation, schools, libraries) that a community resident or employee needs on a regular basis. Second, by definition, walkable communities make pedestrian activity possible, thus expanding transportation options, and creating a streetscape that better serves a range of users -- pedestrians, bicyclists, transit riders, and automobiles. To foster walkability, communities must mix land uses and build compactly, and ensure safe and inviting pedestrian corridors.

Walkable communities are nothing new. Outside of the last half-century communities worldwide have created neighborhoods, communities, towns and cities premised on pedestrian access. Within the last fifty years public and private actions often present created obstacles to walkable communities. Conventional land use regulation often prohibits the mixing of land uses, thus lengthening trips and making walking a less viable alternative to other forms of travel. This regulatory bias against mixed-use development is reinforced by private financing policies that view mixed-use development as riskier than single-use development. Many communities -- particularly those that are dispersed and largely auto-dependent -- employ street and development design practices that reduce pedestrian activity.

As the personal and societal benefits of pedestrian friendly communities are realized -- benefits which include lower transportation costs, greater social interaction, improved personal and environmental health, and expanded consumer choice -- many are calling upon the public and private sector to facilitate the development of walkable places. Land use and community design plays a pivotal role in encouraging pedestrian environments. By building places with multiple destinations within close proximity, where the streets and sidewalks balance all forms of transportation, communities have the basic framework for encouraging walkability.

Encourage Community and Stakeholder Collaboration

Growth can create great places to live, work and play -- if it responds to a community's own sense of how and where it wants to grow. Communities have different needs and will emphasize some smart growth principles over others: those with robust economic growth may need to improve housing choices; others that have suffered from disinvestment may emphasize infill development; newer communities with separated uses may be looking for the sense of place provided by mixed-use town centers; and still others with poor air quality may seek relief by offering transportation choices. The common thread among all, however, is that the needs of every community and the programs to address them are best defined by the people who live and work there.

Citizen participation can be time-consuming, frustrating and expensive, but encouraging community and stakeholder collaboration can lead to creative, speedy resolution of development issues and greater community understanding of the importance of good planning and investment. Smart Growth plans and policies developed without strong citizen involvement will at best not have staying power; at worst, they will be used to create unhealthy, undesirable communities. When people feel left out of important decisions, they will be less likely to become engaged when tough decisions

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need to be made. Involving the community early and often in the planning process vastly improves public support for smart growth and often leads to innovative strategies that fit the unique needs of each community.

Foster Distinctive, Attractive Communities with a Strong Sense of Place

Smart growth encourages communities to craft a vision and set standards for development and construction which respond to community values of architectural beauty and distinctiveness, as well as expanded choices in housing and transportation. It seeks to create interesting, unique communities which reflect the values and cultures of the people who reside there, and foster the types of physical environments which support a more cohesive community fabric. Smart growth promotes development which uses natural and man-made boundaries and landmarks to create a sense of defined neighborhoods, towns, and regions. It encourages the construction and preservation of buildings which prove to be assets to a community over time, not only because of the services provided within, but because of the unique contribution they make on the outside to the look and feel of a city.

Guided by a vision of how and where to grow, communities are able to identify and utilize opportunities to make new development conform to their standards of distinctiveness and beauty. Contrary to the current mode of development, smart growth ensures that the value of infill and greenfield development is determined as much by their accessibility (by car or other means) as their physical orientation to and relationship with other buildings and open space. By creating high-quality communities with architectural and natural elements that reflect the interests of all residents, there is a greater likelihood that buildings (and therefore entire neighborhoods) will retain their economic vitality and value over time. In so doing, the infrastructure and natural resources used to create these areas will provide residents with a distinctive and beautiful place that they can call "home" for generations to come.

Make Development Decisions Predictable, Fair and Cost Effective

For a community to be successful in implementing smart growth, it must be embraced by the private sector. Only private capital markets can supply the large amounts of money needed to meet the growing demand for smart growth developments. If investors, bankers, developers, builders and others do not earn a profit, few smart growth projects will be built. Fortunately, government can help make smart growth profitable to private investors and developers. Since the development industry is highly regulated, the value of property and the desirability of a place is largely affected by government investment in infrastructure and government regulation. Governments that make the right infrastructure and regulatory decisions will create fair, predictable and cost effective smart growth.

Despite regulatory and financial barriers, developers have been successful in creating examples of smart growth. The process to do so, however, requires them to get variances to the codes – often a time-consuming, and therefore costly, requirement. Expediting the approval process is of particular importance for developers, for whom the common mantra, "time is money" very aptly applies. The longer it takes to get approval for building, the longer the developer's capital remains tied up in the land and not earning income. For smart growth to flourish, state and local governments must make an effort to make development decisions about smart growth more timely, cost-effective, and predictable for developers. By creating a fertile environment for innovative, pedestrian-oriented, mixed-use projects, government can provide leadership for smart growth that the private sector is sure to support.

Mix Land Uses

Smart growth supports the integration of mixed land uses into communities as a critical component of achieving better places to live. By putting uses in close proximity to one another, alternatives to driving, such as walking or biking, once again become viable. Mixed land uses also provides a more diverse and sizable population and commercial base for supporting viable public transit. It can enhance the vitality and perceived security of an area by increasing the number and attitude of people on the street. It helps streets, public spaces and pedestrian-oriented retail again become places where people meet, attracting pedestrians back onto the street and helping to revitalize community life.

Mixed land uses can convey substantial fiscal and economic benefits. Commercial uses in close proximity to residential areas are often reflected in higher property values, and therefore help raise local tax receipts. Businesses recognize the benefits associated with areas able to attract more people, as there is increased economic activity when there are more people in an area to shop. In today's service economy, communities find that by mixing land uses, they make their neighborhoods attractive to workers who increasingly balance quality of life criteria with salary to determine where they will settle. Smart growth provides a means for communities to alter the planning context which currently renders mixed land uses illegal in most of the country.

Preserve Open Space, Farmland, Natural Beauty and Critical Environmental Areas

Smart growth uses the term "open space" broadly to mean natural areas both in and surrounding localities that provide important community space, habitat for plants and animals, recreational opportunities, farm and ranch land (working lands), places of natural beauty and critical environmental areas (e.g. wetlands). Open space preservation supports smart

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growth goals by bolstering local economies, preserving critical environmental areas, improving our communities quality of life, and guiding new growth into existing communities.

There is growing political will to save the "open spaces" that Americans treasure. Voters in 2000 overwhelmingly approved ballot measures to fund open space protection efforts. The reasons for such support are varied and attributable to the benefits associated with open space protection. Protection of open space provides many fiscal benefits, including increasing local property value (thereby increasing property tax bases), providing tourism dollars, and decreases local tax increases (due to the savings of reducing the construction of new infrastructure). Management of the quality and supply of open space also ensures that prime farm and ranch lands are available, prevents flood damage, and provides a less expensive and natural alternative for providing clean drinking water.

The availability of open space also provides significant environmental quality and health benefits. Open space protects animal and plant habitat, places of natural beauty, and working lands by removing the development pressure and redirecting new growth to existing communities. Additionally, preservation of open space benefits the environment by combating air pollution, attenuating noise, controlling wind, providing erosion control, and moderating temperatures. Open space also protects surface and ground water resources by filtering trash, debris, and chemical pollutants before they enter a water system.

Provide a Variety of Transportation Choices

Providing people with more choices in housing, shopping, communities, and transportation is a key aim of smart growth. Communities are increasingly seeking these choices -- particularly a wider range of transportation options -- in an effort to improve beleaguered transportation systems. Traffic congestion is worsening across the country. Where in 1982 65 percent of travel occurred in uncongested conditions, by 1997 only 36 percent of peak travel occurred did so. In fact, according to the Texas Transportation Institute, congestion over the last several years has worsened in nearly every major metropolitan area in the United States.

In response, communities are beginning to implement new approaches to transportation planning, such as better coordinating land use and transportation; increasing the availability of high quality transit service; creating redundancy, resiliency and connectivity within their road networks; and ensuring connectivity between pedestrian, bike, transit, and road facilities. In short, they are coupling a multi-modal approach to transportation with supportive development patterns, to create a variety of transportation options.

Strengthen and Direct Development Towards Existing Communities

Smart growth directs development towards existing communities already served by infrastructure, seeking to utilize the resources that existing neighborhoods offer, and conserve open space and irreplaceable natural resources on the urban fringe. Development in existing neighborhoods also represents an approach to growth that can be more cost-effective, and improves the quality of life for its residents. By encouraging development in existing communities, communities benefit from a stronger tax base, closer proximity of a range of jobs and services, increased efficiency of already developed land and infrastructure, reduced development pressure in edge areas thereby preserving more open space, and, in some cases, strengthening rural communities.

The ease of greenfield development remains an obstacle to encouraging more development in existing neighborhoods. Development on the fringe remains attractive to developers for its ease of access and construction, lower land costs, and potential for developers to assemble larger parcels. Typical zoning requirements in fringe areas are often easier to comply with, as there are often few existing building types that new construction must complement, and a relative absence of residents who may object to the inconvenience or disruption caused by new construction.

Nevertheless, developers and communities are recognizing the opportunities presented by infill development, as suggested not only by demographic shifts, but also in response to a growing awareness of the fiscal, environmental, and social costs of development focused disproportionately on the urban fringe. Journals that track real estate trends routinely cite the investment appeal of the "24-hour city" for empty nesters, young professionals, and others, and developers are beginning to respond. A 2001 report by Urban Land Institute on urban infill housing states that, in 1999, the increase in housing permit activity in cities relative to average annual figures from the preceding decade exceeded that of the suburbs, indicating that infill development is possible and profitable.

Take Advantage of Compact Building Design

Smart growth provides a means for communities to incorporate more compact building design as an alternative to conventional, land consumptive development. Compact building design suggests that communities be designed in a way which permits more open space to be preserved, and that buildings can be constructed which make more efficient use of land and resources. By encouraging buildings to grow vertically rather than horizontally, and by incorporating structured rather than surface parking, for example, communities can reduce the footprint of new construction, and preserve more greenspace. Not only is this approach more efficient by requiring less land for construction. It also provides and protects

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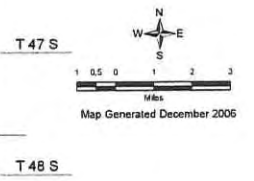
more open, undeveloped land that would exist otherwise to absorb and filter rain water, reduce flooding and stormwater drainage needs, and lower the amount of pollution washing into our streams, rivers and lakes.

Compact building design is necessary to support wider transportation choices, and provides cost savings for localities. Communities seeking to encourage transit use to reduce air pollution and congestion recognize that minimum levels of density are required to make public transit networks viable. Local governments find that on a per-unit basis, it is cheaper to provide and maintain services like water, sewer, electricity, phone service and other utilities in more compact neighborhoods than in dispersed communities.

Research based on these developments has shown, for example, that well-designed, compact New Urbanist communities that include a variety of house sizes and types command a higher market value on a per square foot basis than do those in adjacent conventional suburban developments. Perhaps this is why increasing numbers of the development industry have been able to successfully integrate compact design into community building efforts. This despite current zoning practices – such as those that require minimum lot sizes, or prohibit multi-family or attached housing – and other barriers – community perceptions of “higher density” development, often preclude compact design.

SPECIAL TREATMENT AREAS PROPOSED MIXED USE OVERLAY MAP

(Lee Plan Map 1 Page 6 of 8)



Requests since the Local Planning Agency Meeting

Orchid Road

This site is the subject of an annexation to the City of Cape Coral, south of Pine Island Road, north of Pondella Road. The site abuts a number of owner occupied single family homes. If this property is included in the overlay, the highest degree of neighborhood involvement with the site planning would be advisable. The site is located on a recently enhanced transit route and connectivity to the surrounding neighborhoods is possible.

Palm Beach Boulevard

A request to include the areas on both sides of Palm Beach Blvd between the Interstate and the City of Fort Myers limits was received from the East Lee County Council. The Overlay map presented at the LPA hearing on November 27th included 2 nodes along Palm Beach Blvd in this area which would be expanded by this request to create a continuous strip from I-75 to the city limits. The request is to include all properties abutting Palm Beach Blvd. This segment of road includes frequent intersections allowing good connectivity to the surrounding residential areas. Palm Beach Blvd is also a LeeTran route. Unlike the area along SR 80 east of I-75 in the Caloosahatchee Shores area, this segment of Palm Beach Blvd does not have a parallel street which could be used to orient pedestrian activity away from the highway traffic.

Estero

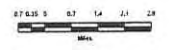
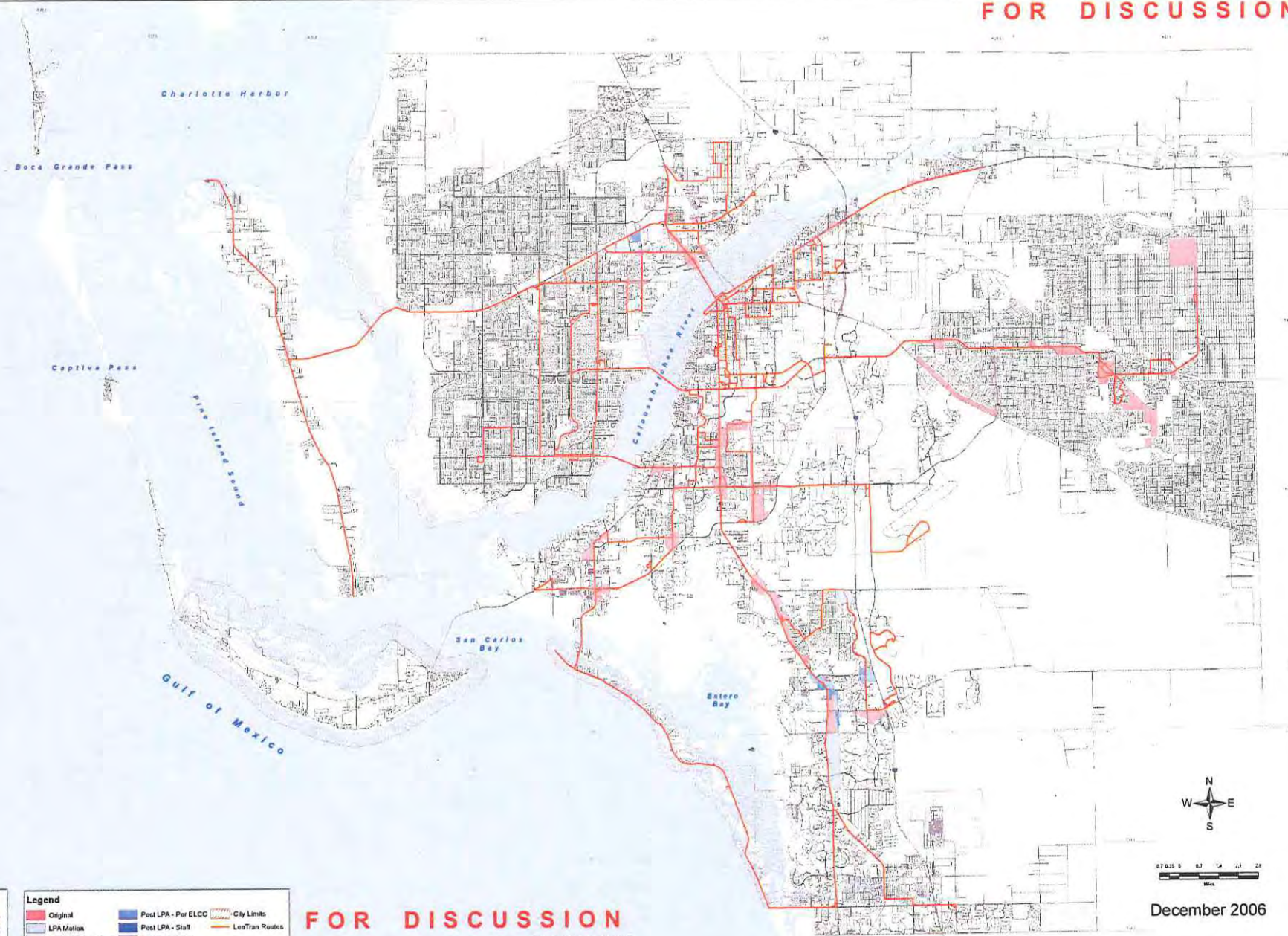
The Estero Community Planning Panel (ECPP) submitted a list of approved and proposed planned developments they felt would be appropriate for inclusion on the overlay map. Staff also included adjacent areas to the overlay to allow for additional connections between the mixed use areas. These sites are located on LeeTran routes providing direct access to Fort Myers, Bonita Springs, and Florida Gulf Coast University. Interconnections to neighboring developments could be established as specified by the proposed policies in CPA2005-00037. The locations proposed by the ECPP are:

- Camargo 10 Acre site,
- The Estero Town Center,
- The proposed Santorini,
- The vacant property south of Estero Parkway between US 41 and the railroad ROW, and
- A node at Estero Parkway and Three Oaks Parkway.

Staff has reviewed these sites and identified both positive and negative issues with most of them. Adherence to the intent of the Mixed Use Overlay may be more difficult on some of the proposed sites. A review of this map could be added to the amendment cycle initiated in September (2006) and additional sites could be reviewed for inclusion on the overlay map. This amendment would be completed while the necessary amendments to the Land Development Code are being created.

MIXED USE OVERLAY
FOR DISCUSSION

FOR DISCUSSION



December 2006

FOR DISCUSSION
ATTACHMENT 3



LEE COUNTY ORDINANCE NO. _____
(New Urbanism)
(CPA2005-37)

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.

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1. and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on November 27, 2006; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on December 13, 2006. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2005-37 pertaining to New Urbanism to the Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the December 13, 2006 meeting, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on March 2, 2007; and,

WHEREAS, at a public hearing on April 11, 2007, the Board moved to adopt the proposed amendment to the Lee Plan set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "2005/2006 Regular Comprehensive Plan Amendment Cycle CPA2005-37 New Urbanism Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as revised by the Board on April 11, 2007, known as CPA2005-37. CPA2005-37 amends 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. It also amends 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.

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to

"section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____. The vote was as follows:

Robert P. Janes

Brian Bigelow

Ray Judah

Tammy Hall

Frank Mann

DONE AND ADOPTED this 11th day of April 2007.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
Robert P. Janes, Chair

DATE: _____

Approved as to form by:

Donna Marie Collins
County Attorney's Office