

**REGULAR MEETING
OF THE
LOCAL PLANNING AGENCY**



**Monday, October 23, 2006
Board of County Commission Chambers
The meeting will commence at 8:30 a.m.**

AGENDA

- 1. Call to Order; Certification of Affidavit of Publication**
- 2. Pledge of Allegiance**
- 3. Public Forum**
- 4. Approval of Minutes: September 25, 2006**
- 5. Road Impact Fee Ordinance: An Ordinance Amending the Lee County Land Development Code (LDC) to Amend Chapter 2 (Administration), Article VI (Impact Fees), Division One (Generally), Division Two (Roads Impact Fee); Amending Computation of Amount (Section 2-266); Providing for Conflicts of Law, Severability, Codification, Scrivener's Errors, and an Effective Date.**
- 6. LDC Amendment to Concurrency Management and Adoption of Proportionate Share Program: An ordinance amending Chapter 2 of the Lee County Land Development Code, Article II, Concurrency Management System, Amending Definitions, Concurrency Certification, Concurrent Development Orders, Greater Pine Island Concurrency, Vested Rights, Concurrency Management Information System, Variances, and Appeals; Creating a Division 2, Entitled Proportionate Fair Share Program, Providing for Purpose and Intent, Findings, Applicability, General Requirements, Intergovernmental Coordination, Application Process, Determining Proportionate Fair Share Obligation, Impact Fee Credit for Proportionate Share Mitigation, Proportionate Fair Share Agreements, Appropriation of Fair share Revenues, and Cross Jurisdictional Impacts; and Providing for Conflicts of Law, Severability, Codification, Scrivener's Errors, and an Effective Date.**
- 7. Amendment to LDC Chapter 34, Article VIII, Relief for Nonconformities created by the Exercise of Eminent Domain: An ordinance amending the Lee County Land Development Code (LDC) to amend Chapter 10, Article III (Design Standards and Requirements) Division Six (open space, buffering and landscaping) Section 10-416 (Landscape Standards); and Chapter 34, Article VIII (Nonconformities), Division One (Generally), Section 34-3206 (Nonconformities created by eminent domain proceedings); providing for conflicts of law, severability, codification, scrivener's errors, and an effective date.**
- 8. LDC Amendment to expand the Boundaries of the Fort Myers/Lee County Enterprise Zone: An ordinance amending the Lee County Land Development Code (LDC) to amend Chapter 2 (Administration), Article VI (Impact Fees), Division 2 (Roads Impact Fee); Exemptions (Section 2-274); Division 3 (Regional Parks Impact Fee); Exemptions and Credits (Section 2-312); Division 4 (Community Parks Impact Fee); Exemptions and Credits (Section 2-352); Division 5 (Fire Protection and**

Emergency Medical Services Impact Fee); Exemptions (Section 2-394); Appendix J (Description of Enterprise Zones); Providing for Conflicts of Law, Severability, Codification, Scrivener's Errors, and an Effective Date.

9. CPA2005-00002 – (REGULAR-Webb-Buckingham) - Amend the Lee Plan Future Land Use Map series, Map 1, to change +/-95 acres from the Rural Future Land Use Designation to the Urban Community Future Land Use Designation and to change the boundaries in the Future Land Use Map series, Map 16, to place the property in the Lehigh Acres Planning Community.
10. CPA2005-00004 - (REGULAR-Harbor Park) - Amend the Lee Plan by adding a new Objective, Policies, and Standards promoting mixed use developments of commercial and residential uses within a specific area of the San Carlos Planning Community and proposing a new method of calculating density for this specific area.
11. CPA2005-00005 - (REGULAR-Three Oaks North) – Amend the Lee Plan Future Land Use Map series, Map 1 to change the designation for a specified 169± acre parcel from Industrial Development to Industrial Commercial Interchange.
12. CPA2005-00008 – Adopt a new Policy 21.1.4 specific to the Caloosahatchee Shores Community addressing an enhanced level of code enforcement.
13. CPA2005-00010 – (REGULAR-Airport Noise Boundaries) - 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 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).
14. CPA2005-00026 - (EAR-Update BEBR Population Projections) - Amend the Lee Plan to reflect the revised BEBR population projections and amend Table 1(b), Planning Community Year 2020 Allocations, to reflect the latest BEBR population projections.
15. CPA2005-00039 – (EAR-Commercial only FLUM) - Amend Goal 1 of the Future Land Use Element, the Future Land Use Map Series, Map 1, by adding a new “commercial only” future land use category.
16. CPA2005-00042 – Amend the Lee Plan, Economic Element for general updates as the element has not been updated since its creation in 1993.
17. CPA2005-00046 - (SMART-Smart Growth Policies) -Amend the Lee Plan to incorporate the recommendations from the County's Smart Growth Initiative into the Lee Plan.
18. Other Business
19. Adjournment

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. If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, 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.

**LOCAL PLANNING AGENCY PACKET
FOR OCTOBER 23, 2006 MEETING**

THE FOLLOWING ITEMS ARE NOT PART OF THIS PACKET AND WILL BE
ADDRESSED AT THE NOVEMBER LPA MEETING:

AGENDA ITEM 10 - CPA2005-00004

AGENDA ITEM 11 - CPA2005-00005

AGENDA ITEM 14 - CPA2005-00026

MEMORANDUM
FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT
DIVISION OF PLANNING

DATE: October 18, 2006

TO: Local Planning Agency

FROM: Paul O'Connor, AICP POC
Director

RE: Impact Fee Reimbursement Program

In response to the LPA's request, attached is information regarding the County's current impact fee reimbursement program, the School Impact Fee Reimbursement Program.

The School Impact Fee Reimbursement Program is funded pursuant to an interlocal agreement between the county and the school district dated May 2, 2006. The program is funded from interest earned on school impact fees collected.

This program allows partial reimbursement of school impact fees, up to 50% of fee paid. It is available to government, charitable entities, not-for-profit entities, and for-profit entities building single family or multi-family affordable housing for very low, low and moderate income households.

Such a program for whole or partial reimbursement of other impact fees, i.e. roads, community parks, regional parks, would not require an interlocal agreement as the fund would be the County's and not the School District's. A reimbursement programs for fire and EMS impact fees may require interlocal agreements.

Attachments:

- School Impact Fee Reimbursement Program information flyer
- Administrative Code 13-4, Administrative Procedures Governing the School Impact Fee Reimbursement Program

Copy:

Mary Gibbs, AICP, DCD Director
Gloria Sajgo, AICP, Principal Planner
Donna Marie Collins, Assistant County Attorney

**TO ELIGIBLE NON-PROFIT, GOVERNMENT AND FOR-PROFIT BUILDERS
NOTICE OF FUNDS AVAILABILITY FOR
LEE COUNTY SCHOOL IMPACT FEE REIMBURSEMENT (SIFR) PROGRAM**

Lee County Commissioners and the School Board established an ongoing affordable housing program that reimburses up to half (50%) of the amount paid for school impact fees for new construction of affordable residential single-family or multi-family homes to be occupied by very low, low and moderate-income households (see attached income chart). The Lee County School Impact Fee Reimbursement (SIFR) program was established by County Administrative Code 13-4.

School impact fees as of January 01, 2006 are as follows:

- Single Family - \$4,309
- Multi-family - \$1,704

This program is available for dwelling units built anywhere in Lee County (both inside and outside city limits). If you will be paying or have paid school impact fees within the past calendar year – you may be eligible. The maximum purchase price of a home is \$223,875 (subject to change).

To encourage broad participation, there is a ceiling on the cumulative total reimbursement distributed to any single builder per County fiscal year (10/1-9/30):

- Government and non-profit builders are limited to a cumulative maximum amount of \$50,000 each
- For-profit builders are limited to a cumulative maximum amount of \$25,000 each

For an application, or for more information, contact the Affordable Housing Program, Lee County Planning Division, Community Development/Public Works Building, 2nd Floor, 1500 Monroe St., Fort Myers, FL 33901, phone Antia Richards at (239) 479-8547, or via e-mail at richarah@leegov.com or Susan Strum at (239) 479-8549 or via e-mail at strumsm@leegov.com. This document and related applications can also be found on the Lee County Web Site at <http://www.lee-county.com/dcd/DocsAppsMaps/PlanningApplications.htm>.

Application Process

1. Complete the appropriate Lee County School Impact Fee Reimbursement application:
 - Application A: Non-Profit or Government Builder Application, or
 - Application B: For-Profit Builder Application and:
 - a) Demonstrate the housing units to be constructed are affordable to very low-income, low-income or moderate-income residents of Lee County (see attached income chart),
 - b) Provide proof of payment of School Impact Fee by providing a receipt from the appropriate Permitting Agency, and
 - c) Complete a Household Information form and provide required supporting documentation.

2. The applicant will have ample time to construct the housing unit and place an income-qualified household in the unit.
 - a) The applicant has 365 days after the school impact fee is paid to provide:
 1. Certificate of Occupancy,
 2. Completed Household Eligibility form, and
 3. Proof of Ownership (homeowners) or Lease (rental properties).

Failure to meet this deadline voids the applicant's eligibility unless an extension is granted for good cause.

- b) The applicant may request the County to issue a commitment for reimbursement with the condition that the applicant provides all the necessary documentation within a specific 45-day time period that falls within the 365 days after payment of the school impact fee. The commitment allows reimbursement funds to be factored in at the time of closing.
3. Reimbursements will be processed in the order found sufficient for review.

Lee County is pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the Nation. Lee County encourages and supports affirmative advertising and marketing programs in which there are no barriers to obtaining housing because of race, color, religion, sex, disability, familial status, marital status, or national origin.

This information can be provided in alternative accessible formats.

**ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS**

CATEGORY: Development/Planning/Zoning	CODE NUMBER: 13-4
TITLE: Administrative Procedures Governing Reimbursement of Lee County School Impact Fees	ADOPTED: 4/22/03
	AMENDED: 8/30/05, 5/2/06
	ORIGINATING DEPARTMENT: Department of Community Development

PURPOSE/SCOPE: Provides criteria and procedures for partial reimbursement of Lee County School Impact Fees paid for dwelling units in both unincorporated and incorporated Lee County.

POLICY/PROCEDURE: The Board of County Commissioners (BOCC) recognizes that while impact fees are necessary in a rapidly growing community, they can have an adverse effect on the provision of housing for moderate, low and very low income families. In order to lessen this effect, the BOCC has established a fund to provide for partial reimbursement of School Impact Fees paid by government, non-profit affordable housing providers recognized by the IRS, and for-profit affordable housing developers whose projects meet the criteria listed below.

Section 1.

Entities Eligible for Reimbursements: Partial reimbursement is available to government, charitable, not-for-profit entities and for-profit entities that construct single family or multiple family style affordable housing for moderate, low and very low income households.

- A. In order to qualify as a not-for-profit candidate for reimbursement, the entity must comply with one of the following criteria:
1. The entity is recognized under subsection 501(C)(3) of Chapter 26 of the United States Internal Revenue Code as a corporation, a community chest, a fund, or a foundation, organized and operated exclusively for charitable purposes, or for prevention of cruelty to children, and is then exempt from taxes under Section 501(a) therein; or
 2. The entity is recognized under Subsections 501(C)(4)(A) and (B) of Chapter 26 of the United States Internal Revenue Code as either a Civic League or an organization not organized for-profit, is operated exclusively for the promotion of social welfare, and is exempt from taxes under Section 501(a), therein; or
 3. The entity is recognized under subsection 501(C)(20) of Chapter 26 of the United States Internal Revenue Code as an organization or trust, the exclusive function of which is to form part of a qualified group legal services plan or plans within the meaning of Section 120 as referenced therein.

AC-13-14 (Continued)

- B. Reimbursements are available to for-profit entities on a case by case basis upon demonstration that the housing is affordable to moderate, low and very low income households of Lee County and one or more of the following criteria:
1. The units are in close proximity to established mass transit routes;
 2. The units are located in an area that can be considered "urban infill;"
 3. The project's traffic will not travel through areas with significantly lower densities before reaching the nearest collector or arterial road;
 4. The project is integrated into the surrounding neighborhood; and,
 5. The Director of Community Development finds that the affordable housing project furthers the goals and objectives of the County's Local Housing Assistance Plan.

Section 2.

Scope of Reimbursements Available: A qualified applicant may request partial reimbursement of School Impact Fees paid in connection with the new construction of affordable residential single family or multiple family style homes for moderate, low and very low income households. Reimbursement requests can be up to 50 percent of the total school impact fee charged for the structure. In no case will a government or not-for-profit applicant be granted more than \$50,000 in total reimbursement per project per County fiscal year. For-profit applicants are limited to \$25,000 per project per County fiscal year. Reimbursements may not exceed the total amount budgeted for this program.

Maximum Purchase price of the unit may not exceed that of the maximum purchase price established under the Lee County SHIP Program for moderate income households.

Section 3.

Funding:

- A. Pursuant to an interlocal agreement with the Lee County School District executed on May 2, 2006, the program is funded with 80 percent of the interest earned on school impact fees collected each quarter
- B. If, at any time, the unused funds in the subsidy account exceed \$400,000.00, no additional interest will be diverted into the subsidy account until the account balance falls below \$400,000.00.
- C. Eligibility to participate in this program will be retroactive to October 1, 2005.

Section 4.

Applications for Reimbursements:

- A. The applicant must file a Lee County Impact Fee Reimbursement application with the Department of Community Development. The application must establish that the entity is eligible for partial reimbursement, based on the criteria set forth in Section 1, and provide proof that the school impact fee has been paid. The staff may request additional information deemed appropriate to confirm the applicant's eligibility for the requested reimbursements, including criteria noted in Section 196.195 and 196.196, Florida Statutes.

AC-13-14 (Continued)

- B. The staff will review each application to determine eligibility for partial reimbursements based on the criteria set forth in Section 1. Within thirty (30) days after receipt of the application, the staff will inform the applicant in writing whether the application is complete. The County will also inform the applicant that in order to afford time for the construction of the unit and for the placement of an income qualified household in the unit:
1. the applicant will have 365 days or a calendar year after school impact fee payment to submit the following documentation: a) proof of certificate of occupancy, b) proof of the household's income eligibility, and c) proof of occupancy. Failure to meet this deadline will void the applicant's eligibility for partial reimbursements unless an extension is granted for good cause at the Director's discretion.
 2. the applicant may request that the County issue a commitment for reimbursement on the condition that the applicant will provide all the necessary documentation within a specific 45-day time period that falls within the 365 days or calendar year from payment of the impact fee. (The purpose of this commitment is to allow the reimbursement funds to be factored in at time of closing. If documentation is not provided within that 45-day time period, the County's commitment will expire unless extended by the County in writing.)
- C. Applications will be processed in the order they are found sufficient for review.

Section 5.

Application Process:

- A. Once an application is found to be sufficient, the staff will make a determination as to the eligibility of the applicant for participation in the program and will inform the applicant, in writing, about the determination.
- B. If the applicant is found eligible, the staff will forward a copy of the decision to the appropriate Fiscal Officer for processing of the partial reimbursement.
- C. The Fiscal Officer will issue a check for the applicant in the proper amount and send it to the applicant with a copy of the check sent to staff.

Section 6.

Record keeping:

- A. County staff will maintain records of all recipients of subsidies for the payment of school impact fees, and will provide the School Board with an annual report of monetary disbursements under the program.

LEE COUNTY ORDINANCE 06-_____

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE (LDC) TO AMEND CHAPTER 10, ARTICLE III (DESIGN STANDARDS AND REQUIREMENTS) DIVISION SIX (OPEN SPACE, BUFFERING AND LANDSCAPING) SECTION 10-416 (LANDSCAPE STANDARDS); AND CHAPTER 34, ARTICLE VIII (NONCONFORMITIES), DIVISION ONE (GENERALLY), SECTION 34-3206 (NONCONFORMITIES CREATED BY EMINENT DOMAIN PROCEEDINGS); PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, Goal 39 of the Lee Plan mandates that the County maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and protect and preserve public transportation facilities; and,

WHEREAS, Florida Statutes, Section 125.01(1)(h), authorizes counties to establish, coordinate, and enforce zoning regulations necessary for the protection of the public; and,

WHEREAS, the County has adopted the Lee County Land Development Code; and,

WHEREAS, the Board of County Commissioners has provided relief for nonconformities created by governmental action, either by negotiation or condemnation; and,

WHEREAS, that relief has not extended to nonconformities pertaining to signs, landscaping, buffers, and open space; and,

WHEREAS, the Board has concluded that additional relief must be afforded to improved properties that will be rendered nonconforming by governmental action; and,

WHEREAS, expanding the scope of relief is necessary and in the interest of the health, safety, and welfare of the County and its citizens; and,

WHEREAS, the Board of County Commissioners has concluded that it is permissible for landowners to install required buffers within slope easements adjacent to public right-of-way; and

WHEREAS, the Ordinance was considered by the LDCAC on October 13, 2006, Local Planning Agency on October 23, 2006, and EROC on October 26, 2006, and found to be consistent with the Lee Plan; and,

WHEREAS, the Ordinance was reviewed by the LPA and found to be consistent with the Lee Plan on October 23, 2006.

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Lee County, Florida:

SECTION ONE: AMENDMENT TO LAND DEVELOPMENT CODE, CHAPTER 10, ARTICLE III, DIVISION SIX.

Lee County Land Development Code, Chapter 10, Article III, Division 6, is amended to read as follows, with "strikethrough" identifying deleted language and "underline" identifying new language:

Sec. 10-416. Landscape standards.

Subsections (a) - (c) are unchanged.

(d) *Buffering adjacent property.* Buffering and screening applies to all new development. Existing landscapes that do not comply with the provisions of this section must be brought into conformity to the maximum extent possible when: the vehicular use area is altered or expanded, except for restriping of lots/drives, the building square footage is increased, or there has been a discontinuance of use for a period of one year or more and a request for an occupational license to resume business is made.

- (1) *General.* A buffering area is required along the entire perimeter of the proposed development whenever the proposed development abuts a different use. The existing use or, where vacant, the permitted use, of the abutting property will determine the type of buffering area required for the proposed development. Buffer areas may not be located on any portion of an existing or dedicated street right-of-way or roadway easement except that buffers may be located within slope easements as long as appropriate planting soil is provided in the slope. Variances or deviations from this requirement are prohibited.

Subsections (d)(2) - (d)(11) are unchanged.

SECTION TWO: AMENDMENT TO LAND DEVELOPMENT CODE, CHAPTER 34, ARTICLE VIII, DIVISION ONE.

Lee County Land Development Code, Chapter 34, Article VIII, Division One, is amended to read as follows, with "strikethrough" identifying deleted language and "underline" identifying new language:

Sec. 34-3206. Nonconformities created by Eminent Domain Proceedings.

(1) A structure, lot, tract, or parcel of land that has been or will be rendered non conforming as to area, width, depth, setbacks, lot coverage or parking because of a taking through eminent domain proceedings or by the voluntary sale of a parcel of land under the threat of eminent domain proceedings by a governmental authority after October 15, 1992, will be deemed conforming under the terms of this chapter.

(2) An administrative variance procedure is available to address improved parcels or parcels with approved development orders that have been rendered nonconforming as to signs, landscaping, buffers, and open space because of a taking through eminent domain proceedings, or by the voluntary sale of a parcel of land under the threat of eminent domain proceedings by a governmental authority. The procedures to address the nonconformities referenced in this subsection are set forth in the county administrative code.

SECTION THREE: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

SECTION FOUR: SEVERABILITY

It is the Board of County Commissioner's intent that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will be considered a separate provision and will not affect the remaining provisions of this ordinance. The Board of County Commissioners further declares its intent that this ordinance would have been adopted if such invalid or unconstitutional provision was not included.

SECTION FIVE: CODIFICATION AND SCRIVENER'S ERRORS

The Board of County Commissioners intend that this ordinance will be made part of the Lee County Code; and that sections of this ordinance can be renumbered or relettered and that the word "ordinance" can be changed to "section", "article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Manager, or his designee, without the need for a public hearing.

SECTION SIX: EFFECTIVE DATE

The ordinance will take effect on _____, 2006.

Commissioner _____ made a motion to adopt the foregoing resolution, seconded by Commissioner _____. The vote was as follows:

Robert P. Janes
Brian Bigelow
Ray Judah
Tammara Hall
Franklin B. Mann

DONE AND ADOPTED this ____ of _____ 2006.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
Robert P. Janes, Chairman

DATE: _____

Approved as to form by:

Donna Marie Collins
County Attorney's Office -

LEE COUNTY ORDINANCE 06-_____

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE (LDC) TO AMEND CHAPTER 2 (ADMINISTRATION), ARTICLE VI (IMPACT FEES), DIVISION 2 (ROADS IMPACT FEE); EXEMPTIONS (SECTION 2-274); DIVISION 3 (REGIONAL PARKS IMPACT FEE); EXEMPTIONS AND CREDITS (SECTION 2-312); DIVISION 4 (COMMUNITY PARKS IMPACT FEE); EXEMPTIONS AND CREDITS (SECTION 2-352); DIVISION 5 (FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES IMPACT FEE); EXEMPTIONS (SECTION 2-394); APPENDIX J (DESCRIPTION OF ENTERPRISE ZONES); PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, Goal 39 of the Lee Plan mandates that the County maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and protect and preserve public transportation facilities; and,

WHEREAS, the Board of County Commissioners has the authority to adopt impact fees pursuant to Article VIII of the Constitution of the State, Florida Statutes, Chapter 125, 163, and 380; and,

WHEREAS, Lee Plan Policy 135.1.5. requires the County to provide financial and technical support, including the payment, waiver, or reduction of the impact fees for affordable housing; and,

WHEREAS, the Board of County Commissioners has entered into interlocal agreements with the City of Fort Myers waiving impact fees within Enterprise Zone areas; and,

WHEREAS, in 2005, the Board of County Commissioners and the Council for the City of Fort Myers jointly applied for the expansion of the Fort Myers/Lee County Enterprise Zone, formerly known as the Dunbar Enterprise Zone; and,

WHEREAS, through an interlocal agreement, the City and the County have expressed a desire to provide for impact fee exemptions on residential development within the expanded boundaries of the Fort Myers/Lee County Enterprise Zone.

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Lee County, Florida:

SECTION ONE: AMENDMENT TO LAND DEVELOPMENT CODE, CHAPTER 2, ARTICLE VI.

Lee County Land Development Code, Chapter 2, Article VI, is amended to read as follows, with "strikethrough" identifying deleted language and "underline" identifying new language:

DIVISION 2: ROADS IMPACT FEE

Sec. 2-274. Exemptions.

.....

- (9) A building permit for residential construction in Harlem Heights, Charleston Park, and the ~~Dunbar~~ Fort Myers/Lee County Enterprise Zone, as those areas are described in Appendix J.

Note: Remainder of section unchanged.

DIVISION 3: REGIONAL PARKS IMPACT FEE.

Sec. 2-312. Exemptions and credits.

.....

- (9) A building permit for residential construction in Harlem Heights, Charleston Park, or the ~~Dunbar~~ Fort Myers/Lee County Enterprise Zone, as those areas are described in Appendix J.

Note: Remainder of section unchanged.

DIVISION 4: COMMUNITY PARKS IMPACT FEE.

Sec. 2-352. Exemptions and credits.

.....

- (9) A building permit for residential construction in Harlem Heights, Charleston Park, or the ~~Dunbar~~ Fort Myers/Lee County Enterprise Zone, as those areas are described in Appendix J.

Note: Remainder of section unchanged.

DIVISION 5: FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES IMPACT FEE.

Sec. 2-394. Exemptions.

(a) The following are exempted from payment of the fire and EMS impact fees:

.....

- (9) A building permit for residential construction in Harlem Heights, Charleston Park, or the ~~Dunbar~~ Fort Myers/Lee County Enterprise Zone, as those areas are described in Appendix J.

Note: Remainder of section unchanged.

SECTION TWO: AMENDMENT TO LAND DEVELOPMENT CODE APPENDIX J.

Lee County Land Development Code, Appendix J, is amended to read as follows, with "strikethrough" identifying deleted language and "underline" identifying new language:

APPENDIX J

DESCRIPTION OF HARLEM HEIGHTS, CHARLESTON PARK, AND THE ~~DUNBAR~~ FORT MYERS/ LEE COUNTY ENTERPRISE ZONE*

.....

*Dunbar Fort Myers/Lee County Enterprise Zone
See attached map description and sketch in Appendix J

SECTION THREE: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

SECTION FOUR: SEVERABILITY

It is the Board of County Commissioner's intent that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will be considered a separate provision and will not affect the remaining provisions of this ordinance. The Board of County Commissioners further declares its intent that this ordinance would have been adopted if such invalid or unconstitutional provision was not included.

SECTION FIVE: CODIFICATION AND SCRIVENER'S ERRORS

The Board of County Commissioners intend that this ordinance will be made part of the Lee County Code; and that sections of this ordinance can be renumbered or relettered and that the word "ordinance" can be changed to "section", "article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Manager, or his designee, without the need for a public hearing.

SECTION SIX: EFFECTIVE DATE

The ordinance will take effect on _____, 2006.

Commissioner _____ made a motion to adopt the foregoing resolution, seconded by Commissioner _____. The vote was as follows:

Robert P. Janes
Douglas St. Cerny
Ray Judah
Tammara Hall
John Albion

DONE AND ADOPTED this ____ of _____ 2006.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
Tammara Hall, Chairwoman

DATE: _____

Approved as to form by:

Donna Marie Collins
County Attorney's Office

Exhibit A: Appendix J: Description and Sketch of Fort Myers/ Lee County Enterprise Zone

Exhibit "A"
Page 1 of 2
Description
Fort Myers/Lee County Enterprise Zone
(formerly the Dunbar Enterprise Zone)

The Fort Myers/Lee County Enterprise Zone Program Area includes the entire geographic area of Census Block Groups Numbered: 0003013, 0003022, 0003023, 0003024, 0004013, 0005021, 0005022, 0005023, 0005024, 0005026, 0005041, 0005042, 0005043, 0006001, 0006003, 0006004, 0007002, 0007003, 0011001, 0011002, 0011004, 0011005.

The Area includes that portion of Census Block Group Numbered 0003014 from Palm Beach Boulevard to the southern bank of the Caloosahatchee River.

The Area includes that portion of Census Block Group Numbered 0004011 from Palm Beach Boulevard to the southern bank of the Caloosahatchee River.

CPA2005-02

WEBB-BUCKINGHAM

**AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Sponsored Application
and Staff Analysis**

**LPA Public Hearing Document
for the
October 23rd, 2006 Public Hearing**

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

October 17, 2006

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2005-02**



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: October 12, 2006

PART I - BACKGROUND

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

Carlton Land Holdings, LLC
P.O. Box 2491
Bonita Springs, FL 33413

Al Quattrone and Associates, Inc.
11000 Metro Parkway, Suite 30
Fort Myers, FL 33912

2. **REQUEST:** Amend the Lee Plan Future Land Use Map series, Map 1 to change ± 95 acres from Rural to the Urban Community Land Use Designation and change the boundaries in the Future Land Use Map series, Map 16, placing the 95± acre site within the Lehigh Acres Planning Community.
3. **SUMMARY DISCUSSION:** The applicant's agent, Al Quattrone and Associates, Inc. is pursuing a Map Amendment to Map 1 of the Lee Plan for a 95± acre parcel changing the Future Land Use Category from Rural to Urban Community. The change from

Rural to Urban Community would allow an increase in both commercial and light industrial development and residential density. The parcel is located south of Buckingham Road, approximately 1 mile east of State Route 82 and is approximately 3 miles from the State Route 82, Interstate – 75 intersection. The property is located east of the Lee County Incinerator and Buckingham Community Park, and north of the incorporated boundaries of the City of Fort Myers. During the 1970's, the property was utilized as the Lee County land fill. This site is not listed by the Florida Department of Environmental Protection (FDEP) as a State-Designated Brownfield Site, the FDEP map depicting Brownfield sites in Lee County is provided as Attachment 1. The property is currently located within the Buckingham Planning Community boundaries (Map 16). The property is not located within the Buckingham area boundary that is defined through the Future Land Use Map series, Map 1, Page 2 of 5. The property is not regulated by the Goals, Objectives, or Policies Goal 17 which regulate development within the Buckingham area.

The Comprehensive Plan Amendment is the first step toward the development of the site. The applicant will also be pursuing a zoning change to allow uses such as self storage, commercial recreational uses (bowling, family fun center), retail commercial within the areas determined by the commercial site location standards, professional / general / and medical offices, and limited light industrial uses (light industrial). These uses will have the ability to be properly buffered and sited within the development through the Planned Development process that will be required as part of the text amendment associated with this application.

The applicant is also pursuing a change to the Planning Community boundary lines to include the 95± acre site in the Lehigh Acres Planning Community and exclude it from the Buckingham Planning Community. A more detailed discussion of the impacts of the proposed changes to the planning community boundaries is included further in the staff report.

BACKGROUND INFORMATION

1. EXISTING CONDITIONS:

SIZE OF PROPERTY: ± 95.60 acres

PROPERTY LOCATION: Generally located South of Buckingham Road, across from the Buckingham Community Park.

STRAP #: 19-44-26-00-00003.0000

EXISTING USE OF LAND: Passive Agricultural. Previously used as a landfill.

CURRENT ZONING: AG-2

CURRENT FUTURE LAND USE CLASSIFICATION: Rural

2. INFRASTRUCTURE AND SERVICES:

FIRE: Tice Fire District

EMS: Lee County EMS service area.

LAW ENFORCEMENT: Lee County Sheriff's Office.

SOLID WASTE: Waste Management Inc Franchise Area.

MASS TRANSIT: LeeTran route within ½ mile along Lee Boulevard.

WATER AND SEWER: Services can be provided for both potable water and sanitary sewage by the City of Fort Myers.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION: Planning Staff recommends transmittal of the proposed amendment consisting of the Future Land Use Map change of 95± acres of land currently holding the land use designation of Rural to Urban Community and moving the property from the existing Buckingham Planning Community to the Lehigh Acres Planning Community with the proposed Text Amendments.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The 95± acre site is adjacent and north of the incorporated boundary of the City of Fort Myers, an area with a Future Land Use Designation of Mixed Use Land Use Category. The 95± acre site was previously used as a Lee County land-fill site.
- The site in question is not recognized by the Department of Environmental Protection as a Brownfield Site.
- Under the Rural Land Use Designation, only minor commercial activities intended to serve the rural community could be developed or 95 single acre or clustered residential lots could be developed.
- The proposed amendment will not allow residential development on this site. The proposed plan amendment will not affect Lee County's population projections.
- Under Goal 6, Commercial Site Location Standards, only limited retail uses would be permissible under existing conditions.
- Under Urban Community Land Use Designation, the opportunity for commercial and limited light industrial uses becomes available, the ability for residential density would also increase.
- Goal 17: (Buckingham) of the Lee Plan states the precise boundaries of Buckingham are indicated on the Future Land Use Map, Map 1, Page 2 of 5. The property in question is not included in the Buckingham area boundary.
- Urban Community land use designation is adjacent to this property to the east.
- The Comprehensive Plan Amendment site is located within the Category 4/5 Storm Surge Zone.
- The Lee County Department of Transportation is not anticipating a need for any planned improvements to Buckingham Road based on the proposed plan amendment.
- The boundaries for the Buckingham Area were defined in the Buckingham Sector Plan, submitted as an amendment to the Lee Plan on September 20, 1990. The Buckingham Sector Plan was submitted by the Buckingham Preservation

Committee.

- The original Buckingham Community Plan did not include this area.

COMPREHENSIVE PLAN BACKGROUND

The subject property was designated "Rural" by the original Lee County Future Land Use Map, adopted in 1984. "Rural" was established as a non-urban future land use category with a maximum density of 1 dwelling unit per acre. The property is currently designated "Rural".

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

Application Summary

FLUM Changes

The Comprehensive Plan Amendment requests changes to the Future Land Use designation of a 95± acre parcel from Rural to Urban Community. This change would move property from a non-urban land use category to an urban category and increase its potential density and intensity. Its current location and proximity to both Interstate 75 and State Route 82 definitely encourage the increase in intensity for both commercial and limited light industrial applications, neither of which is allowed under the Rural Land Use designation. However, staff realizes that minor commercial activities are acceptable in the Rural Land Use Designation. Additionally, its close proximity to the Lehigh Acres area should promote a more intense use of commercial acreages and limited light industrial acreages that will serve the growing population. On three sides the property is adjacent to land use designations that are more intense than Rural, those being Public Facilities to the west, Urban Community to the East, and to the immediate south the property abuts the City of Fort Myers with a land use/zoning category of Mixed Use. Policy 2.15 of the City of Fort Myers Comprehensive Plan defines the Mixed Use category as an area, "...which is intended to allow market forces a substantial influence on the area's final character." To the north lies the Buckingham Community which is generally more restrictive than the "Rural" land use designation. The primary land use designation of the Buckingham Community is Rural Community Preserve. This land use category is designed to protect large lot subdivisions and agricultural uses. The descriptor policy is reproduced below. Also, a map depicting the Future Land Use designations is included as Attachment 2.

POLICY 1.4.3: The Rural Community Preserves are established following special studies of Lee County's intact rural communities. Within these areas, special design approaches are to be used to maintain the existing rural character, for example: conservation easements, flexible road design standards (including relocation of future arterials not serving the rural community), special fencing and sign standards, and retention of historic rural uses. These areas are not to be programmed to receive urban-type capital improvements. Lands within this category are not intended to be converted to any Future Urban Areas; rather, they are to remain permanently rural in character and

use. These areas are restricted to low density residential uses (with minimum lot size requirements), agricultural uses, and minimal non-residential uses that are needed to serve the rural community. Property in this category may not be rezoned to any RV district. Additional goals, objectives, policies, and standards for these areas may be included in this plan based on the special studies (see for example, Goal 17). Maximum density is one dwelling unit per acre (1 du/acre). (Amended by Ordinance No. 91-19, 94-30)

Planning Community Changes

In addition to the land use designation change, the applicant is also proposing a change to the boundaries of the planning communities. The planning communities are a tool utilized by planning staff to establish county wide growth allocations. The planning communities were more broadly defined in the Vision Statement of the Lee Plan. This section was adopted in 1998. During this process, a list of communities was established and a vision of each was included as a part of the Lee Plan Vision Statement. The intent was to provide a quick and generalized overview of how Lee County is projected to develop during the time frame of the Plan. It was recognized that the Vision Statements were being proposed to provide a glimpse of the development patterns for the Planning Communities, taking into consideration the smaller areas located within each planning community boundary. The allocations of developable land by acreage were included in Table 1(b) of the Lee Plan to give a more specific view of what is anticipated to be developed during the time frame of the Lee Plan. The requested amendment to the Lee Plan dealt with the appropriateness of this 95± acre site being included in the Buckingham Planning Community as opposed to the Lehigh Acres Planning Community. The Vision Statements for both Planning Communities stated Buckingham Road was the border between the two planning communities. The Vision Statements for Buckingham and Lehigh Acres areas are reproduced below.

***Buckingham** - This Community is located between Lehigh Acres and the City of Fort Myers and Buckingham Road and the Orange River. It is considered the Buckingham Rural Community Preserve. The property in this community is predominantly designated Rural Community Preserve with some pockets of Public Facilities, Rural, and Outlying Suburban. The residents will continue to work to maintain the rural nature of this area of the county. The residents have limited the commercial activity within the community to a node focused around the intersections of Buckingham Road and Cemetery Road and Buckingham Road and Orange River Road. It is their preference that the majority of the communities commercial needs be met outside of their community. They also have concerns with any transportation projects which increase the volume of traffic through their community. The population of Buckingham will not change substantially during the life of this plan. (Added by Ordinance No. 99-15)*

***Lehigh Acres** - This community is the Lehigh Acres development, which was platted starting in 1954. This community is located south of Township 43 South, generally north of SR 82, and east of Buckingham Road/the Buckingham Rural Community Preserve to the eastern Lee County line. This community is designated as Urban Community, Central Urban, Industrial Development and*

Public Facilities. The Lehigh Community will continue to grow through the year 2020 at a rate faster than the county average growth rate. This community, however, will not be close to build out by 2020. The Lehigh community will grow from a 1996 permanent population of 26,000 to over 71,000 permanent residents in the year 2020. The build out potential for the Lehigh Community is more than double the projected 2020 population. Lehigh will continue to struggle with providing sufficient non-residential uses to accommodate a community of its size. New provisions for providing these uses has been implemented and will aid in this problem, however, residents will continue to commute from this community to the core communities such as Fort Myers, South Fort Myers, and Gateway/Airport for employment, shopping and other services. This community will also struggle with providing an adequate road network to reduce traffic congestion as the population grows. (Added by Ordinance No. 99-15)

As it appears with the text from the Vision Statement the 95± acre site would, by description, fit better in the Lehigh Acres Planning Community as opposed to the Buckingham Planning Community. Additionally, the proposed Future Land Use change would fit better with the envisioned growth patterns as well as the existing Goals, Objectives, and Policies promoting more acreage for non-residential uses within the Lehigh Acres Planning Community.

Staff analysis of the data presented in Table 1(b) indicates that the 95± acre site in question currently falls under the "Non-Regulatory" allocations category and as such would not impact Table 1(b) build-out scenarios for the Buckingham Planning Community.

Presently, the Lehigh Planning Community has 177 acres of commercially available allocated acreages and 108 acres of industrial available allocated acreages to absorb the 95 acres of commercial / limited light industrial lands to the Lehigh Acres Planning Community.

Reproduced as Attachment 3 is a portion of Table 1(b) that pertains to both the Buckingham Planning Community and the Lehigh Acres Planning Community.

Community Planning Areas

The planning communities are not used to determine specific areas regulated by geographically specific Goals, Objectives, or Policies. This is done by establishing a Community Planning Areas. The Lee Plan, through Map 1, Page 2 of 5 identifies specific areas as overlays that contain special restrictions or allowances in addition to all of the requirements of their underlying categories. A Community Planning Area does exist for the Buckingham area and is defined on the Future Land Use Map series Map 1, Page 2 of 5 and through Goal 17. Additionally, there is text within Goal 17 that states "...the precise boundaries of Buckingham are indicated on the Future Land Use Map." Ordinance No. 91-19 added the Community Planning Area Map to the Lee Plan with excerpts of this ordinance provided as Attachment 4.

The Buckingham area was originally defined with both text and a map through the

Buckingham Sector Plan, which was submitted as an amendment to the Lee Plan on September 20, 1990. The plan was prepared for and submitted by the Buckingham Preservation Committee. The intent of Buckingham Sector Plan was to provide protection to the Rural growth patterns and lifestyles for this area. As was stated in the Buckingham Sector Plan:

"The Buckingham study area encompasses approximately 16 square miles, and the precise boundaries are depicted on the map attached as "Appendix A". This boundary was carefully drawn to include only those areas which are distinctively a part of the Buckingham community and which are currently designated either "rural" or "public facilities" on the Lee County land use map."

The "attached map, Appendix A" referred to in the above listed excerpt is provided in Attachment 4 of this staff report.

The only change to the Buckingham area boundary was proposed in a Comprehensive Plan Amendment (PAM/T 92-16) which altered the Buckingham area boundary and added text recognizing that obvious omissions or inclusions of property that do not belong within the Buckingham area could be corrected. The original text, under Goal 19 (which has been changed to Goal 17 in the current Lee Plan codification), restricted any changes until the 1994 five year Lee Plan update and needed to be amended to reflect the map amendment. The map amendment dealt with a 2.2 acre site that had a "Rural" land use designation and was zoned for commercial development. This parcel did not fall into the described commercial nodes for the Buckingham area and it did not fall under the category of a non-conforming commercial activity that was identified in the Buckingham area, its commercial zoning was simply overlooked.

PAM/T 92-16 established the intent to protect the rural nature of the Buckingham area and recognized the significance of establishing both a physical boundary and appropriate text to ensure that urban development will not infringe upon the Buckingham Rural Preserve. The boundary established as a the Buckingham area does not include the 95± acre site. Copies of the Planning Communities (Map 16) and Map 1, Page 2 of 5 are provided as Attachments 5 and 6, respectively.

TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS

The subject property currently has access from Buckingham Road. Buckingham Road is currently classified as an Arterial with a current Level of Service "C", as was stated in the Concurrency Report, June, 2006.

The Lee County Department of Transportation (LCDOT) has reviewed the request and has provided written comments dated June 19, 2006. These comments are reproduced below:

We have reviewed the above application, which requests that the land use designation of approximately 95.56 acres be changed from existing "Rural" to "Urban Community" and proposes a text amendment to accompany the map amendment to ultimately allow the property to be rezoned from AG-2 to a

combination of CPD and IPD. As indicated by the application, the proposed "Urban Community" designation would allow approximately 573 dwelling units, or 742,500 square feet commercial uses, or 877,500 of industrial on the property.

After running the FSUTMS travel demand model, in a worst case analysis, with 742,500 square feet commercial uses for the year 2030 condition, we have determined that the land use change on this property will not alter the future road network plans.

Additional comments that were provided by the Lee County Department of Transportation are reproduced below:

The subject property (95.6 acres) is in front of Buckingham Rd. The existing (2005) AADT on Buckingham Rd between SR 82 and Gunnery Rd is 5,200 and the LOS is "C". MPO 2030 FSUTMS model projects the AADT in 2030 for Buckingham Rd is 12,756 and the LOS is "C". Re-ran the model with the project (add 742,500 s.f of commercial which is the worst case in trip generation) and the AADT on Buckingham Rd in 2030 with the project is 14,843 and the LOS is "D", which is still acceptable LOS.

The analysis did not incorporate, nor did it find necessary, any planned improvements to Buckingham Road based on the above listed analysis.

POPULATION ACCOMMODATION

The proposed Urban Community Land Use designation has a standard density range of 1-6 dwelling units per acre with the potential for bonus density of 10 dwelling units per acre. Under the Urban Community Land Use designation, the potential for 573 dwelling units under a standard density calculation or 956 dwelling units under a bonus density calculation exists.

The existing Rural Land Use designation has a standard density range of 1 dwelling unit per acre with no potential for bonus density. Under the Rural Land Use designation the potential for 95 dwelling units exists.

However, as part of the comprehensive plan amendment, staff is proposing new text that would not allow any residential development to occur on the entire ±95 acre site. The applicant has agreed to no residential development on this site. If the proposed text amendment is adopted as part of this plan amendment it will not significantly affect Lee County's population projections.

ENVIRONMENTAL CONSIDERATIONS

The application includes a map prepared by Bagley Environmental and Planting Services concerning plant communities located on the subject site. The map identifies the Florida Land Use, Forms and Cover Classifications System (FLUCFCS) Code, an acreage coverage and total acreage determination. The map depicts 88.88 acres of the site as being

Disturbed Land / Solid Waste Disposal with scattered Cabbage Palms and 6.72 acres of Electrical Transmission Lines.

Lee County, Environmental Sciences Division reviewed the application and provided an e-mailed response stating:

There are no open space, preservation, or protected species issues with the proposed Land Use change. Therefore, ES staff has no objection or recommended policy language.

SOILS

The application includes a map prepared by Bagley Environmental and Planting Services concerning the soil types located on the subject site. The soils types for the site were determined to be Matlacha Gravelly Fine Sand over the entire 95.6 acre site.

HISTORIC RESOURCES

The application included a map depicting the subject parcel in relation to the Archaeological Sensitivity Map. The parcel in question is not located within either of the Sensitivity Level areas.

The application includes a letter, dated September 25, 2006, from the Division of Historical Resources, Florida Department of State. This letter provides the following:

In response to your inquiry of September 21, 2005, the Florida Master Site File lists no previously recorded cultural resources in the following parcels:

T:44S R:26E Section 19 (also known as parcel 19-44-26-00-00003.0000)

The letter further states that this site will not constitute a review of cultural resources.

PUBLIC SERVICES

FIRE The Tice Fire and Rescue District did not have any objections to comprehensive plan amendment. A letter was provided from the Tice Fire and Rescue District. The letter provided the following:

After reviewing the rezoning request for the building of up to 819,600 square feet of a mixed commercial and light industrial park, the Tice Fire & Rescue District does not object to the construction of this project. With the information provided about the specific types of occupancies that will be constructed, it is difficult to say what additional, if any equipment will be required to support this project. We anticipate working with the developer as the project moves forward to address any conditions or needs. The district currently provided fire protection services to other industrial sites and parks located in the immediate area of this proposal. The district does reserve the right for future reference regarding the fire protection features as well as water supply and fire department access for this proposal.

EMERGENCY MEDICAL SERVICES (EMS) The Lee County Public Safety, EMS provided an e-mail that did not state any anticipated problems with the proposed plan amendment or potential development. The e-mail provided the following:

The proposal is within the Lee County EMS service area. Currently our nearest Lee County ambulance is stationed at 9700 Treeline Drive, 4.1 miles from this parcel. Actual response time will depend on the road system planned for reaching future dwelling units within the development.

LAW ENFORCEMENT The Lee County Sheriff's Office provided a letter that stated there was no anticipated problems with providing any potential development with adequate "core" level of law enforcement services. An excerpt of the letter provided by the Lee County Sheriff's Office is provided:

If the proposed development follows that which you have discussed with my staff then the Sheriff's Office has no objection to the project and I am confident that we can provide an adequate "core" level of law enforcement services to the area.

SOLID WASTE The subject property is within the Lee County, Solid Waste District, Area 4. The franchise company responsible to collection for District #4 is Waste Management Inc. Lee County, Solid Waste Division was contacted about the comprehensive plan amendment and no concerns were reported.

MASS TRANSIT LeeTran received a copy of the amendment application and provided the following comments:

Although transit is not addressed in the application the following should be considered. Current transit service is approximately 1/2 mile from the subject property along Lee Boulevard. This service could be accessed to and from the Carlton Property on foot or by bicycle. The short range transit development plan does not identify a need for transit service in the area other than on Lee Boulevard, and the long range transportation plan keeps transit service on the Lee Boulevard and SR 82 corridors. While transit service does not seem likely at this point on Buckingham Road, there will be some demand for access to transit. I feel the applicant should address pedestrian walkways and even bike ways that could be constructed for individuals to use getting to and from the transit corridors.

SCHOOL IMPACTS The School District provided a letter stating they anticipated no impact on classroom needs based on the applicant's indication that this is a commercial project only and will not have any residential units.

PARKS, RECREATION AND OPENSOURCE

The proposed amendment, including the text amendment restricting residential development on this site, will have minimal impacts on parks, recreation, and open space.

Lee County Public Works staff reviewed the request and provided comments stating there were no objections to the proposed change from Rural to Urban Community to facilitate retail, commercial, general commercial, and limited light industrial development.

POTABLE WATER The property is not located in the Lee County Future Water Service Areas delimited by Map 6. It is proposed that potable water will be supplied by the City of Fort Myers. Although this property is not located in the City of Fort Myers Utility Franchise Area, the City has extended potable water lines to the incinerator west of the property which is adequately sized to serve future development on this subject parcel. The City of Fort Myers provided a letter the following is an excerpt of that letter as it pertains to potable water:

There is an existing 12 inch potable water transmission main approximately 1,100 feet west of the southwest property corner. The City of Fort Myers provided a letter stating the City's water plant can provide treatment capacity to serve the potential development provided the owner installing any additional on-site water mains and appurtenances needed for adequate domestic water supply and fire protection. An additional condition was set by the City that a "Letter of No Objection" from the surrounding authorities be obtained before any approval of connection into the City's system.

Lee County Utilities has responded with no objections to the City of Fort Myers providing potable water to this property

SANITARY SEWER The property is not located in the Lee County Future Sewer Service Areas, delimited by Map 7. It is proposed that sanitary sewage will be supplied by the City of Fort Myers. Although this property is not located in the City of Fort Myers Utility Franchise Area, the City has extended sanitary sewer lines to the incinerator west of the property which is adequately sized to serve future development on this subject parcel. The City of Fort Myers provide a letter, the following is an excerpt of that letter as it pertains to sanitary sewer:

There is an existing 4 inch sanitary sewer force main approximately 1,100 feet west of the southwest property corner. The City's wastewater plan can provide treatment capacity to serve the potential development provided any additional on-site collections lines, pump stations, and appurtenances needed to handle development flows must be installed by the owner. An additional condition was set by the City that a "Letter of No Objection" from the surrounding authorities be obtained before any approval of connection into the City's system.

Lee County Utilities has responded with no objections to the City of Fort Myers providing sanitary sewer to this property.

STORMWATER MANAGEMENT The applicant has stated that the East Lee County Water Control District is not able to accommodate the proposed development on the 95 acre site. The applicant is proposing to provide on-site detention with detention areas to be constructed to comply with the peak allowable discharge rates. Provisions should be

made for emergency over-flow during an event that exceeds anticipated rainfall, onto the Buckingham Road right of way.

Lee County Department of Transportation has provided a copy of the letter being sent to the applicant's representative addressing the need for more information before a decision will be made about the potential over-flow of surface water runoff.

This is in response to your letter dated September 21 requesting a letter from DOT granting you the authority to drain the above referenced parcel into the Buckingham Road drainage system. At this time we can not issue a letter because there is not sufficient information for us to evaluate the impacts.

We need information that would show were all of the existing and/or historic drainage went. We will need to know what the quantities of runoff will be, both before and after. We will need your firm to do a site evaluation that includes the existing Buckingham drainage to advise if there are any impacts to our existing drainage all the way to the outfall. Once that information is received we will be able to complete our evaluation and advise if we can issue the letter you are requesting.

This issue will have to be resolved prior to any development occurring on the site. This issue will still be able to be addressed during the rezoning process or the development order process.

PUBLIC SERVICES COMMENTS (SUMMARY)

Based on the above listed information, the potential development that would be allowed under the Future Land Use designation changes can be adequately supplied. As was listed from the responding agencies there are several pre-requisites that have been requested of the applicant:

- 1) Consideration of Transit as a viable transportation mode to and from any potential development at this site.
- 2) Providing proof of no objections from surrounding potable water and sanitary sewage providers before the City of Fort Myers will allow connection to the City's system.
- 3) Provisions for emergency over-flow for an event that exceeds anticipated rainfall. The potential for this situation needs to be address with Lee County Department of Transportation as over-flow would be toward Buckingham Road.

These items will need to be conditioned into any zoning change requests and/or development orders.

PUBLIC NOTIFICATION PROCESS

Signs Posted and Letters Mailed Out

As part of the requirements of Administrative Code 13-7, residents within 500 feet of the proposed amendment site are to be mailed a notice stating the nature of the Future Land

Use Map change. In addition, a sign is posted at the site with a description of the proposed amendment and the assigned case number.

Staff Response

A minimal number of inquiries were generated through the mail-out or sign posting. There was one request for additional information that dealt with the boundaries for the Community Planning Area for the Buckingham area.

Buckingham Conservancy, Inc

The Buckingham Conservancy, Inc. has provided a letter referencing the removal of land from the Buckingham Planning Community and moving it to the Lehigh Acres Planning Community. The letter states the Buckingham Conservancy is opposed to the removal of any property from the Buckingham Planning Community. The letter is provided as Attachment 8 to the staff report.

Staff Response

This plan amendment offers an opportunity to address a boundary discrepancy between the Vision Statement text descriptions for both the Buckingham and Lehigh Acres Planning Communities and the boundaries established in Map 16 of the Lee Plan. Both the Planning Communities and the Vision Statements were intended to work together to describe an envisioned growth pattern for Lee County, it makes sense that both parts of the Lee Plan should identify the same geographic areas.

Another concern planning staff must consider is the needs and impacts a plan amendment will have in surrounding areas. This plan amendment would respond to a recognized need of the Lehigh Acres Planning Community by providing commercial acreages to an area with a recognized lack of non-residential development. At the same time staff must take into consideration the predetermined patterns of growth that have been adopted by the Buckingham Planning Community to ensure rural and not urban patterns of development take place in the Buckingham Rural Preserve area.

However, the Goal, Objectives, and Policies of the Lee Plan that dictate the rural patterns of development for the Buckingham Community are located in Goal 17. As was stated earlier in the staff report, the Buckingham area boundary which establishes the area that Goal 17 regulates does not include the 95 acre site referenced in the comprehensive plan amendment. By establishing this stretch of Buckingham Road as the boundary between the Buckingham Planning Community and the Lehigh Acres Planning Community an easy to understand, physical boundary will be created.

CONSISTENCY WITH THE LEE PLAN

***POLICY 1.1.4:** The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at*

slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Given the sites proximity to Buckingham Road, State Route 82, and Interstate-75, its location adjacent to the City of Fort Myers, the applicant's intent to develop commercial and limited light industrial uses to the extent that the Urban Community land use category will allow, and more importantly its strategic placement to the Lehigh Acres Community, the proposed land use change fits the distinctly urban character that the Urban Community land use category strives for.

OBJECTIVE 2.2: DEVELOPMENT TIMING. *Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)*

The subject parcel is currently served by public services to provide an adequate core level of service.

POLICY 2.4.4: *Lee Plan amendment applications to expand the Lee Plan's employment centers, which include light industrial, commercial retail and office land uses, will be evaluated by the Board of County Commissioners in light of the locations and cumulative totals already designated for such uses, including the 1994 addition of 1,400 acres to the Tradeport category just south of the Southwest Florida International Airport. (Added by Ordinance No. 97-05, Amended by Ordinance No. 00-22. 04-16)*

POLICY 5.1.2: *Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.*

The site is a former landfill which presents a potential hazard towards residential uses.

OBJECTIVE 17.1: LAND USE. *The primary land use designation for the Buckingham area is "Rural Community Preserve." Public Facilities have also been designated as appropriate. After the adoption of this amendment, no land in Buckingham will be changed to a land use category more intense than Rural*

Community Preserve (including Public Facilities) unless a finding of overriding public necessity is determined by three members of the Board of County Commissioners. (Amended by Ordinance No. 00-22)

The plan amendment does not seek to change any "Rural Community Preserve" land use designations.

OBJECTIVE 17.3: SEWER AND WATER. *In order to discourage unwanted urban development, central sewer lines will not be extended into the Buckingham Rural Community Preserve, except in the areas identified by Map 7 as Future Sanitary Sewer Service Areas, the existing Resource Recovery Facility, and the adjacent Lee County Parks and Recreation Facility. Central water lines may be extended along major roads of the Buckingham Rural Preserve upon request of property owners, with extension and connection fees paid by the person(s) requesting the water service. Connection to this expanded water service network will be on a voluntary basis. Under no circumstances will the availability of central water be accepted as justification for a density increase, or reduction of lot size requirements, within the Buckingham Rural Community Preserve. (Amended by Ordinance No. 00-22, 03-19)*

Public services such as central sewer lines are not being proposed to be extended into the Buckingham Rural Community Preserve.

POLICY 39.1.4: *Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided. (Amended and Relocated by Ordinance No. 99-15)*

Direct access to the project is on Buckingham Road, an arterial roadway.

POLICY 39.1.6: *Through the zoning process, the county will direct high-intensity land uses to parcels which abut designated future transit corridors identified in Map 3C. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)*

Lee Tran has reviewed this comprehensive plan amendment and acknowledges that service is provided approximately ½ mile from the subject property and there are no short range plans for transit service. Lee Tran does see a demand for access to transit service for potential development based on this comprehensive plan amendment and feels that pedestrian walkways and even bikeways should be constructed. This site is located on the "Unincorporated Bikeways / Walkways Facilities Plan" that would require the integration of these services (Map provided as Attachment 9). The property in question would be required per the requirements of the Land Development Code (LDC) Chapter 10-256 and the Administrative Code 11-9 (AC 11-9) to provide an eight foot (8) off-site [within the County's right-of-way] multi-use concrete or asphalt path along the frontage of Buckingham Road. In addition there is a requirement for a four foot (4) on-road bike path

(paved shoulder); however, the Bicycle Pedestrian Advisory Committee (BPAC) has recommended to the Board of County Commissioners to add paved shoulders on Buckingham Road from State Route 82 to just south of the bridge over the Orange River. This project has been advanced to the design phase and should be under construction sometime next year. The applicant will only be responsible for the eight foot (8) multi-use trail. It is being proposed through the text amendment that the multi-use trail will be incorporated into a buffer that will be established along Buckingham Road.

FLORIDA STATE COMPREHENSIVE PLAN

Concerning most areas of the Florida's State Comprehensive Plan, this amendment does not impact any goals or policies either positively or negatively.

(13) HAZARDOUS AND NONHAZARDOUS MATERIALS AND WASTE

(a)5. Identify and clean up hazardous waste sites.

The applicant reviewed existing Florida Department of Environmental Protection database information concerning Brownfield sites. The parcel in question is not listed as a Brownfield Site.

(22) ECONOMY

(a)10. Provide for nondiscriminatory employment opportunities.

The applicant has stated their intent to provide a development fostering commercial and limited light industrial uses within the Lehigh Acres area.

(25) EMPLOYMENT

(a)4. Encourage economic development in economically distressed areas.

The Lee Plan, though the Lehigh Acres Vision Statement and existing Goals, Objectives, Policies, and Standards within the Lee Plan is actively pursuing more non-residential acreage to provide employment opportunities for the growing population.

AFFECT ON ADJACENT LOCAL GOVERNMENTS

The subject property is located within the unincorporated portion of Lee County and is bound on the south by the City of Fort Myers. The adjacent City property, although currently vacant is zoned MU which allows a wide variety of use upon approval through a public hearing process. The proposed amendment is unlikely to have an adverse impact on the City's properties. Additionally, the City of Fort Myers is intended to be the provider of potable water and sanitary sewage for this development. The City is fully aware of the scope of this proposed comprehensive plan amendment.

PLANNING STAFF RECOMMENDATIONS

Planning staff believes additional conditions should be placed on this plan amendment to ensure appropriate development patterns. Planning staff is proposing the following text amendment. The intent of the additional text amendment is to address specific concerns about the types of development that will take place.

Objective 1.9: For the parcel of land described as generally, the southwest quarter of Section 19, Township 44 South, Range 26 East of Lee County, Florida; generally bounded by Buckingham road to the west; the eastern, southwest quarter boundary of Section 19, Township 44 South, and Range 26 East as the eastern most boundary, and the southern boundary of Section 19, Township 44 South, Range 26 East as the southern boundary for the plan amendment area.

Policy 1.9.1: All development for this site will be by Planned Development.

The inclusion of this text will ensure that Lee County will be able to condition development through landscaping, architecture, and use.

Policy 1.9.2: Development will be limited to Commercial (both general and retail) and Limited Light Industrial uses to an intensity allowed under the Urban Community Land Use designation. No residential uses will be allowed on the parcel described in Objective 1.9

A concern for this site was the potential development of residential units. The previous use of the property, as a landfill make this a less than desirable location for residential uses. Policy 5.1.2 of the Lee Plan prohibits residential developments where hazards exist. Even though the site is not listed as a Brownfield site by the Florida Department of Environmental Protection, it's prior use was a cause of concern by staff. The applicant agreed.

Policy 1.9.4: A buffer will be established along Buckingham Road that will integrate the required sidewalk with appropriate plantings and berms to provide adequate visibility and protection to the non-motorized public.

- The buffer, pertaining to the area abutting Buckingham Road, will be a minimum of fifty (50) linear feet in depth with a total average of seventy-five (75) linear feet in depth for the entire distance along Buckingham Road
- In working with the county, the required sidewalk will be eight (8) feet in width and function as a multi-purpose trail and will be designed to incorporate the entire buffer area.
- The buffer area will be designed in a fashion to incorporate the proximity of the Buckingham Park and its potential to be utilized by park patrons.
- The future potential for transit accessibility will be designed into the buffer area.
- The buffer area will be designed to establish a boundary between the Buckingham Rural Preserve to the north and the urban uses to the south of Buckingham Road and will, at a minimum consist of five (5) canopy trees per one hundred (100) linear feet and hedges planted in double staggered rows three (3) feet from center with a height at installation of forty-eight (48) inches.
 - Native species are to be utilized for the required vegetative buffer.

B. CONCLUSIONS

The proposed map and text amendment provides sound planning coordination between Lee County Staff, the applicant, and the general public. The proposed amendments respond to existing Goals, Objectives, Policies, and Standards that are establishing planned growth patterns for Lee County. Every attempt was made to recognize preconceived development potentials for the affected areas and to respond in a manner that was fair, equitable, and in the best interest of Lee County.

C. STAFF RECOMMENDATION

Planning Staff recommends transmittal of the proposed amendment consisting of the Future Land Use Map change of 95± acres of land currently holding the land use designation of Rural to Urban Community and moving the property from the existing Buckingham Planning Community to the Lehigh Acres Planning Community with the proposed Text Amendments.

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

PUBLIC HEARING DATE. October 23, 2006

A. LOCAL PLANNING AGENCY REVIEW

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

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS

RAE ANN WESSEL

DEREK BURR

RONALD INGE

RAYMOND SCHUMANN, ESQ

CARLETON RYFFEL

FRED W. SCHILFFARTH

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

DATE OF TRANSMITTAL HEARING: December 13, 2006

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

TAMMARA HALL

BOB JANES

RAY JUDAH

DOUG ST. CERNY

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

DATE OF ORC REPORT:

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

B. STAFF RESPONSE:

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

DATE OF ADOPTION HEARING:

D. BOARD REVIEW:

E. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

F. VOTE:

JOHN ALBION

TAMMARA HALL

BOB JANES

RAY JUDAH

DOUG ST. CERNY

Attachments

- 1) Brownfield Site Map
- 2) Future Land Use Map – Depicting Plan Amendment Area
- 3) Table 1(b) – Excerpt showing Lehigh Acres and Buckingham Planning Communities
- 4) Ordinance 91-19
- 5) Map 16 – Planning Communities
- 6) Map 1, Page 2 of 5 – Special Treatment Areas
- 7) Letter from the Buckingham Conservancy, Inc.
- 8) Map 3D Bikeways/Walkways Facilities Plan

Brownfield Areas Found: 4

[View BSRA\(s\) Details](#)

Additional Information:

Local Government Contact: [Lee](#)

FDEP District Contact: [South](#)

Federal: [EPA Enviromapper Brownfields](#)

1

Area ID: BF360301000

Area Name: Ft. Myers Wellfield Area

City: Ft. Myers

Acreage: 870

Resolution Date: Mon, 17 Nov 2003

[View Resolution](#)

2

Area ID: BF360501000

Area Name: 3250 Metro Parkway

City: Ft. Myers

Acreage: 10

Resolution Date: Mon, 21 Nov 2005

[View Resolution](#)

3

Area ID: BF360302000

Area Name: Dunbar Enterprise Zone Brownfield Area

City: Ft. Myers

Acreage: 0

Resolution Date: Mon, 19 May 2003

[View Resolution](#)

4

Area ID: BF369901000

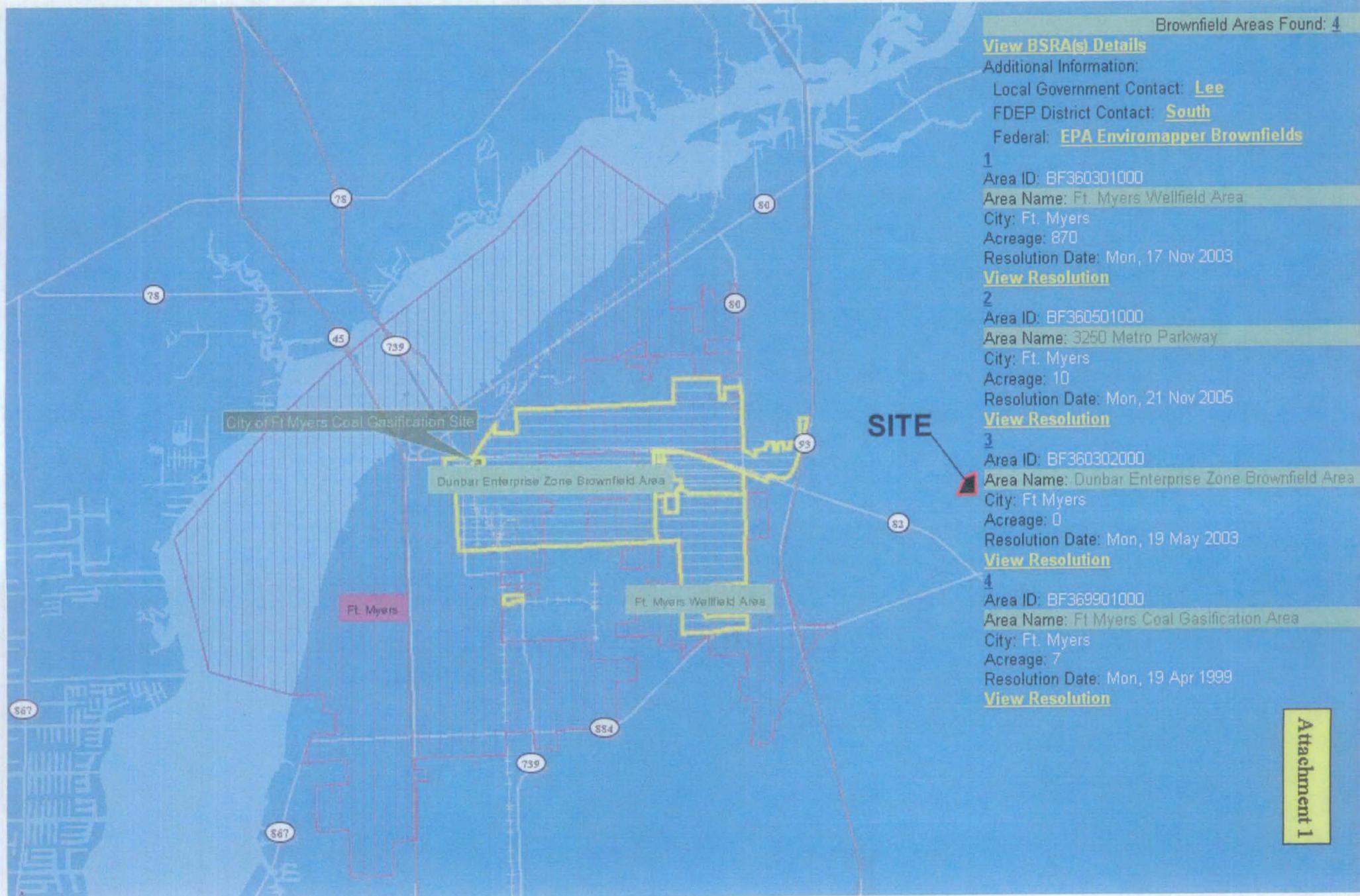
Area Name: Ft. Myers Coal Gasification Area

City: Ft. Myers

Acreage: 7

Resolution Date: Mon, 19 Apr 1999

[View Resolution](#)



Attachment 1

FUTURE LAND USE MAP
(See Plan Map 1 Page 1 of 5)

This map generally represents the future land use maps of the five municipalities within the context of the Lee Plan. The specific plans and policies are subject to the jurisdiction of the respective municipalities.

This map is a general representation of the Future Land Use Map as adopted by the Board of County Commissioners on September 17, 1990.

Revised By:

ADOPTING ORDINANCE	DATE OF ADOPTION	EFFECTIVE DATE
80-02	10/1/1990	3/1/1990
80-09	3/7/1990	3/14/1990
80-43	9/8/1990	9/17/1990
80-44	9/12/1990	9/17/1990
81-13	4/2/1991	4/10/1991
81-39	7/9/1991	7/16/1991
82-35	6/7/1992	6/16/1992
82-41	8/15/1992	8/21/1992
82-47	10/27/1992	11/6/1992
82-48	10/27/1992	11/6/1992
82-51	12/6/1992	12/15/1992
83-06	2/22/1993	2/26/1993
83-25	6/29/1993	1/24/1994
84-23	8/28/1994	11/14/1994
84-29	10/26/1994	1/9/1995
84-30	11/1/1994	7/25/1995
86-27	12/20/1995	1/20/1996
86-19	10/2/1996	11/2/1996
87-05	3/5/1997	4/2/1997
87-17	6/25/1997	8/20/1997
87-13	6/24/1997	7/23/1997
87-22	11/29/1997	12/26/1997
86-02	1/13/1996	2/13/1996
86-06	6/2/1996	7/20/1996
86-02	4/13/1996	2/4/2000
86-26	11/24/1996	12/25/1996
86-15	11/23/1996	1/19/2000
86-16	11/22/1996	1/19/2000
86-17	11/22/1996	1/19/2000
86-18	11/22/1996	1/19/2000
86-19	11/22/1996	12/23/1999
00-01	5/4/2000	6/26/2000
00-10	8/6/2000	8/6/2000
00-22	11/1/2000	12/25/2000
02-24	12/13/2001	1/13/2002
02-02, 03, 04, 05, 06	1/16/2002	3/27/2002
02-20	10/21/2002	1/9/2003
03-01, 02, 03, 04, 05, 06, 07	1/9/2003	4/1/2003
03-12	5/6/2003	6/6/2003
03-19, 03-20, 03-21	10/23/2003	1/21/2004
03-26	12/15/2003	3/12/2004
04-14	8/29/2004	12/7/2004
04-15	8/22/2004	10/22/2004
05-10, 05-21	10/12/2005	01/09/2006

Please see the Lee Plan for additional information regarding special restrictions, easements, or allowances in addition to the requirements of the land use categories.



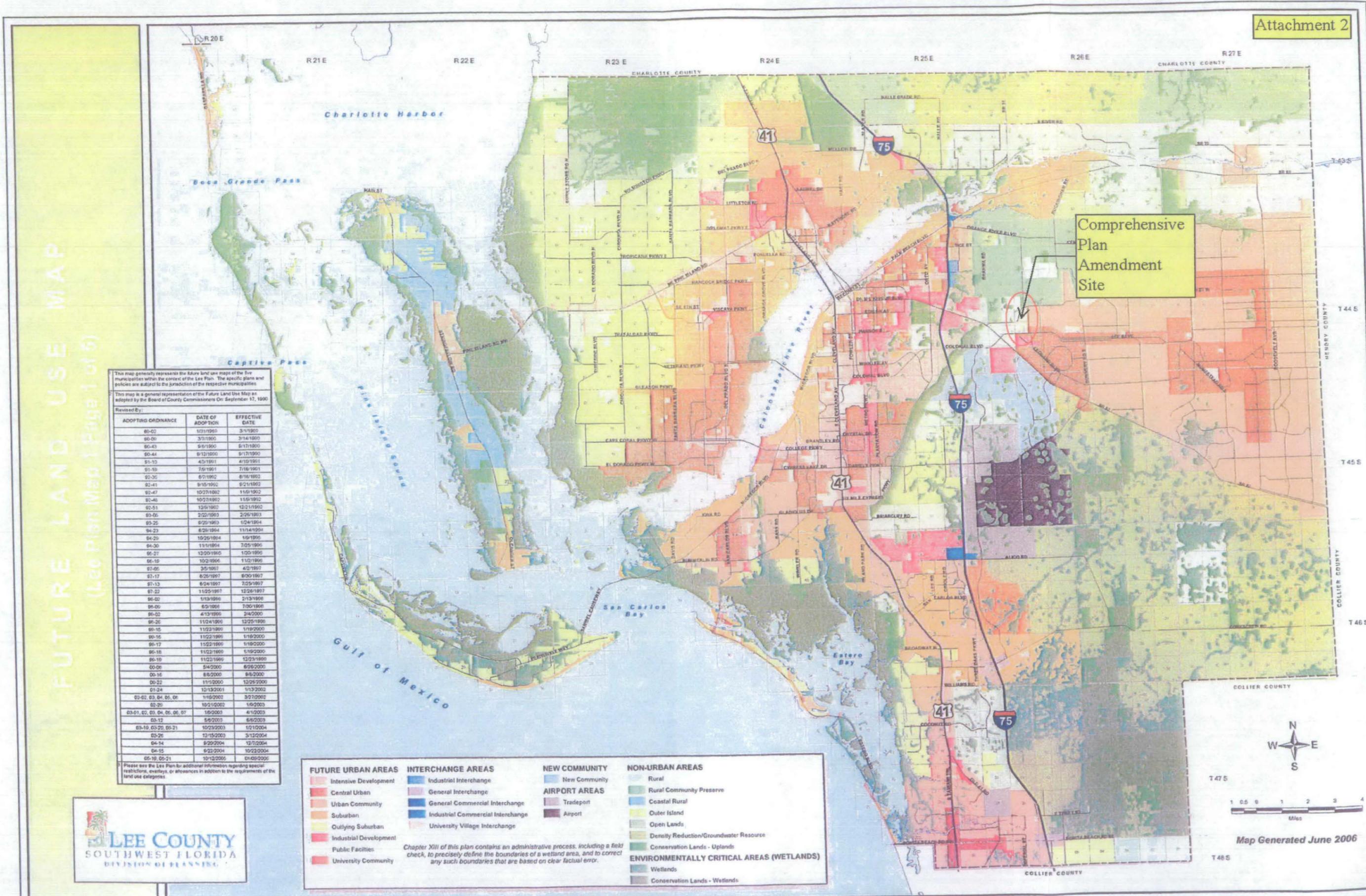
FUTURE URBAN AREAS	INTERCHANGE AREAS	NEW COMMUNITY	NON-URBAN AREAS
Intensive Development	Industrial Interchange	New Community	Rural
Central Urban	General Interchange	AIRPORT AREAS	Rural Community Preserve
Urban Community	General Commercial Interchange	Tradeport	Coastal Rural
Suburban	Industrial Commercial Interchange	Airport	Outer Island
Outlying Suburban	University Village Interchange		Open Lands
Industrial Development			Density Reduction/Groundwater Resource
Public Facilities			Conservation Lands - Uplands
University Community			ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)
			Wetlands
			Conservation Lands - Wetlands

Chapter XII of this plan contains an administrative process, including a field check, to precisely define the boundaries of a wetland area, and to correct any such boundaries that are based on clear factual error.

Comprehensive Plan Amendment Site



Map Generated June 2006



e 1(b)
Planning Community Year 2020 Allocations

Future Land Use Category	Iona/ McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres	Southeast Lee County	North Fort Myers	Needlesham	Estero	Bayshore	
Residential By Future Land Use Category	Intensive Development			704	5			371				
	Central Urban	462	15	2,778		3,052		2,498				
	Urban Community	697	930	920	526	8,037			51	327		
	Suburban	2,471	2,250	1,217	636			5,293		1,572		
	Outlying Suburban	396			466			610	49	837	749	
	Industrial	7	13	10								
	Public Facilities											
	University Community		860									
	Industrial Interchange											
	General Interchange						15	9		15	12	
	General Commercial Interchange											
	Industrial Commercial Interchange											
	University Village Interchange											
	Mixed Use Interchange											
	New Community											
	Tradeport											
	Airport											
	Rural		160			1,129	10	702	383	57	900	1,251
	Rural Community Preserve									3,046		
	Outer Island	1				37						
Open Lands								45			1,236	
Density Reduction/ Groundwater Resource							3,573				1,837	
Wetlands												
Unincorporated County Total Residential	4,034	4,228		5,629	2,799	11,099	4,290	9,209	3,203	3,651	5,085	
Commercial	782	1,613		1,849	165	452	31	1,158	18	1,399	104	
Industrial	298	350		723	64	216	55	209	5	87	3	
Non-Regulatory Allocations												
Public	2,970	1,085		3,394	1,722	13,738	7,700	2,015	2,114	4,708	1,462	
Active AG					2,313		21,066	381	411	833	1,321	
Passive AG		90			960		21,110	4,113	3,867	90	4,393	
Conservation	8,879	3,283		128	13,703	1,455	30,882	1,293	359	3,626	798	
Vacant	1,912	11		690	4,577	19,561	321	4,242	1,278	5,794	1,310	
Total	18,875	10,660		12,413	26,303	46,521	85,455	22,620	11,255	20,188	14,476	

For the purposes of gathering information regarding Fort Myers Beach and making policy recommendations to the County Commission, Lee County shall maintain the active participation of a Fort Myers Beach advisory committee.

LANGUAGE ADDED BY PAT/M 90-22, JULY 9, 1991

GOAL 19: To manage the future growth in the Buckingham area; to preserve the existing agricultural land use pattern; to diversify the choice of housing for Lee County by maintaining and enhancing the historic rural character; and to protect the unique historical and environmental values of the Buckingham Community. Goal 19, including the following Objectives and Policies and the designations on the Future Land Use Map, shall not be amended until the 1994 five-year evaluation and update required under Chapter 163.3191, Florida Statutes. For the purposes of this plan, the precise boundaries of Buckingham are indicated on the Future Land Use Map.

OBJECTIVE 19.1: LAND USE.

The primary land use designation for the Buckingham area is "Rural Community Preserve." Public Facilities have also been designated as appropriate. After the adoption of this amendment, no land in Buckingham shall be changed to a land use category more intense than Rural Community Preserve (including Public Facilities) unless a finding of overriding public necessity is determined by three members of the Board of County Commissioners.

POLICY 19.1.1:

The Board of County Commissioners recognized in 1991 decision that rural land uses are the ultimate land uses in Buckingham, and that a transition to urban land uses shall not be permitted unless a finding of overriding public necessity is determined in accordance with Objective 19.1.

POLICY 19.1.2:

No property within Buckingham shall be rezoned to RVPD.

POLICY 19.1.3:

The southeast and northeast quadrants of the intersection of Orange River Boulevard and Buckingham Road shall be designated as the commercial for the Buckingham area. No commercial activities shall be located outside of this commercial node. There shall be no more than 10,000 square feet of retail space and no more than 20,000 square feet of commercial space in total. This commercial node is described as those lands 300 feet eastward from the easterly right-of-way of Buckingham Road and lying between Cemetery Road and a point 300 feet north of the intersection of Buckingham Road and Orange River Boulevard.

POLICY 19.1.4:

Any lot created in the Rural Community Preserve land use category after the adoption of this amendment must have a minimum area of 43,560 square feet. Any residential planned development zoning granted in the Rural Community Preserve land use category shall require a minimum size of one acre (43,560 square feet) for every residential lot.

OBJECTIVE 19.2: TRANSPORTATION.

To protect the rural character of the Buckingham area, the following amendments to the Official Trafficways Map and the Desirable Traffic Circulation Plan Map (2010 Needs Plan) shall be researched and adopted in 1991, if appropriate:

- a. The alignment for the proposed extension of Lockett Road east of Buckingham Road will be diverted as far south as possible in order to skirt the Buckingham area.
- b. Delete the proposed extension of SR 31 South of the Orange River.
- c. Delete the proposed extension of Orange River Boulevard east of Buckingham Road.
- d. Delete the proposed east/west collector within the study area.
- e. Delete the proposed extension of Ellis Road.
- f. Delete the extension of Staley Road to SR 82.
- g. Restore the extension of Buckingham Road to SR 82.
- h. All future rights-of-way in Buckingham shall be no greater than 100 feet (except for Buckingham Road and Lockett Road extensions).

OBJECTIVE 19.3: CONSERVATION.

During 1991, the county shall designate a wildlife corridor from Buckingham Road north through the Buckingham area to the Orange River, pursuant to Objectives 77.11 and Policies 77.3.2, 77.11.5, 77.11.6 and 77.11.7 of the Lee Plan. This corridor may be integrated with on both sides of the FP&L power line easement, and all adjacent vegetation shall be included in the review of the likely corridor configurations. All regulations shall include incentives provided in the Protected Species Ordinance (No. 89-34). If necessary, a certain percentage of regional park impact fees will be earmarked for acquiring property and/or easements in this corridor. Other funding sources shall also be investigated.

POLICY 19.3.1:

After adoption of this plan amendment, the agricultural and single-family exemptions to the Tree Ordinance shall not apply within 25 feet of the Orange River.

OBJECTIVE 19.4: SEWER AND WATER.

In order to discourage unwanted urban development, central sewer and water lines shall not be extended into the Buckingham Rural Community Preserve, except in the areas identified by Maps 6 and 7 as Future Water and Sanitary Sewer Service Areas and to the site of the proposed resource recovery facility.



AS ADOPTED
JULY 9, 1991

AMENDMENTS TO THE FUTURE LAND USE MAP



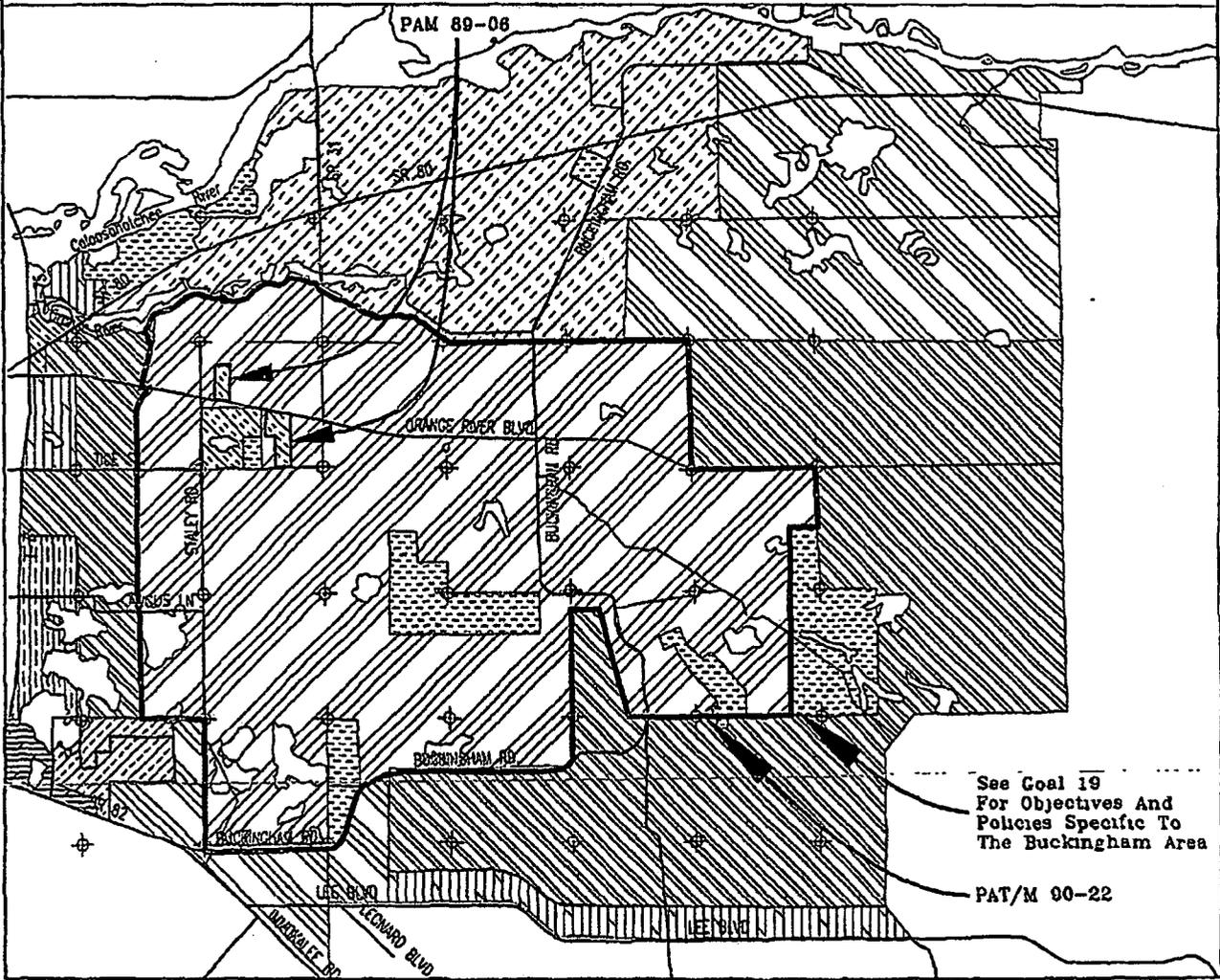
FUTURE URBAN AREAS:

- INTENSIVE DEVELOPMENT
- CENTRAL URBAN
- URBAN COMMUNITY
- SUBURBAN
- OUTLYING SUBURBAN

- INDUSTRIAL DEVELOPMENT
- PUBLIC FACILITIES
- INTERCHANGE AREAS**
- INDUSTRIAL
- GENERAL COMMERCIAL

NON-URBAN AREAS:

- RURAL
- RURAL COMMUNITY PRESERVE
- ENVIRONMENTALLY CRITICAL AREAS:**
- RESOURCE PROTECTION AREAS AND TRANSITION ZONES



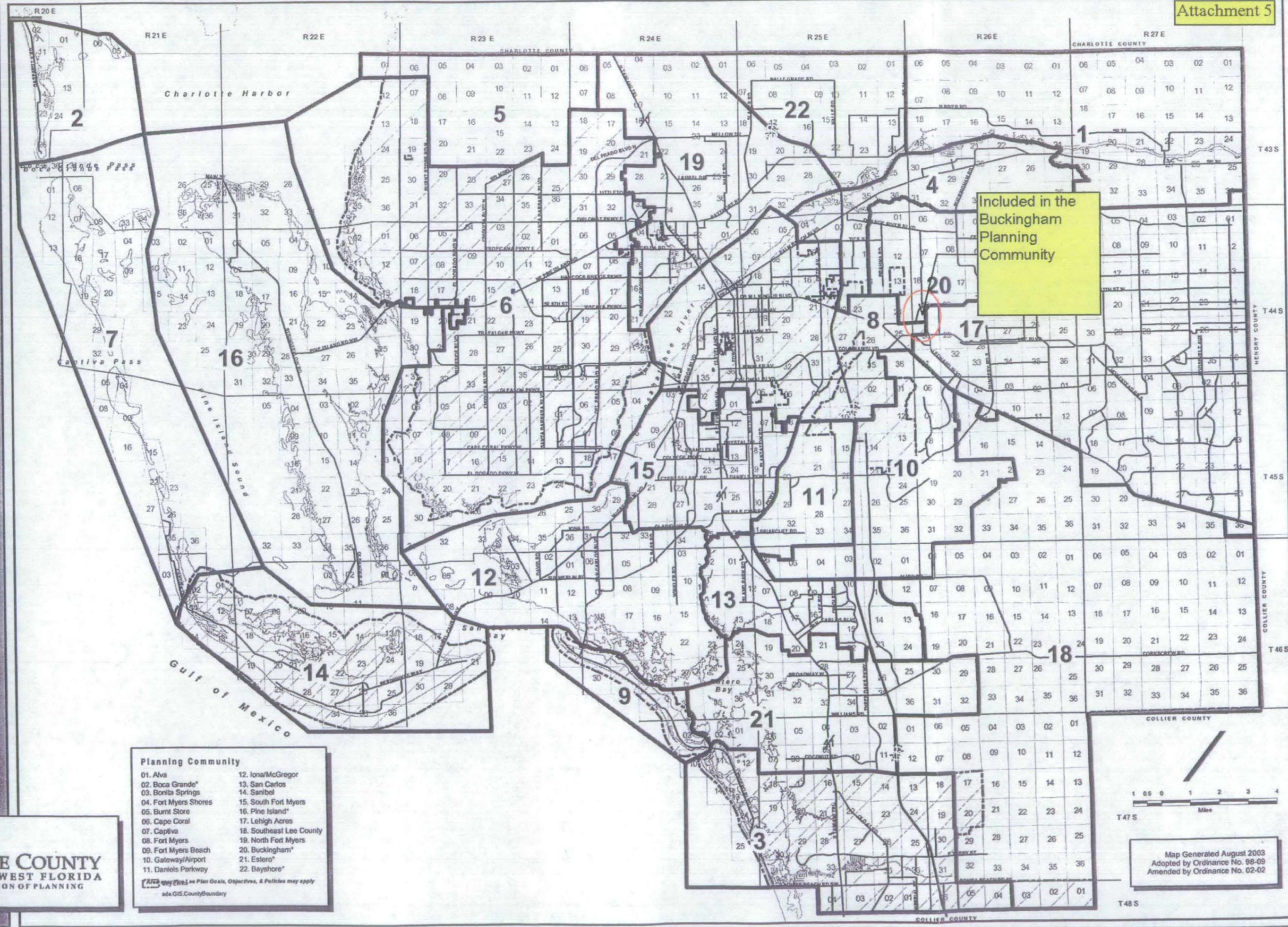
LEE COUNTY PLANNING COMMUNITIES

(Lee Plan Map 16)



Planning Community	
01. Alva	12. Iona/McGregor
02. Boca Grande*	13. San Carlos
03. Bonita Springs	14. Sanibel
04. Fort Myers Shores	15. South Fort Myers
05. Burnt Store	16. Pine Island*
06. Cape Coral	17. Lehigh Acres
07. Captiva	18. Southeast Lee County
08. Fort Myers	19. North Fort Myers
09. Fort Myers Beach	20. Buckingham*
10. Gateway/Airport	21. Estero*
11. Daniels Parkway	22. Bayside*

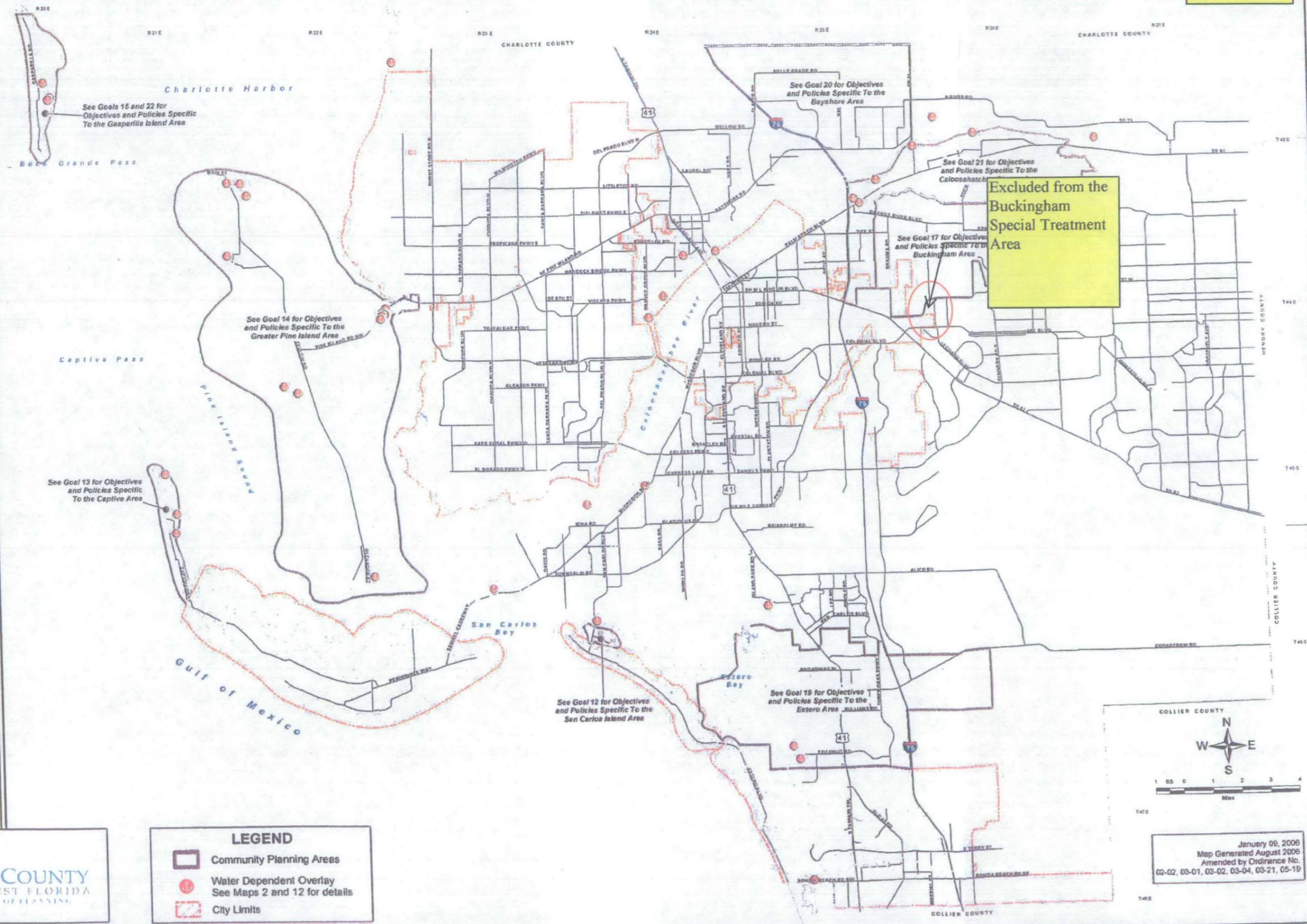
*Area may differ from Plan Goals, Objectives, & Policies may apply
see GIS County Boundary



Map Generated August 2003
Adopted by Ordinance No. 98-09
Amended by Ordinance No. 02-02

SPECIAL TREATMENT AREAS

(See Plan Map 1 Page 2 of 6)



See Goals 16 and 22 for Objectives and Policies Specific To the Gasperilla Island Area

See Goal 14 for Objectives and Policies Specific To the Greater Pine Island Area

See Goal 13 for Objectives and Policies Specific To the Captive Area

See Goal 12 for Objectives and Policies Specific To the San Carlos Island Area

See Goal 18 for Objectives and Policies Specific To the Estero Area

See Goal 20 for Objectives and Policies Specific To the Bayshore Area

See Goal 21 for Objectives and Policies Specific To the Caloosahatchee

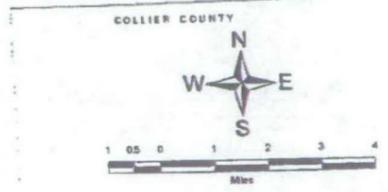
See Goal 17 for Objectives and Policies Specific To the Buckingham Area

Excluded from the Buckingham Special Treatment Area



LEGEND

- Community Planning Areas
- ! Water Dependent Overlay
See Maps 2 and 12 for details
- City Limits



January 09, 2006
 Map Generated August 2006
 Amended by Ordinance No.
 02-02, 03-01, 03-02, 03-04, 03-21, 05-19



BUCKINGHAM CONSERVANCY, INC.

A Florida Non-Profit Corporation

4931 Shady River Lane, Fort Myers, Florida 33905

September 11, 2006

Paul O'Connor
Planning Director
Lee County
Post Office Box 398
Fort Myers, Florida, 33902-0398

RECEIVED
SEP 13 2006

COMMUNITY DEVELOPMENT

Dear Mr. O'Connor:

We have learned that County staff intends to amend the Lee Comprehensive Plan to remove land from the Buckingham Planning District and include it in the Lehigh Acres Planning District.

The officers and directors of the Buckingham Conservancy have reviewed the situation and steadfastly oppose the extraction of any property from the Buckingham Planning District.

We sincerely hope that this matter can be resolved at the county level. Please let us know if there is anything our organization can do to assist you in establishing policy that represents the best interests of our community.

Respectfully,

Bill Burdette,
Vice President

copy: Officers and Directors, Buckingham Conservancy, Inc.
Board of County Commissioners
Department of Community Development Director Mary Gibbs
Lee County Zoning Director Pam Houck
Lee County Attorney David Owen
Mike McDaniel, Florida Department of Community Affairs

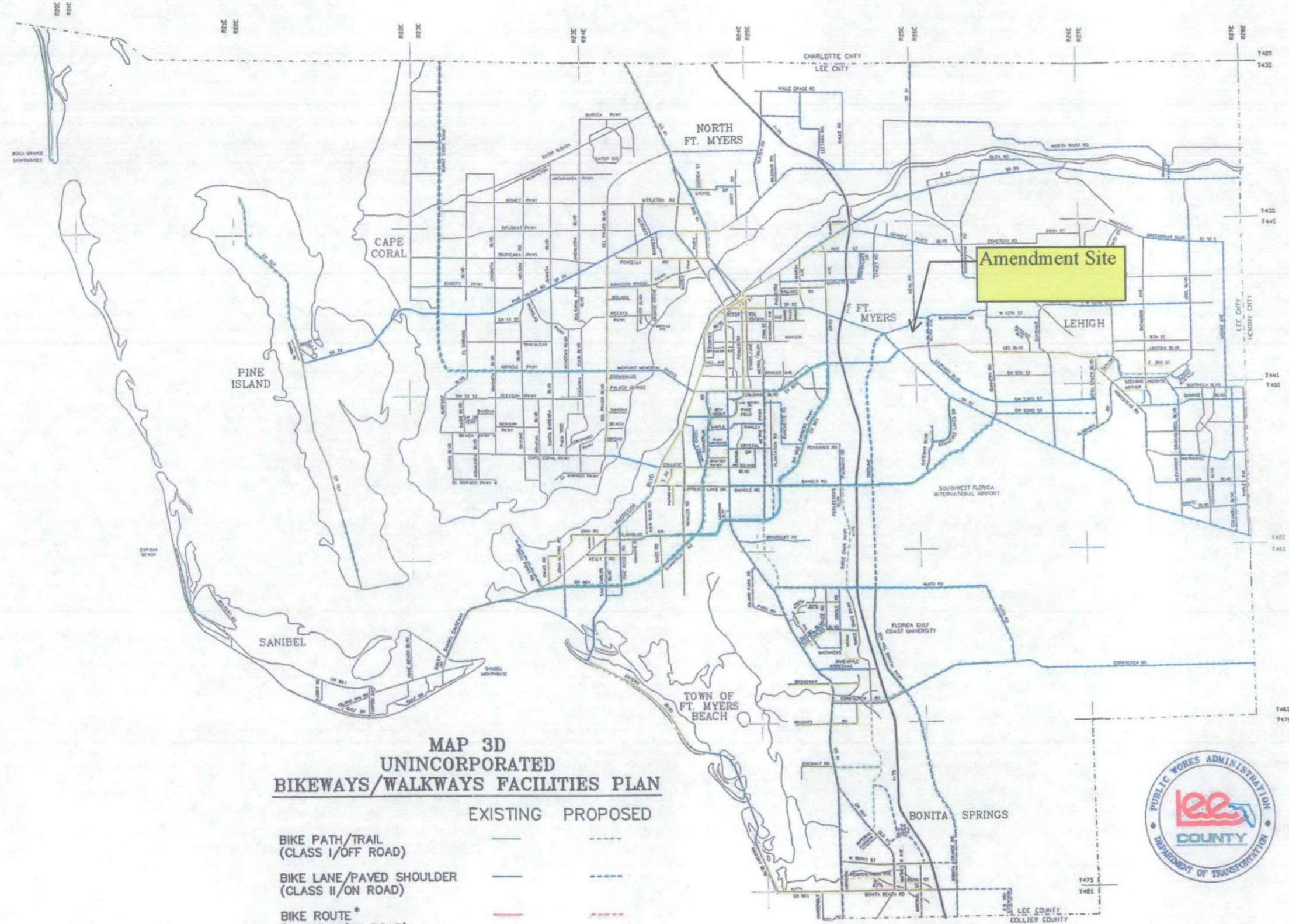
PRESIDENT
Chris Bundschu, 693-1000

VICE PRESIDENT
Bill Burdette, 936-1404

TREASURER / SECRETARY
Betsy Burdette, 694-4738

DIRECTORS

Don Blackburn 931-9171 Sarah Clarke 694-6261 Kerri Goldsmith 561-5473 George Kaplinski 694-6261 Bob Murray 985-1200 Mike Rippe 694-0451 Bruce Strayhorn 334-1260 Dick Workman 694-0101



**MAP 3D
UNINCORPORATED
BIKEWAYS/WALKWAYS FACILITIES PLAN**

- | | EXISTING | PROPOSED |
|--|----------|----------|
| BIKE PATH/TRAIL
(CLASS I/OFF ROAD) | | |
| BIKE LANE/PAVED SHOULDER
(CLASS II/ON ROAD) | | |
| BIKE ROUTE*
(CLASS III/ON ROAD) | | |
| SIDEWALK* | | |
- NOTE: THE PROVISION OF BIKEWAYS AND PEDESTRIAN WAYS SHALL BE IN ACCORDANCE WITH THE LEE COUNTY LAND DEVELOPMENT CODE.
(* LOCAL ROADS NOT SHOWN)



I HEREBY CERTIFY THAT THIS MAP WAS ADOPTED BY THE LEE COUNTY BOARD OF COMMISSIONERS BY ORDINANCE NO. 95-12 ON JULY 12, 1995, EFFECTIVE SEPTEMBER 1, 1995. AS AMENDED ON THIS DATE _____.

ATTEST:
CHARLIE GREEN, CLERK
By: _____
Deputy Clerk

CHAIRMAN, LEE COUNTY BOARD OF COUNTY COMMISSIONERS
By: _____
Chairman

(AMENDED BY ORDINANCE #99-15)

**CPA2005-00008
CALOOSA HATCHEE SHORES
COMMUNITY PLAN
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

LPA Public Hearing Document
for the
October 23rd, 2006 Public Hearing

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

October 13, 2006

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2005-00008**

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: October 13, 2006

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. SPONSOR/APPLICANT:

A. SPONSOR:

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

B. APPLICANT

THE EAST LEE COUNTY COUNCIL
REPRESENTED BY MIKE ROEDER

2. REQUEST:

Adopt a new Policy 21.1.4 specific to the Caloosahatchee Shores community addressing an enhanced level of code enforcement.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, with the modifications proposed by staff.

The applicants original submittal language is shown below in underline format. Staff's recommended language is provided below, with changes to the applicant's language highlighted in strike through, double underline format.

Policy 21.1.4: By the end of 20067, the Caloosahatchee Shores community will draft enhanced code enforcement standards ~~specific to individual communities for inclusion within~~ to be considered by staff for possible inclusion in Chapter 33 of the LDC.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Caloosahatchee Shores Community Plan was submitted to Lee County in September, 2002.
- The Caloosahatchee Shores Community Plan resulted in a Lee Plan amendment adopted in October, 2003.
- The Lee Plan amendment specific to Caloosahatchee Shores is now Goal 21 of the Lee Plan.
- The East Lee County Council submitted an application to amend Goal 21 in September, 2005.
- This amendment would add a new Policy 21.1.4 to Goal 21 of the Lee Plan.

C. BACKGROUND INFORMATION

The Caloosahatchee Shores Community Plan was undertaken by the Caloosahatchee Shores Community Planning Panel working as a sub group of the ELCC. The planning area encompasses that portion of the Fort Myers Shores planning community located east of I-75. The community plan was financed, in part, with \$25,000 of community planning funds from Lee County.

The Caloosahatchee Shores community plan was submitted to Lee County in September, 2002. The plan contained a Goal, Objectives, and Policies. The Goal for Caloosahatchee Shores was adopted into the Lee Plan in October, 2003 and is now Goal 21.

The East Lee County Council continued to work on improvements to Goal 21, and submitted an amendment to the Goal in September, 2005. Many parts of the proposed amendment were found not sufficient by staff and the applicant has agreed to undertake further refinements to be considered in the next round of plan amendments. One of the policies that was submitted in September is sufficient for presentation to the BoCC and the applicant requested that the policy be considered in the current round of amendments.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The proposed privately-initiated amendment application was received by the County on September 30, 2005. Planning staff provided copies of the proposed amendment to various County departments, including:

- Community Development
- County Attorney's Office
- Department of Transportation
- Environmental Sciences
- Natural Resources
- Smart Growth
- Lee Transit
- EMS

Comments or replies were received from the Department of Community Development, and the County Attorney's Office.

The applicant's original submittal language is shown below in underline. Staff's recommended changes are shown below in double underline/strike through. Staff recommends transmitting the following policies, as revised:

Policy 21.1.4: By the end of 20067, the Caloosahatchee Shores community will draft enhanced code enforcement standards specific to individual communities for inclusion within to be considered by staff for possible inclusion in Chapter 33 of the LDC.

STAFF COMMENT: Code enforcement issues are problematic in communities around the country. They often place neighbor against neighbor in a conflict over real or perceived nuisance and the freedom of residents to use their property as they choose. Staff is concerned that code enforcement standards will be written that exceed the County's core level of service for one community in Lee County. If enhanced code enforcement standards are developed, they should be applied County-wide and not for only one area of the County. Proposed Policy 23.1.3 indicates that the Caloosahatchee Shores community will write enhanced code enforcement standards specific to individual communities and they will be included in Chapter 33 of the LDC. Staff may or may not support the standards that are presented, and recommends transmitting Policy 23.1.3 as revised.

Virtually the same language in proposed Policy 21.1.4, as modified by staff, was recommended for transmittal by staff and the LPA as part of the Palm Beach Boulevard plan amendment that went before the LPA on August 28, 2006.

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

DATE OF PUBLIC HEARING: October 23, 2006

A. LOCAL PLANNING AGENCY REVIEW

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

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS

DEREK BURR

RONALD INGE

CARLETON RYFFEL

RAYMOND SCHUMANN, ESQ.

RAE ANN WESSEL

VACANT

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

DATE OF TRANSMITTAL HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

TAMMARA HALL

BOB JANES

RAY JUDAH

DOUG ST. CERNY

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

DATE OF ORC REPORT: _____

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RESPONSE

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

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

TAMMARA HALL

BOB JANES

RAY JUDAH

DOUG ST. CERNY

CPA2005-00010A
ADDENDUM TO THE SOUTHWEST
FLORIDA INTERNATIONAL AIRPORT
REVISED NOISE ZONES
PORT BOARD SPONSORED
AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

LPA Public Hearing Document
for the
October 23rd, 2006 Public Hearing

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

October 17, 2006

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2005-00010A**

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: October 17, 2006

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

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

2. REQUEST: Amend the Future Land Use 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 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).

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed amendment. The amendment simply replaces 12 gas pumps with 24 gas pumps on Table 5 under the Non-aviation Related Land Uses.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Board of County Commissioners did initiate a revision to the Port Board Sponsored amendment to the Noise Zones on September 19, 2006.
- To achieve 24 gas pumps Lee Plan Table 5 needs to be amended to reflect 24 gas pumps in association with the proposed gas station/convenience store at the International Airport.
- The impact from 12 additional gas pumps at the International Airport is minimal.
- The requested use is a typical use at airports around the country.

PART II - STAFF ANALYSIS

A. BACKGROUND DISCUSSION

The Port Authority recently completed a Lee Plan amendment for Southwest Florida International Airport that adopted the Airport Master Plan as part of the Lee Plan, removing the need for the Airport to continue the Development of Regional Impact (DRI) requirements. The Board of County Commissioners adopted amendment CPA2003-02 (Airport Master Plan). The Airport Master Plan Update Report identified the need for a gas station/convenience store in the Midfield area to provide service to the large number of vehicles utilizing the Airport; thus creating an additional source of revenue to support the airport. Through County staff's efforts to coordinate the development, it was determined that a misunderstanding existed concerning the methodologies used to determine the total number of pumps that were being requested. Port Authority staff, are now requesting to modify the text of CPA2005-00010, the amendment to the airport noise zones reviewed by the LPA in August, to reflect their original intent of 24 pump sites at the gas station/convenience store site. Lee Plan Table 5 would need to be amended to reflect 24 pumps.

The Board of County Commissioners did initiate a revision to the Port Board Sponsored amendment to the Noise Zones on September 19, 2006. The purpose of this revision is to clarify the total number of gas pumps that are allowed to be constructed with the on-site gas station/convenience store at the Southwest Florida International Airport. The planned location of the proposed convenience store and gas pumps remains unchanged within the Midfield area of the airport.

Staff finds that the impact from 12 additional gas pumps at the International Airport is minimal. Staff notes that the requested use is a typical use at airports around the country and the requested number is appropriate given the growing nature of the facility.

B. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners amend Lee Plan Table 5 by increasing the number of gas pumps from 12 to 24.

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

DATE OF PUBLIC HEARING: October 23, 2006

A. LOCAL PLANNING AGENCY REVIEW

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

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS

DEREK BURR

RONALD INGE

CARLETON RYFFEL

RAYMOND SCHUMANN, ESQ.

RAE ANN WESSEL

VACANT

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

DATE OF TRANSMITTAL HEARING: December 13, 2006

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

TAMMARA HALL

BOB JANES

RAY JUDAH

DOUG ST. CERNY

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

DATE OF ORC REPORT:

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RESPONSE

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

DATE OF ADOPTION HEARING:

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

TAMMARA HALL

BOB JANES

RAY JUDAH

DOUG ST. CERNY



Direct Dial: (239) 590-4618
Fax: (239) 590-4688

October 2, 2006

ROBERT M. BALL, A.A.E.
EXECUTIVE DIRECTOR

DAVID M. OWEN
PORT AUTHORITY ATTORNEY

Matthew Noble, AICP
Principal Planner
Lee County Department of Community Development, Division of Planning
P.O. Box 398
Fort Myers, FL 33902-0398

BOARD OF
PORT COMMISSIONERS

JOHN E. ALBION

TAMMY HALL

BOB JAMES

RAY JUDAH

DOUGLAS R. ST. CERNY

Dear Matt:

Subject: Addendum to Lee Plan Amendment (CPA 2005-00010) to Amend Lee Plan Table 5, "Southwest Florida International Airport – Existing and Proposed Development 2005-2020"

Please find enclosed a signed addendum to initiate a revision to the existing application for a Lee Plan amendment updating the noise overlay zones (CPA 2005-00010). The purpose of the addendum is to revise Lee Plan Table 5 to change the number of approved gas fuel pumps from twelve (12) to twenty-four (24) at the planned Southwest Florida International Airport midfield gas station /convenience store.

The Port Authority previously had completed a Lee Plan amendment for RSW that incorporated the Airport Master Plan into the Lee Plan. The Lee County Board of County Commissioners adopted amendment CPA 2003-02 (Airport Master Plan) which was approved during the County's 2003 special amendment cycle and also approved by Ordinance No. 04-16 on September 4, 2004.

Through our coordination efforts, it was determined that 24 pumps would be more consistent with comparable gas stations of this size.

Sincerely,

LEE COUNTY PORT AUTHORITY

William B. Horner, AICP
Planning Manager

WBH/ams

cc: Emily Underhill



Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (239) 479-8585
FAX: (239) 479-8519

APPLICATION FOR A
COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D _____ REC'D BY: _____

APPLICATION FEE _____ TIDEMARK NO: _____

THE FOLLOWING VERIFIED:

Zoning [] Commissioner District []

Designation on FLUM []

(To be completed by Planning Staff)

Plan Amendment Cycle: [] Normal [] Small Scale [] DRI [] Emergency

Request No: _____

APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: 17

Submit 6 copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

Oct. 2, 2006 [Signature]
DATE SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

I. APPLICANT/AGENT/OWNER INFORMATION

Applicant: Lee County

Address: Southwest Florida International Airport
11000 Terminal Access Road, Suite 8671
Fort Myers, Florida 33913-8899

Telephone: (239)590-4600 (Mr. Mark Fisher) Fax (239)590-4621

Agent: Richard D. Alberts, P.E. Environmental Science Associates

Address: 1715 N. West Shore Blvd.
Tampa, FL 33607

Telephone: (813)207-7200 Fax (813)207-7201

Owner(s) of Record: Lee County
(Operated by Lee County Port Authority)

Address: Southwest Florida International Airport
11000 Terminal Access Road, Suite 8671
Fort Myers, Florida 33913-8899

Telephone: (239)590-4600 Fax (239)590-4621

II. REQUESTED CHANGE

A. Type

1. Text Amendment:

There are proposed text changes to Policies 1.7.1, 1.2.2, 5.1.4, and 66.3.11.

There is a proposed change to Lee Plan Table 5, "Southwest Florida International Airport – Existing and Proposed Development 2005-2020."

2. Future Land Use Map

Series Amendment: Airport Noise Zone
(Maps 1 through 20)

List Number(s) of Map(s)
to be amended: Map 1, Page 5
Special Treatment Area

B. Summary of Request

1. Noise Zones Amendment:

Southwest Florida International Airport was opened in 1983 and replaced Page Field as the region's primary air carrier airport. Page Field was not only capacity constrained, but the encroachment of off-airport land development that was incompatible with airport noise greatly limited its ability to be expanded. After an extensive site investigation, a new airport site was selected that ultimately became the region's primary commercial service airport.

One key reason the new airport site was selected was the need to protect the citizens of Lee County from aircraft noise. To ensure that the long term impacts of aircraft noise at the new facility was minimized, the Lee County Port Authority sponsored a Federal Aviation Administration (FAA) Federal Aviation Regulation (FAR) Part 150 Airport Noise Compatibility Study. The study was undertaken to measure the effects of aircraft noise on the citizens of Lee County. Following the approval of the study, land use control measures, including an Airport Noise Zone, were developed and incorporated into the Lee Plan and Land Development Code. A subsequent FAR Part 150 Study Update identified an expanded noise zone to maintain off-Airport land use compatibility with the operation of the parallel runway. Finally, the recent FAR Part 150 Study Update recommended reclassification and resizing of the noise zones to better reflect current projections of aircraft activity and the resulting noise exposure. This most recent study is the basis for this application.

Policy 32.2.5 of the Lee County Comprehensive Plan (The Lee Plan) requires that the County shall modify the current airport noise boundaries and regulations to address the recommendations in the FAR Part 150 Noise Compatibility Studies. Benefits of the noise zoning boundary change

C. State if the subject property is located in one of the following areas and if so how does the proposed change effect the area:

Lehigh Acres Commercial Overlay: The Airport Noise Zones extend northeast of SR 82 into Lehigh Acres. These may overlay a portion of the Commercial Overlay. Refer to Section 2 Exhibit 2 for details of the zone limits. Regardless, the zones place no restrictions on commercial development.

Airport Noise Zone 2 or 3: This application updates the airport noise zones.

Acquisition Area: The only acquisition area would be for the airport.

Joint Planning Agreement Area (adjoining other jurisdictional lands): The property is not in an urban reserve area for any of the cities in Lee County, or within a joint planning area between Lee County and a neighboring community.

Community Redevelopment Area: The area affected does not include any Community Redevelopment Areas.

D. Proposed Change for the Subject Property

1. Noise Zone Amendment:

The proposed change shown in Exhibit 2 reclassifies the boundaries and restrictions identified by the Airport Noise Zones. In most cases restrictions on development are reduced as a result of this application.

2. Table 5 Amendment:

The proposed change to Table 5 of the Lee Plan increases the number of gas pumps allowed from twelve (12) to twenty-four (24) as shown on the attached updated Table 5.

E. Potential Development of the Subject Property

This application does not change the land uses for the areas falling within the Airport Noise Zones. The proposed Airport Noise Zones would not change the potential for industrial or commercial uses but would allow more area for residential uses than with the current zones.

The proposed change to Table 5 would increase the maximum number of gas fueling pumps allowed at the planned Midfield gas station / convenience store from 12-pumps to 24-pumps. The planned location of the proposed convenience store and gas pumps remains unchanged within the Midfield area.

IV. AMENDMENT SUPPORT DOCUMENTATION

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of amendment packets, the applicant is encouraged to provide all data and analysis electronically. (Please contact the Division of Planning for currently accepted formats)

A. General Information and Maps:

NOTE: For each map submitted, the applicant will be required to provide a reduced map (8.5" x 11") for inclusion in public hearing packets.

The following pertains to all proposed amendments that will affect the development potential of properties (unless otherwise specified).

1. Provide any proposed text changes.
2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
3. Map and describe existing land uses (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.
4. Map and describe existing zoning of the subject property and surrounding properties.
5. The legal description(s) for the property subject to the requested change.
6. A copy of the deed(s) for the property subject to the requested change.
7. An aerial map showing the subject property and surrounding properties.
8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

1. Text Changes

Proposed Text Change: The existing text in **Policy 1.7.1, Policy 1.2.2, Policy 5.1.4, and Policy 66.3.11** outlined below would be replaced as indicated.

Current text reads as follows:

Policy 1.7.1: The Airport Noise Zones cover areas subject to varying levels of airport related noise. By 2006 and every 5 years thereafter, the Port Authority will update the aviation forecast and associated noise contours for the Southwest Florida International Airport and initiate an amendment to the Airport Noise Zone Overlay Map to reflect the finding of this study. In addition to meeting the requirements of the underlying Future Land Use Map categories, properties within the Noise Zone Overlay must meet the following:

Airport Noise Zone 1 has no noise related restrictions.

Airport Noise Zone 2 does not permit mobile or manufactured homes. However, mobile or manufactured homes that were lawfully existing as of June 27, 2000 will be treated as legally permitted uses and may be replaced with a new mobile or manufactured home or conventional single family construction as long as such replacement would be otherwise allowed by this code.

Airport Noise Zone 3 does not permit any residential units, places of worship, libraries, schools, hospitals, correctional institutions or nursing homes. However, residential units, including mobile or manufactured homes, that were lawfully existing as of June 27, 2000 will be treated as legally permitted uses and may be replaced with a new mobile or manufactured home or conventional single family construction as long as such replacement would be otherwise allowed by this code. However, an existing conventional home may not be replaced with a new mobile or manufactured home. One conventional single family home is permitted on each lot in a plat properly recorded before June 27, 2000 if such use would have been permitted on the lot prior to June 27, 2000.

Airport Noise Zone 4 is limited to uses that are compatible with airports and air commerce, including but not limited to those necessary to provide services and convenience goods to airline passengers, those generally associated with airport operation, and related development. (Amended by Ordinance No. 94-30)

Policy 1.2.2: The Tradeport areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year 2020. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; offices; research and development activities; ground transportation and airport-related terminals or transfer facilities; and hotels/motels, meeting facilities; and retail uses within hotels/motels. Ancillary retail commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development of 10 or more acres in size and are limited to 1,000 square feet per acre of Tradeport land within the Planned Development. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone 3. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be

rebuttably presumed to be necessary to protect potential groundwater resources in the area. (Amended by Ordinance No. 94-30, 02-02, 03-04, 04-16)

Policy 5.1.4: Prohibit residential development in all Industrial Development areas and Airport Noise Zone 3 as indicated on the Future Land Use Map, except for residences in the Industrial Development area for a caretaker or security guard, and except as provided in Chapter XIII. (Amended by Ordinance No. 94-30)

Policy 66.3.11: Prohibit the location of schools in the areas designated on the future Land Use Map as Airport Noise Zone 3 or within other high noise impact areas.

Proposed text:

Policy 1.7.1: The Airport Noise Zones cover areas subject to varying levels of airport related noise. By 2006 and every 5 years thereafter, the Port Authority will update the aviation forecast and associated noise contours for the Southwest Florida International Airport and initiate an amendment to the Airport Noise Zone Overlay Map to reflect the finding of this study. In addition to meeting the requirements of the underlying Future Land Use Map categories, properties within the Noise Zone Overlay must meet the following:

~~Airport Noise Zone 1 has no noise related restrictions.~~

~~Airport Noise Zone 2 does not permit mobile or manufactured homes. However, mobile or manufactured homes that were lawfully existing as of June 27, 2000 will be treated as legally permitted uses and may be replaced with a new mobile or manufactured home or conventional single family construction as long as such replacement would be otherwise allowed by this code.~~

~~Airport Noise Zone 3 does not permit any residential units, places of worship, libraries, schools, hospitals, correctional institutions or nursing homes. However, residential units, including mobile or manufactured homes, that were lawfully existing as of June 27, 2000 will be treated as legally permitted uses and may be replaced with a new mobile or manufactured home or conventional single family construction as long as such replacement would be otherwise allowed by this code. However, an existing conventional home may not be replaced with a new mobile or manufactured home. One conventional single family home is permitted on each lot in a plat properly recorded before June 27, 2000 if such use would have been permitted on the lot prior to June 27, 2000.~~

~~Airport Noise Zone 4 is limited to uses that are compatible with airports and air commerce, including but not limited to those necessary to provide services and convenience goods to airline passengers, those generally associated with airport operation, and related development. (Amended by Ordinance No. 94-30)~~

Airport Noise Zone A is limited to uses that are compatible with airports and air commerce, including but not limited to those necessary to provide services and convenience goods to airline passengers, those generally associated with airport operation, and related development.

Airport Noise Zone B does not permit any residential units, places of worship, libraries, schools, hospitals, correctional institutions or nursing homes. However, residential units, including mobile or manufactured homes, that were lawfully existing as of June 27, 2000 will be treated as legally permitted uses and may be replaced with a new mobile or manufactured home or conventional single family construction as long as such replacement would be otherwise allowed by the Land Development Code. However, an existing conventional home may not be replaced with a new mobile or manufactured home. One conventional single family home is permitted on each lot in a plat properly recorded before June 27, 2000 if such use would have been permitted on the lot prior to June 27, 2000. Airport Noise Zone B requires formal notification through recording of the Airport Noise Zone in the official county records of potential noise and over flights and applies to all development, both existing and new, within the zone.

Airport Noise Zone C allows existing and new construction and land uses as would otherwise be permitted by the Land Development Code. However, this zone requires formal notification through recording of the Airport Noise Zone in the official county records of potential noise and over flights and applies to all development, both existing and new, within the zone.

Airport Noise Zone D allows existing and new construction and land uses as would otherwise be permitted by the Land Development Code. However, this zone requires formal notification through recording of the Airport Noise Zone in the official county records of potential noise and aircraft over flights associated with future training activity and applies to all development, both existing and new, within the zone.

Policy 1.2.2: The Tradeport areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year 2020. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; offices; research and development activities; ground transportation and airport-related terminals or transfer facilities; and hotels/motels, meeting facilities; and retail uses within hotels/motels. Ancillary retail commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development of 10 or more acres in size and are limited to 1,000 square feet per acre of Tradeport land within the Planned Development. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone 3 B. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east ½ of Section 2,

Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. (Amended by Ordinance No. 94-30, 02-02, 03-04, 04-16)

Policy 5.1.4: Prohibit residential development in all Industrial Development areas and Airport Noise Zone 3 B as indicated on the Future Land Use Map, except for residences in the Industrial Development area for a caretaker or security guard, and except as provided in Chapter XIII. (Amended by Ordinance No. 94-30)

Policy 66.3.11: Prohibit the location of schools in the areas designated on the Future Land Use Map as Airport Noise Zone 3 B or within other high noise impact areas. Additionally, in accordance with Florida Statute Chapter 333 the construction of a public or private school is prohibited within an area extending five miles along the extended centerline of a runway (either existing or proposed) with a width one half the length of the runway. As per state statute "Exceptions approving construction of an educational facility within the delineated area shall only be granted when the political subdivision administering the zoning regulations makes specific findings detailing how the public policy reasons for allowing the construction outweigh health and safety concerns prohibiting such a location."

Justification for Proposed Text changes:

Previous editions of the Lee Plan used a slightly different criteria for establishment of the Noise Zones. The proposed text updates the zones based on the recommendations of the most recent FAR Part 150 Noise Compatibility Program study and re-categorizes them to minimize the potential for confusion with the old zone references. Adding the proposed text changes will complement the defined Noise Zones in the Land Development Code (LDC) where the specifics of each zone are discussed in detail.

2. Future Land Use Map:

The Airport Overlay Noise Zone Map is included with this application. The Airport Noise Zone Overlay Map will change Page 5 of Map 1 (Special Treatment Areas) in the Lee Plan consistent with the recommendations of the recent FAR Part 150 Noise Compatibility Program study. The Airport Noise Zone Overlay Map does not affect Map 3F (Runway Protection Zones Southwest Florida International Airport) or Map 3G (Runway Protection Zones Page Field).

3-4. Items 3 and 4:

This is a County sponsored amendment, and due to the nature of these items, the County Planning Staff will provide this information.

5. Legal Description:

The legal description included at the end of the Application.

6-8. Items 6 through 8:

Since this proposal affects a large area and not an individual parcel or series of parcels, these items do not apply. For property size and location information, please see Section 2; Exhibits 1 and 2 of this document. In addition, the attached Exhibit 3 identifies the areas where new schools would be prohibited based on the requirements of Chapter 333 of the Florida Statutes.

B. Public Facilities Impacts:

Items 1 through 3 are not applicable to this application.

These items include analysis of traffic circulation, sanitary sewers, potable water, surface water/drainage basins, and adequacy of support facilities such as fire protection solid waste management. Because this application is for modification of the Airport Noise Zone and not for the development of specific parcels there would be no effect on these public facilities.

C. Environmental Impacts:

Items 1 through 5 are not applicable to this application.

These items address plant community's, soils, flood plains, wetlands, aquifer recharge areas, rare & unique uplands and threatened and endangered species. While a substantial portion of the area within the proposed overlay zones includes wetlands and aquifer recharge areas, this application is not for specific development, thus there would be no affect on these public facilities.

D. Impacts on Historic Resources:

Items 1 and 2 are not applicable to this application.

These items address historic districts/sites and archaeological sensitive lands. Because this application is for modification of the Airport Noise Zone and not for the development of specific parcels there would be no effect on these properties.

E. Internal Consistency with the Lee Plan:

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.

The Airport Noise Zone does not impact the population projections for Lee County. Modification of the Noise Zones as proposed do not reduce the Dwelling Unit Per Gross Acre (du/ac) depicted in Table 1(a) of the Lee Plan.

Noise Zone A – Noise Zone A consists of airport property. Land use within this zone is limited to those that are compatible with airports and air commerce.

Noise Zone B – Noise Zone B extends northeast and southwest of the airport along the extended runway centerlines. This zone prohibits the development of residential living units, places of worship, libraries, schools, hospitals, correctional institutions or nursing homes. The area with this land use restriction is reduced considerably by the modifications proposed in this application. Airport Noise Zone B requires formal notification through recording of the Airport Noise Zone in the official county records of potential noise and over flights and applies to all development, both existing and new, within the zone.

Noise Zones C&D – Noise Zones C and D extend beyond Noise Zone B to the northeast and southwest and southeast of the airport in the vicinity of the future parallel runway’s training pattern. These zones identify areas where notification is required of the potential for noise and overflights. No development restrictions exist in these zones.

The following table indicates how each proposed zone relates to the affected planning communities:

Acreeage within the Noise Zones by Planning Community

Future Land Use Category	Affected Planning Communities										
	Gateway/Airport				Daniels Parkway		San Carlos	Lehigh Acres	Southeast Lee County		
	A	B	C	D	B	C	C	C	B	C	D
Central Urban								169			
Urban Community							210	21			
Suburban							50				
Industrial Development		31	765				21				
University Community											
Industrial Commercial Interchange			290								
University Village Interchange							41				
New Community			5								
Tradeport		449	750	785							
Airport	6,407										
Rural					1	15					
Density Reduction/ Groundwater Resource		309	419						251	1,226	2,710
Wetlands		478	525	30	15	71	12		42	550	1,185
Total	6,407	1,267	2,754	815	16	86	334	190	293	1,776	3,895

Note: If a noise zone is not referenced for a planning community, it did not overlay the specific planning community.

- 2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.**

The proposed change to the Future Land Use Map is compatible with many goals, objectives, and policies expressed in The Lee Plan. The map change reduces the development restrictions around the airport in line with recommendations from the recent FAR Part 150 Airport Noise Compatibility Study.

Specifically, changes to the current Airport Noise Zones are compatible with the objectives and policies summarized below.

Compatibility with Goal 1: Future Land Use Map

Objective 1.2: Southwest Florida International Airport Area seeks to designate adequate land to accommodate the projected growth needs of Southwest Florida International Airport.

Policy 1.2.3: Airport Noise Zones addresses the issue of varying levels of airport-related noise within the zones and defers to Policy 1.7.1 of Objective 1.7: Special Treatment Areas for Comprehensive Plan Guidance on Noise Zones.

Policy 1.7.1: The Airport Noise Zones delineate the type uses and required actions to be taken subject to development of land within each of the four zones. The map change does not seek to increase use restrictions. Rather, the change represents a reduction of the noise zones restrictions contingent with the most recent FAR Part 150 Airport Noise Compatibility Study.

Compatibility with Goal 2: Growth Management

Goal 2 seeks to provide a coordinated plan for development and the provision of infrastructure by government agencies and other private sources. The change to the Airport Noise Zones is compatible with:

Objective 2.4: Future Land Use Amendments prompt a regular examination of the Future Land Use Map in light of new information and changed conditions, and for modifications to be made as necessary.

Policy 2.4.3: Discourages Future Land Use Map Amendments to the existing DR/GR areas south of SR 82 that increase the current allowable density or intensity of land use. The Policy specifically exempts those areas designated by the Port Authority needed for airport expansion from the density increase prohibition. However, the map change does not propose to increase allowable dwelling units per acre.

Compatibility with Goal 5: Residential Land Uses

Goal 5 proposes to provide appropriately located land to accommodate the projected population of Lee County. The change to the Airport Noise Zones is compatible with:

Objective 5.1, Policy 5.1.4 of the Goal prohibits residential development in Noise Zone 3. The proposed change updates this reference to Zone B. Implementation of this change continues the current policy relative to the revised zone designations.

Compatibility with Goal 47: Coordinated System of Aviation Facilities

Objective 47.1: Economic Growth calls for the capacity expansion of Southwest Florida International Airport by 2005 in order to aid in the diversification of the county's economic growth. It also indicates that the Port Authority should seek to minimize impacts to surrounding land uses while maintaining a safe and efficient operation. The change to the Airport Noise Zone is compatible with these objectives.

Policy 47.1.7 implements the Objective by requiring the Port Authority to undertake planning actions that will accommodate growth at the existing aviation facilities and allow for the development of the future aviation facilities. The proposed change to the Future Land Use Map meets the ongoing requirement for the Port Authority to plan for the expansion of current facilities. The proposed Airport Noise Zones maintain compatible land use around the Southwest Florida International Airport and its future facilities.

Objective 47.2: Development Compatibility discusses the need for the Port Authority to evaluate development proposals to ensure compatibility with aviation facilities.

Policy 47.2.2 addresses the need for the Port Authority to ensure that regulations in the Land Development Code (LDC) restrict land uses in areas covered by the Airport Noise Zone (ANZ).

Policy 47.2.5 requires Lee County to modify the airport noise boundaries and regulations to address the recommendations in the FAR Part 150 Airport Noise Compatibility Study.

The proposed change to the Future Land Use Map will be followed with changes to the Lee County LDC. The changes to the LDC will reflect the new legal description of the noise zones as set forth in Section IV.A.5 of this application. The proposed changes to the Future Land Use Map will modify the airport noise zone boundaries to address the recommendations of the FAR Part 150 Study. Finally, the proposed change reflects changes in airport development and capacity as required in Objective 47.2.

Objective 47.5.7: The objective requires the county to protect its existing and proposed aviation facilities from the encroachment of incompatible uses through the updating of

the Future Land Use Map as needed to reflect the preferred Port Authority airport expansion alternative layout. The proposed change to the Future Land Use Map incorporates actions that support the expansion of Southwest Florida International Airport

3. Describe how the proposal affects adjacent local governments and their comprehensive plans.

There are no impacts to adjacent local governments. The proposed changes affect Lee County only.

4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

The Federal Aviation Administration, the State of Florida, and the Lee County Port Authority either participated in funding or otherwise supported a FAR Part 150 Airport Noise Compatibility Study Update for Southwest Florida International Airport. The study recommended actions that should be undertaken by the Lee County Port Authority that would promote airport land use compatibility. The proposed Future Land Use Map change would implement a portion of these changes.

Chapter 333 of the Florida Statutes (Sections 333.33 and 333.065) provides local governments with the authority to establish airport noise compatible zoning. The sections allow local jurisdictions to adopt and enforce noise compatible zoning in accordance with the established FAR Part 150 Study guidelines, in accordance with state guidelines or in accordance with more restrictive local guidelines.

The Southwest Florida Regional Planning Council includes a transportation element which addresses the importance of aviation to the region. The fifth strategy of Goal 1, Balanced Intermodal/Multimodal System, is to "Ensure airports in the Region will be expanded to meet the regional aviation system needs for foreseeable demand in passengers and cargo and in private small plane operations." As one of the actions for this strategy, the plan indicates that land surrounding the airport should be "preserved and protected to allow for future increased operations and expansion." The Planning Council's desire is to ensure local governments provide for land uses that complement rather than constrain airport the development and operation of the airports.

F. Additional Requirements for Specific Future Land Use Requirements

1-4. Items 1 through 4:

This application does not re-designate land to or from categories outlined in this section.

G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis:

The proposed changes are the result of sound planning practices and reflect the recommendations outlined in an extensive FAR Part 150 Airport Noise Compatibility Study.

Southwest Florida International Airport

Draft
TABLE 8



Development/Landside	Existing	2005	2010	2020
Midfield Terminal Complex	28 gates 781,183 S.F.	No improvements planned	Expand to 32-33 gates 771,183 S.F.	Expand to 43-47 gates 978,382 S.F.
Auto Access	Main entrance at intersection of Daniels and Chamberlin Parkway. Access also from Daniels via TreeLine and Alcoa via Ben Hill Griffin Parkway.	Cargo Road improvements from Chamberlin Connector road for maintenance facilities	Rehab perimeter, service and fuel farm roads Expand entrance road to 6 lanes Construct I-75 access	Miscellaneous roadway improvements
Parking	14,389 total existing spaces	No improvements planned	Construct 780 additional employee spaces	Ultimately 6,128 total hourly spaces Ultimately 9,342 total daily spaces Ultimately 200 total Taxi/Limo spaces Ultimately 3,000 total rental car spaces
Passenger	11,481 spaces			
Hourly	2,519 spaces			
Daily	8,942 spaces			
Employee	1,288 spaces			
Taxi/Limo/Toll Booth	180 spaces			
Rental Cars	1,600 spaces			
Runways				
Existing Runway 6-24	12,000 ft. X 180 ft. runway	Rehabilitate 6-24, using taxiway as a temporary runway	No improvements planned	No improvements planned
Parallel Runway 6R-24L	No improvements planned	No improvements planned	Begin construction on 8,100ft. X 180ft. runway (5,385 ft. separation between runways)	No improvements planned
Taxiways	Taxiway A-parallel taxiway to Runway 6-24, 12,000 ft. long X 75 ft. wide; Taxiway B-apron taxiway that runs parallel to terminal for transitioning aircraft going from gates to Taxiway A for approximately 1,580 ft.	No improvements planned	Construct parallel taxiway north of Runway 6R-24L (8,100ft. X 75ft. wide) if NLA, then 100ft. wide. Hold bay & by-pass improvements to Runway 6R-24L parallel taxiway	Construct dual cross-field connector taxiway (Approx. 4,215 ft. long and 75ft. wide) if NLA, then 100ft. wide.
Terminal Apron	165,000 S.Y.	283,700 S.Y.*	No improvements planned	No improvements planned
Air Cargo	Total of 39,600 S.F. cargo building 89,000 S.Y. apron area	Rehabilitate existing cargo ramp (89,000 S.F.) New freight forwarding facility 16,000 S.F. Expand cargo facilities to 41,189 S.F.	Expand building cargo facilities to 48,385 S.F.	Expand cargo building facilities to 66,314 S.F.
Belly Cargo	15,000 S.F.	No improvements planned	No improvements planned	No improvements planned
General Aviation	8,000 S.F. facility 26,180 S.F. hangar space 48,650 S.Y. apron area	Construct multi-use hangars (12,600 S.F.)	Infrastructure for second FBO Construct multi-use hangars (41,000 S.F.)	Construct multi-use hangars (76,600 S.F.) Expand GA apron to 48,700 S.Y.
Aircraft Maintenance				
General Aviation	Approximately 13,000 S.F.	Construct one hangar to accommodate aircraft including the Boeing 747. Land to accommodate an additional three hangars should be set aside, should it be needed in the future.	28,000 S.F. (using existing facilities)	Expand to 38,000 S.F. necessary
Large Aircraft				
Air Traffic Control Tower (ATCT)	Height 78.91 ft., 8,600 S.F.		Relocate to midfield-same S.F. as existing 8,600 ft. or more. New height must be greater than 80 ft.**	No improvements planned

Southwest Florida International Airport

Draft
TABLE 5



Table (Continued) Southwest Florida International Airport Existing vs. Proposed Development 2005-2020				
Development *Aside (Continued)	Existing	2005	2010	2020
Fuel Farm	Commercial (3) 420,000 gallon tanks Jet A General Aviation (4) 18,000 gallon Jet A tanks (1) 12,000 gallon 100LL tank	Fuel to be pumped from existing fuel farm area by a hydrant fueling system to the new midfield area	No improvements planned	No improvements planned
Miscellaneous	No improvements planned		Relocate high voltage power lines Upgrade airfield emergency generator Halpad (11,000 S.F.) Develop multi-modal center	
Rental Car Expansion		Rental car fuel farm		
Non-Aviation Related Land Uses Hotel ⁽¹⁾ Light Manufacturing/Assembly Gas Station/Convenience Store Warehouse/Distribution Office ⁽²⁾		Construct 25,000 S.F. Construct 3,500 S.F. w/ 42 24 pumps Construct 25,000 S.F. Construct 75,000 S.F.	Construct 300 Rooms Additional 25,000 S.F. Additional 25,000 S.F. Additional 75,000 S.F.	-Additional 50,000 S.F. Additional 50,000 S.F. Additional 75,000 S.F.

1. This table is for general phasing and major development items only. More specific detail is available in the annual Capital Improvement Plan (CIP) prepared by the Lee County Port Authority for the Southwest Florida International Airport.
2. All non-aviation related development will meet local land development code requirements such as open space requirements listed in LDC Sec. 10-415 and Wetland Impacts requirements listed in LDC Sec. 14-293. All development will be required to undergo local site and zoning review prior to local development order issuance.
3. This Development includes 10% retail.
4. Development within the "Potential Future Development Area" will require amendment of the Lee Plan prior to development.

**CPA 2005-39
COMMERCIAL
FUTURE LAND USE MAP CATEGORY
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

LPA Public Hearing Document
for the
October 23rd, 2006 Public Hearing

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

October 17, 2006

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2005-39**

✓	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: October 17, 2006

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

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

2. REQUEST:

Amend Map 1 of the Future Land Use Map series and Goal 1 of the Future Land Use Element by adding a new commercial Future Land Use category. Amend the Glossary by adding the definition of floor area ratio to the glossary terms.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. STAFF RECOMMENDATION:** Amend the Future Land Use Map Series, Map 1, the Future Land Use Map, by adding a new commercial future land use category. Planning staff also recommends that Goal 1 of the Future Land Use Element be amended as provided below. Staff also recommends amending the Glossary by adding the definition of floor area ratio. The recommended additions are as follows:

POLICY 1.1.10: The Commercial areas are located in close proximity to existing commercial areas or corridors accommodating employment centers, tourist oriented areas.

and where commercial services are necessary to meet the projected needs of the residential areas of the County. These areas are specifically designated for commercial uses. Residential uses, other than bona fide caretaker residences, are not permitted in this future land use category except to the extent provided in Chapter XIII of the Plan. The Commercial areas are areas where residential uses are not expected or compatible due to the nature of the surrounding land uses and their location along major travel corridors. The commercial designation is intended for use where residential development would increase densities in areas such as the Coastal High Hazard Areas of the County or areas such as Lehigh Acres where residential uses are abundant and existing commercial areas serving the residential needs are extremely limited.

The requisite infrastructure needed for commercial development is generally planned or in place. New developments in this category must connect to a potable water and sanitary sewer system. Commercial retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will predominate in the Commercial areas. Limited light industrial uses are also permitted, excluding outdoor storage type uses. Any redesignation of land to the Commercial land use category should occur along major travel corridors and at road intersections. The planned development rezoning process must be used to prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans of each site. A maximum Floor Area Ratio (FAR) of 1 will be used as an index of intensity of development in the commercial category. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 when appropriate site development regulations are incorporated into the planned development.

Glossary definition:

FLOOR AREA RATIO (FAR) - A measure of intensity expressing the maximum allowable floor area permitted on a lot. The FAR is equivalent to the total floor area of a building divided by the total area of the lot, expressed in square feet. The FAR represents the relationship of the developed square footage of the lot to the square footage of the site.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The amendment is the result of a recommendation contained in the 2004 Evaluation and Appraisal Report.
- The proposed amendment creates a new Commercial future land use category that will allow commercial development without the inclusion of residential uses.
- The amendment will eliminate residential density increases in areas where commercial development is the only reasonable use of the property.

- Currently there is no exclusive commercial future land use category in the Lee Plan.
- The proposed amendment is consistent with Policies 105.1.4 and 105.1.5 of the Lee Plan which encourage consideration of the reduction of density through land use designations and zoning requests in the CHHA. The proposal is also consistent with Objective 1.8 which designates potential commercial land uses in Lehigh Acres.
- The proposal is also consistent with Objective 1.8 which designates potential commercial land uses in Lehigh Acres.
- There will be no change in the population accommodation capacity of the FLUM.

C. BACKGROUND INFORMATION

This amendment was initiated by the Board of County Commissioners on September 28, 2004. The proposed amendment stems from previous findings that were made as part of the review of two privately initiated small scale amendments. The amendments involved two parcels, each having the same applicant, located in the southeast quadrant of the Summerlin Road and Pine Ridge road intersection. The amendments requested a future land use map change from the Industrial Development future land use category to the Urban Community future land use category. The intent of the applicant was to use the property for commercial development. The applicant provided that the request would allow more appropriate development in this high visibility area that has been developing as a commercial tourist roadway along one of the main routes to Lee County's beaches. Staff noted that residential development will most likely never occur on the site given the surrounding commercial and industrial uses and the location of the parcels at the intersection. As part of the review for each request, staff discussed the coastal issues involved in the map change. The properties were located in the Coastal High Hazard Area (CHHA) as defined by the Lee Plan. While it was unlikely that the site would ever be developed with residential uses the amendment did pose an increase to residential densities in the CHHA given that Industrial development does not permit residential uses. Based on the fact that residential uses were clearly unreasonable for this site, as well as the other factors presented as part of the land use change review, the first small scale amendment was adopted in 2001 and the second was adopted in 2003.

Based on the review of the two small scale amendments, staff found a growing need for a commercial development future land use category. In this case, the properties involved were ideal for commercial development in regards to size and location. However, any land use change to a category allowing commercial development would also allow residential development through the Lee Plan future urban areas. Staff recognized this as a problem for properties within the CHHA and suggested the issue be further evaluated during the 2004 Evaluation and Appraisal Report based amendments.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Planning staff is proposing to create a new Commercial future land use category that will allow commercial development without the inclusion of residential uses. The proposed commercial category can be applied in areas where the surrounding land uses and location make residential development unlikely or unwarranted. This will eliminate residential density increases in areas where commercial development are the only reasonable use of the property. Currently there is no exclusive commercial future land use category in the Lee Plan.

As discussed in the background section of this report, the new commercial designation is intended for use where residential uses are not compatible with the surrounding area and their location along major roadways make residential development unreasonable. The commercial designation is intended for use in areas that meet the above mentioned criteria and where residential development would increase densities in areas such as the Coastal High Hazard areas of the County. The new commercial designation would also be an effective category for Lehigh Acres where residential uses are the primary use of the area and commercial areas to serve these residential needs are limited. This category would achieve the intent of the Lehigh Commercial Overlay in place today where areas of land along the major travel corridors are currently designated for commercial development.

The proposed amendment requires that any development within this category must be through the planned development process in order to ensure compatibility with the surrounding area and that the appropriate site development regulations are incorporated into the development of each site. By incorporating this requirement development parameters such as setbacks, buffers, open space, indigenous preserves, parking, and frontage roads can be evaluated for the most appropriate site design.

Staff has also included a Floor Area Ratio (FAR) of 1 as an index of intensity for the proposed commercial category. The FAR method sets a maximum floor area making development consistent throughout the land use category. FAR is calculated by dividing the total floor area (square feet) of the building by the total area (square feet) of the lot. For example, a FAR of 1 for a one acre site would allow approximately 43,560 square feet of floor area. This would allow a floor area that is identical to the area of the property yet when the additional site development regulations are applied, the building would go up rather than spread across the site, thus meeting the various regulations. Therefore, realistically the FAR of 1 on a one acre site would result in the development of up to a three story building.

POPULATION ACCOMMODATION ANALYSIS

The request is to create a new commercial future land use category where residential land uses are not permitted. Currently this amendment will not result in any changes to the population accommodation capacity of the Future Land Use Map (FLUM) as the category is not being applied to any specific property. The new category could result in a population accommodation reduction if applied to properties that currently have allowed densities established by the Plan.

LEE PLAN PLANNING COMMUNITIES MAP AND TABLE 1(b)

Staff is proposing that the subject amendment apply only to commercial uses in the new commercial future land use category. Residential uses are not permitted in the category. While the planning communities

and Table 1(b) contain commercial allocations for commercial types of development, staff is not proposing that the new category be applied to any specific area at this time. Future requests for the Commercial category will be reviewed on a case by case basis.

B. CONCLUSIONS

The subject plan amendment proposal develops a new Commercial future land use category that precludes the development of residential uses under this designation. The proposed amendment is consistent with Policies 105.1.4 and 105.1.5 of the Lee Plan which encourage the consideration of the reduction of density through land use designations and zoning requests in the CHHA. The proposal is also consistent with Objective 1.8 which designates potential commercial land uses in Lehigh Acres. The amendment does not propose to apply the new Commercial category to any specific areas at this time. Future requests will be reviewed on a case by case basis. There will be no increase in the population accommodation capacity of the future land use map and the proposal will result in no impacts to public infrastructure and services.

C. STAFF RECOMMENDATION

Planning staff recommends amending the Future Land Use Map, Map 1 of the Future Land Use Map Series, by adding a new commercial future land use category. Planning staff also recommends that Goal 1 of the Future Land Use Element be amended as provided below as well as amending the Glossary by adding the definition of floor area ratio to the glossary terms.

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

DATE OF LPA PUBLIC HEARING: October 23, 2006

A. LOCAL PLANNING AGENCY REVIEW

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

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS

DEREK BURR

RONALD INGE

CARLETON RYFFEL

**RAYMOND
SCHUMANN**

RAE ANN WESSEL

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

DATE OF TRANSMITTAL HEARING: December 13, 2006

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

TAMMARA HALL

BOB JANES

RAY JUDAH

FRANK MANN

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

DATE OF ORC REPORT: _____

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RESPONSE

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

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

TAMMARA HALL

BOB JANES

RAY JUDAH

FRANK MANN

**CPA2005-00042
ECONOMIC ELEMENT UPDATE
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

LPA Public Hearing Document
for the
October 23rd, 2006 Public Hearing

*Lee County Planning Division
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Fort Myers, FL 33902-0398
(239) 479-8585*

October 13, 2006

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2005-00042**

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: October 13, 2006

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING AND THE OFFICE OF
ECONOMIC DEVELOPMENT

2. REQUEST: As recommended by the Evaluation and Appraisal Report, amend the Lee Plan, Economic Element, for general updates as the element has not been updated since its creation in 1993.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed amendment. The existing policy language is shown below, with modifications proposed by staff shown in strike through, underline format.

OBJECTIVE 158.2: Lee County will maintain and develop programs which are designed to expand and enhance the tourism industry ~~so that the county's leading tourism indicator of visitors per point of occupancy will grow by a total annually compounded rate of 2.5% by the year 1995 and by 10.0% by the year 2000.~~ (Amended by Ordinance No. 00-22)

POLICY 158.2.6: Lee County, in coordination with the Tourist Development Council and other appropriate entities, will promote the development of the sports market and sports facilities for future economic development.

POLICY 158.3.3: Lee County, in coordination with the Horizon Council and other appropriate entities, will annually report on the progress of ~~non-traditional industry starts~~ new company locations. (Amended by Ordinance No. 00-22)

~~**POLICY 158.3.7:** Lee County will offer property tax abatement and occupational license fee abatement to new or expanded businesses in the Franklin Park Enterprise Zone for up to 5 years.~~ (Amended by Ordinance No. 00-22)

~~**POLICY 158.3.8:** Lee County will pursue any legally available opportunities to establish additional~~ promote and coordinate the Lee County/Fort Myers Enterprise Zones. (Amended by Ordinance No. 00-22)

POLICY 158.3.10: Lee County, in coordination with the Horizon Council and other appropriate entities, will ~~investigate the possibility of establishing~~ promote the Foreign Trade Zones in Lee County. (Amended by Ordinance No. 00-22)

POLICY 158.3.12: Lee County, in coordination with the Horizon Council and other appropriate entities, will continue programs which encourage and assist in the location of new companies that ~~build on the traditional economic base~~ diversify the economy and create higher wage jobs. (Amended by Ordinance No. 00-22)

OBJECTIVE 158.4: Lee County, in coordination with the Horizon Council and other appropriate entities, will maintain programs which are designed to encourage the retention and expansion of the county's existing economic base. ~~These programs will assist the expansion of the commercial and industrial tax base to 25% of the total tax base by the year 2000 and to 30% by the year 2010.~~ (Amended by Ordinance No. 00-22)

POLICY 158.4.1: Lee County, in coordination with the Horizon Council and other appropriate entities, will continue programs, ~~such as the "Business Assistance Guide," the "Financial Assistance Guide," economic research, a business and industry Exposition, an economic development magazine, and the "Community Profile on a Disk,"~~ which assist existing companies in expansion efforts and new companies that desire to relocate to the County.

POLICY 158.4.2: Lee County, in coordination with the Horizon Council and other appropriate entities, will annually report on the progress of existing industry expansions ~~and traditional industry starts~~. (Amended by Ordinance No. 00-22)

POLICY 158.4.4: Lee County, in coordination with the Horizon Council and other appropriate entities, will promote economic opportunity through the utilization of the Southwest Regional Florida International Airport and strengthen the role of the airport in Lee County's economic development. (Amended by Ordinance No. 00-22)

POLICY 158.5.2: Lee County will promote the development of programs and facilities thru the at-Lee Vo-Tech, County School District, Edison Community College, the University of South Florida, Florida Gulf Coast University, and any future institutions of higher learning, including business and commerce, health services, technologies, and education careers. (Amended by Ordinance No. 00-22)

POLICY 158.5.3: Lee County will encourage the Lee Vo-Tech County School District, Edison Community College, the University of South Florida, Florida Gulf Coast University, and any future institutions of higher learning, to develop cooperative and integrated curriculums that enhance and increase the productivity of the local work force and attract industries and skilled workers. (Amended by Ordinance No. 00-22)

~~**OBJECTIVE 158.7: ECONOMIC MONITORING.** The county will develop and maintain an accurate mechanism to track the types of goods imported and exported via various means of transportation by 1996.~~ (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

~~**POLICY 158.7.1:** The county will conduct or sponsor (in full or in part) the preparation of an economic base study including, but not limited to, agricultural, commercial fishing, and industrial products. The study will identify the importing and exporting sectors of the economy and will be updated, as appropriate.~~ (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

~~**POLICY 158.7.2:** The county will gather commerce movement data from the government agencies overseeing various means of transportation and/or private operators.~~ (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Economic Element has not been updated since its creation in 1993.
- The recent Evaluation and Appraisal Report identified the need to do a general update of the element.
- The existing element contains several policies that refer to programs that have been discontinued or that the facility name has been changed or no longer exists.

PART II - STAFF ANALYSIS

A. COMPREHENSIVE PLAN BACKGROUND

The Board of County Commissioners adopted a Lee Plan Amendment, PAT 92-31, on September 20, 1993, that incorporated an optional (per Florida statutes) element, the Economic Element. The element has not been amended, except for the replacement of "shall" with "will," "may," or "must," since this original inclusion into the Lee Plan. The recent Evaluation and Appraisal Report identified the need to do a general update of the element.

B. STAFF DISCUSSION

Lee County Visitor & Convention Bureau (VCB) staff are recommending that the references to occupancy be deleted from Objective 158.2. VCB staff provide that occupancy is not a good barometer of business as many new hotel/motel rooms are being added to the inventory. VCB staff recommends that the objective be amended as follows:

OBJECTIVE 158.2: Lee County will maintain and develop programs which are designed to expand and enhance the tourism industry so that the county's leading tourism indicator of visitors per point of occupancy will grow by a total annually compounded rate of 2.5% by the year 1995 and by 10.0% by the year 2000.

Lee County continues to explore opportunities to expand the sports market and facilities located in the County. The County continues to explore opportunities in adding a third major league baseball spring training team for the benefit of the community. With the recent success in the County's sports marketing initiative, the County's goals have expanded to not only host events that increase tourism, but to also host larger events that have national media value, such as Olympic Trials. Staff recommends the following policy be included in the element to address the promotion of the sports market and facilities within the County:

POLICY 158.2.6: Lee County, in coordination with the Tourist Development Council and other appropriate entities, will promote the development of the sports market and sports facilities for future economic development.

Economic Development (ED) staff is recommending that Policy 158.4.1 be deleted as "it's really a tactic, not a policy or goal." ED staff provide that the Office does provide numerous publications for existing and new businesses.

~~**POLICY 158.4.1:** Lee County, in coordination with the Horizon Council and other appropriate entities, will continue programs, such as the "Business Assistance Guide," the "Financial Assistance Guide," economic research, a business and industry Exposition, an economic development magazine, and the "Community Profile on a Disk," which assist existing companies in expansion efforts:~~

Planning staff believes that the general policy direction that Lee County will continue programs to assist existing and new companies in expansion efforts is an appropriate policy for the County and should be retained. Planning staff recommends the following language modifications to this policy:

POLICY 158.4.1: Lee County, in coordination with the Horizon Council and other appropriate entities, will continue programs, such as the "Business Assistance Guide," the "Financial Assistance Guide," economic research, a business and industry Exposition, an economic development magazine, and the "Community Profile on a Disk," which assist existing companies in expansion efforts and new companies that desire to relocate to the County.

The existing Element contains several policies that refer to programs that have been discontinued or that the facility name has been changed or no longer exists. For example, Policy 158.4.4 should be updated

as the former "Southwest Regional Airport" is now the Southwest Florida International Airport. The Policy should be updated to reflect this:

POLICY 158.4.4: Lee County, in coordination with the Horizon Council and other appropriate entities, will promote economic opportunity through the utilization of the Southwest Regional Florida International Airport and strengthen the role of the airport in Lee County's economic development.

The County no longer has a "Franklin Park Enterprise Zone," but does promote the "Lee County/Fort Myers Enterprise Zones." The Element should be amended to reflect this:

~~**POLICY 158.3.7:** Lee County will offer property tax abatement and occupational license fee abatement to new or expanded businesses in the Franklin Park Enterprise Zone for up to 5 years. (Amended by Ordinance No. 00-22)~~

~~**POLICY 158.3.8:** Lee County will pursue any legally available opportunities to establish additional promote and coordinate the Lee County/Fort Myers Enterprise Zones.~~

The Element contains an Objective, Objective 158.3, that addresses the County's desire to diversify the County's economic base by establishing, maintaining, or continuing programs to accomplish this objective. Policy 158.3.10 sought to investigate establishing a Foreign Trade Zone in Lee County. This has been accomplished with the establishment of the Lee County Port Authority's Foreign Trade Zone (#213). Lee County intends to continue to promote the use of this Foreign Trade Zone. This policy should be amended as follows:

POLICY 158.3.10: Lee County, in coordination with the Horizon Council and other appropriate entities, will ~~investigate the possibility of establishing~~ promote the Foreign Trade Zones in Lee County. (Amended by Ordinance No. 00-22)

The Element contains an objective, Objective 158.5, that addresses educational facilities. Several policies need to be updated to reflect the current status of these facilities. For example, the University of South Florida no longer has a branch campus in Lee County. Also the Correct name for the "Florida Gulf Coast University" should be reflected in these policies as well as the Lee County School District. Policy 158.5.2 and Policy 158.5.3 should be amended as follows:

POLICY 158.5.2: Lee County will promote the development of programs and facilities ~~thru the at Lee Vo-Tech, County School District, Edison Community College, the University of South Florida, Florida Gulf Coast University,~~ and any future institutions of higher learning, including business and commerce, health services, technologies, and education careers. (Amended by Ordinance No. 00-22)

POLICY 158.5.3: Lee County will encourage ~~the Lee Vo-Tech County School District, Edison Community College, the University of South Florida, Florida Gulf Coast University,~~ and any future institutions of higher learning, to develop cooperative and integrated curriculums that enhance and increase the productivity of the local work force and attract industries and skilled workers. (Amended by Ordinance No. 00-22)

ED staff is recommending deletion of Objective 158.7, Economic Monitoring. ED staff is not sure who would actually use the specified information. ED staff notes that they track and report annually changes in job creation, employment, unemployment, and average wages.

~~**OBJECTIVE 158.7: ECONOMIC MONITORING.** The county will develop and maintain an accurate mechanism to track the types of goods imported and exported via various means of transportation by 1996. (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)~~

~~**POLICY 158.7.1:** The county will conduct or sponsor (in full or in part) the preparation of an economic base study including, but not limited to, agricultural, commercial fishing, and industrial products. The study will identify the importing and exporting sectors of the economy and will be updated, as appropriate. (Relocated by Ordinance No. 98-09, Amended by Ordinance No. 00-22)~~

~~**POLICY 158.7.2:** The county will gather commerce movement data from the government agencies overseeing various means of transportation and/or private operators.~~

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

DATE OF PUBLIC HEARING: October 23, 2006

A. LOCAL PLANNING AGENCY REVIEW

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

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS

DEREK BURR

RONALD INGE

CARLETON RYFFEL

**RAYMOND SCHUMANN,
ESQ.**

RAE ANN WESSEL

VACANT

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

DATE OF TRANSMITTAL HEARING: December 13, 2006

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

TAMMARA HALL

BOB JANES

RAY JUDAH

DOUG ST. CERNY

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

DATE OF ORC REPORT:

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

- B. STAFF RESPONSE**

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

DATE OF ADOPTION HEARING:

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

TAMMARA HALL

BOB JANES

RAY JUDAH

DOUG ST. CERNY

CPA 2005-46

**SMART GROWTH
INITIATED
AMENDMENT TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Publicly Initiated Application
and Staff Analysis**

**LPA Public Hearing Document
For The
October 23, 2006 Public Hearing**

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

October 17, 2006

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA 2005-10**

Text Amendment **Map Amendment**

	This document contains the following reviews:
<input checked="" type="checkbox"/>	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: October 17, 2006

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY THE SMART GROWTH COMMITTEE
REVIEWED BY DIVISION OF PLANNING

REQUEST:

Incorporate provisions of the Smart Growth Committee's recommendations, not otherwise included in other components of the 2005 cycle of amendments.

Given the nature of the packaging of all the recommendations into one submission, alphabetic separations will be employed for changes in subject.

B. SMART GROWTH COMMITTEE RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The Smart Growth Committee recommends that the Board of County Commissioners transmit the proposed amendment as part of the 2004 EAR Amendment Cycle.

A. BUILDOUT AND CARRYING CAPACITY:

Objective 2.11: Carrying Capacity. Define carrying capacity and integrate the concept into planning strategies, with the assistance of area professionals.

Policy 2.11.1: Utilizing carrying capacity information, determine the constraints to continual development as a quality of life characteristic.

Objective 4.2: Develop an up to date estimate, and revise for each EAR the County Build Out estimate.

Policy 40.5.8: The flowways plan should be integrated with the County Build Out estimate.

B. MASTER PLANNING FOR ENVIRONMENT, MASTER MITIGATION PLAN

Policy 2.11.2: Prepare a general assessment (barometer of variables) that links the goal of (and) capacity of development (built environment) to environment (natural or green space).

Policy 2.11.3: Set science based goals to assess what is necessary to maintain desired environmental factors (i.e. panthers extant, Estero Bay health, etc.).

Policy 2.11.4: Identify and map and update, through a science based process, those lands with the environmental science based opportunities for mitigation, remediation, or preservation. Promote such areas for such uses through County programs.

Policy 4.1.5: Promote optimal conditions rather than minimum conditions for the natural system as the basis for sound planning.

Objective 4.3: Pursue a common set of local permitting criteria, incentives, and regulatory measures specifically for Southwest Florida conditions.

Policy 4.3.1: The permitting measures developed should aim towards rehydrating the region and attaining minimum flows and levels for county waterbodies.

Policy 40.5.4: Improve the storage within existing natural and manmade flowways.

Policy 40.5.5: Develop a capital improvements program to provide for the reconstruction and maintenance of all programmed flowways and include incentives for private participation.

Policy 40.5.6: The master flowways plan should be identified on a map and ground-truthed. It should incorporate opportunities for canal restoration and the creation of urban greenways that need restoration, preservation, and maintenance.

Policy 41.1.6: Pursue funding a “mixing model” (freshwater flow into saltwater) as a management tool that will benefit recreation, water quality, public health, etc.

Policy 41.3.15: To ensure most effective treatment, the County will reevaluate the relationship of volume/area to stormwater management and storage, and promote permit agencies to do the same.

Policy 41.3.16: To improve water quality in more impacted areas, the County will link Best Management Practices (BMPs) to impervious cover of the impacted sub-watershed and to runoff from various land use types.

Policy 77.1.2: To increase protection of natural resources, the County will create a public/private management team to coordinate area wide conservation easements.

Policy 77.1.4: The County will build upon the Conservation 20/20 program for funding a green infrastructure and natural functions program, which will be within the County CIP program.

Policy 77.1.7: Create a formalized regional land management restoration collaboration to plan and pool resources and equipment.

Objective 77.13: Environmental Monitoring. Ensure criteria for local programmatic monitoring and enforcement are specific to Southwest Florida.

C. ENHANCED MOBILITY:

Policy 28.1.14: The County will work to ensure that road ownership is not an impediment to transit or pedestrian service/facilities.

Policy 28.4.4: Along with the School Board, the County will develop a joint plan for transporting students on public transportation and school buses, and utilize this planning during special events.

D. IV. COMMUNITY FACILITIES AND SERVICES ELEMENT

Policy 46.3.13: The County will promote smaller, geographically-diversified neighborhood school campuses, which are incorporated into relevant community plans.

Objective 46.5 Environmental Education. Support and promote a three-tiered program of environmental education targeting Pre-K through 12th grade school children, the general adult population, and newcomers to heighten awareness of our area’s special environmental characteristics.

Policy 46.5.1: Support a coordinated community education and outreach program that fosters

the construction and implementation of environmental projects, such as the filter marshes, land acquisition, and local mitigation opportunities.

Policy 34.1.13: Promote water conservation through the use of incentives and evaluate and apply a community based planning approach to water conservation, enabling more precision to be applied in achieving reduction targets.

Policy 87.1.9: As a component of water utility operations, require rain sensors, and provide for periodic inspection of irrigation systems.

E. VI. CAPITAL IMPROVEMENTS ELEMENT

Policy 70.1.8: Ensure that all large CIP projects include broad public education efforts and information exchange as a component for securing public support.

F. VII. CONSERVATION AND COASTAL MANAGEMENT ELEMENT

Policy 77.2.14: Pursue an exotic eradication, management, and compliance plan, and involve private land owners, with incentives for exotics removal.

Policy 77.2.15: Update current exotic priority list and evaluate current related education programs for need and expansion.

Objective 88.2: Vehicle Emissions. The County will evaluate the impact of vehicle emissions on air quality.

Policy 88.2.1: To improve air quality, consider county-based emission standards, with particular focus on heavy trucks.

Policy 88.2.2: Research the use of bio diesel and other clean fuels in public vehicles.

Policy 88.2.3: Incorporate vehicle emission impacts into alternative analyses for the appropriate transportation projects.

G. VIII. HOUSING ELEMENT

Policy 100.1.14: Encourage development regulations and incentives that provide a better mix of high income and low income housing.

Policy 100.4.13: Pursue community wide, broad based participation in solving the problems of infrastructure and workforce/affordable housing.

Policy 100.4.15: Through County housing programs, the County will promote diversity to increase integration, workforce housing, and economic development zones.

H. IX. HISTORIC PRESERVATION ELEMENT

Policy 104.2.2: The County will continue to encourage the preservation of archeological sites through Leasing of Development Rights (LDRs) and encourage historical tourism, sense of place, and natural areas

I. X. INTERGOVERNMENTAL COORDINATION

Policy 109.1.9: Lee County will support and participate in the region's Natural Resources Conservation Service program.

Policy 109.1.10: The County will enter into interagency cooperative programs to achieve mutual goals for the protection of the Caloosahatchee River.

Policy 109.1.11: The County will utilize basin wide planning and work with sovereign local governments to promote greater protections for the Caloosahatchee River.

J. XI. ECONOMIC ELEMENT

Policy 110.1.11: Evaluate the current land development regulatory and fiscal structure to identify the impediments to ensuring development is fiscally beneficial.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- In April 2002, the Board of County Commissioners empowered an advisory committee, the Smart Growth Committee, to evaluate the results the County should be achieving through its management of population growth. After 20 months, four open full day workshops, three special issue workshops, and eighteen regular meetings, all advertised and with open invitation to the public, the Committee concluded its deliberations largely in support of current activities, but with greater focus on results, and with additions or expansions recommended to improve results.
- The Smart Growth initiative identified several key areas that are often considered in areawide planning, but lack the breadth of supporting policy for consistent evaluations. Further, a number of individual topics were recognized as issues within Lee County that need a policy established so that direction on the issue can be considered given.
- The key initiatives are infill and redevelopment (separate CPA); community planning (separate CPA); buildout and carrying capacity; master planning for the environment; and individual conclusions, grouped by LeePlan element.
- The incorporation of these recommendations into the LeePlan provides the appropriately complete policy framework to address the issues raised by the Smart Growth Committee, and raised by the Environmental Protection Agency in its several publications related to Smart

Growth.

- August 26, 2004 the Lee County Board of County Commissioners adopted the Evaluation and Appraisal Report, identifying New Urbanism and Smart Growth as among the Major Issues, with support text.

C. **BACKGROUND INFORMATION**

The 2004 Evaluation and Appraisal Report included an assessment of the Smart Growth initiative, along with specific components that stemmed from the initiative. The background information for each initiative came from a series of workshops, each supported by its own book of information (Transportation Element, Land Use Element, Water and Environmental Quality Element, and Community Character Element, all dated 2003) and with an initial set of issues. These workshops, held from January to April, 2003, provided the basis for subsequent workshops and meetings of the Smart Growth Committee. The result of the workshops and meetings was a set of 190 recommendations provided to the Board of County Commissioners in December 2003. A number of those related in part or in whole to the Lee Plan. An initial total of 118 recommendations to the Lee Plan were subsequently reduced to 60 through subsequent deliberations of the Committee with assistance from all departments. This reduction was able to occur due to actions taken that fulfilled the recommendations, further identification of duplication, or a subsequent determination by the Committee that the recommendation had been superseded by events.

PART II - ANALYSIS

A. SMART GROWTH COMMITTEE DISCUSSION

INTRODUCTION

BUILDOUT AND CARRYING CAPACITY. “Buildout” is a concept that locally means the population that will be within Lee County once all approved development is built out. Lee County has committed to widespread development patterns through platting practices in the past, before the County had planning and zoning authority, as well as development approvals granted since such authority was provided. This level of development will have stresses upon infrastructure and natural systems beyond any current planning program. In order to get a better understanding of the long term consequences of such past decisions, an update of the estimated buildout population should be undertaken, along with an assessment of what our natural and build systems can support at current levels of service. Build out estimates have been provided in the past, the first in 1975. Past buildout estimates concluded Lee County (including the municipalities) had approved levels of development that totaled a population of 1.5 million people, which has been referred to as “buildout.” A more recent review of just the Lehigh Acres subdivision (Population Model to Forecast Population Growth of Lehigh Acres Over Time To Buildout) estimated in April, 2004, a buildout population 303,000 persons.

“Carrying Capacity” is the current ability to meet the population demand for services. This capacity varies for each type of infrastructure, and is capable of being altered to produce a

population higher or lower, based upon the level of service and the expansion of the service. Each year Lee County Department of Community Development compiles reports from different County Departments and produces an annual Concurrency Report. This report addresses the current and short term conditions of a subset of County services for the unincorporated County. These services are water utilities, sewer utilities, solid waste, drainage, transportation, and parks and recreation. The current version is on the internet at this web address: <http://www.lee-county.com/dcd/AnnualReports/Concurrency.pdf>.

Different components of these services have reached their "capacity" in the past and at present, and have identified constraints to the provision of further service without expansions of service or reductions in per capita use. Further, certain services have constraints that cannot be expanded beyond certain levels without dramatic increases in per user cost of service. These points indicate the "carrying capacity" of the service has been reached under current paradigms, and policy makers need to be aware of such points before they are reached in order to prevent crisis. Examples are hurricane evacuation within set time periods; transitioning from at grade intersections to grade separated intersections; changing from traditional water sources to salt water sources; from landfills to incineration.

Interaction between the concepts of "build out" and "carrying capacity" will make the transitions smoother through better planning, and provide better assessments as to where expanding the ultimate buildout of the population results in unavoidable declines in current levels of service.

Objective 2.11: Carrying Capacity. Define carrying capacity and integrate the concept into planning strategies, with the assistance of area professionals.

Policy 2.11.1: Utilizing carrying capacity information, determine the constraints to continual development as a quality of life characteristic.

Objective 4.2: Develop an up to date estimate, and revise for each EAR the County Build Out estimate.

Policy 40.5.8: The flowways plan should be integrated with the County Build Out estimate.

MASTER PLANNING FOR THE ENVIRONMENT. The condition of our natural systems is critical for our own sense of community, as well as the greatest contribution to our economic success. Lee County recognizes that the natural system needs to have its own planning program, interrelated to all of the other capital improvement programs and growth plans.

Given the high buildout numbers, it is critical for communities to recognize the resource base needed to support the population. It is also critical to protect the natural resources, or remedy the problems for those resources in order to maintain our tourism and retirement economy.

Recognizing the importance of managing towards the sustainability of our resources, Lee County commissioned the preparation of the Lee Master Mitigation Plan (August 2004). The Plan is based upon a county wide assessment of the remaining natural resources of the County and identified

those which should have the highest priority for preservation, for remediation of current problems, and as most suitable for mitigation for the unavoidable consequences of the County public works program. The Plan was developed under contract through the Southwest Florida Regional Planning Council, and was assisted by the Charlotte Harbor National estuary Program, and a variety of Federal, State, and local agencies, and private persons from both the development and environmental sectors.

Policy 2.11.2: Prepare a general assessment (barometer of variables) that links the goal of (and) capacity of development (built environment) to environment (natural or green space).

Policy 2.11.3: Set science based goals to assess what is necessary to maintain desired environmental factors (i.e. panthers extant, Estero Bay health, etc.).

Policy 2.11.4: Identify and map and update, through a science based process, those lands with the environmental science based opportunities for mitigation, remediation, or preservation. Promote such areas for such uses through County programs.

Policy 4.1.5: Promote optimal conditions rather than minimum conditions for the natural system as the basis for sound planning.

Objective 4.3: Pursue a common set of local permitting criteria, incentives, and regulatory measures specifically for Southwest Florida conditions.

Policy 4.3.1: The permitting measures developed should aim towards rehydrating the region and attaining minimum flows and levels for county waterbodies.

Policy 40.5.4: Improve the storage within existing natural and manmade flowways.

Policy 40.5.5: Develop a capital improvements program to provide for the reconstruction and maintenance of all programmed flowways and include incentives for private participation.

Policy 40.5.6: The master flowways plan should be identified on a map and ground-truthed. It should incorporate opportunities for canal restoration and the creation of urban greenways that need restoration, preservation, and maintenance.

Policy 41.1.6: Pursue funding a "mixing model" (freshwater flow into saltwater) as a management tool that will benefit recreation, water quality, public health, etc.

Policy 41.3.15: To ensure most effective treatment, the County will reevaluate the relationship of volume/area to stormwater management and storage, and promote permit agencies to do the same.

Policy 41.3.16: To improve water quality in more impacted areas, the County will link Best Management Practices (BMPs) to impervious cover of the impacted sub-watershed and to runoff from various land use types.

Policy 77.1.2: To increase protection of natural resources, the County will create a public/private management team to coordinate area wide conservation easements.

Policy 77.1.4: The County will build upon the Conservation 20/20 program for funding a green infrastructure and natural functions program, which will be within the County CIP program.

Policy 77.1.7: Create a formalized regional land management restoration collaboration to plan and pool resources and equipment.

Objective 77.13: Environmental Monitoring. Ensure criteria for local programmatic monitoring and enforcement are specific to Southwest Florida.

ENHANCED MOBILITY. The single occupancy vehicle is not affordable or usable by large components of the County population. For nearby trips and for many circumstances, the common automobile may be implausible or conflict with other priorities. Further, the focus on major arterials overlooks opportunities that satisfy travel with less expensive or intrusive approaches.

Community planning efforts should examine which aspects of the community need and should have provided improved mobility options. Further, land uses that can be added to reduce traffic burdens need examination for inclusion into the community. Finally, greenspace planning—trails and walkways-- that promotes nonmotor vehicle trips should be pursued between different parcels, within a community effort.

The current Lee Plan provides for opportunities for addressing mobility, and the recommendations contained herein focus on gaps in existing policy.

Policy 28.1.14: The County will work to ensure that road ownership is not an impediment to transit or pedestrian service/facilities.

Policy 28.4.4: Along with the School Board, the County will develop a joint plan for transporting students on public transportation and school buses, and utilize this planning during special events.

AMENDMENTS TO THE COMMUNITY FACILITIES AND SERVICES ELEMENT. Different areas within the County have success in achieving water conservation measures. The areas with the most success are the ones with local—less than county wide—efforts in pursuing goals. The additional policies provide for greater coordination of community plans with localized efforts of environmental education, and with “less than county wide” water conservation measures.

Policy 46.3.13: The County will promote smaller, geographically-diversified neighborhood school campuses, which are incorporated into relevant community plans.

Objective 46.5 Environmental Education. Support and promote a three-tiered program of environmental education targeting Pre-K through 12th grade school children, the general adult

population, and newcomers to heighten awareness of our area's special environmental characteristics.

Policy 46.5.1: Support a coordinated community education and outreach program that fosters the construction and implementation of environmental projects, such as the filter marshes, land acquisition, and local mitigation opportunities.

Policy 34.1.13: Promote water conservation through the use of incentives and evaluate and apply a community based planning approach to water conservation, enabling more precision to be applied in achieving reduction targets.

Policy 87.1.9: As a component of water utility operations, require rain sensors, and provide for periodic inspection of irrigation systems.

AMENDMENTS TO THE CAPITAL FACILITIES ELEMENT. Large public works projects often have issues raised by incorporated or informal groups. A formalized public involvement program can reduce the frequency and depth of concern of such issues.

Policy 70.1.8: Ensure that all large CIP projects include broad public education efforts and information exchange as a component for securing public support.

AMENDMENTS TO THE CONSERVATION AND COASTAL ZONE ELEMENT. Exotics management is becoming a greater issue, as the sensitivity of the remaining natural features to exotics and water management becomes better known. Everglades Restoration (Lee County is part of the area designated the western Everglades) has identified a number of exotic plant and animal species, which are in these web site reports:

<http://www.sfrestore.org/scg/documents/index.html>

<http://www.sfrestore.org/issueteams/exotic/documents/index.html>

<http://www.sfrestore.org/issueteams/fiatt/documents/index.html>

The reports indicate a strong need to have coordinated actions, and also that State and Federal efforts by themselves have only been applied to lands under their ownership. The nature of various exotics in Lee County are publicized, but there is no coordinated effort locally to get to the sources of the exotic propagation.

Regarding the recommendations for air quality, the MPO process addresses the system wide impacts of a road construction program on air quality. In the past, congestion was the leading contributor of concerns for diminishment of air quality; road and bridge improvements that reduced congestion resulted in immediate improvements in air quality. Inclusion of air quality calculations in the alternatives review will give attention to the issue of air quality, as will the policy on inspections.

Tourism is affected by adverse air quality, as is our retirement industry.

Policy 77.2.14: Pursue an exotic eradication, management, and compliance plan, and involve private land owners, with incentives for exotics removal.

Policy 77.2.15: Update current exotic priority list and evaluate current related education programs for need and expansion.

Objective 88.2: Vehicle Emissions. The County will evaluate the impact of vehicle emissions on air quality.

Policy 88.2.1: To improve air quality, consider county-based emission standards, with particular focus on heavy trucks.

Policy 88.2.2: Research the use of bio diesel and other clean fuels in public vehicles.

Policy 88.2.3: Incorporate vehicle emission impacts into alternative analyses for the appropriate transportation projects.

AMENDMENTS TO THE HOUSING ELEMENT. Various housing reports commissioned by the County, through the Department of Community Development or through the Horizon Council, have emphasized how the current housing affordability disparity has existed, and has become more expanded by recent price elevations. On June 22nd Dr James Nicholas estimated that 70% of the working families cannot afford the 50 percentile home. Various approaches are being suggested, and the policies provided herein are additions recommended by the Smart Growth Committee through its own discussions of this issue.

Relevant websites are these:

<http://www.lee-county.com/dcd/AffordableHousing/HousingMain.htm>

<http://www.swflworkforcehousing.com>

Policy 100.1.14: Encourage development regulations and incentives that provide a better mix of high income and low income housing.

Policy 100.4.13: Pursue community wide, broad based participation in solving the problems of infrastructure and workforce/affordable housing.

Policy 100.4.15: Through County housing programs, the County will promote diversity to increase integration, workforce housing, and economic development zones.

AMENDMENTS TO THE HISTORIC PRESERVATION ELEMENT. The Smart Growth Committee, in its review of historic preservation, determined that a current practice and gap can be remedied through the policy referenced.

Policy 104.2.2: The County will continue to encourage the preservation of archeological sites

through Leasing of Development Rights (LDRs) and encourage historical tourism, sense of place, and natural areas.

AMENDMENTS TO THE INTERGOVERNMENTAL COORDINATION ELEMENT. The coordination with cities, other counties, and other public agencies for our water resource issues—supply for natural system, utilities, domestic self supplied, and the quality of the system—has required the County to take a leadership role in regional forums. The supporting policy framework enables this to be a regular, budgeted, task in fulfillment of the Plan.

Specific activities include the Caloosahatchee Basin's subcommittee of the SWFRPC; the Mayors/Chairman meetings, commonly held after the MPO; the 9 County Coalition; and the Estero Bay agency for bay management.

Policy 109.1.9: Lee County will support and participate in the region's Natural Resources Conservation Service program.

Policy 109.1.10: The County will enter into interagency cooperative programs to achieve mutual goals for the protection of the Caloosahatchee River.

Policy 109.1.11: The County will utilize basin wide planning and work with sovereign local governments to promote greater protections for the Caloosahatchee River.

AMENDMENTS TO THE ECONOMIC ELEMENT. Legislation during the 2005 session called for local governments to analyze the fiscal impacts of growth, to pursue financial feasibility. The policy referenced provides for that support. The SWFRPC has draft fiscal impact models under analysis which should be the vehicle for the fulfillment of the policy. The model is accessed through this web address:

<http://www.swfrpc.org>

Policy 110.1.11: Evaluate the current land development regulatory and fiscal structure to identify the impediments to ensuring development is fiscally beneficial.

B. (INITIAL) PLANNING DIVISION DISCUSSION

The Division of planning has reviewed the recommendations of the Smart Growth Committee and offers the following comments, revisions, deletions and recommendations. Below is a staff discussion on the proposed Smart Growth Committee (SGC) language followed by a revised objective or policy in double underline and strike through format.

A. *BUILDOUT AND CARRYING CAPACITY:*

Planning staff concurs with the SGC discussion regarding Buildout and Carrying Capacity. The concept of the carrying capacity of the future land use map is one planning staff have utilized several times in the past. A new evaluation of the buildout of Florida comprehensive plans was

recently completed by the Bureau of Economic and Business Research (BEBR). The figure for Lee County was established at 1.4 million people. This corresponds closely with the recent Planning staff calculation of 1.39 million. The location of flowways is not germane to the buildout calculation. This issue is more a matter of placement than unit generation, affording protection to the flowway through appropriate design. Staff offers the following revisions to the proposed Lee Plan language.

Objective 2.11: Carrying Capacity. Define Understand the carrying capacity of the Future Land Use Map and integrate the concept into planning strategies, with the assistance of area professionals.

Policy 2.11.1: During each Evaluation and Appraisal Report process, calculate an estimate of the carrying capacity information.

Policy 2.11.12: Utilizing carrying capacity information, determine the constraints to continual development as a quality of life characteristic.

Objective 4.2: Develop an up to date estimate, and revise for each EAR the County Build Out estimate.

Policy 40.5.8: The flowways plan should be integrated with the County Build Out estimate.

B. MASTER PLANNING FOR ENVIRONMENT, MASTER MITIGATION PLAN

The following 2 policies should be included under the carrying capacity objective to give further direction on the implementation of the concept of carrying capacity. Staff is renumbering these policies so they fit under the objective.

Policy 2.11.23: Prepare a general assessment (barometer of variables) that links the goal of (and) capacity of development (built environment) to environment (natural or green space).

Policy 2.11.34: Set science based goals to assess what is necessary to maintain desired environmental factors (i.e. panthers extant, Estero Bay health, etc.).

This policy has been implemented through the creation in the last 2 years of the Master Mitigation Plan. Staff is recommending to modify the policy to recognize the existence of the Master Mitigation Plan and to periodically update the plan and change the policy number.

Policy 2.11.45: Maintain a Master Mitigation Plan that will identify and map and update, through a science based process, those lands with the environmental science based opportunities for mitigation, remediation, or preservation. Promote such areas for such uses through County programs.

The following policy is problematic. The term "optimal conditions" for the "natural system" could be interpreted as not allowing any conversion of open land to urban development. Staff

recommends it not be adopted.

~~Policy 4.1.5: Promote optimal conditions rather than minimum conditions for the natural system as the basis for sound planning.~~

The following objective and 8 policies represent a major commitment of staff time and resources. Without further work defining the level of County commitment and the parameters to be addressed, staff can not recommend that the Board of County Commissioners agree to these policies.

~~Objective 4.3: Pursue a common set of local permitting criteria, incentives, and regulatory measures specifically for Southwest Florida conditions.~~

~~Policy 4.3.1: The permitting measures developed should aim towards rehydrating the region and attaining minimum flows and levels for county waterbodies.~~

~~Policy 40.5.4: Improve the storage within existing natural and manmade flowways.~~

~~Policy 40.5.5: Develop a capital improvements program to provide for the reconstruction and maintenance of all programmed flowways and include incentives for private participation.~~

~~Policy 40.5.6: The master flowways plan should be identified on a map and ground-truthed. It should incorporate opportunities for canal restoration and the creation of urban greenways that need restoration, preservation, and maintenance.~~

~~Policy 41.1.6: Pursue funding a "mixing model" (freshwater flow into saltwater) as a management tool that will benefit recreation, water quality, public health, etc.~~

~~Policy 41.3.15: To ensure most effective treatment, the County will reevaluate the relationship of volume/area to stormwater management and storage, and promote permit agencies to do the same.~~

~~Policy 41.3.16: To improve water quality in more impacted areas, the County will link Best Management Practices (BMPs) to impervious cover of the impacted sub-watershed and to runoff from various land use types.~~

~~Policy 77.1.2: To increase protection of natural resources, the County will create a public/private management team to coordinate area wide conservation easements.~~

The current Conservation 20/20 program relies on a willing seller. The following Policy includes a new direction for the County to utilize the program as a more focused vehicle with targeted acquisition areas. The Lee Plan in Policy 107.1.1.4 already identifies a sensitive land acquisition program, staff recommends relocating the proposed Policy there.

~~Policy 77.1.4:107.1.1.4.g. The County will build upon the Conservation 20/20 program for~~

funding a green infrastructure and natural functions program, which will be within the County CIP program.

The following Policy could be explored without inclusion in the Lee Plan. This proposed Policy could require substantial commitments of staff and resources. Staff does not recommend including this Policy in the Lee Plan.

~~Policy 77.1.7: Create a formalized regional land management restoration collaboration to plan and pool resources and equipment.~~

This proposed new objective lacks policies to give guidance on its implementation.

Objective 77.13: Environmental Monitoring. Ensure criteria for local programmatic monitoring and enforcement are specific to Southwest Florida.

C. ENHANCED MOBILITY:

The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. These policies would now fall under objectives 43.1 and 43.4.

Policy 2843.1.14: The County will work to ensure that road ownership is not an impediment to transit or pedestrian service/facilities.

Policy 2843.4.4: Along with the School Board, the County will develop a joint plan for transporting students on public transportation and school buses, and utilize this planning during special events.

D. IV. COMMUNITY FACILITIES AND SERVICES ELEMENT

The county has little control over these issues. The Lee County School District has the authority to make these decisions. Including the following in the Lee Plan helps to convey the County's intentions to the District. The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. These policies would now fall under objectives under Goal 66.

Policy 466.3.13: The County will promote smaller, geographically-diversified neighborhood school campuses, which are incorporated into relevant community plans.

Objective 466.5 Environmental Education. Support and promote a three-tiered program of environmental education targeting Pre-K through 12th grade school children, the general adult population, and newcomers to heighten awareness of our area's special environmental characteristics.

Policy 466.5.1: Support a coordinated community education and outreach program that fosters the construction and implementation of environmental projects, such as the filter marshes, land acquisition, and local mitigation opportunities.

The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. This policy would now fall under objective 54.1.

Policy 354.1.13: Promote water conservation through the use of incentives and evaluate and apply a community based planning approach to water conservation, enabling more precision to be applied in achieving reduction targets.

The Lee County Land Development Code, in Section 10-417 Irrigation design standards states:

To improve the survivability of required landscaping, cultivated landscape areas must be provided with an automatic irrigation system. All required irrigation systems must be designed to eliminate the application of water to impervious areas, including roads, drives and other vehicle areas. Required irrigation must also be designed to avoid impacts on existing native vegetation.

All new developments that have required landscaping must be irrigated by the use of an automatic irrigation system with controller set to conserve water. Moisture detection devices must be installed in all automatic sprinkler systems to override the sprinkler activation mechanism during periods of increased rainfall. Where existing irrigation systems are modified requiring the acquisition of a permit, automatic activation systems and overriding moisture detection devices must be installed.

This policy has already been implemented.

~~**Policy 87.1.9:** As a component of water utility operations, require rain sensors, and provide for periodic inspection of irrigation systems.~~

E. VI. CAPITAL IMPROVEMENTS ELEMENT

The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. This policy would now fall under objective 95.1. Policy 95.1.1.a already contains language concerning public outreach and notification during the preparation of the CIP. Staff recommends adding this proposed language to paragraph a.2 as the second sentence.

~~**Policy 70.1.8: 95.1.1.a.2.** Staff and members of the Board of County Commissioners will communicate with the general public in this process to ascertain the perceived need for each kind of public facility in each commission district and planning district. Ensure that all large CIP projects include broad public education efforts and information exchange as a component for securing public support.~~

F. VII. CONSERVATION AND COASTAL MANAGEMENT ELEMENT

The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. This policy would now fall under objective 107.2. Staff recommends adding this proposed language as a new policy under this objective.

~~Policy 77.2.14~~107.2.13: Pursue an exotic eradication, management, and compliance plan, and involve private land owners, with incentives for exotics removal.

The Land Development Code list of invasive exotics has been updated to the fullest extent allowed by Florida Statutes. LDC Section 10-420(h) provides that highly invasive exotic plants may not be planted, (ie. are prohibited) and must be removed from the development area. Methods to remove and control invasive exotic plants must be included on the development order plans. A statement must also be included on the development order that the development area will be maintained free from invasive exotic plants in perpetuity. Planning staff does not recommend that this policy be adopted.

~~Policy 77.2.15: Update current exotic priority list and evaluate current related education programs for need and expansion.~~

Lee County does not currently have a documented air quality issue. Through the MPO, the County is certified as an attainment area under federal Air Quality Guidelines. In fact, the County's major point source of emissions, the oil burning FP&L power plant, has been converted to natural gas. This conversion has substantially lowered emissions, positively affecting our air quality. The cost of establishing and enforcing county based vehicle emission standards would be prohibitive. Staff recommends that the objective and its first and last policy be deleted. The second policy should be located under Objective 118.1.

~~Objective 88.2: Vehicle Emissions. The County will evaluate the impact of vehicle emissions on air quality.~~

~~Policy 88.2.1: To improve air quality, consider county-based emission standards, with particular focus on heavy trucks.~~

~~Policy 88.2.2~~118.1.4: Research the use of bio diesel and other clean fuels in public vehicles.

~~Policy 88.2.3: Incorporate vehicle emission impacts into alternative analyses for the appropriate transportation projects.~~

G. VIII. HOUSING ELEMENT

The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. This policy would now fall under objectives 135.1 and 135.4.

~~Policy 100~~35.1.14: Encourage development regulations and incentives that provide a better mix of high income and low income housing.

Policy 10035.4.13: Pursue community wide, broad based participation in solving the problems of infrastructure and workforce/affordable housing.

Policy 10035.4.15: Through County housing programs, the County will promote diversity to increase integration, workforce housing, and economic development zones.

H. IX. HISTORIC PRESERVATION ELEMENT

The leasing of development rights involves the long term leasing of part of the bundle of rights inherent in fee simple property. This is a fairly new technique that should be further investigated. Staff recommends an evaluation of the technique prior to its implementation. The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. This policy would now fall under objective 143.

Policy 1043.2.2: The County will continue to encourage the preservation of archeological sites and evaluate the preservation of these lands through Leasing of Development Rights (LDRs) and encourage historical tourism, sense of place, and natural areas.

I. X. INTERGOVERNMENTAL COORDINATION

The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. This policy would now fall under objective 152.1.

Policy 10952.1.9: Lee County will support and participate in the region's Natural Resources Conservation Service program.

Policy 10952.1.10: The County will consider entering into interagency cooperative programs to achieve mutual goals for the protection of the Caloosahatchee River.

Policy 10952.1.11: The County will utilize basin wide planning and work with sovereign local governments to promote greater protections for the Caloosahatchee River.

J. XI. ECONOMIC ELEMENT

The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. This policy would now fall under objective 158.1.

Policy 14058.1.11: Evaluate the current land development regulatory and fiscal structure to identify the impediments to ensuring development is fiscally beneficial.

C. REVISED PLANNING DIVISION DISCUSSION

The initial staff report was reviewed by the Local Planning Agency at their September 19 Regular Meeting. At that time they requested that the necessary County staff meet to see if they could come to some compromise on the objectives and policies contained under the headings Master

Planning for the Environment, Master Mitigation Plan, and Conservation and Coastal Management Element. Staff from the Office of Smart Growth, Parks and Recreation, Natural Resources, and Planning met to discuss these issues.

At that meeting compromises were reached on all of the proposed Objectives and policies except the Vehicle Emissions objective and policies. The compromise included some language changes and moving some of the policies to alternative locations. The following represents the agreed upon language and proposed location on the Lee Plan.

Policy 4.1-5107.2.13: Promote optimal conditions rather than minimum conditions for the natural system as the basis for sound planning.

Objective 4.3: Pursue Work with the appropriate permitting agencies to develop a common set of local permitting criteria, incentives, and regulatory measures specifically for Southwest Florida conditions.

Policy 4.3.1: The permitting measures developed should aim towards rehydrating the region and attaining minimum flows and levels for County waterbodies.

Policy 40.5.44.3.2: The permitting measures developed should improve the storage within existing natural and manmade flowways.

Policy 41.3.154.3.3: The permitting measures should To ensure most effective treatment, the County will reevaluate the relationship of volume/area to stormwater management and storage, and promote permit agencies to do the same.

Policy 41.3.164.3.4: The permitting measures should To improve water quality in more impacted areas, the County will link Best Management Practices (BMPs) to impervious cover of the impacted sub-watershed and to runoff from various land use types.

Policy 460.5.5: Develop a capital improvements program to provide for the reconstruction and maintenance of all programmed flowways and include incentives for private participation.

Policy 40.5.6: The master flowways plan should be identified on a map and ground-truthed. It should incorporate opportunities for canal restoration and the creation of urban greenways that need restoration, preservation, and maintenance.

Policy 461.1.6: Work with the appropriate agencies to Pursue funding a "mixing model" (freshwater flow into saltwater) as a management tool that will benefit recreation, water quality, public health, etc.

Policy 7107.1.2: To increase protection of natural resources, the County will create promote the formation of a public/private management team to coordinate area wide conservation easements.

Policy 7107.1.7: Pursue Mutual Aid Agreements ~~Create a formalized regional land management restoration collaboration to plan and pool resources and equipment.~~

Policy 77.2.14107.2.13: Coordinate and stay informed on ~~Pursue an exotic eradication, management, and compliance plan, and involve private land owners, with incentives for exotics removal.~~

D. PLANNING DIVISION RECOMMENDATION

Planning staff recommends the above modified objectives and policies in part B and in part C be transmitted by the Board of County Commissioners. Planning staff is not recommending that the Vehicle Emissions objective and policies be transmitted. The Smart Growth Committee is recommending that those policies be transmitted.

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

DATE OF PUBLIC HEARING: October 23, 2006

A. LOCAL PLANNING AGENCY REVIEW

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

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS

DEREK BURR

RONALD INGE

CARLTON RYFFEL

FRED SCHILFFARTH

RAYMOND SCHUMANN

RAE ANN WESSEL

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

DATE OF TRANSMITTAL HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

TAMMY HALL

BOB JANES

RAY JUDAH

DOUG ST. CERNY

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

DATE OF ORC REPORT: _____

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

- B. STAFF RESPONSE**

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

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

TAMMY HALL

RAY JUDAH

BOB JANES

DOUG ST. CERNY
