LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8585

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

October 20, 2005

Ray Eubanks, Administrator, Plan Review and Processing
Florida Department of Community Affairs
Bureau of State Planning
Plan Processing Section
2555 Shumard Oak Boulevard
Tallahassee, FL. 32399-2100

Re: Amendments to the Lee Plan
Adoption Submission Package (DCA No. 05-1) for the 2004/2005 Regular Amendment Cycle

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163.3184 and of 9J-11.011, this submission package constitutes the adopted 2004/2005 Regular Comprehensive Plan Amendment Cycle to the Lee Plan (DCA No. 05-1), known locally as CPA 2004-02, CPA 2004-08, CPA 2004-09, CPA 2004-12, CPA 2004-13, CPA 2004-14, CPA 2004-15, and CPA 2004-16. The adoption hearing for these plan amendments was held at 9:30 am on October 12, 2005.

Included with this package, per 9J-11.011(5), are three copies of the adopted amendments, supporting data and analysis, and the following three adopting ordinances: Ordinance No. 05-19, Ordinance No. 05-20, and Ordinance No. 05-21. Also included, per F.S. 163.3184(7) and (15), is the required sign in form allowing a courtesy informational statement to interested citizens. By copy of this letter and its attachments I certify that this amendment has been sent to the Regional Planning Council, the Florida Department of Transportation (FDOT), the Department of Environmental Protection, the Florida Department of State, the Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, Office of Planning and Budgeting, and the South Florida Water Management District.

The initial staff reports for the proposed amendments were sent to the DCA with a transmittal cover letter dated June 15, 2005. All amendments previously reviewed by the Department in this current cycle of amendments were adopted by the Board of County Commissioners. Changes have occurred in CPA 2004-16 since the time of transmittal. Staff has modified Policy 14.6.1 and 14.6.3 and has added Policies 14.6.4 through 14.6.8. CPA 2004-16 has been revised to address the objections, comments, and recommendations raised by the DCA.

If you have any questions, or if I can be of any assistance in this matter, please feel free to call me at the above telephone number.

Sincerely,
DEPT. OF COMMUNITY DEVELOPMENT
Division of Planning

Paul O'Connor, AICP
Director

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

David Burr
Director
Southwest Florida Regional Planning Council

Mike Rippe, District Director
FDOT District One

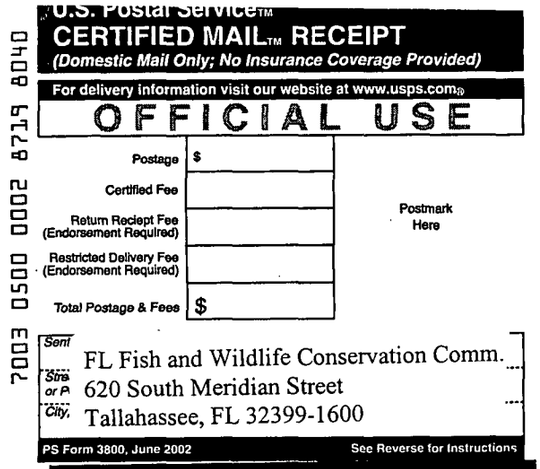
Executive Director
South Florida Water Management District

Plan Review Section
Department of Environmental Protection

Florida Department of State

Florida Fish and Wildlife Conservation Commission

The Department of Agriculture and Consumer Services, Office of Planning and Budgeting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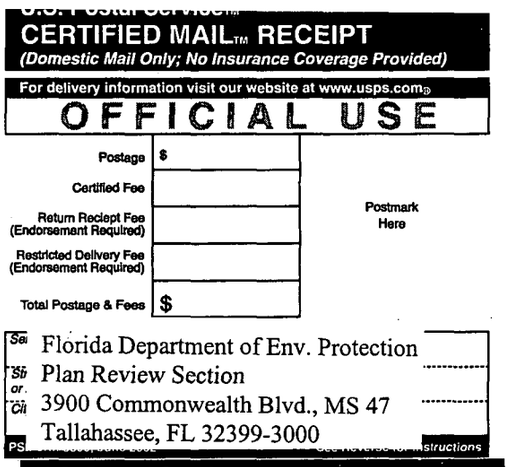
City,
FL Fish and Wildlife Conservation Comm.
620 South Meridian Street
Tallahassee, FL 32399-1600
PS Form 3800, June 2002
See Reverse for Instructions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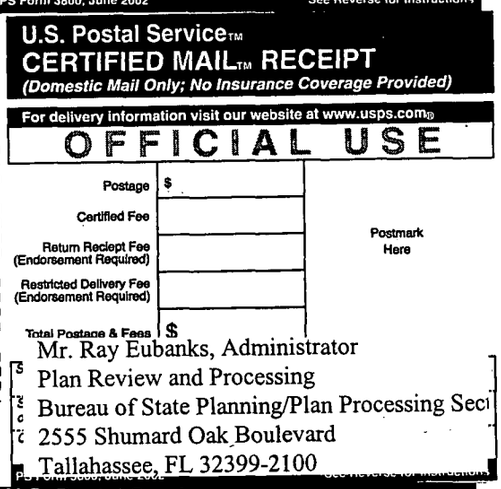
Plan Review Section
3900 Commonwealth Blvd., MS 47
Tallahassee, FL 32399-3000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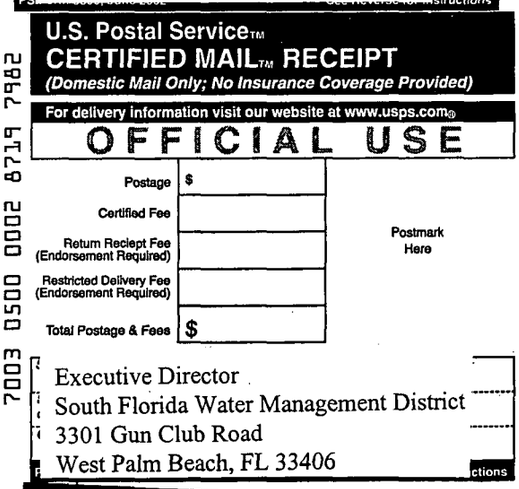
Mr. Ray Eubanks, Administrator
Plan Review and Processing
Bureau of State Planning/Plan Processing Sec
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100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Executive Director
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406


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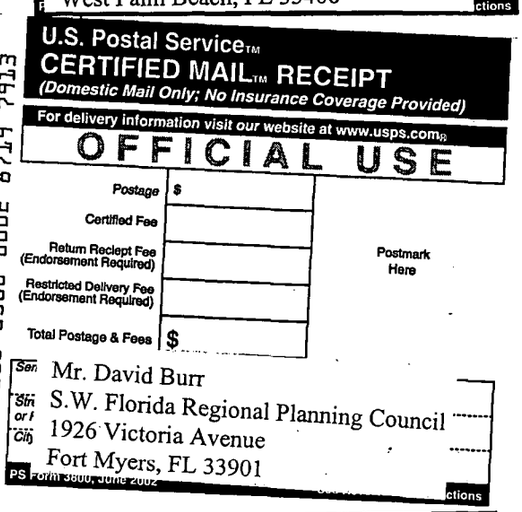
Mr. Michael Ripp
Florida Department of Transportation
P.O. Box 1030
2292 Victoria Avenue, Suite 292
Fort Myers, FL 33902-1030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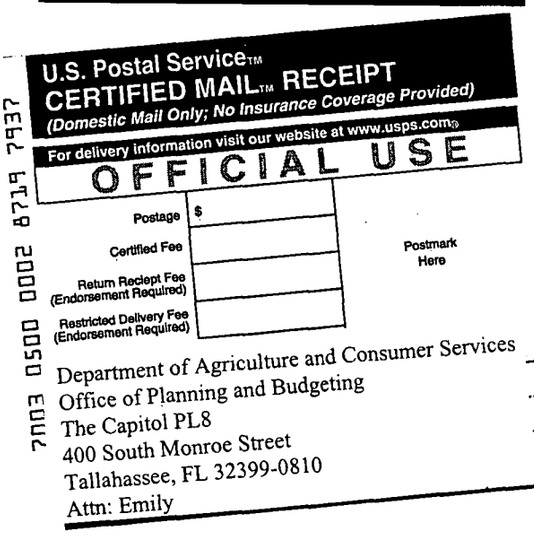
Mr. David Burr
S.W. Florida Regional Planning Council
1926 Victoria Avenue
Fort Myers, FL 33901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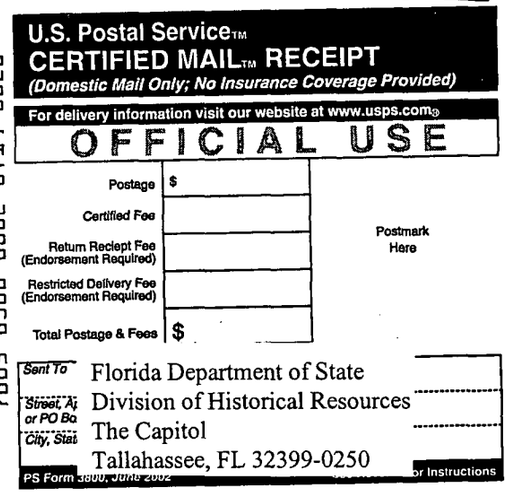
Department of Agriculture and Consumer Services
Office of Planning and Budgeting
The Capitol PL8
400 South Monroe Street
Tallahassee, FL 32399-0810
Attn: Emily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or Instructions

Comprehensive Plan Citizen Courtesy Information List

Local Government: Lee County
Hearing Date: October 12, 2005
Type Hearing: ❑ Transmittal (Proposed) ✓ Adoption ❑ Local Planning Agency
DCA Amendment Number: 05-1

Please Print Clearly

By providing your name and address, you will receive information concerning the date of publication of the Notice of Intent by the Department of Community Affairs.

Citizen Name	Address, City, State, Zip Code	✓ Check Appropriate Response(s)		Identify Amendment which is of Interest
		Written Comment	Spoken Comment	
Richard Purcell	135 META ST Fort Myers, FL. 33905	✓	✓	CPA-2004-13 Adoption
Sharon lee Bowman	260 Alameda Ave fort Myers FL		✓	CPA 2004-14
Boca Grande Community Planning Panel	P.O. Box 2404 Boca Grande, FL 33921	✓	✓	CPA 2004-12
Angela Hill The News-Press	4720 SE 15th Ave Suite 112 Cape Coral FL. 33904	✓	✓	CPA2004-10

Comprehensive Plan Citizen Courtesy Information List

Local Government: Lee County
Hearing Date: June 1, 2005
Type Hearing: ✓ Transmittal (Proposed) ❑ Adoption ❑ Local Planning Agency
DCA Amendment Number: N/A

Please Print Clearly

By providing your name and address, you will receive information concerning the date of publication of the Notice of Intent by the Department of Community Affairs.

Citizen Name	Address, City, State, Zip Code	✓ Check Appropriate Response(s)		Identify Amendment which is of Interest
		Written Comment	Spoken Comment	
Richard J. Purcell	135 Meta ST. Ft. Myers, FL 33905	✓	✓	CPA-2004-13 CPA-2004-01 ~~CPA 2004-~~
Dr. A.D. Ali	17140 Oak Creek Rd. Alva, FL 33920	✓		River Hall / Hawk's Haven
Bob Iverson	Olde Hickory G&CC 14401 Olde Hickory BLVD Ft. Myers, FL 33912	✓	✓	CPA 2004-04
Sandra Ellett	6971 Slater Pines Dr N Ft myers Fl 33917	✓		Oak Creek.
Walter Fluegel	4715 SW 24 Pl Cape Coral, FL 33914	✓	✓	All

Citizen Name	Address, City, State, Zip Code	✓ Check Appropriate Response(s)		Identify Amendment which is of Interest
		Written Comment	Spoken Comment	
Glenn Hedmon	PO Box 2266 Pineland, Fla 33945	✓	✓	Pine Island
James and Alicia Waller	17270 Oak Creek Rd Alva, FL 33920	✓		River Hall Development
& JOHN SHARPLES	2299 SYCAMORE ST ST. JAMES CITY		✓	PINE ISLAND
Phil Buchanan	3861 GALT IS AVE ST JAMES CITY, FL 33956		✓	Pine Island
BARBARA K. Dubin	16185 Bowline ST Bokeelia, FL 33922		✓	PINE ISLAND
Jennifer A. Bonifield	3277 Fruitville Rd., Unit E Sarasota FL 34237			Pine Island
Gary Davis	2248 Date St. St. James City, FL 33956	✓	✓	Pine Island
D.W. WOOLSEY JR	14630 CEMETERY RD FT MYERS FL 33905			RIVER HALL HAWKS HAVEN

Citizen Name	Address, City, State, Zip Code	✓ Check Appropriate Response(s)		Identify Amendment which is of Interest
		Written Comment	Spoken Comment	~~CPA~~
Sharon Bowman	260 Alameda Ave Ft Myers FL 33905	✓	✓	CPA 2004-13 2 Item F.
Neale Montes	1605 Pentagon Blvd Ft Myers FL 33912		—	Oak Creek
W Dinsrood	13350 Moonstone Lane Bokeelia FL	✓		
Breese Glennon	16280 Bowline St. Bokeelia, Fla. 33922	✓	✓	P.I. Compromise — ~~5/10/04~~
Eileen + Vinny Brennan	243 Connecticut Ave. Fort Myers 33905		✓	CPA 2004-13
David W. Depew	2216 Altamont Ave. Ft. Myers, FL 33901		✓	~~CPA~~ CPA-2004-12 CPA-2004-08
Nancy Thompson	7661 Bocilla Ln Bokeelia FL 33922	—		
Mike Roeder	525 Henry St Ft Myers 33901	✓	✓	ALL

Citizen Name	Address, City, State, Zip Code	✓ Check Appropriate Response(s)		Identify Amendment which is of Interest
		Written Comment	Spoken Comment	
Vincent and Eileen Brennan	243 Connecticut Ave. Fort Myers, FL 33905	✓		CPA2004-13

LEE COUNTY ORDINANCE NO. 05-19
(Consent Ordinance)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE LAND USE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENTS APPROVED ON THE CONSENT AGENDA DURING THE COUNTY'S 2004/2005 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

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

WHEREAS, the Lee County Local Planning Agency ("LPA") held public hearings pursuant to Chapter 163, Part II, Florida Statutes, and the Lee County Administrative Code on January 24, 2005, March 28, 2005, April 25, 2005, and May 23, 2005; and,

WHEREAS, the Board of County Commissioners, pursuant to Florida Statutes and the Lee County Administrative Code held a public hearing for the transmittal of the proposed amendments on June 1, 2005. At that hearing, the Board approved a motion to send, and did later send, the proposed amendment to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the transmittal hearing on June 1, 2005, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on August 19, 2005; and,

WHEREAS, the Board moved to adopt the proposed amendments to the Lee Plan set forth herein during its statutorily prescribed public hearing for the plan amendments on October 12, 2005.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted a series of public hearings to consider proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the certain amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as amended, will continued to be the "Lee Plan." **This ordinance may be referred to as the "2004/2005 Regular Comprehensive Plan Amendment Cycle Consent Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2004/2005 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE (Consent Agenda Items)

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting amendments, as revised by the Board of County Commissioners on October 12, 2005, known as: CPA2004-02, CPA2004-08, CPA2004-09, CPA2004-12, CPA2004-14, and CPA2004-15. The aforementioned amendments amend the text of the Lee Plan including the Future Land

Use Map series and the Lee Plan Land Use Allocation Table (Table 1b). A brief summary of the content of those amendments is set forth below:

CPA2004-02 (Estero Outdoor Display)

Amend Lee Plan Policy 19.2.5. of the Future Land Use Element to allow outdoor display in excess of one acre at the intersection of I-75 and Corkscrew Road. Sponsor: Argonaut Holdings, Inc.

CPA2004-08 (Oak Creek)

Amend the Future Land Use Map Series for a 27.25±-acre portion of land located in Section 17, Township 43 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Suburban." Amend the Future Land Use Map Series for a 17.81±-acre portion of land located in Section 19, Township 43 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from "Suburban" to "Rural." Sponsor: S.W. Florida Land 411, LLC.

CPA2004-09 (Captiva)

Amend Goal 13 of the Lee Plan pertaining to the Captiva Community to incorporate recommendations of the Captiva Island Community Planning effort. Amend Goal 84: Wetlands to add a new policy 84.1.4. Sponsor: BOCC.

CPA2004-12 (Boca Grande)

Amend the Future Land Use Element of the Lee Plan to incorporate recommendations of the Boca Grande Community Planning effort. Establish a new Vision Statement and a new Goal, including Objectives and Policies specific to Boca Grande. Sponsor: BOCC.

CPA2004-14 (Coastal High Hazard Area Density)

Amend the Lee Plan's Conservation and Coastal Management Element Policy 75.1.4. to consider limiting the future population exposed to coastal flooding while considering applications for rezoning in the Coastal High Hazard Area. Sponsor: BOCC

CPA2004-15 (Fort Myers Shore Table 1b Update)

Text amendment to revise the Lee Plan Land Use Allocation Table (Table 1b) for the Fort Myers Shores Planning Community to address the establishment of the Outlying Suburban Future Land Use Category within the planning community. Sponsor: BOCC

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

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

SECTION FOUR: GEOGRAPHIC APPLICABILITY

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

SECTION FIVE: SEVERABILITY

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

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

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

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made

effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Albion, who moved its adoption. The motion was seconded by Commissioner Hall, and, when put to a vote, the vote was as follows:

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

DONE AND ADOPTED this 12th day of October 2005.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____
Chairman

DATE: 10/12/05

Approved as to form by:

_____
Donna Marie Collins
County Attorney's Office

CPA2004-15
FORT MYERS SHORES PLANNING COMMUNITY ALLOCATIONS BoCC SPONSORED AMENDMENT TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

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

October 12, 2005

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

☑ **Text Amendment** ☐ **Map Amendment**

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

STAFF REPORT PREPARATION DATE: May 19, 2005

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTITIVE:

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

2. REQUEST:

Amend Table 1(b), Planning Community Year 2020 Allocations, by revising the residential allocations for the Fort Myers Shores Planning Community.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Planning staff recommends the Board of County Commissioners transmit the proposed amendment to table 1(b). Staff recommends that the Table 1(b) residential acreage allocations be revised allocating 30 acres to Intensive Development, 208 acres to Central Urban, 449 acres to Urban Community, 1,803 acres to Suburban, 300 acres to Outlying Suburban, 7 acres to General Commercial Interchange, 783 acres to Rural and 1 acre to Outer Islands. (See Attachment 1)

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- No change in the overall county accommodation is proposed.
- Changes in conditions have occurred that warrant revisiting the residential acreage allocations in the Fort Myers Shores Planning Community.
- This amendment will only impact the Fort Myers Shores Planning Community.
- CPA2002-00004 designated land from Suburban and Rural to Outlying Suburban.
- No residential allocation exists on Table 1(b) in the Fort Myers Shores Planning Community for the Outlying Suburban FLUM category.
- At the October 23, 2003 public hearing, the BoCC approved a motion directing staff to address the 2020 residential allocations in the Fort Myers Shores Planning Community.
- No development orders may be issued in the Outlying Suburban portion of the Fort Myers Shores Planning Community until a residential allocation is established.
- Since 1997 six new planned development projects with residential uses have been approved in the Fort Myers Shores Planning Community.
- There are currently six pending planned development cases involving residential uses (3 new/3 amendments) in the Fort Myers Shores Planning Community.
- All planned development applications for residential uses since the adoption of the planning community allocations have been in the Suburban, Rural, and now Outlying Suburban areas of the Fort Myers Shores Planning Community.
- Proposed development patterns in the Suburban, Outlying Suburban, and Rural area of the Fort Myers Shores Planning Community are at a *net* density between 2.5 and 4 units per acre.
- There are 564 acres of approved residential uses in the Fort Myers Shores Planning Community in the area designated Outlying Suburban
- The current residential allocation is anticipated to accommodate 10,232 residential units in the Fort Myers Shores Planning Community

C. BACKGROUND INFORMATION

In 2002, with the adoption of the Caloosahatchee Shores Community Plan, 1,022 acres were reclassified to Outlying Suburban within the Fort Myers Shores Planning Community. This amendment reduced the number of acres in the Rural land use category by 638 acres and the

number of acres in the Suburban land use category by 384 acres. This area is largely undeveloped today with the majority of the land being classified in the Planning Division Existing Land Use Inventory as agriculture (916 acres) and vacant (79 acres). Additionally, most of the property designated Outlying Suburban is either within an approved planned development or a planned development currently under review by the County. Less than 100 acres in the Outlying Suburban category are not within one of these planned developments. In 1997 when the Fort Myers Shores Planning Community was created, no areas within this community were designated Outlying Suburban. After adopting the Caloosahatchee Shores Community Plan and amendments recommended in the plan (CPA2002-00004), the Lee County Board of County Commissioners voted to direct planning staff to revisit the residential allocations in the Fort Myers Shores Planning Community to address the lands placed into the Outlying Suburban designation and development trends pursuant to recommendations from a Planning Division memorandum (attachment 2).

The Fort Myers Shores residential acreage allocation table (Lee Plan Table 1(b)), established by PAM/T 96-13 (effective July 30, 1998), was amended by PAM/T 99-20 to recognize "market shifts" and changes in development patterns that had occurred since the analysis was completed in 1997. This amendment, adopted January 10, 2002 and effective March 27, 2002, also addressed issues such as the creation of two new planning communities and the incorporation of the City of Bonita Springs. PAM/T 99-20 did not alter the countywide allocation accommodation of the Lee Plan.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Origin of Lee Plan Table 1(b) (Planning Community Allocations) and Map 16

The Planning Community Allocations were adopted into the Lee Plan in the 1996 Lee Plan EAR Addendum cycle. The creation of this table and map was the topic of PAM/T 96-13, which addressed the need to replace the original "Year 2010 Overlay." The 2010 Overlay was a result of the 1989 Settlement Agreement between Lee County and the Department of Community Affairs (DCA). This agreement required the County to amend the Future Land Use Map Series by designating the proposed distribution, extent, and location of the generalized land uses required by Rule 9J-5.006(4)(a)1.-9 for the year 2010. This was accomplished by creating 115 sub-districts, generally nesting within the existing adopted Planning Districts and allocating, within each sub-district, the projected acreage totals for each generalized land use needed to accommodate the projected 2010 population. Policies added to the plan provided that no development approvals would be issued in a sub-district that would cause the allocated acreage for that land use category to be exceeded. The Overlay was a device designed to reconcile the population accommodation capacity of the Future Land Use Map (estimated to be 70 years in 1989) with the 20-year time frame in the text of the element. It was also designed to provide more certainty to the extent and location of future commercial and industrial development.

The Year 2010 Overlay was exceptionally difficult to administer. Some of the initial problems experienced by the staff included the inadequacy of the original inventory. There was a lack of a reliable existing land use database to monitor the use of land, which drew down the available acres in each sub-district. Finally, there was difficulty in explaining the concept and regulatory nature of the overlay to the public. A major effort was directed to resolve these problems. The Sheridan vs. Lee County Final Order required an amendment to the Lee Plan affecting the implementation of the "Year 2010 Overlay." Prior to this final order, the overlay was implemented at the building permit stage. The final order required all development order approvals to be consistent with the overlay. This amendment also required the Planning Division to create a parcel specific database to track the use of land in conjunction with the 2010 sub-district allocations. This requirement resolved the monitoring issue that was considered the largest obstacle in establishing a workable overlay. Other issues with the original overlay, however, could not be resolved in a principled and satisfactory manner. The 1994 Evaluation and Appraisal Report (EAR) included a proposal to remove the overlay from the Lee Plan. Final Order No. AC-96-11 was issued on July 25, 1996. The Final Order specified that the 1994 EAR based amendments, which proposed the deletion of the Year 2010 Overlay, were not in compliance with Chapter 163, Part II, F.S., and Rule 9J-5,

FAC. The Final Order required Lee County to rescind, and not make effective, all of the amendments, which sought to delete the Year 2010 Overlay.

Lee County's 1996 EAR Addendum Cycle included a proposed replacement to the "Year 2010 Overlay." This amendment (PAM/T 96-13) proposed replacement of 115 sub-districts with twenty community-based districts (Planning Communities). In comparison, the average size of the 115 sub-districts was four thousand acres, while, the average size of the new Planning Communities is twenty thousand acres. The increase in size allowed for increased flexibility in the regulation. The acreage allocations for the Planning Communities only regulate residential, commercial, and industrial uses. The time horizon of the allocations was extended to the year 2020. The 2020 population forecast used for the allocations was also reduced from the 797,288 as adopted in the EAR to the Bureau of Economic and Business Research's (BEBR) mid-range population projection of 602,000. This amendment to the Lee Plan became effective on July 30, 1998.

Lee Plan Consistency

Following the adoption of the Planning Community Map and Allocation Table, planning staff initiated a work program to further break down the residential, commercial, and industrial needs of the unincorporated areas into the existing traffic analysis zone boundaries. This allowed the County's transportation needs model to be run using land use data consistent with the adopted comprehensive plan. Since the planning community allocations are monitored semi-annually, the base data used for the TAZ project included an additional 2 years of development data. Breaking down the allocations from the Planning Community to the TAZ level with the aid of additional data gave the planning staff the opportunity to monitor the accuracy of the original Table 1(b) allocations. This table allocates residential acres by Lee Plan future land use categories as well as planning communities. The TAZ residential projections were also done by future land use categories. This analysis also included an additional 2 years of zoning/planned development approval information. This additional information allowed planning staff the opportunity to assess emerging development patterns within the planning communities since the allocations had been developed. The resulting TAZ projections were used to create the 2020 Financially Feasible Transportation Plan. The TAZ level information has been used in numerous planning studies.

Amendments to Table 1(b) and Map 16

The Planning Community Map and Allocation Table (Map 16 and Table 1(b)) were amended during the 2000/2001 amendment cycle. The amendments to the map and table were adopted January 10, 2002 by the BoCC and became effective March 27, 2002. This amendment was initiated to address events that occurred following the adoption of the original communities map and allocations. For example, in the spring of 2000, The Metropolitan Planning Organization (MPO) adopted new Traffic Analysis Zone (TAZ)

forecasts, two community planning efforts were initiated and more were anticipated due to funding provided by the County for community plans, the City of Bonita Springs incorporated, and the City of Fort Myers annexed land outside of the Fort Myers Planning Community. The TAZ zonal data, which was overseen by planning staff, highlighted areas of the County where the allocations were not in keeping with actual development. The fact that residential uses are allocated to Future Land Use categories as well as the planning community causes the residential allocations to require more frequent adjustments as development occurs. Each of the Lee Plan FLUM categories allows a range of residential densities and new development may deviate from the density assumptions used to develop the acreage allocations. A second amendment to the allocation table was made to address an oversite in the first amendment. This amendment impacted the Outlying Suburban residential allocations in the Bayshore and Alva planning communities.

The amendments to the allocations did not alter the countywide accommodations of residential (population), commercial, or industrial development. These amendments addressed shifts in development patterns that necessitated a re-allocation of residential acreages between Planning Communities and Future Land Use Map (FLUM) categories. Since FLUM categories assume different residential densities, to ensure the population accommodation of the Lee Plan remained consistent with the adopted population projection, the revised Table 1(b) does not have the same county wide residential acreage allocation as was originally adopted in 1998. Also, the Table 1(b) is a regulatory tool for the unincorporated portion of Lee County; therefore, the incorporation of Bonita Springs greatly reduced the acreage allocations on Table 1(b). This also reduced the County's portion of the projected 2020 population and a reduction in allocated residential acreage was required to maintain the overall 2020 county population accommodation and ensure that the Lee Plan elements remain internally consistent.

Planning efforts in the Fort Myers Shores Planning Community

The Fort Myers Shores Planning Community is an area of the County where development interest has exceeded what was anticipated in 1997. The first amendment to the allocations (PAM/T 99-20) recognized this shift and moved allocation from communities where development patterns were less than originally estimated to the Fort Myers Shores Planning Community. Subsequent to this amendment, the residents of the Fort Myers Shores community organized and authored a community plan to address the changing conditions in their community. The product of this "grass roots" effort was the Caloosahatchee Shores Community Plan and was submitted to Lee County becoming CPA 2002-00004. This plan amendment addressed the area east of I-75 and north of the Orange River. The community plan proposed changes to the future land use map within the Fort Myers Shores Planning Community. One of the map changes was to reclassify 1,022 acres to Outlying Suburban from the Rural (638 acres) and Suburban (384 acres) land use category. Final agreement on

this proposed change occurred late in the amendment process and staff was unable to complete the needed research and analysis to support a reallocation of residential acreage within the planning community to accommodate the developments in the Outlying Suburban category that were accommodated in the adopted residential allocations for the Suburban and Rural categories.

Staff produced a memorandum to the Board of County Commissioners dated June 25, 2003 containing an estimated allocation need analysis for the Fort Myers Shores Planning Community (attachment 2). At the October 23, 2003 public hearing, the BoCC approved a motion directing staff to address the 2020 residential allocations in the Fort Myers Shores Planning Community. Staff has continued to "fine tune" the planning inventory and monitor development shifts in the area. No new development trends have emerged since the research was conducted for the June 2003 memo. Zoning activity in the Fort Myers Shores Planning Community since the analysis was conducted for the 2003 memo includes the approval of three new residential planned developments, two in the Suburban land use category and one in the Outlying Suburban land use category. In addition, there are three residential planned developments currently being reviewed by staff, two in the Suburban land use category and one in the Outlying Suburban land use category. Two of the residential planned developments approved prior to the Calooshatchee Shores Community Plan was adopted are currently under review for expansion. These projects are located in the Outlying Suburban and Rural categories. Recent planned development activity in the Fort Myers Shores Planning Community is consistent with the existing density trends. The location of this activity reinforces the conclusion drawn by the Planning Division memo that the development shift to this planning community is occurring in the area between the Orange River and the Caloosahatchee River.

No new planned developments have been approved or applied for in the area south of the Orange River east of I-75. Two of the existing planned developments in this area have seen no development activity since 1989. The Twin Lakes project was part of the 335 acre 2005 annexation into the City of Fort Myers. The Hyde Park RPD has been purchased by the Lee County School District.

Proposed Changes

The review of the updated data for the Fort Myers Shores Planning Community has supported the analysis in the 2003 memo. The changes to the Suburban, Outlying Suburban, and Rural residential allocations required by development trends are consistent with those presented in this memo. The Fort Myers Shores Planning Community also has residential allocations for the Intensive Development, Central Urban, Urban Community, and General Commercial Interchange future land use categories. Through refinement of the inventory, one existing residential unit on Beautiful Island has been inventoried that had

previously been overlooked. The upland portions of this island fit the definition of Outer Island and it is recommended that one acre of residential be allocated to this category to accommodate this use on Table 1(b). The original analysis did not specify any changes to the allocations for the Central Urban or General Interchange categories and this recommendation has not changed. The two FLUM categories staff identified excess allocation were Intensive Development and Urban Community. The memo in 2003 did list these areas as being potential areas where over allocation may exist. In fact, the memo did specify that a cursory review revealed that minimal acreage could be re-allocated at that time. However, this would not cover the allocation need determined for the Outlying Suburban category.

The Intensive Development designation has been placed on properties along Palm Beach Blvd and an area west of I-75 north of Tice Street. There are only 2.5 vacant acres zoned residential in the area along Palm Beach Blvd and the vacant area along I-75 is zoned for commercial uses (C-2). Two acres of residential zoning in the Intensive Development category are located at the Palm Beach Blvd/I-75 interchange. The current allocation will allow for an additional 81 acres of residential development. The original allocation of 89 acres was estimated to accommodate 218 units, 65 of which exist today. To develop the remaining 153 units substantial properties would need to be rezoned. Given that the last new unit built in the Intensive Development FLUM category in the Fort Myers Shores Planning Community was prior to 1990, it is clear the current allocation is too high and should be reduced to a more reasonable expectation. It is not unreasonable to expect some infill specifically on the quarter acre parcel with existing residential zoning. By reducing the Intensive Development residential allocation from 89 acres to 9 acres, sufficient allocation will remain to accommodate the vacant parcel zoned residential and will allow the remaining anticipated units (152 units) to be redistributed throughout the Fort Myers Shores Planning Community.

The Urban Community residential allocation will also accommodate development in excess of currently anticipated growth. Based on the analysis of recent development trends, 86% of all existing units in the Urban Community land use category in the Fort Myers Shores Planning Community were built prior to the Year 2020 allocations being made in 1997. Of the 126 units built since the allocations were developed, most have been built in one of two mobile home developments (zoned MH-1 and MHPD). These developments are both more than 50% developed. Planning Division research has determined that 58 acres remain undeveloped in approved developments including conventionally zoned subdivisions and planned developments. Utilizing development patterns from approved planned developments, staff has estimated that the remaining non-commercial un-platted properties could generate 152 acres of residential development, equivalent to 407 units, in the Urban Community area of the Fort Myer Shores Planning Community. Staff recommends, based on the development activity in this area, that the Urban Community residential allocation be

reduced to 449 acres. This will accommodate the completion of the approved subdivisions and the development of a portion of the un-subdivided agricultural land or a mixture of both.

Pending Amendments

Staff is currently reviewing an application to re-designate 1,747 acres to the Outlying Suburban category from the Suburban (79 acres) and Rural (1,648 acres) future land use categories (CPA2004-00010). Staff has recommended denial of this amendment. If approved, sufficient acreage should be reallocated to the Outlying Suburban residential allocation to accommodate an appropriate amount of development in this area. This amendment would designate the entire Hawk's Haven project as Outlying Suburban. PAM/T 99-20 included an increase in the Rural residential allocation to address the approval of this project. At that time, staff and the applicant agreed that an additional 329 acres of residential allocation to the Rural future land use category would be sufficient to accommodate the immediate needs for this development. The applicant for this proposal has submitted information showing no change in the size of the residential "footprint" of the project. Therefore, this shift in allocation could be made at an acre-to-acre swap from Rural to Outlying Suburban. The result of this change would be a Rural residential allocation of 454 acres and an Outlying Suburban residential allocation of 629 acres.

B. CONCLUSIONS

Table 1(b), The Planning Community Year 2020 Allocations, should be amended to reflect amendments made to the Lee Plan Future Land Use Map recommended by the Caloosahatchee Shores Community Plan. The proposed changes will maintain the current population accommodation of the Fort Myers Shores Planning Community. The re-allocation between future land use categories reflects development activity in the area that is highlighted by the increased level of planned development zoning activity in the area between the Orange River and the Caloosahatchee River. No recommended changes have been proposed to the commercial or industrial allocations.

C. STAFF RECOMMENDATION

Planning staff recommends the Board of County Commissioners transmit the proposed amendment to table 1(b). Staff recommends that the Table 1(b) residential acreage allocations be revised allocating 30 acres to Intensive Development, 208 acres to Central Urban, 449 acres to Urban Community, 1,803 acres to Suburban, 300 acres to Outlying Suburban, 7 acres to General Commercial Interchange, 783 acres to Rural and 1 acre to Outer Islands.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

PUBLIC HEARING DATE. May 23, 2005

A. LOCAL PLANNING AGENCY REVIEW

Staff made a brief presentation to outline the amendment followed by questions from the LPA. The first question from the LPA was to clarify that no allocation shift from another Planning Community was being proposed. Secondly, staff was asked if the proposed allocation would fully accommodate all of the development approvals currently granted in the Planning Community. Staff confirmed that the proposed allocation will not support the build out of all approved development, but that given time lags between approval and certificates of occupancy being issued (the time the allocation is impacted) will allow sufficient flexibility as to not impede progress on these projects. Following questions from the LPA the hearing was opened to public comment. One member of the public spoke on this amendment. A representative of the Buckingham 320 project spoke in favor of the intent of this amendment and urged the LPA to keep this amendment moving through the system while still allowing the speaker to work with staff to ensure that sufficient acreage is available to meet the needs of the developer's intentions. The LPA then asked staff if they planned to continue to work with the development community on this issue.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The Local Planning Agency recommends that the Board of County Commissioners transmit the proposed amendment to the Florida Department of Community Affairs.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Local Planning Agency recommends that the Board of County Commissioners transmit the proposed amendment to the Florida Department of Community Affairs.

C. VOTE:

NOEL ANDRESS	Aye
MATT BIXLER	Aye
DEREK BURR	Absent
RONALD INGE	Aye
RAYMOND SCHUMANN, ESQ	Absent
CARLETON RYFFEL	Aye
FRED W. SCHILFFARTH	Absent
KATHY BABCOCK	Absent

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

DATE OF TRANSMITTAL HEARING: June 1, 2005

A. **BOARD REVIEW:** Staff presented a brief review of this amendment and informed the board that there was a revision to Table 1(b) to correct a scrivener error on the table included with the original staff report. The board had no questions regarding this amendment.

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

1. **BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed plan amendment to the Department of Community Affairs.

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

C. **VOTE:**

JOHN ALBION	**Aye**
TAMMY HALL	**Aye**
BOB JANES	**Aye**
RAY JUDAH	**Absent**
DOUG ST. CERNY	**Aye**

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

DATE OF ORC REPORT: August 19, 2005

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS: The DCA had no objections, recommendations, or comments concerning this amendment.

B. STAFF RESPONSE: Adopt the amendment as transmitted.

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

DATE OF ADOPTION HEARING: October 12, 2005

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	_____

CPA2004-15

Table 1(b)

Planning Community Year 2020 Allocations

Future Land Use Category		Lee County Totals	Alva	Boca Grande	Bonita Springs	Fort Myers Shores		Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport	Daniels Parkway
						Adopted	Proposed							
Residential By Future Land Use Category	Intensive Development	1,573				~~89~~	80		27		297			
	Central Urban	9,766				~~208~~	208				545			
	Urban Community	13,526	519	437		~~633~~	449							
	Suburban	17,251				~~1,903~~	1,803				206			
	Outlying Suburban	5,231	15				300	20	2	435				1,352
	Industrial	96									48		18	
	Public Facilities	2		1						1				
	University Community	860												
	Industrial Interchange													
	General Interchange	53												2
	General Commercial Interchange	14				~~7~~	7							
	Industrial Commercial Interchange													
	University Village Interchange													
	Mixed Use Interchange													
	New Community	1,644									360		1,284	
	Tradeport	9											9	
	Airport													
	Rural	9,760	1,419			~~783~~	783	633			184		111	1,255
	Rural Community Preserve	3,046												
	Outer Island	216	5				1			172				
	Open Lands	2,091	175					588						47
	Density Reduction/ Groundwater Resource	5,544	40										94	
	Wetlands													
Unincorporated County Total Residential		70,682	2,173	438		~~3,523~~	3,631	1,241	29	608	1,640		1,516	2,656
Commercial		9,717	46	56		~~257~~	257	26	17	112	153		824	398
Industrial		6,702	26	14		~~391~~	391	5	26		733		3,096	10
Non-Residential Allocations														
Public		60,400	3,587	537		~~1,724~~	1,724	1,193	6	1,981	750		6,136	1,854
Active AG		34,765	6,098			~~620~~	620				279		569	254
Passive AG		69,897	14,633			~~4,483~~	4,375	6,987	10		631		3,580	575
Conservation		80,613	2,236	296		~~1,125~~	1,125	3,672		1,347	1,006		3,482	1,918
Vacant		44,753	1,525	2		~~33~~	33	1,569	25	5	495		792	578
Total		377,529	30,324	1,343		~~12,156~~	12,156	14,693	113	4,053	5,687		19,995	8,243

CPA2004-15

Table 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	Buckingham	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
[illegible]												
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

DIVISION OF PLANNING LEE COUNTY

MEMORANDUM SOUTHWEST FLORIDA

to: Lee County Board of County Commissioners

from: Rick Burris, Principal Planner

subject: CPA2002-04, Caloosahathee Shores Community Plan
Assessment of Residential Allocations

date: June 25, 2003

The Caloosahatchee Shores Community Plan includes a proposal to re-designate a portion of the area within the plan boundaries from Suburban and Rural to Outlying Suburban. If approved, this change creates the first area of land designated Outlying Suburban within the Fort Myers Shores Planning Community. Currently, no residential allocation has been made for this future land use classification in the Fort Myers Shores Planning Community. If this proposed future land use map change is adopted, Planning Staff recommends that a residential allocation of 300 acres be made on Table 1(b) in the Outlying Suburban category to accommodate anticipated future residential development. To maintain the existing residential accommodation of the Lee Plan Future Land Use Map, staff recommends a reduction of the residential allocation for the Intensive Development, Urban Community category. Staff has calculated that 44 acres of residential allocation from the Intensive Development category and 41 acres of residential from the Urban community category could be re-allocated to the Outlying Suburban residential allocation without adversely impacting development in these areas. Staff's research has not shown that current development trends in the Fort Myers Shores Planning Community on properties within these two land use categories are substantially different than those in the Outlying Suburban category countywide. At this time, staff can only propose that these acreages be re-allocated at an acre to acre transfer. Therefore, there is a difference of 215 acres between staff's projected allocation need in the Outlying Suburban allocation and the potential allocation reductions that staff has identified as appropriate. Between the transmittal hearing and the adoption hearing, staff proposes that a closer look at this allocation transfer be made to determine where this difference can be corrected.

OUTLYING SUBURBAN ALLOCATION NEED

There is one approved planned development and one proposed planned development in the area to be reclassified as Outlying Suburban. Buckingham 320 is an approved planned development of 325 acres and 640 units. The pending project is the 75 acres tract of land known as Buckingham Gardens seeking approval of 300 multi-family units.

Staff initially calculated the allocation demand for these projects based on a methodology that analyzed the total project size. An analysis of all Lee County planned developments approved in

areas designated Outlying Suburban shows that, on average, 46% of the project's land area dedicated to residential uses that will draw down the residential allocation on Table 1(b). Likewise, a review of developed/actively developing projects indicates that uses that have drawn down the residential allocation on Table 1(b) account for 41% of the acreage in those developments. Of the two analysis', the second calculation reflects the actual impact on the allocation table. Applying the results of this analysis to the 2 developments located in the area to be re-designated to the Outlying Suburban category indicates a needed residential allocation between 164 and 184 acres (325 acres + 75 acres = 400 acres x 41% - 46% = 164 - 184 acres).

A second method to determine the appropriate residential allocation is to consider potential/proposed units and the assumed net acreage per unit figure. County wide, developments in the Outlying Suburban category have been approved/developed at a net density of 5 units per acre. Staff cautions that this calculation not be confused with the Lee Plan maximum density figures which are based on gross acres.

> *Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made water bodies contained within the residential development.(Lee Plan Glossary XII-2)*

Residential allocations and the existing inventory are based on "net densities" which exclude lands used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made water bodies contained within the residential development.

Based on these trends, the two proposed developments that are located in the area to be designated OS would require 188 acres of residential allocation. (940 units/5 = 188) Given the increased development activity/interest in this area of the Fort Myers Shores Planning Community, staff proposes to allocate sufficient acreage for both of these areas.

The proposed acreage to be re-designated to Outlying Suburban is 1,021 acres (of that, 637 acres are currently designated as Rural and 384 are designated as Suburban). Although the amount of Suburban and Rural designated lands will be reduced by this re-designation to Outlying Suburban, staff's analysis of development patterns shows that there has been an increase in development interest in these areas and the allocations should be modified to reflect this market change. (See Below) To accommodate some additional development beyond what has been approved and requested, staff recommends that the total Outlying Suburban residential allocation in the Fort Myers Shores Community be 300 acres. This allocation would accommodate development of 65%

to 75% of the entire area if these developments followed the development patterns of other projects in the Outlying Suburban areas of Lee County. Staff also estimates that this allocation would accommodate 1,500 units. This allocation would be for the entire area designated Outlying Suburban within the Fort Myers Shores Planning Community and not specifically tied to any one development.

ALLOCATION TRANSFER

In order to maintain the current population accommodation of the Lee Plan Future Land Use Map (FLUM), it will be necessary to reduce one of the other allocations on Table 1(b). Generally, staff attempts to maintain the balance of the allocation table by "shifting" within one planning community between FLUM categories. The logical shift for this proposal would be to reduce the residential allocations made for Suburban and Rural residential. Staff has analyzed these areas of the Fort Myers Shores and concluded that reducing the allocation for residential uses is not recommended.

SUBURBAN

The current Suburban allocation for residential uses is 1,803 acres and the existing inventory of residential uses in this area is 1,266 acres. Therefore, only 537 acres of the allocation remain vacant and available for future development. This allocation will be significantly impacted by development in the area north of SR 80 and the Verandah. There are existing/undeveloped residential approvals for 516 acres of residential uses in planned developments and 220 acres of vacant lots in existing conventionally zoned subdivisions. While staff does not anticipate the area will build out prior to the next major evaluation of the overlay allocations, there does not appear to be excess residential allocation in the suburban category in the Fort Myers Shores Planning Community.

RURAL

The current Rural allocation for residential uses is 783 acres and the existing inventory of residential uses in this area is 322 acres. Therefore, only 461 acres of the allocation remain vacant and available for future development. This allocation will be significantly impacted by development in the planned Hawk's Haven project. This residential component of this development in addition to the remaining vacant land in existing platted subdivisions is approximately 550 acres. While staff does not anticipate the area will build out prior to the next major evaluation of the overlay allocations, there does not appear to be excess residential allocation in the Rural category in the Fort Myers Shores Planning Community

CENTRAL URBAN & GENERAL INTERCHANGE

Staff next evaluated the remaining categories within the Fort Myers Shores Planning community and concluded that there was no potential transfer from the Central Urban or General Interchange allocations. The General Interchange allocation only accommodates the existing residential uses and the Central Urban allocation would be exceeded if all of the existing vacant residentially zoned lots in the area are developed. Given that this accounts for only 11 acres of residential use, staff does not recommend refining this allocation.

INTENSIVE DEVELOPMENT

The current Intensive Development allocation for residential uses is 89 acres and the existing inventory of residential uses in this area is 31 acres. Therefore, 58 acres (65%) of the allocation remain vacant and available for future development. This allocation was made to accommodate residential uses along SR 80 between the city limits and I-75. Currently there are less than 3 vacant acres zoned for residential uses and 23 vacant acres zoned commercial but with categories that allow residential (26 total acres) remaining in this area. Given the configuration of the commercially zoned lots, staff does not anticipate much of this property will be developed with residential uses. Most of the lots in question front on Palm Beach Blvd or are in the Lexington Commerce Center located adjacent to I-75 between Tice St. and Palm Beach Blvd. Staff recommends that this allocation be reduced to 45 acres which will accommodate all of the infill residentially zoned property and retain some potential for mixed use projects that contain a residential component. The original allocation methodology assumed the residential density for the Intensive Development category in the Fort Myers Shores Planning Community would be the same as other areas in the planning community. Therefore, this acreage transfer should not be adjusted to address density differences.

URBAN COMMUNITY

The area of the Fort Myers Shores Community that is designated Urban Community is clearly an area that was anticipated to intensify over the life of the Lee Plan. Existing development trends show that this is occurring in the area. There are currently 1,500 ± lots consisting of 1,300± acres in this area of the planning community. Over 90% of the numbers of lots are zoned with a non-ag zoning category; however, less than 55% of the land area is zoned non-ag. The current Urban Community allocation for residential uses is 633 acres and the existing inventory of residential uses in this area is 274 acres. Therefore, only 359 acres of the allocation remain vacant and available for future development. There are currently less than 100 acres of vacant land platted for residential uses in this area. There are a total of 575 acres of property in this area that remain vacant or are in passive agricultural uses. This equates to 475 acres of land not committed to an existing development. Staff's research of planned development approvals in the Urban Community FLUM category show that residential uses (those uses that would "draw down" the residential allocations) account for 46% of these approvals. Applying this average to the available acreage listed above generates and anticipated residential acreage of 218 acres. Adding this figure to the currently committed acreage figure shows the built out residential acreage in the Urban Community Future Land Use Category in the Fort Myers Shores Planning Community to be 318 acres. Therefore, the current allocation exceeds the build out need by 41 acres. Staff recommends that the Urban Community residential allocation be reduced by 41 acres to 592 acres and that the 41 acres be re-allocated to the Outlying Suburban residential allocation. The original allocation methodology for the land use allocations assumed the residential density for the Urban Community area in the Fort Myers Shores Planning Community are consistent with those in existing developments county wide in the Outlying Suburban land use category. Therefore, this acreage transfer should not be adjusted to address density differences.

cc: Planning File

CPA2004-15

Table 1(b)

Planning Community Year 2020 Allocations

	Future Land Use Category	Lee County Totals	Alva	Boca Grande	Bonita Springs	Fort Myers Shores		Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport	Daniels Parkway
						Adopted	Proposed							
Residential By Future Land Use Category	Intensive Development	1,573				~~89~~	80		27		297			
	Central Urban	9,766				~~208~~	208				545			
	Urban Community	13,526	519	437		~~633~~	449							
	Suburban	17,251				~~1,903~~	1,803				206			
	Outlying Suburban	5,231	15				300	20	2	435				1,352
	Industrial	96									48		18	
	Public Facilities	2		1						1				
	University Community	860												
	Industrial Interchange													
	General Interchange	53												2
	General Commercial Interchange	14				~~7~~	7							
	Industrial Commercial Interchange													
	University Village Interchange													
	Mixed Use Interchange													
	New Community	1,644									360		1,284	
	Tradeport	9											9	
	Airport													
	Rural	9,760	1,419			~~783~~	783	633			184		111	1,255
	Rural Community Preserve	3,046												
	Outer Island	216	5				1			172				
	Open Lands	2,091	175					588						47
	Density Reduction/ Groundwater Resource	5,544	40										94	
	Wetlands													
Unincorporated County Total Residential		70,682	2,173	438		~~3,523~~	3,631	1,241	29	608	1,640		1,516	2,656
Commercial		9,717	46	56		~~257~~	257	26	17	112	153		824	398
Industrial		6,702	26	14		~~391~~	391	5	26		733		3,096	10
Non-Residential Allocations														
Public		60,400	3,587	537		~~1,724~~	1,724	1,193	6	1,981	750		6,136	1,854
Active AG		34,765	6,098			~~620~~	620				279		569	254
Passive AG		69,897	14,633			~~4,483~~	4,375	6,987	10		631		3,580	575
Conservation		80,613	2,236	296		~~1,125~~	1,125	3,672		1,347	1,006		3,482	1,918
Vacant		44,753	1,525	2		~~33~~	33	1,569	25	5	495		792	578
Total		377,529	30,324	1,343		~~12,156~~	12,156	14,693	113	4,053	5,687		19,995	8,243

CPA2004-15

Table 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	Buckingham	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
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

DIVISION OF PLANNING LEE COUNTY

MEMORANDUM SOUTHWEST FLORIDA

to: Lee County Board of County Commissioners

from: Rick Burris, Principal Planner

subject: CPA2002-04, Caloosahathee Shores Community Plan
Assessment of Residential Allocations

date: June 25, 2003

The Caloosahatchee Shores Community Plan includes a proposal to re-designate a portion of the area within the plan boundaries from Suburban and Rural to Outlying Suburban. If approved, this change creates the first area of land designated Outlying Suburban within the Fort Myers Shores Planning Community. Currently, no residential allocation has been made for this future land use classification in the Fort Myers Shores Planning Community. If this proposed future land use map change is adopted, Planning Staff recommends that a residential allocation of 300 acres be made on Table 1(b) in the Outlying Suburban category to accommodate anticipated future residential development. To maintain the existing residential accommodation of the Lee Plan Future Land Use Map, staff recommends a reduction of the residential allocation for the Intensive Development, Urban Community category. Staff has calculated that 44 acres of residential allocation from the Intensive Development category and 41 acres of residential from the Urban community category could be re-allocated to the Outlying Suburban residential allocation without adversely impacting development in these areas. Staff's research has not shown that current development trends in the Fort Myers Shores Planning Community on properties within these two land use categories are substantially different than those in the Outlying Suburban category countywide. At this time, staff can only propose that these acreages be re-allocated at an acre to acre transfer. Therefore, there is a difference of 215 acres between staff's projected allocation need in the Outlying Suburban allocation and the potential allocation reductions that staff has identified as appropriate. Between the transmittal hearing and the adoption hearing, staff proposes that a closer look at this allocation transfer be made to determine where this difference can be corrected.

OUTLYING SUBURBAN ALLOCATION NEED

There is one approved planned development and one proposed planned development in the area to be reclassified as Outlying Suburban. Buckingham 320 is an approved planned development of 325 acres and 640 units. The pending project is the 75 acres tract of land known as Buckingham Gardens seeking approval of 300 multi-family units.

Staff initially calculated the allocation demand for these projects based on a methodology that analyzed the total project size. An analysis of all Lee County planned developments approved in

areas designated Outlying Suburban shows that, on average, 46% of the project's land area dedicated to residential uses that will draw down the residential allocation on Table 1(b). Likewise, a review of developed/actively developing projects indicates that uses that have drawn down the residential allocation on Table 1(b) account for 41% of the acreage in those developments. Of the two analysis', the second calculation reflects the actual impact on the allocation table. Applying the results of this analysis to the 2 developments located in the area to be re-designated to the Outlying Suburban category indicates a needed residential allocation between 164 and 184 acres (325 acres + 75 acres = 400 acres x 41% - 46% = 164 - 184 acres).

A second method to determine the appropriate residential allocation is to consider potential/proposed units and the assumed net acreage per unit figure. County wide, developments in the Outlying Suburban category have been approved/developed at a net density of 5 units per acre. Staff cautions that this calculation not be confused with the Lee Plan maximum density figures which are based on gross acres.

> *Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made water bodies contained within the residential development.(Lee Plan Glossary XII-2)*

Residential allocations and the existing inventory are based on "net densities" which exclude lands used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made water bodies contained within the residential development.

Based on these trends, the two proposed developments that are located in the area to be designated OS would require 188 acres of residential allocation. (940 units/5 = 188) Given the increased development activity/interest in this area of the Fort Myers Shores Planning Community, staff proposes to allocate sufficient acreage for both of these areas.

The proposed acreage to be re-designated to Outlying Suburban is 1,021 acres (of that, 637 acres are currently designated as Rural and 384 are designated as Suburban). Although the amount of Suburban and Rural designated lands will be reduced by this re-designation to Outlying Suburban, staff's analysis of development patterns shows that there has been an increase in development interest in these areas and the allocations should be modified to reflect this market change. (See Below) To accommodate some additional development beyond what has been approved and requested, staff recommends that the total Outlying Suburban residential allocation in the Fort Myers Shores Community be 300 acres. This allocation would accommodate development of 65%

to 75% of the entire area if these developments followed the development patterns of other projects in the Outlying Suburban areas of Lee County. Staff also estimates that this allocation would accommodate 1,500 units. This allocation would be for the entire area designated Outlying Suburban within the Fort Myers Shores Planning Community and not specifically tied to any one development.

ALLOCATION TRANSFER

In order to maintain the current population accommodation of the Lee Plan Future Land Use Map (FLUM), it will be necessary to reduce one of the other allocations on Table 1(b). Generally, staff attempts to maintain the balance of the allocation table by "shifting" within one planning community between FLUM categories. The logical shift for this proposal would be to reduce the residential allocations made for Suburban and Rural residential. Staff has analyzed these areas of the Fort Myers Shores and concluded that reducing the allocation for residential uses is not recommended.

SUBURBAN

The current Suburban allocation for residential uses is 1,803 acres and the existing inventory of residential uses in this area is 1,266 acres. Therefore, only 537 acres of the allocation remain vacant and available for future development. This allocation will be significantly impacted by development in the area north of SR 80 and the Verandah. There are existing/undeveloped residential approvals for 516 acres of residential uses in planned developments and 220 acres of vacant lots in existing conventionally zoned subdivisions. While staff does not anticipate the area will build out prior to the next major evaluation of the overlay allocations, there does not appear to be excess residential allocation in the suburban category in the Fort Myers Shores Planning Community.

RURAL

The current Rural allocation for residential uses is 783 acres and the existing inventory of residential uses in this area is 322 acres. Therefore, only 461 acres of the allocation remain vacant and available for future development. This allocation will be significantly impacted by development in the planned Hawk's Haven project. This residential component of this development in addition to the remaining vacant land in existing platted subdivisions is approximately 550 acres. While staff does not anticipate the area will build out prior to the next major evaluation of the overlay allocations, there does not appear to be excess residential allocation in the Rural category in the Fort Myers Shores Planning Community

CENTRAL URBAN & GENERAL INTERCHANGE

Staff next evaluated the remaining categories within the Fort Myers Shores Planning community and concluded that there was no potential transfer from the Central Urban or General Interchange allocations. The General Interchange allocation only accommodates the existing residential uses and the Central Urban allocation would be exceeded if all of the existing vacant residentially zoned lots in the area are developed. Given that this accounts for only 11 acres of residential use, staff does not recommend refining this allocation.

INTENSIVE DEVELOPMENT

The current Intensive Development allocation for residential uses is 89 acres and the existing inventory of residential uses in this area is 31 acres. Therefore, 58 acres (65%) of the allocation remain vacant and available for future development. This allocation was made to accommodate residential uses along SR 80 between the city limits and I-75. Currently there are less than 3 vacant acres zoned for residential uses and 23 vacant acres zoned commercial but with categories that allow residential (26 total acres) remaining in this area. Given the configuration of the commercially zoned lots, staff does not anticipate much of this property will be developed with residential uses. Most of the lots in question front on Palm Beach Blvd or are in the Lexington Commerce Center located adjacent to I-75 between Tice St. and Palm Beach Blvd. Staff recommends that this allocation be reduced to 45 acres which will accommodate all of the infill residentially zoned property and retain some potential for mixed use projects that contain a residential component. The original allocation methodology assumed the residential density for the Intensive Development category in the Fort Myers Shores Planning Community would be the same as other areas in the planning community. Therefore, this acreage transfer should not be adjusted to address density differences.

URBAN COMMUNITY

The area of the Fort Myers Shores Community that is designated Urban Community is clearly an area that was anticipated to intensify over the life of the Lee Plan. Existing development trends show that this is occurring in the area. There are currently 1,500 ± lots consisting of 1,300± acres in this area of the planning community. Over 90% of the numbers of lots are zoned with a non-ag zoning category; however, less than 55% of the land area is zoned non-ag. The current Urban Community allocation for residential uses is 633 acres and the existing inventory of residential uses in this area is 274 acres. Therefore, only 359 acres of the allocation remain vacant and available for future development. There are currently less than 100 acres of vacant land platted for residential uses in this area. There are a total of 575 acres of property in this area that remain vacant or are in passive agricultural uses. This equates to 475 acres of land not committed to an existing development. Staff's research of planned development approvals in the Urban Community FLUM category show that residential uses (those uses that would "draw down" the residential allocations) account for 46% of these approvals. Applying this average to the available acreage listed above generates and anticipated residential acreage of 218 acres. Adding this figure to the currently committed acreage figure shows the built out residential acreage in the Urban Community Future Land Use Category in the Fort Myers Shores Planning Community to be 318 acres. Therefore, the current allocation exceeds the build out need by 41 acres. Staff recommends that the Urban Community residential allocation be reduced by 41 acres to 592 acres and that the 41 acres be re-allocated to the Outlying Suburban residential allocation. The original allocation methodology for the land use allocations assumed the residential density for the Urban Community area in the Fort Myers Shores Planning Community are consistent with those in existing developments county wide in the Outlying Suburban land use category. Therefore, this acreage transfer should not be adjusted to address density differences.

cc: Planning File

LEE COUNTY ORDINANCE NO. 05-20
(I-75 and S.R. 80 Interchange)
(CPA2004-13)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2004-13 (PERTAINING TO I-75 AND S.R. 80 INTERCHANGE) APPROVED DURING THE COUNTY'S 2004/2005 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO THE FUTURE LAND USE MAP; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

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

WHEREAS, the Lee County Local Planning Agency ("LPA") held public hearings pursuant to Florida Statutes and Lee County Administrative Code on April 25, 2005, and May 23, 2005; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on June 1, 2005. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2004-13 pertaining to the I-75 and S.R. 80 Interchange to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the June 1, 2005 meeting, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC Report on August 19, 2005; and,

WHEREAS, at a public hearing on October 12, 2005, the Board moved to adopt the proposed amendment to the Lee Plan more particularly set forth herein.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "2004/2005 Regular Comprehensive Plan Amendment Cycle CPA2004-13 I-75 and S.R. 80 Interchange Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2004/2005 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as revised by the Board of County Commissioners on October 12, 2005, known as CPA2004-13. CPA2004-13 amends the Plan to:

Amend the Future Land Use Map designations of Map 1 for the Interstate 75 and State Road 80 Interchange to balance existing and future land use designations in this area.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

SECTION FOUR: GEOGRAPHIC APPLICABILITY

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

SECTION FIVE: SEVERABILITY

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

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

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

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

SECTION SEVEN: EFFECTIVE DATE

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

THE FOREGOING ORDINANCE was offered by Commissioner Hall, who moved its adoption. The motion was seconded by Commissioner Albion, and, when put to a vote, the vote was as follows:

Robert P. Janes	Aye
Douglas St. Cerny	Aye
Ray Judah	Nay
Tammy Hall	Aye
John Albion	Aye

DONE AND ADOPTED this 12th day of October 2005.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____
Chairman

DATE: 10/12/05

Approved as to form by:

_____
Donna Marie Collins
County Attorney's Office