



**CPA 2000-30  
PRIVATELY SPONSORED  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

**Privately Sponsored Application  
and Staff Analysis**

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**BoCC Transmittal Document  
for the  
December 13<sup>th</sup>, 2001 Public Hearing**

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***Lee County Planning Division  
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**November 26, 2001**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA 2000-30**



**Text Amendment**



**Map Amendment**

<input checked="" type="checkbox"/>	<b>This Document Contains the Following Reviews:</b>
<input checked="" type="checkbox"/>	<b>Staff Review</b>
<input checked="" type="checkbox"/>	<b>Local Planning Agency Review and Recommendation</b>
	<b>Board of County Commissioners Hearing for Transmittal</b>
	<b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b>
	<b>Board of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: November 19, 2001

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

The Simon Property Group and Oakbrook Properties, represented by Matthew D. Uhle of Knott, Consoer, Ebelini, Hart & Swett, P.A.

**2. REQUEST:**

- Amend the Future Land Use Map series, Map 1, the Future Land Use Map, for a 483-acre parcel of land located in Sections 04 and 09, Township 47 South, and Range 25 East to change the Future Land Use classification from "Rural" to "Urban Community."
- Amend Policy 6.1.2.4 of the Lee Plan to specifically allow the consideration of a Regional Commercial center on the subject property.

**B. BACKGROUND INFORMATION**

**1. EXISTING CONDITIONS**

**SIZE OF PROPERTY: 483 +/- ACRES**

**PROPERTY LOCATION:** The subject property is generally located on the east side of U.S. 41, at its intersection with Coconut Road in South Estero.

**EXISTING USE OF LAND:** The subject property is currently vacant.

**CURRENT ZONING:** The subject property is zoned AG-2

**CURRENT FUTURE LAND USE CATEGORY:** The 483-acre subject property has two Future Land Use designations: Rural (432.35 acres) and Wetlands (50.79 acres)

## C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **REVISED RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners transmit the proposed amendment to Map 1, the Future Land Use Map, to change the Future Land Use designation of the subject property from the "Rural" land use category to the "Urban Community" land use category. Staff recommends that the areas of the property currently designated as "Wetlands" will remain designated as such.

Staff further recommends approval of the requested text amendment to Policy 6.1.2.4 to allow the consideration of a Regional Commercial center on the subject property. Staff recommends the following language be added to Policy 6.1.2.4:

f. Notwithstanding prohibitions contained elsewhere in this plan, Regional Commercial development may be granted in a portion of Section 9, Township 47 South, Range 25 East, that is bounded on the west by U.S. 41, on the East by the Seminole Gulf Railroad tracks, on the south by Coconut Road, and on the North by a line located one-half mile north of Coconut Road, provided that:

(1) A minimum of one acre of the property must be ~~donated~~ dedicated to Lee County for use as a fire station. This land must be deeded to the County prior to the first development order submittal for any development on the property. Lee County will recommend the issuance of impact fee credits for the land that is ~~donated~~ dedicated, if it is eligible for credits under the County's impact fee ordinance.

(2) A minimum of five acres of the property must be ~~donated~~ dedicated to the School District of Lee County for use as a public school. This land must be deeded to the School District prior to the first development order submittal for any development on the property. Lee County will recommend the issuance of impact fee credits for the land that is ~~donated~~ dedicated, if it is eligible for credits under the County's proposed school impact fee ordinance.

(3) Subsequent to these land ~~donations~~ dedications, the County will initiate an amendment to the Future Land Use Map to change the Future Land Use designation of these ~~donated~~ properties to Public Facilities.



## 2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The proposed plan amendment is being undertaken for the specific purpose of developing a regional mall and associated commercial and residential development on the subject property. A rezoning application and a DRI development approval application have been submitted concurrently with this amendment.
- While the analysis of the amendment should focus primarily on the impacts of the land use category change alone, it is necessary to consider the impacts of the potential development scenario that has been proposed.
- The redesignation of the subject property from Rural to Urban Community will increase the demand for public services and infrastructure in this area. This will occur whether the end use is a regional mall or some other development that fits within the density/intensity limitations of the Urban Community land use category.
- The potential number of residential dwelling units that could develop on the subject property will increase from 434 to 2,898 if this plan amendment is approved.
- Staff has identified potential deficiencies in the capacity of the surrounding road network, the public school system, and fire protection services that could result from this proposed plan amendment. All other infrastructure and services are existing or planned, with adequate capacity to serve the subject property.
- The development of a regional mall will cause four road segments to operate below acceptable levels of service prior to the Year 2020. The land use map amendment alone will result in increased traffic in Estero, but will not necessarily cause any road segments to fail. The ultimate end use of the property will be required to provide appropriate traffic impact mitigation at the time of rezoning or DRI development approval.
- A compact and contiguous development pattern will be maintained through this amendment. The proposed amendment will not promote urban sprawl, as the subject property is located adjacent to a significant amount of existing and approved urban development.
- Since the time when the subject property was originally designated as Rural in the 1984 Lee Plan, conditions and land use patterns in the area have changed to the point that Rural is no longer the most appropriate land use category for the subject property.
- The retail commercial intensity proposed by the Simon Suncoast DRI would not meet the applicable commercial site location standard under Goal 6 for a regional commercial development.



## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **SUMMARY OF REQUEST**

The applicants, Simon Property Group and Oakbrook Properties, are requesting a change of Future Land Use designation from "Rural" to "Urban Community" for approximately 483 acres of land in Estero. The application materials and correspondence associated with this plan amendment have been included with this report. The site is located between U.S. 41 and the Seminole Gulf Railway tracks, and extends from Williams Road south past Coconut Road. The subject property is in Sections 04 and 09, Township 47 South, Range 25 East. A graphic showing the location of the subject property is provided in Attachment 1 of this report.

The applicants have also requested a text amendment to Policy 6.1.2.4 of the Lee Plan to allow the consideration of a Regional Commercial center on a portion of the subject property.

It should be noted that, while it is not part of this comprehensive plan amendment application, a rezoning application has been submitted to the County to rezone the subject property from AG-2 to MPD to accommodate a regional mall. A Development of Regional Impact (DRI) application for a regional mall has also been provided to the County as well as to the Regional Planning Council. While it is not common to consider specific development scenarios in the review of a comprehensive plan amendment application, staff has considered the fact that this plan amendment has been undertaken specifically to accommodate a regional mall, and that the mall will be the likely end use of the property, if in fact the Simon site ends up being the site for the regional mall in Lee County. The proposed land use summary as established in the rezoning and DRI application is as follows:

*Retail: 1,800,000 square feet*

*Office: 300,000 square feet*

*Hotel: 600 Rooms*

*Assisted Living Facility: 200 units*

*Multi-Family Residential: 1,000 units*

The parameters listed above are just one proposed development scenario that could be accommodated under the proposed Urban Community land use category. There is a wide variety of other uses that could occur on the property. This staff report will primarily consider the impact of the proposed change to the Future Land Use Map, while giving secondary consideration to the possibility of the regional mall complex being a likely end user of the property.

#### **LAND USE PLANNING CONSIDERATIONS**

##### **Surrounding Zoning and Land Uses**

To the north of the subject property are several vacant parcels zoned AG-2. The Future Land Use designation for the area immediately north of the subject property is Suburban. The parcels to the north of the subject property are currently vacant. It should also be noted that Estero High School is located approximately one-half mile to the north and west of the subject property.

To the east of the subject property is The Brooks of Bonita Springs, which is a partially-developed 2,492-acre mixed use project. The Brooks is approved for a total of 4,060 multi family dwelling units, 1,140 single family dwelling units, a 120-room hotel/motel, and 250,000 square feet of commercial development. There is a pending amendment to the Brooks DRI that would increase the number of single family units to 1,600, reduce the number of multi-family units to 2,460, and add 20,000 square feet of commercial use. The Brooks development is zoned MPD, and is located in the Rural Future Land Use Category, with a small portion of the property located in the Suburban Future Land Use Category. The Brooks was approved under the Planned Development District Option (PDDO), which allowed urban densities to be achieved outside of the future urban areas, provided the applicant demonstrated that the proposal will be totally independent of County-subsidized facilities and services.

To the south of the subject property is a 62-acre industrial subdivision that is zoned IL. Also, immediately to the south of the subject property is a CG-zoned parcel containing a restaurant. The Future Land Use designation for the area south of the subject property is Industrial Development.

To the west of the subject property is U.S. 41, and a variety of developments set out as follows from north to south:

- Williams Place CPD, which is a 12.19-acre parcel approved for 90,000 square feet of commercial, and is currently being developed as a strip center, anchored by an Albertson's supermarket.
- Estero Greens CPD, which is approved for 100,000 square feet of retail and 129,000 square feet of office uses.
- Tulip Associates CPD, which is a 13.47 acre property approved for 130,500 square feet of commercial uses, 30,000 of which may be retail.
- Coconut Road MPD, which is a 46-acre property approved for 250,000 square feet of retail uses and 142 dwelling units. In the alternative, the property could develop with 200,000 square feet of light industrial uses.
- Pelican Landing RPD/CPD, which is approved for 4,400 residential units, 750 hotel/motel units, 475,000 square feet of commercial office, and 300,000 square feet of commercial retail.

The Future Land Use designations to the west of the subject property are Suburban and Urban Community.

An examination of the surrounding land uses shows that the area surrounding the subject property is rapidly urbanizing, with the recent development of The Brooks, Pelican Landing, and several small commercial parcels. The surrounding Future Land Use categories consist of Urban Community, Suburban, Industrial Development, and Rural. The Rural areas adjacent to the subject property are currently being developed with urban densities through the use of the PDDO option. The proposed Urban Community designation would be generally compatible with the adjacent



Future Land Use categories, although compatibility will be ultimately determined during the rezoning process based on a proposed plan of development.

#### **Environmental Considerations**

The 483-acre subject property contains 36.23 acres of South Florida Water Management District jurisdictional wetlands and an additional 14.56 acres of surface waters. The following FLUCCS categories were observed on the site:

<b>FLUCCS Code</b>	<b>Description</b>	<b>Acreage</b>
211	Improved Pasture	404.45
415	Slash Pine-Melaleuca Upland Forest	6.74
526	Borrow Lakes	19.37
624	Melaleuca-Slash Pine-Cypress Mixed Wetland Forest	20.61
640	Vegetated Non-Forested Wetlands	10.81
746	Previously Cleared/Disturbed Area	6.84
814	Roads	14.32
		483.14

According to materials submitted with the rezoning/DRI application, development of the property will occur primarily within the improved pasture areas and the melaleuca infested pine flatwoods. Approximately 22.15 acres of jurisdictional wetlands and 4.81 acres of jurisdictional surface waters will remain unaltered.

The majority of the wetlands on the property are part of a natural surface water flowway that runs east to west across the property. This is a well-defined drainage conveyance that will be utilized in the overall surface water management system for the property. This flowway plays an important role in water conveyance, stormwater storage, and providing wildlife habitat. Most of the flowway is currently designated as Wetlands on the Future Land Use Map. The on-site wetlands have not been included in the plan amendment request, and will therefore remain as Wetlands on the Future Land Use Map. The wetland lines on the map will be adjusted to reflect the jurisdictional wetland lines surveyed by the South Florida Water Management District and provided by the applicant.

A species survey of the subject property has been conducted, and the following wildlife species were observed on the site: wood stork, little blue heron, snowy egret, and tricolored heron.



## Soils

The applicant has provided a soils map in the background materials. The following is a list and description of all soil types that appear on the subject property. The brief descriptions associated with these soil types are based on information provided in the Soil Survey of Lee County, Florida (U.S. Department of Agriculture, Soil Conservation Service, 1984).

**6 - Hallandale Fine Sand** - This is a nearly level, poorly drained soil, on low, broad flatwoods areas. The available water capacity of this soil is low.

**11 - Myakka Fine Sand** - This is a nearly level, poorly drained soil on broad flatwoods areas. The available water capacity is medium in the subsoil and very low in the surface and subsurface layers.

**13 - Boca Fine Sand** - This is nearly level, poorly drained soil on flatwoods. The available water capacity is low in the surface and subsurface layers and medium in the subsoil.

**14 - Valkaria Fine Sand** - This is a nearly level, poorly drained soil in sloughs. The available water capacity is low.

**26 - Pineda Fine Sand** - This is a nearly level, poorly drained soil in sloughs. The available water capacity is very low in the surface and subsurface layers, and in the upper sandy part of the subsoil, and medium in the lower loamy part of the subsoil.

**27 - Pompano Fine Sand, Depressional** - This is a nearly level, poorly drained soil in depressions. The available water capacity is low.

**28 - Immokalee Sand** - This is a nearly level, poorly drained soil in flatwoods areas. The available water capacity is medium in the subsoil and very low in the surface and subsurface layers.

**34 - Malabar Fine Sand** - This is a nearly level, poorly drained soil in sloughs. The available water capacity is low in the surface and subsurface layers and the upper part of the subsoil and medium in the lower part of the subsoil.

**42 - Wabasso Sand - Limestone Substratum** - This is a nearly level, poorly drained soil on broad flatwoods areas. The available water capacity is low in the surface and subsurface layers and the upper part of the subsoil, and medium in the lower part of the subsoil.

**49 - Felda Fine Sand, Depressional** - This is a nearly level, poorly drained soil in depressions. The available water capacity is low in the surface and subsurface layers and medium in the subsoil.

**51 - Floridana Sand, Depressional** - This is a nearly level, poorly drained soil in depressions. The available water capacity is medium in the surface layer and subsoil, and low in the subsurface layer.

**73 - Pineda Fine Sand, Depressional** - This is a nearly level, poorly drained soil in depressions. The available water capacity is low in the surface and subsurface layers and medium in the subsoil.

**75 - Hallandale Fine Sand, Slough** - This is a nearly level, poorly drained soil in sloughs. The available water capacity is low.

#### **Internal Consistency with the Lee Plan**

The proposed amendment seeks to change the Future Land Use category of the subject property from Rural to Urban Community. The Rural category is considered part of the "Non-Urban Areas" on the Future Land Use Map. Objective 1.4 describes the "Non-Urban Areas" as "those areas not anticipated for urban development at this time." Policy 1.4.1 describes the Rural land use category as follows:

***POLICY 1.4.1: The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).***

Policy 1.4.1 states that Rural areas are comprised primarily of low density residential uses, agriculture, and minimal non-residential uses needed to serve the rural community. These areas are not programmed to receive urban-type capital improvements, and they will have a level of public services below that the urban areas. The subject property no longer fits these characteristics of the Rural land use category. The subject property is located in an area of the county that has experienced significant growth and development in recent years. The areas around the subject property have developed with large master-planned communities such as Pelican Landing and The Brooks, both of which contain single-family and multi-family dwelling units plus large commercial components. There are also several commercial developments planned along the west side of U.S. 41. The subject property is located on U.S. 41, a four lane divided arterial roadway that is currently programmed for widening to 6 lanes. Public utilities and services are readily available to the subject property. These factors lead staff to the conclusion that Rural is no longer the most appropriate designation for the subject site. A continued designation of Rural would represent an underutilization of existing public facilities and services available in this area of the County.

The proposed land use category for the subject property is Urban Community. Policy 1.1.4 describes the Urban Community areas as follows:

***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, 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).*

Policy 1.1.4 describes Urban Community areas as having a relatively intense mix of residential and commercial uses. The description of the Urban Community category is consistent with the existing and planned uses on and around the subject parcel. The Urban Community category would also be one of the few land use categories in the Lee Plan that could be applied to this property in order to accommodate the development of a regional mall.

The subject property is currently located in the Bonita Springs Planning Community, but will be located in the newly created Estero Planning Community upon adoption of pending plan amendment PAM/T 99-20. This plan amendment has been transmitted by the Board of County Commissioners to the Department of Community Affairs for review. For purposes of this staff analysis, it has been assumed that the new planning communities map and acreage allocation table 1(b) will be adopted as transmitted by the BoCC, and that this property will be in the Estero Planning Community.

Policy 1.7.6 discusses the Planning Communities Map (Map 16) and Acreage Allocation Table (Table 1(b)). This map and table depict the proposed distribution, extent, and location of generalized land uses for the year 2020. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No final development orders or extensions to final development orders will be issued or approved by Lee County which would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded.

Once the pending amendments to the 2020 allocations are adopted, there will be 327 acres allocated for residential development in the Urban Community land use category in the new Estero Planning Community. Of these 327 acres, approximately 100 acres will remain available for residential development. There will also be 1,379 acres allocated for commercial development in the new Estero Planning Community. Of these 1,379 acres, 1,203 acres will remain available for commercial development.

Staff believes that the existing allocations for residential and commercial will be sufficient to accommodate the proposed urban density and intensity on the subject 483-acre site. Depending upon the specific density and intensity that would develop on the subject property, changes may be necessary to the acreage allocation Table 1(b). The development parameters of the rezoning and DRI that are being processed concurrently with this plan amendment application could be accommodated under the existing acreage allocations. If subsequent changes are necessary, the applicant or developer will be responsible for amending Table 1(b) accordingly.

Goal 2 of the Lee Plan and its subsequent objectives and policies address growth management concerns. Goal 2 seeks to provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources. The subject property has access to the arterial road network as well as to public water and sewer. The designation of the subject property to a more urban land use category would allow for new urban development to occur in an area that already has urban infrastructure. The development of a regional mall on the property, however, will create a need for



some additional infrastructure and services. The proposed amendment could result in certain roadway segments operating below acceptable level of service standards. The amendment could also overburden public school resources in the area as well as reduce the effectiveness of existing fire protection services. These items will be addressed in more detail later within this staff report. Any deficiencies in public infrastructure and services that result from the development of the subject property will need to be mitigated by the developer during the rezoning and DRI approval process.

Objective 2.2 seeks to 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. Staff believes that a compact and contiguous growth pattern will be achieved through this plan amendment. The subject property is within an already urbanized area between Estero and Bonita Springs, and is surrounded on three sides by existing or approved development. At buildout, The Brooks to the east will contain over 5,000 residential units and Pelican Landing to the east and south will contain nearly 4,500 residential units. Both of these developments will also contain significant amounts of commercial area at buildout. Additionally, there are several individual commercial developments that are built or approved on the east side of U.S. 41, making this area an emerging urban center. The requested plan amendment will allow urban development to occur on vacant property contiguous to existing urban development. Staff finds that a compact growth pattern is preferable to urban development occurring more distant from existing urban areas and urban infrastructure. Staff finds that the proposed plan amendment promotes a compact growth pattern and minimizes urban sprawl.

Policy 2.2.1 states that the Future Land Use Map indicates the uses and density ranges that will ultimately be permitted on a given parcel. However, it is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the county's growth up to the Year 2020. During the rezoning process, the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:

- 1. Whether a given proposal would further burden already overwhelmed existing and committed public facilities such that the approval should be delayed until the facilities can be constructed; and*
- 2. Whether a given proposal is for land so far beyond existing development or adequate public facilities that approval should be delayed in an effort to encourage compact and efficient growth patterns; and*
- 3. Whether a given proposal would result in unreasonable development expectations which may not be achievable because of acreage limitations contained in the Acreage Allocation Table (see Policy 1.7.6, Map 16 and Table 1(b)).*

Staff believes that this is a critical policy in light of the fact that this plan amendment is being processed concurrently with the rezoning and DRI cases. While staff acknowledges that the purpose of the amendment is to accommodate a regional mall on the subject property, this amendment to the Future Land Use Map does nothing more than change the potential uses that could occur on the property. The amendment changes the Future Land Use designation to a



category that could accommodate a regional mall development, but the plan amendment by itself does not guarantee approval of a regional mall on this property. Policy 2.2.1 ensures that any potential development of the property will be served by adequate public facilities and services; will encourage compact and efficient growth patterns, and will be consistent with the Acreage Allocation Table 1(b). These standards will be applicable at the time of rezoning.

Objective 2.4 of the Lee Plan is to regularly examine the Future Land Use Map in light of new information and changed conditions, and make necessary modifications. Staff finds that conditions around the subject property have changed significantly since the property was designated as Rural with the establishment of the 1984 Lee Plan. At that time, this area of south Estero was still rural in nature, with sparse residential development and a minimal amount of commercial development. Since 1984, many new residential projects have been developed in the immediate area, including: The Brooks MPD, Pelican Landing RPD/CPD, and Fountain Lakes. Additionally, a significant amount of commercial development has been approved along U.S. 41, some of which remains unbuilt. Examples of approved commercial projects in the area include: Estero Greens CPD, Williams Place CPD, Camargo Trust MPD, Coconut Road MPD, The Brooks MPD, Pelican Landing RPD/CPD, and the Hyatt Regency Hotel. When all of these projects are built out, the area will have a distinctly urban character. Staff believes that these changing conditions must be considered in the evaluation of the proposed plan amendment. The development of major commercial and residential projects around the Simon property indicate that the property is no longer appropriate for rural levels of development, and that an urban designation would be more appropriate.

Policy 2.4.4 states that 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 1400 acres to the Airport Commerce category just south of the Southwest Florida International Airport. Staff believes that this area is emerging as an employment center due to the presence of the approved commercial projects in the area. The redesignation of this property to Urban Community will allow for more retail development, which will create a significant number of additional jobs. The proposed plan amendment will solidify the status of this area as an employment center in Lee County.

Policy 6.1.2 of the Lee Plan identifies standards for commercial site location for various levels of commercial development. If a regional mall were developed on the subject property, it would need to be located at the intersection of two, and preferably three, arterial roadways. The subject property, however, only has access to one arterial roadway, U.S. 41. The property also has access to two collector roadways, Coconut Road and Williams Road. The subject property will also have access to the future Sandy Lane, which will be a two-lane road and classified as a collector. The applicant is in the process of obtaining binding commitments to provide 120 feet of right-of-way for a four-lane Sandy Lane that would extend from the project's southern boundary to Corkscrew Road. There is a possibility that this road could be classified as an arterial in the future, although the adopted 2020 Transportation Plan shows the future Sandy Lane as a collector road. At the present time, however, the property does not have the required intersection of two arterials that is necessary to develop a Regional Commercial center. The applicant has submitted a text amendment request to Policy 6.1.2 that would specifically allow a Regional Commercial center to



be developed on the property as an isolated case. Staff believes that, in light of the property's access to several existing and future collector roads as well as to U.S. 41, the access to the site is adequate to support the development of a regional mall. Staff believes that the overall access to the subject property from the surrounding road network is better than the access to the other two potential regional mall sites.

During the 2000/2001 amendment cycle, a new goal and subsequent objectives and policies were proposed to be added to the Lee Plan to address the Estero community planning effort. These new provisions have been transmitted by Board to DCA as of this writing. Policy 19.1.4 of the new language states that the Estero Community will work in conjunction with private developers, public agencies and community service providers to establish one or several town commons that encourage the location of a post office, public meeting hall, outdoor plaza, governmental offices, medical providers and recreational opportunities. Although the end uses of the subject property are beyond the scope of this plan amendment, staff believes that the final development will be a town center concept that could allow for the types of uses listed under Policy 19.1.4. The applicant has submitted that the proposed mall will function as a community center, in a manner that is consistent with the vision of the Estero Community Plan.

Staff finds no apparent internal inconsistencies with any Lee Plan provisions associated with the proposed plan amendment. The County will be required to make a finding of Lee Plan consistency for the specific development plans associated with the rezoning and DRI process. At that time, staff will attempt to advance specific conditions to ensure consistency with all applicable provisions of the Lee Plan.

### **Comparison of Development Potential**

As noted previously, the subject property contains 432.35 acres of uplands and 50.79 acres of wetlands and surface waters. The subject property is currently designated as "Rural" and "Wetlands" on the Future Land Use Map. The Rural land use category allows a maximum density of one dwelling unit per acre of uplands, while the Wetlands category allows a maximum density of one dwelling unit per 20 acres. Under the existing Rural designation, the 483-acre property could potentially develop with approximately 434 residential dwelling units. Commercial uses would be limited to only those that would be necessary to serve the rural community. Industrial uses would not be permitted.

Under the proposed Urban Community designation, the subject property would be eligible for significantly more development than it would under the Rural designation. The Urban Community land use category allows a standard residential density of up to 6 dwelling units per acre. According to the Lee Plan Density Table 1(a), density in the Urban Community areas may be transferred from wetlands to contiguous uplands, as long as the resulting upland density does not exceed 8 dwelling units per acre. A separate calculation is also done where the entire acreage of the property is multiplied by the maximum standard density for Urban Community (6 dwelling units per acre). The method of calculation that produces the lower number of units is the method that is used for the density calculation. In this case, the lower number is produced by multiplying the entire project acreage by the maximum standard density (483.14ac. x 6 du/ac). The maximum number of dwelling units under the Urban Community Designation, therefore, is 2,898. As far as commercial uses, there is no specific size limitation other than what could reasonably fit on the



property while still being consistent with all other provisions of the Lee Plan and Land Development Code. Light industrial uses are also permitted in the Urban Community category, but are not assigned any specific square footage limitation.

### **Population Accommodation**

Under the current Rural land use designation, approximately 434 dwelling units could be constructed on the subject property. These dwelling units would accommodate approximately 907 persons on the Future Land Use Map (434 dwelling units x 2.09 persons per dwelling unit). The population accommodation capacity of the subject property under the current Future Land Use designation is 907 persons.

Under the proposed Urban Community land use category, approximately 2,898 dwelling units could be constructed on the subject property under the standard density restriction of 6 dwelling units per acre. These dwelling units would accommodate approximately 6,056 persons on the Future Land Use Map (2,898 dwelling units x 2.09 persons per dwelling unit). The population accommodation capacity of the subject property under the proposed Future Land Use designation is 6,056 persons.

The proposed Urban Community land use category provides the option to use bonus density, which would allow a maximum density of up to 10 dwelling units per acre. The subject property could accommodate up to 4,830 dwelling units using one of the bonus density options. These dwelling units would accommodate approximately 10,094 persons on the Future Land Use Map (4,830 dwelling units x 2.09 persons per dwelling unit). The population accommodation capacity of the subject property under the proposed Urban Community designation, using one of the bonus density options, would be approximately 10,094 persons.

The proposed Future Land Use Map change will increase the population accommodation of the Future Land Use Map by approximately 5,047 persons, if the maximum standard density for the Urban Community category is utilized. If the maximum bonus density is utilized, then the proposed map amendment will increase the population accommodation of the Future Land use map by a maximum of 9,085 persons. The figures presented above assume that the entire property would develop with residential uses. If portions of the subject property are ultimately utilized for non-residential uses, then the population accommodation of the property will be reduced.

### **Re-designating Lands from Non-Urban to Future Urban**

The proposed amendment would redesignate 483 acres of land from a non-urban designation to a Future Urban designation. There is no established need for additional urban land in Lee County, as the Future Land Use map contains more than enough urban land to accommodate the County's projected population to the Year 2020. Staff believes, however, that the subject property is not ideally suited for its current non-urban designation. The subject property is located in an urbanized area and has urban infrastructure available or programmed. The development of rural densities and intensities on the subject property would represent an underutilization of the existing and planned urban infrastructure and services in the area.

The Florida Department of Community Affairs (DCA) has defined sprawl as "premature, low-density development that 'leapfrogs' over land that is available for urban development." Clearly,

the redesignation of the subject property to an urban land use category does not constitute sprawl. The property is surrounded on all sides by existing or approved urban development. A contiguous and compact growth pattern will be encouraged through this change to the Future Land Use Map. Vacant parcels will not be bypassed in a "leapfrog" manner in order to accommodate urban development on the subject property.

Staff finds that the addition of 483 acres of urban land to the Future Land Use Map is justified in this case. In fact, this area is more suitable for urban development in terms of infrastructure availability than many of the current Future Urban Areas shown on the Future Land Use Map. Staff is not making a finding that a regional mall development is necessarily appropriate in this location, but is simply making a finding that an urban designation is justified for the subject property at this time.

## **IMPACTS TO SERVICES**

### **Transportation**

The subject property currently has access from several County roadways. The property will have its primary access from U.S. 41, an arterial roadway. The property will also have secondary access from Williams Road (major collector), Coconut Road (major collector), and the future Sandy Lane extension (listed as a future collector).

The Lee County Department of Transportation (LCDOT) has reviewed the request and has provided written comments dated July 6, 2001, October 3, 2001, and November 15, 2001 (see Attachments 2, 3, and 4). LCDOT used the Florida Standard Urban Transportation Modeling Structure (FSUTMS) to project future roadway needs for the Lee Plan horizon year, which is currently 2020. Part of the input data is the land use, population and employment projections by Traffic Analysis Zone. The input data has been modified for this analysis to include the Simon Suncoast project. The FSUTMS output is given in peak season weekday traffic. The output was converted to P.M. peak hour directional volumes in order to develop a level of service estimate. The results are compared to the model output reflecting the December 8, 2000 Lee County MPO 2020 Financially Feasible Highway Plan.

DOT had previously established that several road segments in the area are projected to operate below the adopted level of service standard in 2020 if the subject property is developed with a regional mall. Based on the most recent analysis, the projected P.M. peak hour directional volumes would exceed the generalized service volumes at the adopted standards on the following four roadway segments:

*I-75 from the Collier County line to Daniels Parkway  
Old 41 from Bonita Beach Road to Terry Street  
Ben Hill Griffin Parkway from the FGCU entrance to Alico Road, and  
U.S. 41 from Koreshan Boulevard to Alico Road.*

In the case of I-75, the current level of service standard set by the State is "C". The Simon Suncoast project would add traffic to the interstate, but with the planned six-lane improvement and other parallel facilities, I-75 is projected to operate at LOS "D". With the growth projected for Lee County, it is expected that the interstate will be within the urban area boundaries by 2020, which would change the



level of service standard to "D", and would bring the projected road condition within the established standards.

The impacted segment of Old 41 is also a unique circumstance. The segment from Bonita Beach Road to Terry Street is defined in Lee Plan Table 2(a) as a constrained road, precluding widening of the roadway despite the level of service failure. There are, however, intersection improvements that could be implemented to improve the operation of the roadway.

The Ben Hill Griffin segment is projected to exceed its maximum level of service "E" if the Simon regional mall is constructed. However, this roadway segment is located in an area of the University Community where the development plans concentrate most of the commercial square footage in the recently approved Gulf Coast Town Center DRI, another proposed location for a regional mall. The Alico Interchange Park DRI on the west side of the Alico Road/I-75 Interchange is a third proposed regional mall site. The projected model input data in both of those locations does not fully reflect the intensity of a Regional Retail Center over 1 million square feet, but does assume a significant amount of development that may not happen if the Simon Suncoast is successful in capturing the regional mall. Since it is our understanding that only one of the regional mall sites will be selected by the anchor stores for development, the conditions on Ben Hill Griffin Parkway may be overstated if the regional mall is ultimately developed on the Simon property.

The most significant impact from a comprehensive plan standpoint is on U.S. 41 from Koreshan Boulevard to Alico Road, where the 2020 AADT increased from 56,000 to 62,900 or by approximately 6,900 vehicles per day. The v/c ratio increased from 0.95 without the project to 1.04 with the project, exceeding the capacity of this roadway segment. This segment is also identified as being regionally impacted in the staff DRI analysis. The applicant has submitted information dated November 6, 2001 that analyzed the needed improvements to address this impact. They concluded that "improvements at key intersections will enhance the carrying capacity of this section of US 41, so that the Lee Plan level of service standard can be met in 2020 without widening US 41 beyond six lanes or upgrading parallel facilities." While DOT staff does not necessarily agree with this conclusion, staff believes that the mitigation for this comprehensive plan amendment impact will be most appropriately addressed as part of the DRI mitigation.

### **Utilities**

The subject property is located within Bonita Springs Utilities franchise area for sanitary sewer service. According to the application, the subject property is projected to produce 590,000 gallons of sewage per day under the proposed Urban Community designation. This calculation was based on a proposed development scenario of 1,800,000 square feet of retail, 300,000 square feet of office, 600 hotel units, 200 assisted living units, and 1,000 dwelling units. Bonita Springs Utilities has indicated that it has the available capacity to serve the subject property from its existing wastewater treatment plant which has a maximum capacity of 4,250,000 gallons per day. There is an existing 24-inch force main located along U.S. 41 that would service the subject property. Bonita Springs Utilities has provided correspondence dated August 24, 2000 confirming that wastewater plant capacity is adequate to support the increase in development intensity that would result from this proposed land use map change.



The subject property is located in the Bonita Springs Utilities franchise area for potable water. The application has indicated, and staff has confirmed, that there is a 12-inch water main that runs along U.S. 41 at the subject property's boundary. According to the application, the subject property is projected to need 590,000 gallons of water per day under the proposed Urban Community designation. This calculation was based on a proposed development scenario of 1,800,000 square feet of retail, 300,000 square feet of office, 600 hotel units, 200 assisted living units, and 1,000 dwelling units. Bonita Springs Utilities has indicated that the available capacity of its existing water treatment plant is 7,500,000 gallons per day, and the current demand is 4,800,000 gallons per day. The existing water treatment plant, therefore, has adequate capacity to serve the subject property under the Urban Community designation. Bonita Springs Utilities has provided correspondence dated August 24, 2000 confirming that water plant capacity is adequate to support the increase in development intensity that would result from this proposed land use map change.

### **Solid Waste**

The subject property is within Lee County Solid Waste District #2. The collection company for District #2 is Florida Recycling Services, Inc. With the existing Gulf Coast Landfill, the Waste-to-Energy facility, and the Lee/Hendry Disposal facility all online, staff anticipates that there will be adequate capacity in the County's solid waste system to accommodate the additional waste that will likely accompany the change to the Future Land Use Map.

### **Emergency Management - Hurricane Evacuation/Shelter Impacts**

The Lee Plan discourages increased residential densities in Coastal High Hazard Areas. Objective 75.1 states that allowable densities for undeveloped areas within coastal high hazard areas will be considered for reduction. Policy 75.1.4 further states that land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories. Staff finds that the subject property is not located in the Coastal High Hazard Area as defined by the Lee Plan, and is therefore not subject to consideration of reduced density categories under Objective 75.1 and Policy 75.1.4. The property is located in the Category 3 storm surge zone according to the 1991 Lee County Hurricane Storm Tide Atlas, and is located in Flood Zone B, according to the FEMA Flood Insurance Rate Maps.

Lee County Division of Emergency Management has reviewed the plan amendment request, and provided written comments dated July 7, 2001. A copy of this correspondence has been included as Attachment 5 to this report. If the land use category remains Rural, Emergency Management staff estimates that, in the event of a category 3 storm, there could be up to 515 vehicles evacuating the property that would use U.S. 41 as their primary evacuation route. Emergency Management staff estimates that these 515 evacuating vehicles would add approximately 11 minutes to the current evacuation time.

If the land use category is changed to Urban Community, Emergency Management staff estimate that, in the event of a category 3 storm, there could be up to 3,092 vehicles evacuating the property that would use U.S. 41 as their primary evacuation route. Emergency Management staff estimate that these 3,092 evacuating vehicles would add approximately 66.68 minutes to the current evacuation time.

These estimates assume that the entire property will be developed with residential uses. Emergency Management staff have correctly assumed a worst-case scenario where 2,898 dwelling units would be developed on the property. In reality, however, the proposed development plan only calls for 1,000 dwelling units, which would lower the projected evacuation times developed by Emergency Management staff. The projected 66.68 minutes added to evacuation times would be the maximum time that would be added under the Urban Community designation. This figure would be a worst-case scenario.

### **Police Protection**

The Lee County Sheriff's office has reviewed the proposed plan amendment, and provided written comments dated July 24, 2000. A copy of this correspondence has been included as an Attachment 6 to this report. The Sheriff's office has indicated that it believes it will receive the necessary funding to generally support growth in demand, and that it will be able to provide service to any development that might occur on the subject property.

### **Fire Protection**

The subject property is located in the Estero Fire District. The District staff have reviewed the proposed plan amendment, and provided written correspondence dated July 30, 2001 (see Attachment 10). According to the Estero Fire District, they will be able to provide service to the subject property provided that the developer sets aside approximately one acre of land on which The District could construct a fire rescue station. The Fire District is suggesting that such a condition be placed on the plan amendment. Staff has formulated a recommendation to add language to the Lee Plan that would require one acre of the subject property to be set aside specifically for a fire station prior to any development on the property. The donation of this land would be required whether the regional commercial center is developed on the property or if some other development were to occur. The impacts to fire protection services would actually be greater if the subject property were developed with residential uses rather than the regional commercial center. If this land donation is eligible for impact fee credits under the current impact fee ordinance, staff would recommend that credits be issued in exchange for the land donation. The area to be donated for the fire station would subsequently be redesignated as Public Facilities on the Future Land Use Map.

### **Emergency Medical Services (EMS) Impact**

Lee County EMS staff have reviewed the proposed plan amendment and provided written comments dated September 19, 2001. A copy of this correspondence has been included as Attachment 7 of this report. According to Lee County EMS staff, the current and planned budgetary projections for additional EMS resources should adequately address any increased service demand from individuals or businesses occupying this parcel.

### **School Impacts**

Staff of the School District of Lee County have reviewed the proposal and provided written comments dated July 24, 2001 (see Attachment 8 ). The subject property is located in the South Region of the District, south of Estero High School. Based on the proposed maximum total of 2,898 possible residential dwelling units that could result from the plan amendment from Rural to Urban Community, the Lee County School District is estimating that the proposal could generate up to 898 additional public school-aged children. This uses a standard generation rate of .31



students per dwelling unit. If the maximum number of dwelling units were developed on the property, it would create the need for approximately one new school in the system, encompassing the entire requisite staff, transportation costs, and core facilities. School District staff have also stated that regional mall developments create a multitude of spin-off developments and employment opportunities that will also contribute to further growth in the Lee County School District.

According to District staff, the schools in this region that would serve this development are operating at or above permanent student capacity levels. Those schools that exceed permanent student capacity levels are operating through the use of portable classroom buildings. The potential growth generated by this land use change would require either the addition of permanent student and auxiliary space or the placement of portable buildings. Either action imposes a fiscal impact on the District that should be addressed by the applicant. Based upon the current District budget, the fiscal operating impact would be \$5,907 per Full Time Equivalent (FTE) student, or up to \$5,304,486.00, separate from additional capital construction costs.

In order to provide mitigation for the public school impacts associated with this plan amendment, the School District has recommended that a five-acre site be set aside on the subject property for a public school. The applicant has previously indicated that they may be amenable to donating a 1.5-acre site to the Lee County School District, however, this small of a site would not enable the District to provide any type of sufficient facility to the community. Staff believes that, if the proposed regional mall is developed on the property, a five-acre school site should be provided by the applicant.

Staff has formulated a recommendation to add language to the Lee Plan that would require five acres of the subject property to be set aside specifically for a school site. The donation of this land would be required whether the regional commercial center is developed on the property or if some other development were to occur. The impacts to public school facilities would actually be greater if the subject property were developed with residential uses rather than the regional commercial center. If this land donation is eligible for impact fee credits under the proposed school impact fee ordinance, staff would recommend that credits be issued in exchange for the land donation. The area to be donated for the public school site would subsequently be resigned as Public Facilities on the Future Land Use Map.

### **Mass Transit**

Lee Tran staff have reviewed the proposed plan amendment and offered written comments dated August 31, 2001. A copy of this correspondence is included as Attachment 9 of this report. Lee Tran has indicated that if the proposed regional mall is developed on the property, there would be increased ridership at this location. Lee Tran staff, therefore, have requested to have an opportunity to examine the subject property for additional transit amenities. Staff believes that transit amenities are a site-specific item that should be addressed during the DRI and rezoning process.

### **Community Parks**

The subject property is located in Community Park District #8. The Lee Plan sets out a regulatory level of service and a "desired" level of service for community parks. The regulatory level of service is currently 0.8 acres per 1,000 permanent residents in the unincorporated area of each

district. The "desired" level of service was increased in 1996 to 1.75 acres per 1,000 permanent residents in the unincorporated area of each district, and was increased again in 1998 to 2.00 acres per 1,000 permanent residents in the unincorporated area of each district. According to the Concurrency Management Inventory and Projections the district will meet the basic regulatory standard for level of service through the Year 2005. The district, however, has not met the "desired" standard since 1997. The proposed plan amendment will add more potential residents to this park district, increasing the number of park acres required to meet the "desired" level of service.

## **B. CONCLUSIONS**

The location of the subject property makes it more suitable for an urban designation than its current non-urban designation. The subject property is located in an emerging urban center along this segment of U.S. 41. The redesignation of the subject property would result in a contiguous and compact growth pattern and would minimize urban sprawl. Most basic urban infrastructure is either available or will be available at the time of development. The continued designation of the subject property as Rural would represent an underutilization of the existing and planned infrastructure and services in the area.

Staff found that the proposed land use change could result in deficiencies in the capacity of the road network and the school system in the area. Staff also found that additional facilities for fire protection would be needed. The change of land use category from Rural to Urban Community alone would not necessarily result in the need for these additional facilities and services. The development of the proposed regional mall creates the burden on roads, public schools, and fire protection services. Staff has formulated a recommendation that would address the potential public school and fire protection deficiencies through specific language in the Lee Plan. Staff believes that the transportation impacts would be more appropriately addressed through mitigation provided as part of the DRI.

## **C. REVISED STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners transmit the proposed plan amendment. Staff recommends that the following amendments be made to the Lee Plan.

1. Change the Future Land Use Map designation for the subject property from Rural to Urban Community.
2. Add the following language to **Policy 6.1.2.4** of the Lee Plan:

f. Notwithstanding prohibitions contained elsewhere in this plan, Regional Commercial development may be granted in a portion of Section 9, Township 47 South, Range 25 East, that is bounded on the west by U.S. 41, on the East by the Seminole Gulf Railroad tracks, on the south by Coconut Road, and on the North by a line located one-half mile north of Coconut Road, provided that:

(1) A minimum of one acre of the property must be ~~donated~~ dedicated to Lee County for use as a fire station. This land must be deeded to the County prior to the first development order submittal for any development on the property. Lee County will recommend the issuance of impact fee credits for the land that is ~~donated~~ dedicated, if it is eligible for credits under the County's impact fee ordinance.



(2) A minimum of five acres of the property must be ~~donated~~ dedicated to the School District of Lee County for use as a public school. This land must be deeded to the School District prior to the first development order submittal for any development on the property. Lee County will recommend the issuance of impact fee credits for the land that is ~~donated~~ dedicated, if it is eligible for credits under the County's proposed school impact fee ordinance.

(3) Subsequent to these land ~~donations~~ dedications, the County will initiate an amendment to the Future Land Use Map to change the Future Land Use designation of these ~~donated~~ dedicated properties to Public Facilities.

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

DATE OF PUBLIC HEARING: November 26, 2001

#### **A. LOCAL PLANNING AGENCY REVIEW**

Planning staff provided a brief summary of the proposed plan amendment. Staff recommended adding language to its original recommendation to ensure that, if a fire station site was provided, the location of the site would be mutually agreed upon by the property owner and the County. The applicant then provided a summary of the amendment, highlighting their justification for approval and expressing disagreement with a portion of the staff recommendation. There was a significant amount of discussion regarding the impacts of the amendment on fire protection and public schools, and specifically, where and when these impacts should be addressed. Staff was of the opinion that these impacts should be mitigated, and that language should be added to the Lee Plan to ensure that the impacts were mitigated. The applicant suggested that the Lee Plan was not the appropriate mechanism to require the impacts associated with the land use change to be mitigated. The applicant suggested that any type of mitigation should be based on the actual development parameters for the site, and not the potential worst-case scenario that staff has reviewed. The applicant favored placing any type of mitigation language into the DRI development order and zoning resolution, rather than the comprehensive plan.

The LPA had many concerns and questions about the proposed amendment. The LPA questioned how the traffic impacts would be addressed. Staff responded that traffic impact mitigation would be provided as part of the standard DRI traffic impact mitigation process. Lee County DOT was of the opinion that these impacts were more appropriately addressed in the DRI.

The LPA questioned how the impacts to hurricane evacuation times would be addressed. Staff responded that this amendment will likely cause an increase in hurricane evacuation times because the land use change would allow greater residential density. The hurricane evacuation time evaluation that was done as part of staff's review was based on a worst case scenario where the whole property would develop with residential uses at the maximum density. In reality, staff does not know how the property will develop. If the property develops with primarily commercial uses, then there will be fewer impacts to hurricane evacuation times. Given the wide variety of uses that could develop under the Urban Community designation, staff believes it would be more appropriate to address hurricane evacuation during the rezoning and DRI process.

The LPA questioned the impacts of this amendment on Community Parks. Staff responded that, if the amendment were adopted, the applicable park district would be able to meet the regulatory standard of 0.8 acres of community parks per 1,000 permanent residents. The "desired" standard of 2.0 acres per 1,000 permanent residents would not be met, but this standard has not been met since 1997. Staff acknowledged in the staff report that the conversion of this property to an urban land use category would potentially move the County farther from the "desired" standard because the amendment would increase the potential number of permanent residents in the area. The LPA questioned why staff did not recommend that the property owner provide a site for a community park. Staff responded that the location of this property was not ideal for a community park, and that a park was already planned for this area in the near future.



The LPA questioned how the additional commercial that could develop under the Urban Community designation would impact the County's overall projections for future commercial development in the County. Staff responded that this amendment would have little or no impact on the established projections given in the Table 1(b) of the Lee Plan, the Year 2020 Acreage Allocation Table. This table establishes a specific acreage limitation for commercial development in each Planning Community. This acreage is available on a "first-come-first-serve" basis. Once all of this acreage has been developed with commercial uses, then no final development orders or extensions to final development orders will be issued or approved by Lee County if they would allow the acreage totals for commercial uses contained in Table 1(b) to be exceeded. The commercial acreage cap for this planning community will remain the same whether or not this amendment is approved.

The LPA debated staff's proposed language regarding the provision of a fire station site and a public school site. Staff's language had suggested that the sites be "donated" by the applicant, which was not the best word to describe staff's intent. Staff anticipated that the sites could possibly be given to the County in exchange for impact fee credits. The LPA and the applicant pointed out that there might be other means for the County to obtain property within the subject site, such as a combination of cash payment by the County and impact fee credits. In order to leave the possibilities open, staff suggested that the word "provide" might be used instead of the word "donate." This would leave the method of acquiring the property open to several possibilities that could be worked out between the applicant and the County.

A member of the Estero Fire Rescue Board of Commissioners spoke in favor of staff's recommendation. This individual stated that the Estero Fire District needed a one-acre site at this location, and that it was important that the District be involved in choosing the location for this site.

A staff member of the Lee County School District spoke in favor of staff's recommendation of having a 5-acre school site provided within the subject property.

The primary issue of contention on this plan amendment was whether to require fire protection and public school impacts to be mitigated through language in the Lee Plan, or by delaying it until the DRI/zoning approval. The LPA had reservations about placing these types of specific mitigation requirements in the comprehensive plan, although the LPA generally agreed that these impacts needed to be mitigated. The majority of the LPA thought that the DRI development order and zoning resolution would be the appropriate mechanism to require the mitigation of impacts. The LPA moved that the amendment be transmitted to the Board of County Commissioners without staff's recommended Policies 6.1.2.4.f(1), (2), and (3).

It should be noted that staff was not in agreement with the recommendation of the LPA. Staff maintains its original recommendation.

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

- 1. RECOMMENDATION:** The LPA recommended that the Board of County Commissioners transmit the proposed map and text amendment. *The LPA recommended not to include staff's proposed Policy 6.1.2.4.f.(1), 6.1.2.4.f.(2), and 6.1.2.4.f.(3) in the transmittal. Staff's proposed Policy 6.1.2.4.f, however, would remain as part of the transmittal.*

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff, but found that school impacts and fire protection impacts would be more appropriately addressed as a part of the concurrent DRI and rezoning cases.

C. **VOTE:**

NOEL ANDRESS	<u>AYE</u>
SUSAN BROOKMAN	<u>AYE</u>
BARRY ERNST	<u>ABSENT</u>
RONALD INGE	<u>AYE</u>
GORDON REIGELMAN	<u>AYE</u>
VIRGINIA SPLITT	<u>NAY</u>
GREG STUART	<u>ABSENT</u>



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

DATE OF TRANSMITTAL HEARING: December 13, 2001

**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**

**ANDREW COY**

**BOB JANES**

**RAY JUDAH**

**DOUG ST. CERNY**

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

DATE OF ORC REPORT: \_\_\_\_\_

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**
  
- B. STAFF RESPONSE**



**PART IV - 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**

**ANDREW COY**

**BOB JANES**

**RAY JUDAH**

**DOUG ST. CERNY**

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