



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS



(941) 479-8309

Writer's Direct Dial Number: _____

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

January 25, 2002

Ray Eubank, Community Program Administrator
Florida Department of Community Affairs
Division of Community Planning
Bureau of Local Planning
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Re: Amendments to the Lee Plan
Adoption Submission Package (DCA No. 01-1) for the 2000/2001 Regular Comprehensive
Plan Amendment Cycle

Dear Mr. Eubank:

In accordance with the provisions of F.S. Chapter 163.3184 and of 9J-11.011, this submission package constitutes the adopted 2000/2001 Regular Comprehensive Plan Amendment Cycle to the Lee Plan (DCA No. 01-1), known locally as PAT 99-14, PAT 99-20, CPA 2000-03, CPA 2000-06, CPA 2000-07, CPA 2000-08, CPA 2000-09, CPA 2000-10, CPA 2000-11, CPA 2000-13, CPA 2000-14, CPA 2000-17, CPA 2000-21, CPA 2000-22, CPA 2000-23, CPA 2000-25, CPA 2000-26, CPA 2000-29, CPA 2000-31, CPA 2000-02, CPA 2000-15, CPA 2000-19 and CPA 2000-27. The adoption hearing for these plan amendments was held at 9:30 am on January 10, 2002.

Included with this package, per 9J-11.011(5), are three copies of the adopted amendments, supporting data and analysis, and the following five adopting ordinances: Ordinance No. 02-02, Ordinance No. 02-03, Ordinance No. 02-04, Ordinance No. 02-05, and Ordinance No. 02-06. 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, Division of Forestry, 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 September 12, 2001. Only one amendment, PAM 98-06, previously reviewed and objected to by the Department in this current cycle of amendments, was not adopted by the Board of County Commissioners. In addition, changes have occurred in CPA 2000-02, CPA 2000-15, CPA 2000-19 and CPA 2000-27. Revisions in CPA 2000-02 were made in response to objections raised by the Department in the ORC Report. The revisions clarify permitted uses in the Boca Bay Community. In amendment CPA 2000-15 golf maintenance building setbacks

adjacent to residential uses within the DR/GR land use category have been increased for compatibility purposes. The Board of County Commissioners made changes to CPA 2000-19 in response to the representatives of the Estero Planning Community Effort clarifying the status of night clubs in the community, mitigation banking options in the community, and removing the requirement of Mixed Planned Development zoning outside of commercial nodes. CPA 2000-27 has added a new table reflecting the new 2002/2006 fiscal year to the CIP. The Board of County Commissioners adopted CPA 2000-02, CPA 2000-15, CPA 2000-19 and CPA 2000-27 with the noted changes.

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:

Wayne Daltry
Executive Director
Southwest Florida Regional Planning Council

Norm Feder, District Director
Planning and Programming
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, Division of Forestry

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Received by (Please Print Clearly)	B. Date of Delivery
	C. Signature X _____ <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
Florida Fish and Wildlife Conservation 620 South Meridian Street Tallahassee, FL 32399-1600 Commission		
3. Service Type		
<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
2. Article Number (Copy from service label) 7000 0600 0027 9258 1098		
PS Form 3811, July 1999	Domestic Return Receipt	102595-00-M-0952

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Received by (Please Print Clearly)	B. Date of Delivery
	C. Signature X GRACIE PENTON DEPARTMENT OF ST. _____ <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No 1-31-82	
Florida Department of State Division of Historical Resources The Capitol Tallahassee, FL 32399-0250		
3. Service Type		
<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
2. Article Number (Copy from service label) 7000 0600 0027 9258 1050		
PS Form 3811, July 1999	Domestic Return Receipt	102595-00-M-0952

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Received by (Please Print Clearly)	B. Date of Delivery
	C. Signature X LEE MERCIER Lee Mercier _____ <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
Department of Agriculture and Consumer Svc. Division of Forestry 3125 Connor Boulevard Tallahassee, FL 32301		
3. Service Type		
<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
2. Article Number (Copy from service label) 7000 0600 0027 9258 1043		
PS Form 3811, July 1999	Domestic Return Receipt	102595-00-M-0952

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Received by (Please Print Clearly)	B. Date of Delivery
	C. Signature X <i>B.D. Smith</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
Executive Director South Florida Water Management District 3301 Gun Club Road West Palm Beach, FL 33406		
Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
2. Article Number (Copy from service label) 7000 0600 0027 9258 1081		
PS Form 3811, July 1999	Domestic Return Receipt	102595-00-M-0952

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Received by (Please Print Clearly)	B. Date of Delivery
	C. Signature X <i>J. Rippe</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
Mr. Mike Rippe Florida Department of Transportation P.O. Box 1030 2292 Victoria Avenue, Suite 292 Fort Myers, FL 33902-1030		
Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
2. Article Number (Copy from service label) 7000 0600 0027 9258 1074		
PS Form 3811, July 1999	Domestic Return Receipt	102595-00-M-0952

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Received by (Please Print Clearly)	B. Date of Delivery
	C. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
Florida Department of Environmental Protection Plan Review Section 3900 Commonwealth Boulevard, MS 47 Tallahassee, FL 32399-3000		
Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
2. Article Number (Copy from service label) 7000 0600 0027 9258 1067		
PS Form 3811, July 1999	Domestic Return Receipt	102595-00-M-0952

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Wayne Daltry
S.W. Florida Regional Planning Council
P.O. Box 3455
4980 Bayline Drive, 4th Floor
North Fort Myers, FL 33918-3455

2. Article Number (Copy from service label)

7000 0600 0027 9258 1029

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

- A. Received by (Please Print Clearly) **PAT McINNIS** B. Date of Delivery **1/30/02**
- C. Signature **X** *Pat McInnis* Agent Addressee
- D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ray Eubanks, Community Program Administrator
Florida Department of Community Affairs
Bureau of Local Planning
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

2. Article Number (Copy from service label)

7000 0600 0027 9258 1036

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

- A. Received by (Please Print Clearly) B. Date of Delivery
- C. Signature **X** *Ray Eubanks* Agent Addressee
- D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ray Eubanks, Community Program Administrator
Florida Department of Community Affairs
Bureau of Local Planning
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

2. Article Number (Copy from service label)

7000 0600 0027 9258 1012

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

- A. Received by (Please Print Clearly) B. Date of Delivery
- C. Signature **X** *Ray Eubanks* Agent Addressee
- D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ryan M. Shute
 Morris-Depew Associates, Inc.
 2216 Altamont Avenue
 Fort Myers, FL 33901

2. Article Number (Copy from service label)

7000 0600 0027 9258 0985

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Shela M. Helled 2/8/02

C. Signature

X Shela M. Helled Agent Addressee

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

LEE COUNTY ORDINANCE NO. 02-02

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT CERTAIN SPECIFIC AMENDMENTS APPROVED IN CONJUNCTION WITH ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO THE ADOPTED TEXT AND MAPS; PROVIDING FOR PURPOSE AND SHORT TITLE; PROVIDING FOR ADOPTION OF THE SPECIFIED AMENDMENTS TO THE LEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE LEGAL EFFECT OF "THE LEE PLAN"; PROVIDING FOR GEOGRAPHICAL APPLICABILITY; PROVIDING FOR 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 Plan Amendments with such frequency as may be permitted by applicable state statutes, in accordance with such administrative procedures as the Board of County Commissioners may adopt; 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 further provides an opportunity for individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (hereinafter referred to as the "LPA") held statutorily prescribed public hearings pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6 on January 22, 2001, February 26, 2001, March 26, 2001, April 23, 2001, June 4, 2001, June 25, 2001, and July 23, 2001; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6, held a statutorily prescribed public hearing for the transmittal of the proposed amendments on August 29,

2001; and at that hearing approved a motion to send, and did later send, the proposed amendments to the Florida Department of Community Affairs (hereinafter referred to as "DCA") for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and,

WHEREAS, at the August 29, 2001 meeting, pursuant to Chapter 163, Part II, Florida Statutes, the Board of County Commissioners did announce its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report," which were later received on November 21, 2001 by the Chairman of the Lee County Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners during its statutorily prescribed public hearing for the plan amendments on January 10, 2002, moved to adopt the proposed amendments as 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, has conducted a series of public hearings to review the proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt those 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 Plan, as hereby amended, will continue to be the "Lee Plan." This ordinance may be referred to as the "2000/2001 Regular Comprehensive Plan Amendment Cycle Consent Ordinance."

SECTION TWO: ADOPTION OF LEE COUNTY'S 2000/2001 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 amendments, as revised by the Board of County Commissioners on January 10, 2002, known as PAT 99-14, PAT 99-20, CPA 2000-03, CPA 2000-06, CPA 2000-07, CPA 2000-08, CPA 2000-09, CPA 2000-10, CPA 2000-11, CPA 2000-13, CPA 2000-14, CPA 2000-17, CPA 2000-21, CPA 2000-22, CPA 2000-23, CPA 2000-25, CPA 2000-26, CPA 2000-29, and CPA 2000-31, which amend the text of the Lee Plan as well as the Future Land Use Map series, the Transportation Map series, and the tables of the Lee Plan.

In addition, the above-mentioned Staff Reports and Analysis, along with all attachments for these amendments are hereby adopted as "Support Documentation" for the Lee County Comprehensive 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 so 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 any 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 such 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 such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such 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 Administration 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 it 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 which 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 Judah who moved its adoption. The motion was seconded by Commissioner St. Cerny and, when put to a vote, the vote was as follows:

ROBERT JANES	<u>AYE</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
ANDREW COY	<u>ABSENT</u>
JOHN ALBION	<u>AYE</u>

DONE AND ADOPTED this 10th day of January, 2002.

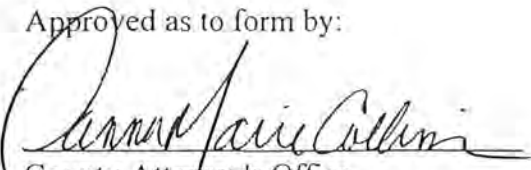
ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: 
Deputy Clerk

BY: 
Chairman

DATE: January 10, 2002

Approved as to form by:

County Attorney's Office



LEE COUNTY ORDINANCE NO. 02-03

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT THAT AMENDMENT KNOWN LOCALLY AS CPA 2000-02 APPROVED IN CONJUNCTION WITH ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO THE ADOPTED TEXT AND MAPS; PROVIDING FOR PURPOSE AND SHORT TITLE; PROVIDING FOR ADOPTION OF THE SPECIFIED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE LEGAL EFFECT OF "THE LEE PLAN"; PROVIDING FOR GEOGRAPHICAL APPLICABILITY; PROVIDING FOR 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 Plan Amendments with such frequency as may be permitted by applicable state statutes, in accordance with such administrative procedures as the Board of County Commissioners may adopt; 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 further provides an opportunity for individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (hereinafter referred to as the "LPA") held statutorily prescribed public hearings pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6 on June 4, 2001; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6, held a statutorily prescribed public hearing for the transmittal of the proposed amendments on August 29, 2001, and at that hearing approved a motion to send, and did later send, the proposed

amendments to the Florida Department of Community Affairs (hereinafter referred to as "DCA") for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and,

WHEREAS, at the August 29, 2001 meeting, pursuant to Chapter 163, Part II, Florida Statutes, the Board of County Commissioners did announce its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report," which were later received on November 21, 2001 by the Chairman of the Lee County Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners during its statutorily prescribed public hearing for the plan amendments on January 10, 2002, moved to adopt the proposed amendments as 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, has conducted a series of public hearings to review the proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt those amendments to the Lee Plan discussed at those meetings and approved by an absolute majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Plan, as hereby amended, will continue to be the "Lee Plan." This ordinance may be referred to as the "2000/2001 Regular Comprehensive Plan Amendment Cycle CPA 2000-02 Ordinance."

SECTION TWO: ADOPTION OF LEE COUNTY'S 2000/2001 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 amendments, as revised by the Board of County Commissioners on January 10, 2002, known as CPA 2000-02, which amend the text of the Lee Plan as well as the Future Land Use Map series of the Lee Plan.

In addition, the above-mentioned Staff Report and Analysis, along with all attachments for this amendment are hereby adopted as "Support Documentation" for the Lee County Comprehensive 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 so 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 any 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 such 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 such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such 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 Administration 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 it 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 which 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 Judah who moved
its adoption. The motion was seconded by Commissioner Albion and, when put to a vote,
the vote was as follows:

ROBERT JANES	<u>AYE</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
ANDREW COY	<u>ABSENT</u>
JOHN ALBION	<u>AYE</u>

DONE AND ADOPTED this 10th day of January, 2002.



ATTEST
CHARNE GREEN, CLERK

BY: Ruth Jaymar
Deputy Clerk

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: [Signature]
Chairman

DATE: January 10, 2002

Approved as to form by:

[Signature]
County Attorney's Office

LEE COUNTY ORDINANCE NO. 02-04

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT THAT AMENDMENT KNOWN LOCALLY AS CPA 2000-15 APPROVED IN CONJUNCTION WITH ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO THE ADOPTED TEXT AND MAPS; PROVIDING FOR PURPOSE AND SHORT TITLE; PROVIDING FOR ADOPTION OF THE SPECIFIED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE LEGAL EFFECT OF "THE LEE PLAN"; PROVIDING FOR GEOGRAPHICAL APPLICABILITY; PROVIDING FOR 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 Plan Amendments with such frequency as may be permitted by applicable state statutes, in accordance with such administrative procedures as the Board of County Commissioners may adopt; 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 further provides an opportunity for individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (hereinafter referred to as the "LPA") held statutorily prescribed public hearings pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6 on January 22, 2001; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6, held a statutorily prescribed public hearing for the transmittal of the proposed amendments on August 29, 2001, and at that hearing approved a motion to send, and did later send, the proposed

amendments to the Florida Department of Community Affairs (hereinafter referred to as "DCA") for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and,

WHEREAS, at the August 29, 2001 meeting, pursuant to Chapter 163, Part II, Florida Statutes, the Board of County Commissioners did announce its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report," which were later received on November 21, 2001 by the Chairman of the Lee County Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners during its statutorily prescribed public hearing for the plan amendments on January 10, 2002, moved to adopt the proposed amendments as 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, has conducted a series of public hearings to review the proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt those amendments to the Lee Plan discussed at those meetings and approved by an absolute majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Plan, as hereby amended, will continue to be the "Lee Plan." This ordinance may be referred to as the "2000/2001 Regular Comprehensive Plan Amendment Cycle CPA 2000-15 Ordinance."

SECTION TWO: ADOPTION OF LEE COUNTY'S 2000/2001 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 amendments, as revised by the Board of County Commissioners on January 10, 2002, known as CPA 2000-15, which amend the text of the Lee Plan as well as the Future Land Use Map series of the Lee Plan.

In addition, the above-mentioned Staff Report and Analysis, along with all attachments for this amendment are hereby adopted as "Support Documentation" for the Lee County Comprehensive 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 so 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 any 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 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 such 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 such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such 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 Administration 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 it 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 which 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 Judah who moved its adoption. The motion was seconded by Commissioner St. Cerny and, when put to a vote, the vote was as follows:

ROBERT JANES	<u>AYE</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
ANDREW COY	<u>ABSENT</u>
JOHN ALBION	<u>NAY</u>

DONE AND ADOPTED this 10th day of January, 2002.

ATTEST:
CHARLIE GREEN, CLERK

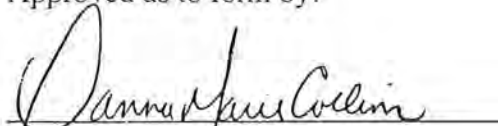
BY: 
Deputy Clerk

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: 
Chairman

DATE: January 10, 2002

Approved as to form by:


County Attorney's Office



LEE COUNTY ORDINANCE NO. 02-05

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT THAT AMENDMENT KNOWN LOCALLY AS CPA 2000-19 APPROVED IN CONJUNCTION WITH ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO THE ADOPTED TEXT AND MAPS; PROVIDING FOR PURPOSE AND SHORT TITLE; PROVIDING FOR ADOPTION OF THE SPECIFIED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE LEGAL EFFECT OF "THE LEE PLAN"; PROVIDING FOR GEOGRAPHICAL APPLICABILITY; PROVIDING FOR 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 Plan Amendments with such frequency as may be permitted by applicable state statutes, in accordance with such administrative procedures as the Board of County Commissioners may adopt; 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 further provides an opportunity for individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (hereinafter referred to as the "LPA") held statutorily prescribed public hearings pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6 on June 25, 2001 and July 23, 2001; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6, held a statutorily prescribed public hearing for the transmittal of the proposed amendments on August 29, 2001, and at that hearing approved a motion to send, and did later send, the proposed

amendments to the Florida Department of Community Affairs (hereinafter referred to as "DCA") for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and,

WHEREAS, at the August 29, 2001 meeting, pursuant to Chapter 163, Part II, Florida Statutes, the Board of County Commissioners did announce its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report," which were later received on November 21, 2001 by the Chairman of the Lee County Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners during its statutorily prescribed public hearing for the plan amendments on January 10, 2002, moved to adopt the proposed amendments as 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, has conducted a series of public hearings to review the proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt those amendments to the Lee Plan discussed at those meetings and approved by an absolute majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Plan, as hereby amended, will continue to be the "Lee Plan." This ordinance may be referred to as the "2000/2001 Regular Comprehensive Plan Amendment Cycle CPA 2000-19 Ordinance."

SECTION TWO: ADOPTION OF LEE COUNTY'S 2000/2001 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 amendments, as revised by the Board of County Commissioners on January 10, 2002, known as CPA 2000-19, which amend the text of the Lee Plan as well as the Future Land Use Map series of the Lee Plan.

In addition, the above-mentioned Staff Report and Analysis, along with all attachments for this amendment are hereby adopted as "Support Documentation" for the Lee County Comprehensive 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 shall be consistent with the Lee Plan as so 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 any 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 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 such 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 such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such 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 Administration 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 it 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 which 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 Judah who moved its adoption. The motion was seconded by Commissioner St. Cerny and, when put to a vote, the vote was as follows:

ROBERT JANES	<u>AYE</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
ANDREW COY	<u>ABSENT</u>
JOHN ALBION	<u>AYE</u>

DONE AND ADOPTED this 10th day of January, 2002.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Patricia Higgins*
Deputy Clerk

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: *[Signature]*
Chairman

DATE: January 10, 2002

Approved as to form by:

[Signature]
County Attorney's Office



LEE COUNTY ORDINANCE NO. 02-06

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT THAT AMENDMENT KNOWN LOCALLY AS CPA 2000-27 APPROVED IN CONJUNCTION WITH ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO THE ADOPTED TEXT AND MAPS; PROVIDING FOR PURPOSE AND SHORT TITLE; PROVIDING FOR ADOPTION OF THE SPECIFIED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE LEGAL EFFECT OF "THE LEE PLAN"; PROVIDING FOR GEOGRAPHICAL APPLICABILITY; PROVIDING FOR 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 Plan Amendments with such frequency as may be permitted by applicable state statutes, in accordance with such administrative procedures as the Board of County Commissioners may adopt; 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 further provides an opportunity for individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (hereinafter referred to as the "LPA") held statutorily prescribed public hearings pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6 on January 22, 2001; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6, held a statutorily prescribed public hearing for the transmittal of the proposed amendments on August 29, 2001, and at that hearing approved a motion to send, and did later send, the proposed

amendments to the Florida Department of Community Affairs (hereinafter referred to as "DCA") for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and,

WHEREAS, at the August 29, 2001 meeting, pursuant to Chapter 163, Part II, Florida Statutes, the Board of County Commissioners did announce its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report," which were later received on November 21, 2001 by the Chairman of the Lee County Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners during its statutorily prescribed public hearing for the plan amendments on January 10, 2002, moved to adopt the proposed amendments as 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, has conducted a series of public hearings to review the proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt those amendments to the Lee Plan discussed at those meetings and approved by an absolute majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Plan, as hereby amended, will continue to be the "Lee Plan." This ordinance may be referred to as the "2000/2001 Regular Comprehensive Plan Amendment Cycle CPA 2000-27 Ordinance."

SECTION TWO: ADOPTION OF LEE COUNTY'S 2000/2001 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 amendments, as revised by the Board of County Commissioners on January 10, 2002, known as CPA 2000-27, which amend the text of the Lee Plan as well as the Future Land Use Map series of the Lee Plan.

In addition, the above-mentioned Staff Report and Analysis, along with all attachments for this amendment are hereby adopted as "Support Documentation" for the Lee County Comprehensive 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 so amended.

SECTION FOUR: GEOGRAPHIC APPLICABILITY

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SECTION FIVE: SEVERABILITY

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SECTION SEVEN: EFFECTIVE DATE

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to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

ROBERT JANES	<u>AYE</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
ANDREW COY	<u>ABSENT</u>
JOHN ALBION	<u>AYE</u>

DONE AND ADOPTED this 10th day of January, 2002.

ATTEST:
CHARLIE GREEN, CLERK

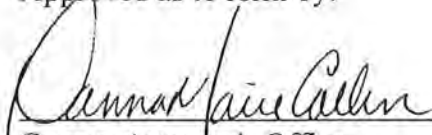
BY: 
Deputy Clerk

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: 
Chairman

DATE: January 10, 2002

Approved as to form by:


County Attorney's Office



**CPA2000-19
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
(941) 479-8585*

January 10, 2002

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2000-00019**

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: June 18, 2001

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. SPONSOR/APPLICANT:

A. SPONSOR:

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

B. APPLICANT

THE ESTERO COMMUNITY
REPRESENTED BY DAN DELISI
VANASSE AND DAYLOR, LLP

2. REQUEST:

Amend the Lee Plan, text and Future Land Use Map series, to incorporate the recommendations of the Estero Community Planning Effort, establishing a Goal and subsequent Objectives and Policies specific to the Estero Community.

B. BACKGROUND INFORMATION

The proposed plan amendment was formally initiated by the Board of County Commissioners on September 19, 2000. Staff recommended that the amendment be initiated by the County as a response to

the concerns of Estero residents about planning and zoning issues arising from recent zoning approvals in the area. This amendment is, however, a grass roots effort originating from the Estero Community, that has been coordinated by the Estero Chamber of Commerce, Estero Concerned Citizens Organization, and the development community. Despite the fact that this was a publicly-initiated amendment, staff has reviewed it as it would a privately-initiated amendment. The Estero Community submitted a set of proposed amendments to the Lee Plan with backup documentation, and staff reviewed and responded to it. The Preliminary Draft of The Estero Community Plan has been included as Attachment 1 of this report. Staff has worked closely with the Estero Community throughout the process in providing comments and recommendations, where appropriate.

Staff believes that the Estero Community planning process originated as a result of a general interest in recent zoning and land use planning issues in the Estero area. Many Estero residents felt that they did not have enough control over the manner in which their community was growing, and believed that the County should do more in its planning efforts to address issues that were specific to the Estero community. The community recognized that Estero was a rapidly growing area within Lee County, and questioned whether existing zoning regulations and growth management policies truly reflected the unique needs of the community. The community decided that some form of action should be taken to ensure that Estero developed in a manner that was consistent with the community vision for the future. The options that were considered ranged from incorporation, to annexing into Bonita Springs, to developing a community plan that would be incorporated into the Lee County Comprehensive Plan. The community took notice of the fact that the idea of creating "sector plans" was gaining popularity in many of the unincorporated places in Lee County, and decided that this was the preferred route to address their concerns. The community, with the assistance of a planning consultant, prepared their own "sector plan" and submitted it to the County with the idea that their recommendations would ultimately be adopted into the Lee Plan. This proposed plan amendment represents the final product of this sector planning process that has developed over the past year.

The community concerns were summarized and categorized into six areas by the planning consultant as follows:

1. **Community Character** - The Community has expressed a desire to implement a stronger community planning approach to proactively address appearance, landscaping, signage, and the location and type of certain land uses.
2. **Residential Land Uses** - The Community identified a desire to maintain a "small town" feel and avoid high-rise residential uses while protecting existing neighborhoods from encroachment of potentially incompatible uses.
3. **Commercial Land Uses** - The community has a strong desire to limit "tourist oriented uses", certain "detrimental uses", and high intensity uses along specific corridors. At the same time, the community expressed a desire for small-scale neighborhood commercial development that services existing neighborhoods.

4. **Natural Resources** - The community expressed a strong desire for extra protection of groundwater resources, wetlands, and other aquatic habitat through acquisition, incentives, and increased regulations.
5. **Public Participation** - The community has requested the opportunity to become more actively and meaningfully involved in the development approval process.
6. **Community Resources** - The community has expressed a desire for the expansion of certain community resources, including a community center, meeting area, and governmental service offices - such as a post office.

The planning consultant drafted a set of goals, objectives, and policies in response to the concerns of the Estero Community. The intent was that these goals, objectives, and policies would eventually be incorporated into the Lee Plan.

Through the course of this plan amendment cycle, planning staff has worked with the Estero Community to resolve the differences that existed between staff and the community at the beginning of the planning process. Staff believes that the final policy language represents an agreeable compromise that will serve the needs of the residents of Estero in guiding growth and development in a manner that is consistent with the community vision.

C. STAFF RECOMMENDATION FOR ADOPTION

Staff recommends that the Board of County Commissioners adopt the proposed amendment, including the text additions shown below and the changes to Map 16, the Planning Communities Map, to include the new Estero Planning Community boundaries as shown in Attachment 4 of this report.

RECOMMENDED TEXT ADDITIONS TO THE LEE PLAN

PROPOSED NEW VISION STATEMENT:

21. Estero - "To establish a community that embraces its historic heritage, while carefully planning for future growth resulting from Florida Gulf Coast University, the Southwest Florida International Airport, growing population and a unique natural environment. Estero's growth will be planned as a village, establishing defined areas for tasteful shopping, service and entertainment, while protecting and encouraging residential neighborhoods that encourage a sense of belonging. Weaving the community together will be carefully crafted limitations on strip commercial uses, inappropriate signage and certain undesired commercial uses, while additional design guidelines will be established to ensure attractive landscaping, streetscaping, architectural standards, and unified access points. The implementation of this Vision will help reduce the conflict between residential and commercial areas, as well as allow Estero to emerge as a vibrant Lee County Village."

MODIFICATIONS TO CURRENT LEE PLAN PROVISIONS:

The following section contains proposed amendments to existing Lee Plan provisions to better implement the intent of the Estero Community Plan.

Policy 6.1.2.10: The Board of County Commissioners may approve applications for minor commercial centers that do not comply with the location standards for such centers, but which are consistent with duly adopted CRA and Community plans.

Policy 6.1.2.1(e): When developed as part of a mixed use planned development, and meeting the use limitations, modified setback standards, signage limitations and landscaping provisions, retail uses may deviate from the locational requirements and maximum square footage limitations, subject to conformance with the Estero Community Plan as outlined in Policies 19.2.3 and 19.2.4, and through approval by the Board of County Commissioners.

PROPOSED NEW GOALS, OBJECTIVES AND POLICIES:

Changes proposed since the transmittal hearing are shown in strike-out and underline format.

GOAL19: ESTERO

To protect the character, natural resources and quality of life in Estero by establishing minimum aesthetic requirements, managing the location and intensity of future commercial and residential uses, and providing greater opportunities for public participation in the land development approval process. This Goal and subsequent objectives and policies apply to the Estero Planning Community as depicted on Map 16.

Objective 19.1: COMMUNITY CHARACTER. The Estero Community will draft and submit regulations, policies and discretionary actions affecting the character and aesthetic appearance of Estero for Lee County to adopt and enforce to help create a visually attractive community.

Policy 19.1.1: By the end of 2002, The Estero Community will draft and submit regulations or policies for Lee County to review, amend or establish as Land Development Code regulations that provide for enhanced landscaping along roadway corridors, greater buffering, shading of parking areas, signage and lighting consistent with the Community Vision, and architectural standards.

Policy 19.1.2: Lee County is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards.

Policy 19.1.3: Lee County will work, through the permitting process, with private property owners to establish incentives for voluntarily bringing older projects into compliance with the regulations adopted as a result of the Estero Community Plan.

Policy 19.1.4: 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.

Policy 19.1.6: By 2002, the Estero Community will draft a corridor management plan for the Estero US 41 corridor to advance development in a manner that promotes a safe, high quality urban environment. Plan elements will include roadway and median landscape standards, residential buffering standards, access management guidelines, street lighting, sidewalks, and insuring safe

and effective pedestrian crossings within the context of a comprehensive pedestrian and bikeway system.

Policy 19.1.7: By 2004 Lee County will evaluate historic resources, and draft a proposal for their designation under Chapter 22 of the Land Development Code.

Objective 19.2: COMMERCIAL LAND USES. Existing and future County regulations, land use interpretations, policies, zoning approvals, and administrative actions must recognize the unique conditions and preferences of the Estero Community to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage, and provide for employment opportunities, while discouraging uses that are not compatible with adjacent uses and have significant adverse impacts on natural resources.

Policy 19.2.1: All new commercial development that requires rezoning within the Estero Planning Community must be reviewed as a Commercial Planned Development.

Policy 19.2.2: All retail uses must be in compliance with the Commercial Site Location Standards. A finding of a "Special Case" must demonstrate a community benefit in addition to the requirements outlined in Policy 6.12(8). ~~Retail Uses along Corkscrew Road (outside of the Nodes identified on Map 19) are required to be submitted as a component of an MPD with at least one use being residential.~~

Policy 19.2.3: By the end of 2002 the Estero Community will submit regulations that encourage mixed use developments along Corkscrew Road for Lee County to review, amend or adopt.

Policy 19.2.4: With the exception of the Commercial Nodes identified on Map 19, Lee County will discourage new retail uses along Three Oaks Parkway, in favor of office and residential uses.

Policy 19.2.5: The following uses are prohibited within the Estero Planning Community: "detrimental uses" (as defined in the Land Development Code); ~~free-standing~~ nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre.

Policy 19.2.6: Lee County encourages commercial developments within the Estero Planning Community to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including but not limited to bike paths and pedestrian access ways.

Objective 19.3: RESIDENTIAL USES: Lee County must protect and enhance the residential character of the Estero Planning Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space, and requiring compliance with enhanced buffering requirements.

Policy 19.3.1: In order to meet the future needs of Florida Gulf Coast University, Lee County encourages higher density residential developments, with a mix of unit types, including affordable

housing, in close proximity to Florida Gulf Coast University, between Three Oaks Parkway and I-75.

Policy 19.3.2: By the end of 2002, The Estero Community will draft and submit regulations and policies for Lee County to review, amend or adopt as regulations in the Land Development Code to provide for greater buffering between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature.

Policy 19.3.3: Lee County will protect the large lot residential areas between Koreshan Parkway and Corkscrew Road by requiring significant buffers between existing lots and higher density residential developments, and/or the placement of transitional density to adjacent units between the uses.

Objective 19.4: Natural Resources: County regulations, policies, and discretionary actions affecting Estero must protect or enhance key wetland or native upland habitats.

Policy 19.4.1: By the end of 2003, Lee County will review, amend or adopt Lee Plan or Land Development Code regulations to provide the following:

- All future development proposals adjacent to the Estero River or its tributaries must include floodplain protection plans prior to zoning approval.
- All new development adjacent to the Estero River or its tributaries must provide an additional buffer which preserves all of the native vegetation within that buffer, adjacent to the top of bank, with the exception of passive recreational uses. This is intended to prevent degradation of water quality within these natural water bodies.
- Lee County will encourage on-site preservation of indigenous plant communities and listed species habitat. When site constraints are such that off-site mitigation of indigenous areas is deemed necessary, the mitigation will be of similar habitat, provided whenever possible, within one mile of the Estero Fire District Boundary, within the Estero Planning Community Boundaries.
- Lee County will provide significant incentives (for example increased density, Transfer of Development Rights, etc) for the protection of wetlands, historic flow ways, native habitat or other significant natural resources within the Estero Planning Community.

Policy 19.4.3: Lee County, or another authorized agency, will work to provide alternative irrigation sources (re-use, Aquifer Storage and Recovery Water, or mixed-non-potable) or financial incentives to provide non-potable water to uses within the Estero Community. This is desired to discourage the proliferation of private, single user wells.

Policy 19.4.4: Lee County will continue to enforce wellfield protection requirements, monitoring, and other applicable provisions to ensure that future wellfield drawdown zones are protected.

Objective 19.5: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals.

Policy 19.5.1: As a courtesy, Lee County will register citizen groups and civic organizations within the Estero Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the County's failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 19.5.2: The Estero Community will establish a "document clearing house" in Estero, where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be provided for public inspection. The County's failure to provide or to timely provide documents to the document clearing house, or failure of the document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 19.5.3: The owner or agent for any Planned Development request within the Estero Planning Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

Objective 19.6: COMMUNITY FACILITIES. Lee County will work with the Estero Community to provide or facilitate the provision of a broad mix of Community Facilities.

Policy 19.6.1: The Estero Community will work with the State of Florida to provide appropriate passive recreational opportunities within the Estero Scrub Preserve, potentially enhanced by a public/private partnership. This should include easy access, parking, trails, and other non-intrusive uses.

Policy 19.6.2: The Estero Community will work with the State of Florida to encourage the integration of the Koreshan State Historic Site into the fabric of the community. This may include landscaping, aesthetically pleasing archways along US 41, the provision of a "gateway" at US 41 and Corkscrew Road, enhanced pedestrian and bicycle access, or programmed activities for the community.

Policy 19.6.3: Lee County will work with the community and private landowners to identify opportunities to maintain public access to the Estero River and Estero Bay.

Policy 19.6.4: Lee County will work with the community to ensure that the development of the Estero Bonita Springs Community Park is integrated into the surrounding development and open space areas. The concept would be for the park to act as a hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments.

D. BASIS AND RECOMMENDED FINDINGS OF FACT

- The proposed amendments to the Lee Plan are based on a collaborative effort between interested citizens of Estero, the Estero Chamber of Commerce, the Estero Concerned Citizens Organization, the development community, and Lee County Planning Staff.
- The Estero planning effort originated as a grass-roots effort by citizens of Estero who took an active interest in the County's current policies regarding land use issues in Estero.
- Currently, the Lee Plan contains few regulations that are specific to the Estero Community.
- The Board of County Commissioners has provided financial and political support to community planning efforts in Lee County.
- The Estero Community Plan actively solicited direction from citizens of Estero through two public visioning workshops held on August 15, 2000 and September 19, 2000, as well as through a community-wide informational survey. There was also a great deal of individual communication between Estero residents and their planning consultant. The proposed Lee Plan changes reflect the direction provided by Estero citizens through these visioning processes.
- The Community has expressed a desire to implement a stronger community approach to land use and zoning issues to proactively address appearance, landscaping, signage, and the location of certain land uses.
- The Community identified a desire to maintain a "small town" feel and avoid high-rise residential uses while protecting existing neighborhoods from encroachment.
- The community has a desire to limit "tourist oriented uses", certain "detrimental uses", and high intensity uses along specific corridors. At the same time, the community expressed a desire for small-scale neighborhood commercial development.
- The community expressed a desire for extra protection of groundwater resources, wetlands, and species habitat through acquisition, incentives, and increased regulations.

- The Estero Community has publicly expressed dissatisfaction with the current public notification procedures for zoning actions, plan amendments, and Land Development Code amendments. The community wants additional opportunities to become more involved in the land use planning and zoning process.
- The Estero Community wants to see an expansion of community resources in the area including a community center, meeting area, and government offices.
- Several of the goals, objectives, and policies proposed by the Estero Community call for an increase in the County's core level of service, but have not provided any analysis of the additional costs associated with providing these additional resources. In the absence of such analysis, staff has recommended that such goals, objectives, or policies be modified or deleted to remove the additional resource burden from the County.
- Several of the goals, objectives, and policies proposed by the Estero Community call for the County to regulate lands which are under State control. In such cases, staff has recommended that such goals, objectives, and policies be modified or deleted to clarify that the County does not control these lands.
- The processes of rezoning, Lee Plan amendment, or Land Development Code amendment require one or more public hearings, which require the County to provide public notice by law. The County provides this public notice as part of its core level of service. Any type of additional notification or community outreach activities, such as those desired by the Estero Community, would require the County to commit to raising its current levels of service.

PART II - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: June 25, 2001

A. LOCAL PLANNING AGENCY REVIEW

Planning staff provided a summary of the proposed amendment, stating that the Estero Community Plan was a cooperative effort between County staff, the Board of County Commissioners, and the Estero Planning Committee. A representative of the Estero planning group also provided an introduction to the proposed amendment.

One member of the LPA made the comment that the term "Estero Community" was being used throughout the report to refer to the geographical area of Estero as well as the community group that was organizing the planning effort. It was suggested that the term "Estero Boundary," or something similar be used to describe the geographical area of Estero. Staff agreed that the language should be modified to clearly distinguish between the community group and the geographical area of Estero.

One member of the public from the Estero area spoke in favor the proposed amendment, and specifically the proposed policies relating to increased public participation in the zoning process (Objective 19.5). This individual stated that the current system of notification was not effective, and did not give interested parties enough time to organize any response to proposed zoning actions.

Staff outlined its concerns with the public participation objective and policies. Staff understood the concerns of the community, and agreed on the importance of having public involvement in the zoning process. Staff was uncomfortable, however, with putting the County in a position where it would have to facilitate and supervise the Estero Community's involvement in the zoning process. Staff asserted that it should not be the responsibility of the County to tell the Estero Community when it should be concerned about an issue. Staff asserted that it should be the community's responsibility to initiate its involvement in zoning issues, and that the role of the County should be to respond to the community when they do have concerns.

Staff also stated that the Land Development Code was recently amended to provide a courtesy notice of zoning actions for surrounding property owners. Additionally, in the near future, these notices will be posted on the County's web site. Staff has been attempting to increase public notification throughout the County, but believes it would be problematic to increase the level of notification in one area, but not in the rest of the County.

The LPA shared staff's concerns about the public participation section and the potential complications that could arise with placing these proposed policies in the Lee Plan.

The representative of the Estero Community agreed with staff's concerns about increasing public notice in one area, but not in the rest of the County. The community representative still thought that the public participation language should remain as the community proposed it. This individual hoped that the Board of County Commissioners would take a comprehensive look at public participation throughout the County.

A member of the public spoke in favor of the proposed amendment. This individual thought that the County should extend its core services to increase public participation, otherwise, Estero would incorporate or annex into Bonita. This individual also spoke in favor of the proposed policies 19.2.5 and 19.4.2.

The LPA expressed some concern over the proposed Policy 19.2.5, and specifically the part about prohibiting uses that have outdoor display in excess of one acre. The LPA thought that this policy would cause problems for existing developments that have such outdoor display, as well as for properties that are zoned for uses that would allow such outdoor display. The LPA questioned whether such properties would be "vested" for the use in question, and whether existing uses of this type would be prohibited from expanding their outdoor storage areas if they exceeded one acre. The LPA asked staff how many existing businesses in Estero had outdoor display in excess of one acre. Staff did not have specific data to respond to this, but did state that they could not think of any off hand.

There was a brief discussion about using the term "lounge" in Policy 19.2.5. This is not a recognized term in the Land Development Code. The terminology in the proposed policy should correspond to the terminology in the Land Development Code.

A member of the Estero Concerned Citizens Organization spoke about proposed Policy 19.6.6, which pertains to monitoring mining truck traffic on Corkscrew Road. Although staff recommended the deletion of this policy, this individual thought the policy was important to promote public safety and preserve community character. A member of Lee County DOT staff responded to these comments. DOT staff recommended the deletion of this policy for a variety of reasons. DOT stated that they already monitor the truck traffic situation on Corkscrew Road, at the direction of the Board of County Commissioners. DOT was uncomfortable with the fact that the policy did not provide any indication of how long the truck traffic monitoring would take place, and that the policy did not account for the possibility that the issue would ever be resolved. Also, DOT staff pointed out that Corkscrew Road is an arterial road which is designed to carry large volumes of traffic, including mining trucks.

Another member of the public spoke extensively about the proposed amendment. He questioned how the proposed Vision Statement language about creating a "village" quality in Estero would impact the proposed regional mall at U.S. 41 and Coconut Road. He also stated that Policy 19.2.2 refers to "retail site location standards," when these standards are commonly referred to as "commercial site location standards." He also questioned whether the special case language modification shown in Policy 6.1.2.1(e) was repeating the other special case language in the proposed Policy 19.2.2. He recommended combining the two proposed policies, if possible. With regard to Policy 19.4.1, which provides for a 50-foot buffer along the Estero River for new development, it was recommended that this policy be placed in the Land Development Code, as it would be the more appropriate place for such specific standards. With regard to Policy 19.5.3, which would require a rezoning applicant to conduct a public workshop, this individual stated that there were too many uncertainties surrounding the policy. He questioned what the public advertising requirements would be for the workshop; where the workshop would be held; who would be responsible for securing a meeting space; who would be responsible for moderating the workshop; and would there be a time limit on the workshop.

The LPA, staff, and the applicant had a general discussion of the issues and concerns raised by the public. The LPA had concerns about the public participation policies and how they would be implemented.

Certain members of the LPA recommended that the policies related to public participation should be applied on a county-wide basis, and not just in the Estero Community.

At the conclusion of the discussion, the LPA thought that there were too many uncertainties relating to Policy 19.2.5, Objective 19.5, Policy 19.5.1, Policy 19.5.2, and Policy 19.5.3. The LPA thought that additional analysis should be conducted on these objectives policies, and requested that staff bring these items back at the subsequent LPA hearing. The LPA did recommend, however, that the Board of County Commissioners transmit the balance of the proposed amendment, with several modifications to staff's proposed language. The specific language changes are shown in Item H. below.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommended that the Board of County Commissioners transmit the proposed amendment with the language changes shown in Item H. below. The recommendation at this hearing did not include transmittal of the proposed Policy 19.2.5, Objective 19.5, Policy 19.5.1, Policy 19.5.2, and Policy 19.5.3. These items were addressed in a separate recommendation at the subsequent LPA hearing.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	AYE
SUSAN BROOKMAN	AYE
BARRY ERNST	AYE
RONALD INGE	AYE
GORDON REIGELMAN	AYE
VIRGINIA SPLITT	ABSENT
GREG STUART	ABSTAIN

D. ADDITIONAL LOCAL PLANNING AGENCY REVIEW

DATE OF PUBLIC HEARING: July 23, 2001

Subsequent to the June 25th public hearing, staff re-evaluated the policies that the LPA was uncomfortable with, and issued a memo addressing the outstanding issues. A copy of this memo has been included as Attachment 6 of this report. Staff provided a brief summary of the outstanding issues to the LPA, and the LPA provided general discussion.

The LPA was satisfied with the additional analysis and revised staff recommendation on the proposed Policy 19.2.5, which pertains to prohibiting detrimental uses and retail uses with outdoor display.

The LPA still had some concern over the public participation policies (Objective 19.5 and subsequent policies). The LPA questioned whether there would be any procedural requirements for the public workshop required by the proposed Policy 19.5.3. Staff responded that the language in the Lee Plan was general in nature, and that more specific details would be placed in the Land Development Code in the near future to address the specific details of the public workshop. Staff anticipates that new language will be added to the Land Development Code that will address issues such as the level of involvement from the applicant and staff, advertising requirements, and the possible effect of this meeting on zoning applications. It was staff's belief that such details were not appropriate for the Lee Plan.

The LPA questioned what organizations would be empowered to conduct these public workshops. Staff responded that there were no particular organizations that would conduct these meetings. It would be the responsibility of the applicant in each zoning case to conduct this meeting.

A member of the public stated that Policy 19.5.3, as proposed, states that if the public workshop is not conducted within 30 days of submitting the rezoning application, then the rezoning will be found inconsistent with the Lee Plan. This individual questioned if this was staff's intent, and suggested that the 30 day provision might be too stringent of a requirement. In response, staff suggested that the language be changed so that the public workshop must be conducted prior to the application being found sufficient.

A member of the LPA questioned whether staff was concerned about establishing different rules for individual communities, in light of the fact that there are several communities that are currently in the process of developing community plans. Staff responded that the prospect of implementing several sets of regulations has been a concern from the beginning.

The LPA suggested that the proposed policies relating to increased public participation should be applied county-wide, and not just in Estero. This concept had the full support of all LPA members. Staff stated that applying the public participation policies county-wide would probably be beyond the scope of the current plan amendment, but that the LPA could still recommend, through a separate motion, for the Board of County Commissioners to instruct staff to work on applying the new regulations county-wide.

Two members of the public spoke generally in favor of making the public participation policies applicable county-wide.

One member of the LPA stated that it was imperative that the procedural issues relating to the public participation policies be dealt with through Land Development Code amendments, in addition to the proposed Lee Plan amendments. The LPA questioned how they could be assured that appropriate language would be added to the LDC to augment the regulations being proposed through this Plan amendment. Staff responded that if the Board of County Commissioners votes to transmit this amendment, then staff would begin working on the LDC language. Staff also recommended that the LPA recommend to the Board of County Commissioners that they direct staff to initiate the LDC amendments.

One member of the LPA brought up the idea of using email as a means of providing information to Estero residents, and suggested the possibility of adding language to one of the policies that would encourage staff to use email. Staff responded that, with the technology available today, it was a given that email would be used as one method of dispersing the required information to citizens. Staff could provide the

documents and notices through several methods. Staff recommended not adding language about email to the Estero Plan language.

E. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommended that the Board of County Commissioners transmit Policy 19.2.5, Objective 19.5, Policy 19.5.1, Policy 19.5.2, and Policy 19.5.3. Language changes to Policy 19.5.3 were recommended by the LPA as shown in Part H. below. The LPA also made a separate recommendation that the Board of County Commissioners direct staff to refine the procedural requirements embedded in Policy 19.5.1, Policy 19.5.2, and Policy 19.5.3, and amend the Land Development Code to make these procedural requirements applicable on a county-wide basis.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

F. VOTE (on first motion to transmit the applicable objectives and policies)

NOEL ANDRESS	AYE
SUSAN BROOKMAN	AYE
BARRY ERNST	AYE
RONALD INGE	ABSENT
GORDON REIGELMAN	ABSENT
VIRGINIA SPLITT	ABSENT
GREG STUART	ABSTAIN

G. VOTE (on second motion to amend the LDC to apply public participation policies county-wide)

NOEL ANDRESS	AYE
SUSAN BROOKMAN	AYE
BARRY ERNST	AYE
RONALD INGE	ABSENT
GORDON REIGELMAN	ABSENT
VIRGINIA SPLITT	ABSENT
GREG STUART	AYE

H. LANGUAGE TRANSMITTED BY THE LPA:

Note: Changes made to the original language through the LPA hearing process are shown in strike-thru and double-underline format.

Vision Statement:

21. Estero - "To establish a community that embraces its historic heritage, while carefully planning for future growth resulting from Florida Gulf Coast University, the Southwest Florida International Airport, growing population and a unique natural environment. Estero's growth will be planned as a village, establishing defined areas for tasteful shopping, service and entertainment, while protecting and encouraging residential neighborhoods that encourage a sense of belonging. Weaving the community together will be carefully crafted limitations on strip commercial uses, inappropriate signage and certain undesired commercial uses, while additional design guidelines will be established to ensure attractive landscaping, streetscaping, architectural standards, and unified access points. The implementation of this Vision will help reduce the conflict between residential and commercial areas, as well as allow Estero to emerge as a vibrant Lee County Village."

GOAL19: ESTERO

To protect the character, natural resources and quality of life in Estero by establishing minimum aesthetic requirements, managing the location and intensity of future commercial and residential uses, and providing greater opportunities for public participation in the land development approval process. This Goal and subsequent objectives and policies apply to the Estero Planning Community as depicted on Map 16.

Objective 19.1: COMMUNITY CHARACTER. The Estero Community will draft and submit regulations, policies and discretionary actions affecting the character and aesthetic appearance of Estero for Lee County to adopt and enforce to help create a visually attractive community.

Policy 19.1.1: By the end of 2002, The Estero Community will draft and submit regulations or policies for Lee County to review, amend or establish as Land Development Code regulations that provide for enhanced landscaping along roadway corridors, greater buffering, shading of parking areas, signage and lighting consistent with the Community Vision, and architectural standards.

Policy 19.1.2: Lee County is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards.

Policy 19.1.3: Lee County will work, through the permitting process, with private property owners to establish incentives for voluntarily bringing older projects into compliance with the regulations adopted as a result of the Estero Community Plan.

Policy 19.1.4: 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.

Policy 19.1.5: Lee County and the Estero Community will work with the State of Florida to enhance the Koreshan State Historic Site in such a manner that it is more visually integrated with the Community along US 41 and provides for enhanced pedestrian/bicycle access.

Policy 19.1.6: By 20032, the Estero Community will draft a corridor management plan for the Estero US 41 corridor to advance development in a manner that promotes a safe, high quality urban environment. Plan elements will include roadway and median landscape standards, residential buffering standards, access management guidelines, street lighting, sidewalks, and insuring safe and effective pedestrian crossings within the context of a comprehensive pedestrian and bikeway system.

Policy 19.1.7: By 2004 Lee County will evaluate historic resources, and draft a proposal for their designation under Chapter 22 of the Land Development Code.

Objective 19.2: COMMERCIAL LAND USES. Existing and future County regulations, land use interpretations, policies, zoning approvals, and administrative actions must recognize the unique conditions and preferences of the Estero Community to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage, and provide for employment opportunities, while discouraging uses that are not compatible with adjacent uses and have significant adverse impacts on natural resources.

Policy 19.2.1: All new commercial development that requires rezoning within the Estero Planning Community must be reviewed as a Commercial Planned Development.

Policy 19.2.2: All retail uses must be in compliance with the Retail Commercial Site Location Standards. A finding of a "Special Case" must demonstrate a community benefit in addition to the requirements outlined in Policy 6.12(8). Retail Uses along Corkscrew Road (outside of the Nodes identified on Map 19) are required to be submitted as a component of an MPD with at least one use being residential.

Policy 19.2.3: By the end of 2002 the Estero Community will submit regulations that encourage mixed use developments along Corkscrew Road for Lee County to review, amend or adopt.

Policy 19.2.4: With the exception of the Commercial Nodes identified on Map 19, Lee County will discourage new retail uses along Three Oaks Parkway, in favor of office and residential uses.

Policy 19.2.5: The following uses are prohibited within the Estero Planning Community: "detrimental uses" (as defined in the Land Development Code); free-standing nightclubs or bar and cocktail lounges; and retail uses that require outdoor display in excess of one acre, and storage or delivery areas from locating within 500' of an existing or approved residential neighborhood.

Policy 19.2.6: Lee County encourages commercial developments within the Estero Planning Community to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including but not limited to bike paths and pedestrian access ways.

Objective 19.3: RESIDENTIAL USES: Lee County must protect and enhance the residential character of the Estero Planning Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space, and requiring compliance with enhanced buffering requirements.

Policy 19.3.1: In order to meet the future needs of Florida Gulf Coast University, Lee County encourages higher density residential developments, with a mix of unit types, including affordable housing, in close proximity to Florida Gulf Coast University, between Three Oaks Parkway and I-75.

Policy 19.3.2: By the end of 2003~~2~~, The Estero Community will draft and submit regulations and policies for Lee County to review, amend or adopt as regulations in the Land Development Code to provide for greater buffering between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature.

Policy 19.3.3: Lee County will protect the large lot residential areas between Koreshan Parkway and Corkscrew Road by requiring significant buffers between existing lots and higher density residential developments, and/or the placement of transitional density to adjacent units between the uses.

Policy 19.3.4: No property within the Estero Community may be rezoned to RVPD or MHPD where it is in high hazard areas in accordance with section 34-784 of the Land Development Code.

Objective 19.4: Natural Resources: County regulations, policies, and discretionary actions affecting Estero must protect or enhance key wetland or native upland habitats.

Policy 19.4.1: By the end of 2003, Lee County will review, amend or adopt Lee Plan or Land Development Code regulations to provide the following:

- All future development proposals adjacent to the Estero River or its tributaries must include floodplain protection plans prior to zoning approval.
- All new development adjacent to the Estero River or its tributaries must provide a minimum of a 50² an additional buffer which preserves all of the native vegetation within that buffer, adjacent to the top of bank, with the exception of passive recreational uses. This is intended to prevent degradation of water quality within these natural water bodies.
- Lee County will encourage on-site preservation of indigenous plant communities and listed species habitat. When site constraints are such that off-site mitigation of indigenous areas

is deemed necessary, the mitigation will be of similar habitat provided within the Estero Planning Community Boundaries.

- Lee County will provide significant incentives (for example increased density, Transfer of Development Rights, etc) for the protection of wetlands, historic flow ways, native habitat or other significant natural resources within the Estero Planning Community.

Policy 19.4.2: Lee County shall focus acquisition efforts in Estero on environmentally sensitive lands east of I-75 and along the Estero Bay.

Policy 19.4.3: Lee County, or another authorized agency, will work to provide alternative irrigation sources (re-use, Aquifer Storage and Recovery Water, or mixed-non-potable) or financial incentives to provide non-potable water to uses within the Estero Community. This is desired to discourage the proliferation of private, single user wells.

Policy 19.4.4: Lee County will continue to enforce wellfield protection requirements, monitoring, and other applicable provisions to ensure that future wellfield drawdown zones are protected.

Objective 19.5: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals.

Policy 19.5.1: As a courtesy, Lee County will register citizen groups and civic organizations within the Estero Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the County's failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 19.5.2: The Estero Community will establish a "document clearing house" in Estero, where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be provided for public inspection. The County's failure to provide or to timely provide documents to the document clearing house, or failure of the document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 19.5.3: The owner or agent for any Planned Development request within the Estero Planning Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted within thirty (30) days after the zoning request is submitted; before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of

the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

Objective 19.6: COMMUNITY FACILITIES. Lee County will work with the Estero Community to provide or facilitate the provision of a broad mix of Community Facilities.

Policy 19.6.1: The Estero Community will work with the State of Florida to provide appropriate passive recreational opportunities within the Estero Scrub Preserve, potentially enhanced by a public/private partnership. This should include easy access, parking, trails, and other non-intrusive uses.

Policy 19.6.2: The Estero Community will work with the State of Florida to encourage the integration of the Koreshan State Historic Site into the fabric of the community. This may include landscaping, aesthetically pleasing archways along US 41, the provision of a “gateway” at US 41 and Corkscrew Road, enhanced pedestrian and bicycle access, or programmed activities for the community.

Policy 19.6.3: Lee County will work with the community and private landowners to identify opportunities to maintain public access to the Estero River and Estero Bay.

Policy 19.6.4: Lee County will work with the community to ensure that the development of the Estero Bonita Springs Community Park is integrated into the surrounding development and open space areas. The concept would be for the park to act as a hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments.

Policy 19.6.5: Lee County will assist the Estero Community in identifying and developing a town commons that provides opportunities for public gathering, recreation, civic activities, and the distribution of public services, including a post office, license bureau, tax collectors office, police sub-station and or fire station.

Policy 19.6.6: In order to protect health, safety, welfare and community character, Lee County will continue to monitor truck traffic along Corkscrew Road (from Alico Road to US 41) as a connecting road to US 41 and I-75, to evaluate the impact on adjacent residential communities.

Modifications to current Lee Plan Provisions:

The following section contains proposed amendments to existing Lee Plan provisions to better implement the intent of the Estero Community Plan.

Policy 6.1.2.10: The Board of County Commissioners may approve applications for minor commercial centers that do not comply with the location standards for such centers, but which are consistent with duly adopted CRA and Community plans.

Policy 6.1.2.1(e): When developed as part of a mixed use planned development, and meeting the use limitations, modified setback standards, signage limitations and landscaping provisions, retail

uses may deviate from the locational requirements and maximum square footage limitations, subject to conformance with the Estero Community Plan as outlined in Policies 19.2.3 and 19.2.4, and through approval by the Board of County Commissioners.

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

DATE OF TRANSMITTAL HEARING: August 29, 2001

A. BOARD REVIEW: One Board member expressed concern about the proposed policy, Policy 19.2.1, that would require every potential commercial development requiring rezoning in Estero to be a Commercial Planned Development (CPD). This Board member thought that this type of concept might eventually be applied County-wide, and that it would adversely impact small commercial developers. Staff confirmed and clarified that any commercial rezoning in Estero would have to be rezoned to a CPD if this policy was adopted. Properties could no longer be rezoned to conventional commercial districts in Estero.

This Board member also expressed concern that the proposed Estero plan seemed to be very restrictive on commercial uses, and questioned where the commercial development was going to occur in Estero to support all of the residential growth. The consultant representing the Estero citizens group responded that commercial development will be able to occur at certain nodes (intersections) in the Estero Planning Community. The consultant also pointed out that the new policies promote mixed use developments along Corkscrew Road, which would also allow some level of commercial development. Planning staff then added that there was currently several million square feet of commercial development approved within planned developments in the Estero Planning Community, that has not yet been built. This unbuilt commercial space, plus the future commercial development that can occur in the specified nodes and within mixed use developments, will provide more than enough commercial development to support the existing and future residents of Estero.

There was no public comment on the proposed amendment.

Staff informed the Board that the LPA made a second recommendation for the Board to consider applying the public participation policies (Objective 19.5 and subsequent policies) on a County-wide basis. The Board, however, did not believe that this was the proper forum in which to discuss this item. The Board did not provide any discussion on this issue.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board of County Commissioners voted to transmit the amendment to DCA. The language to be transmitted is the same language that the LPA recommended for transmittal. The language to be transmitted is shown under Part IV, Section D below.

With regard to the issue of applying the public participation policies County-wide, the Board voted, under a separate motion, to table this item to a later date.

- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff.

C. VOTE (For both motions):

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUG ST. CERNY	<u>AYE</u>

D. LANGUAGE TRANSMITTED BY THE BOCC:

PROPOSED NEW VISION STATEMENT:

21. Estero - "To establish a community that embraces its historic heritage, while carefully planning for future growth resulting from Florida Gulf Coast University, the Southwest Florida International Airport, growing population and a unique natural environment. Estero's growth will be planned as a village, establishing defined areas for tasteful shopping, service and entertainment, while protecting and encouraging residential neighborhoods that encourage a sense of belonging. Weaving the community together will be carefully crafted limitations on strip commercial uses, inappropriate signage and certain undesired commercial uses, while additional design guidelines will be established to ensure attractive landscaping, streetscaping, architectural standards, and unified access points. The implementation of this Vision will help reduce the conflict between residential and commercial areas, as well as allow Estero to emerge as a vibrant Lee County Village."

MODIFICATIONS TO CURRENT LEE PLAN PROVISIONS:

The following section contains proposed amendments to existing Lee Plan provisions to better implement the intent of the Estero Community Plan.

Policy 6.1.2.10: The Board of County Commissioners may approve applications for minor commercial centers that do not comply with the location standards for such centers, but which are consistent with duly adopted CRA and Community plans.

Policy 6.1.2.1(e): When developed as part of a mixed use planned development, and meeting the use limitations, modified setback standards, signage limitations and landscaping provisions, retail uses may deviate from the locational requirements and maximum square footage limitations, subject to conformance with the Estero Community Plan as outlined in Policies 19.2.3 and 19.2.4, and through approval by the Board of County Commissioners.

PROPOSED NEW GOAL, OBJECTIVES, AND POLICIES:

GOAL19: ESTERO

To protect the character, natural resources and quality of life in Estero by establishing minimum aesthetic requirements, managing the location and intensity of future commercial and residential uses, and providing greater opportunities for public participation in the land development approval process. This Goal and subsequent objectives and policies apply to the Estero Planning Community as depicted on Map 16.

Objective 19.1: COMMUNITY CHARACTER. The Estero Community will draft and submit regulations, policies and discretionary actions affecting the character and aesthetic appearance of Estero for Lee County to adopt and enforce to help create a visually attractive community.

Policy 19.1.1: By the end of 2002, The Estero Community will draft and submit regulations or policies for Lee County to review, amend or establish as Land Development Code regulations that provide for enhanced landscaping along roadway corridors, greater buffering, shading of parking areas, signage and lighting consistent with the Community Vision, and architectural standards.

Policy 19.1.2: Lee County is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards.

Policy 19.1.3: Lee County will work, through the permitting process, with private property owners to establish incentives for voluntarily bringing older projects into compliance with the regulations adopted as a result of the Estero Community Plan.

Policy 19.1.4: 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.

Policy 19.1.6: By 2002, the Estero Community will draft a corridor management plan for the Estero US 41 corridor to advance development in a manner that promotes a safe, high quality urban environment. Plan elements will include roadway and median landscape standards, residential buffering standards, access management guidelines, street lighting, sidewalks, and insuring safe and effective pedestrian crossings within the context of a comprehensive pedestrian and bikeway system.

Policy 19.1.7: By 2004 Lee County will evaluate historic resources, and draft a proposal for their designation under Chapter 22 of the Land Development Code.

Objective 19.2: COMMERCIAL LAND USES. Existing and future County regulations, land use interpretations, policies, zoning approvals, and administrative actions must recognize the unique conditions and preferences of the Estero Community to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage, and provide for employment opportunities, while discouraging uses that are not compatible with adjacent uses and have significant adverse impacts on natural resources.

Policy 19.2.1: All new commercial development that requires rezoning within the Estero Planning Community must be reviewed as a Commercial Planned Development.

Policy 19.2.2: All retail uses must be in compliance with the Commercial Site Location Standards. A finding of a "Special Case" must demonstrate a community benefit in addition to the requirements outlined in Policy 6.12(8). Retail Uses along Corkscrew Road (outside of the Nodes identified on Map 19) are required to be submitted as a component of an MPD with at least one use being residential.

Policy 19.2.3: By the end of 2002 the Estero Community will submit regulations that encourage mixed use developments along Corkscrew Road for Lee County to review, amend or adopt.

Policy 19.2.4: With the exception of the Commercial Nodes identified on Map 19, Lee County will discourage new retail uses along Three Oaks Parkway, in favor of office and residential uses.

Policy 19.2.5: The following uses are prohibited within the Estero Planning Community: "detrimental uses" (as defined in the Land Development Code); free-standing nightclubs or bar and cocktail lounges; and retail uses that require outdoor display in excess of one acre.

Policy 19.2.6: Lee County encourages commercial developments within the Estero Planning Community to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including but not limited to bike paths and pedestrian access ways.

Objective 19.3: RESIDENTIAL USES: Lee County must protect and enhance the residential character of the Estero Planning Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space, and requiring compliance with enhanced buffering requirements.

Policy 19.3.1: In order to meet the future needs of Florida Gulf Coast University, Lee County encourages higher density residential developments, with a mix of unit types, including affordable housing, in close proximity to Florida Gulf Coast University, between Three Oaks Parkway and I-75.

Policy 19.3.2: By the end of 2002, The Estero Community will draft and submit regulations and policies for Lee County to review, amend or adopt as regulations in the Land Development Code to provide for greater buffering between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature.

Policy 19.3.3: Lee County will protect the large lot residential areas between Koreshan Parkway and Corkscrew Road by requiring significant buffers between existing lots and higher density residential developments, and/or the placement of transitional density to adjacent units between the uses.

Objective 19.4: Natural Resources: County regulations, policies, and discretionary actions affecting Estero must protect or enhance key wetland or native upland habitats.

Policy 19.4.1: By the end of 2003, Lee County will review, amend or adopt Lee Plan or Land Development Code regulations to provide the following:

- All future development proposals adjacent to the Estero River or its tributaries must include floodplain protection plans prior to zoning approval.
- All new development adjacent to the Estero River or its tributaries must provide an additional buffer which preserves all of the native vegetation within that buffer, adjacent to the top of bank, with the exception of passive recreational uses. This is intended to prevent degradation of water quality within these natural water bodies.
- Lee County will encourage on-site preservation of indigenous plant communities and listed species habitat. When site constraints are such that off-site mitigation of indigenous areas is deemed necessary, the mitigation will be of similar habitat provided within the Estero Planning Community Boundaries.
- Lee County will provide significant incentives (for example increased density, Transfer of Development Rights, etc) for the protection of wetlands, historic flow ways, native habitat or other significant natural resources within the Estero Planning Community.

Policy 19.4.3: Lee County, or another authorized agency, will work to provide alternative irrigation sources (re-use, Aquifer Storage and Recovery Water, or mixed-non-potable) or financial incentives to provide non-potable water to uses within the Estero Community. This is desired to discourage the proliferation of private, single user wells.

Policy 19.4.4: Lee County will continue to enforce wellfield protection requirements, monitoring, and other applicable provisions to ensure that future wellfield drawdown zones are protected.

Objective 19.5: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals.

Policy 19.5.1: As a courtesy, Lee County will register citizen groups and civic organizations within the Estero Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the County's failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 19.5.2: The Estero Community will establish a "document clearing house" in Estero, where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be provided for public inspection. The County's failure to provide or to timely provide documents to the document clearing house, or failure of the document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 19.5.3: The owner or agent for any Planned Development request within the Estero Planning Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

Objective 19.6: COMMUNITY FACILITIES. Lee County will work with the Estero Community to provide or facilitate the provision of a broad mix of Community Facilities.

Policy 19.6.1: The Estero Community will work with the State of Florida to provide appropriate passive recreational opportunities within the Estero Scrub Preserve, potentially enhanced by a public/private partnership. This should include easy access, parking, trails, and other non-intrusive uses.

Policy 19.6.2: The Estero Community will work with the State of Florida to encourage the integration of the Koreshan State Historic Site into the fabric of the community. This may include landscaping, aesthetically pleasing archways along US 41, the provision of a "gateway" at US 41 and Corkscrew Road, enhanced pedestrian and bicycle access, or programmed activities for the community.

Policy 19.6.3: Lee County will work with the community and private landowners to identify opportunities to maintain public access to the Estero River and Estero Bay.

Policy 19.6.4: Lee County will work with the community to ensure that the development of the Estero Bonita Springs Community Park is integrated into the surrounding development and open space areas. The concept would be for the park to act as a hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments.

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

DATE OF ORC REPORT: November 21, 2001

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

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

B. STAFF RESPONSE

Adopt the amendment as shown in Part I.C. of this report.

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

DATE OF ADOPTION HEARING: January 10, 2002

A. BOARD REVIEW: Planning staff provided an overview of the proposed amendment, highlighting the few changes that have been proposed since the amendment was originally transmitted to DCA. Several members of the Estero Community spoke in favor of adoption of the proposed amendment. The Board commended the Estero Community, and everyone involved for their work in putting together the Estero Community Plan.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board of County Commissioners voted to adopt the amendment, with the changes proposed since the original transmittal to DCA. The amendment was approved as part of the Board's administrative agenda. The final adoption language is shown in Part V, Item D below.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff.

C. VOTE:

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>ABSENT</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUG ST. CERNY	<u>AYE</u>

D. FINAL ADOPTION LANGUAGE:

RECOMMENDED TEXT ADDITIONS TO THE LEE PLAN

PROPOSED NEW VISION STATEMENT:

21. **Estero** - "To establish a community that embraces its historic heritage, while carefully planning for future growth resulting from Florida Gulf Coast University, the Southwest Florida International Airport, growing population and a unique natural environment. Estero's growth will be planned as a village, establishing defined areas for tasteful shopping, service and entertainment, while protecting and encouraging residential neighborhoods that encourage a sense of belonging.

Weaving the community together will be carefully crafted limitations on strip commercial uses, inappropriate signage and certain undesired commercial uses, while additional design guidelines will be established to ensure attractive landscaping, streetscaping, architectural standards, and unified access points. The implementation of this Vision will help reduce the conflict between residential and commercial areas, as well as allow Estero to emerge as a vibrant Lee County Village.”

MODIFICATIONS TO CURRENT LEE PLAN PROVISIONS:

Policy 6.1.2.10: The Board of County Commissioners may approve applications for minor commercial centers that do not comply with the location standards for such centers, but which are consistent with duly adopted CRA and Community plans.

Policy 6.1.2.1(e): When developed as part of a mixed use planned development, and meeting the use limitations, modified setback standards, signage limitations and landscaping provisions, retail uses may deviate from the locational requirements and maximum square footage limitations, subject to conformance with the Estero Community Plan as outlined in Policies 19.2.3 and 19.2.4, and through approval by the Board of County Commissioners.

PROPOSED NEW GOALS, OBJECTIVES AND POLICIES:

GOAL 19: ESTERO

To protect the character, natural resources and quality of life in Estero by establishing minimum aesthetic requirements, managing the location and intensity of future commercial and residential uses, and providing greater opportunities for public participation in the land development approval process. This Goal and subsequent objectives and policies apply to the Estero Planning Community as depicted on Map 16.

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Policy 19.1.6: By 2002, the Estero Community will draft a corridor management plan for the Estero US 41 corridor to advance development in a manner that promotes a safe, high quality urban environment. Plan elements will include roadway and median landscape standards, residential buffering standards, access management guidelines, street lighting, sidewalks, and insuring safe and effective pedestrian crossings within the context of a comprehensive pedestrian and bikeway system.

Policy 19.1.7: By 2004 Lee County will evaluate historic resources, and draft a proposal for their designation under Chapter 22 of the Land Development Code.

Objective 19.2: COMMERCIAL LAND USES. Existing and future County regulations, land use interpretations, policies, zoning approvals, and administrative actions must recognize the unique conditions and preferences of the Estero Community to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage, and provide for employment opportunities, while discouraging uses that are not compatible with adjacent uses and have significant adverse impacts on natural resources.

Policy 19.2.1: All new commercial development that requires rezoning within the Estero Planning Community must be reviewed as a Commercial Planned Development.

Policy 19.2.2: All retail uses must be in compliance with the Commercial Site Location Standards. A finding of a "Special Case" must demonstrate a community benefit in addition to the requirements outlined in Policy 6.12(8).

Policy 19.2.3: By the end of 2002 the Estero Community will submit regulations that encourage mixed use developments along Corkscrew Road for Lee County to review, amend or adopt.

Policy 19.2.4: With the exception of the Commercial Nodes identified on Map 19, Lee County will discourage new retail uses along Three Oaks Parkway, in favor of office and residential uses.

Policy 19.2.5: The following uses are prohibited within the Estero Planning Community: "detrimental uses" (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre.

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developments to provide interconnect opportunities with commercial areas, including but not limited to bike paths and pedestrian access ways.

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- Lee County will encourage on-site preservation of indigenous plant communities and listed species habitat. When site constraints are such that off-site mitigation of indigenous areas is deemed necessary, the mitigation will be of similar habitat, provided whenever possible, within one mile of the Estero Fire District Boundary.

- Lee County will provide significant incentives (for example increased density, Transfer of Development Rights, etc) for the protection of wetlands, historic flow ways, native habitat or other significant natural resources within the Estero Planning Community.

Policy 19.4.3: Lee County, or another authorized agency, will work to provide alternative irrigation sources (re-use, Aquifer Storage and Recovery Water, or mixed-non-potable) or financial incentives to provide non-potable water to uses within the Estero Community. This is desired to discourage the proliferation of private, single user wells.

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PRELIMINARY DRAFT: The Estero Community Plan

Establishing a Guiding Vision for the Future

An Application for Amendment of the
Lee County Comprehensive Plan

September 29, 2000

Prepared for:

Estero Chamber of Commerce
P.O. Box 588
Estero, FL 33928
Phone: (941) 948-7990
Fax: (941)498-4218
contact@estero.org

and

The Citizens of Estero

Prepared by:

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Vanasse & Daylor, LLP
12730 New Brittany Boulevard.
Suite 600
Fort Myers, Florida 33907

With Input from:

The Estero Community Plan Committee
Meg Vencellar, Estero Chamber of Commerce
Eddie Perry, Estero Civic Association
Neal Noethlich, ECCO
Don Eslick, ECCO
David Graham, Bonita Bay Properties
Frank Weed, West Bay Club

ATTACHMENT 1

The Citizens of Estero

Section One: Background

The Estero Community Plan process was generated by a grass roots effort and coordinated by the Estero Chamber of Commerce through the direction of the Committee that provided equal representation to members of the Chamber, the Civic Association, the development community, and the Estero Concerned Citizens Organization (ECCO).

The Community Plan is partially funded by Lee County through a matching grant program, while the remaining fees are funded through a combination of private contributions and funds managed by the Estero Chamber of Commerce.

The Estero Community Plan actively solicited input and direction from the residents of Estero through two public visioning workshops held on August 15, 2000 and September 19, 2000. The Community Plan will include four phases, as outlined below:

- Phase I:** Phase I is a preliminary evaluation of the major issues facing the future growth management of the Estero Community. This evaluation will include collection of data and analysis, public input and coordination with Lee County representatives. The result of this initial effort will be the establishment of a Community Vision Statement, and the submission of a Lee County Comprehensive Plan Amendment to add Goals, Objectives and Policies to the Lee Plan to provide additional direction in evaluating future development approval requests.
- Phase II:** Phase II includes the preparation of detailed Land Development Code Regulations addressing issues ranging from landscaping and signage, to the development approval process itself. It is anticipated that Phase II may include some detailed master planning for key areas within the community, resulting from direction incorporated in Phase I. Phase II is anticipated to begin October 2000, with approval anticipated in early 2001.
- Phase III:** Phase III is anticipated to include very specific amendments to the Future Land Use Map of the Lee Plan. This may include the identification of necessary roadway improvements, modifications to land use categories, and the creation of specific land use overlays. This Phase will be a detailed evaluation, and will build upon the foundation established by the Phase I amendments. Phase III is preliminarily scheduled for submittal in September of 2001, with approval expected the fall of 2002.

DRAFT

Section Two: Intent

The Estero Community Plan Phase I aims to begin addressing the future growth, character and quality of life within the Estero Community by adopting guiding principles into the Lee Plan. These guiding principles will provide direction on land use and infrastructure decisions, thereby ensuring that future development remain consistent with the stated vision of the community, and encourage approved development to strive towards achieving these goals.

This amendment marks an important first step in a long-term process. The provisions recommended by this Community Plan will guide the development of future Land Development Code regulations, as well as future site specific Land Use Map Amendments. As identified above, the anticipated schedule for Phase I includes submittal by September 29, 2000, with adoption expected by the fall of 2001.

Section Three: Process

The following section outlines the process that was followed in the preparation of the recommendations associated with Phase I of the Estero Community Plan. It is important to note that this process was intentionally compressed in order to meet the September 29, 2000 deadline. Therefore, much of the data and analysis is based on existing information, development approvals or projections. However, there was a significant effort to obtain community input from residents and Key Stakeholders to identify community issues, concerns and desires.

1. Identification of Key Community Issues

Based on preliminary input from the Estero Chamber of Commerce, ECCO, the Lee County Department of Community Development, and personal contact with the residents of Estero, Vanasse & Daylor established the following Key Community issues as underlying concepts for the first phase of the Estero Community Plan.

- **Community Character**
Identify what issues the community feels are important for the protection and/or enhancement of the beauty, quality of life and visual impact of Estero.
- **Residential Land Uses**
Determine areas within Estero that the community should encourage for residential uses and begin to discuss the desired character, density and community interface.
- **Commercial Land Uses**
Determine areas within Estero that the community should encourage or discourage for commercial uses, and begin to discuss the desired character, intensity and community interface. Further, we received input on what uses the residents perceive as inappropriate due to their potential lack of compatibility with the community vision.
- **Natural Resources**
Identify natural resources within Estero that should be considered for public access, protection, enhancement or acquisition.
- **Public Participation**
Solicit input from the Community on how to best provide more meaningful public participation opportunities during the development approval process. Ideally, this concept should provide more direct input to the developers on community expectations, as well as provide developers with more certainty in respect to community support. A copy of the Estero Community Plan Questionnaire is attached in Appendix A.

2. Preliminary Evaluation of Existing Conditions:

In order to maintain the schedule to submit the necessary documentation by the September 29, 2000 deadline, Vanasse & Daylor undertook an abbreviated Evaluation of Existing Conditions. This included identification of the Community Boundaries, a review of the FLUM categories and permitted uses, the approved Planned Development Zonings (including uses, intensities and internal configurations, and natural resources). When possible, we used existing information to establish, or corroborate, conclusions. The preliminary findings are outlined below:

- **Project Boundaries:**

The Community Master Plan Committee, Vanasse & Daylor and the Lee County Department of Community Development established the project boundaries by comparing several existing documents that identify the Estero Community. These included the Estero Fire District, the Estero/San Carlos Planning Community, the Estero Census Tract, the Zip Code Districts and the Elementary School Boundaries.

The actual community boundaries are difficult to identify, except for the southern and western boundaries, which are established by the City of Bonita Springs and Estero Bay, respectively. No clear physical or developmental boundary can be used to separate Estero from San Carlos. In most instances, Koreshan Parkway is recognized as the demarcation line, but it is interesting to note that the Estero Chamber of Commerce and the Estero Fire District's Administrative Offices are north of this line.

Similarly, east of I-75, the north/south separation presents a challenge. The generally recognized line runs along the northern edge of Grand Oaks, which also corresponds to the northern boundary of the Corkscrew Road Service Area (CRSA). However, the University Window Overlay, Miramar Lakes, Florida Gulf Coast University's main entrance and the Teco Area all have a significant synergy with both the Estero and San Carlos Communities, particularly due to the role these areas will have in the future growth of the Estero Community.

To the east, the county line provides a clear boundary. However, the timing and nature of the development occurring several miles east of the Interstate will have minimal impact on the near term growth of Estero.

Perhaps most interesting, is the property located east of I-75, but south of Corkscrew Road. Much of this property is located in the Bonita Planning Community, or Bonita Fire District, but because of the boundaries established by Bonita Springs and the land acquisition to the south, this area appears to have a stronger relationship to Estero than to Bonita.

Because of the complexities associated with identifying the boundaries, and the limited scope of the initial phase of this Community Plan, we have prepared three exhibits. The first Exhibit shows the Study Area. This area includes land north of Grande Oaks on the east side of I-75. The purpose of this inclusion is not to "stake claim" to these areas, but rather to recognize the importance these areas will have on the future growth of both Estero and San Carlos. Ideally, by including these areas into the study area, there will be a more integrated approach in terms of landscaping, signage and provision of housing.

The second Exhibit (Exhibit 2) identifies the recommended boundaries of the Estero Community. This boundary essentially includes the Estero Fire District, with the exception of the addition of land south of Corkscrew Road that is currently shown in the Bonita Springs Fire District. Because the access to this area is limited to Corkscrew Road, and it is physically separated from the Town of Bonita Springs or the Bonita Beach Road area by public acquisition areas (CREW and SFWMD), it is recommended that this area be integrated into the Estero Planning Community.

Exhibit 3 was prepared to focus the attention on the more immediate issues through the designation of a "Core Community" area. The majority of the planning efforts for the First Lee Plan Amendment and initial round of Land Development Code amendments will focus on the Core Community area.

Exhibit 1: Study Area

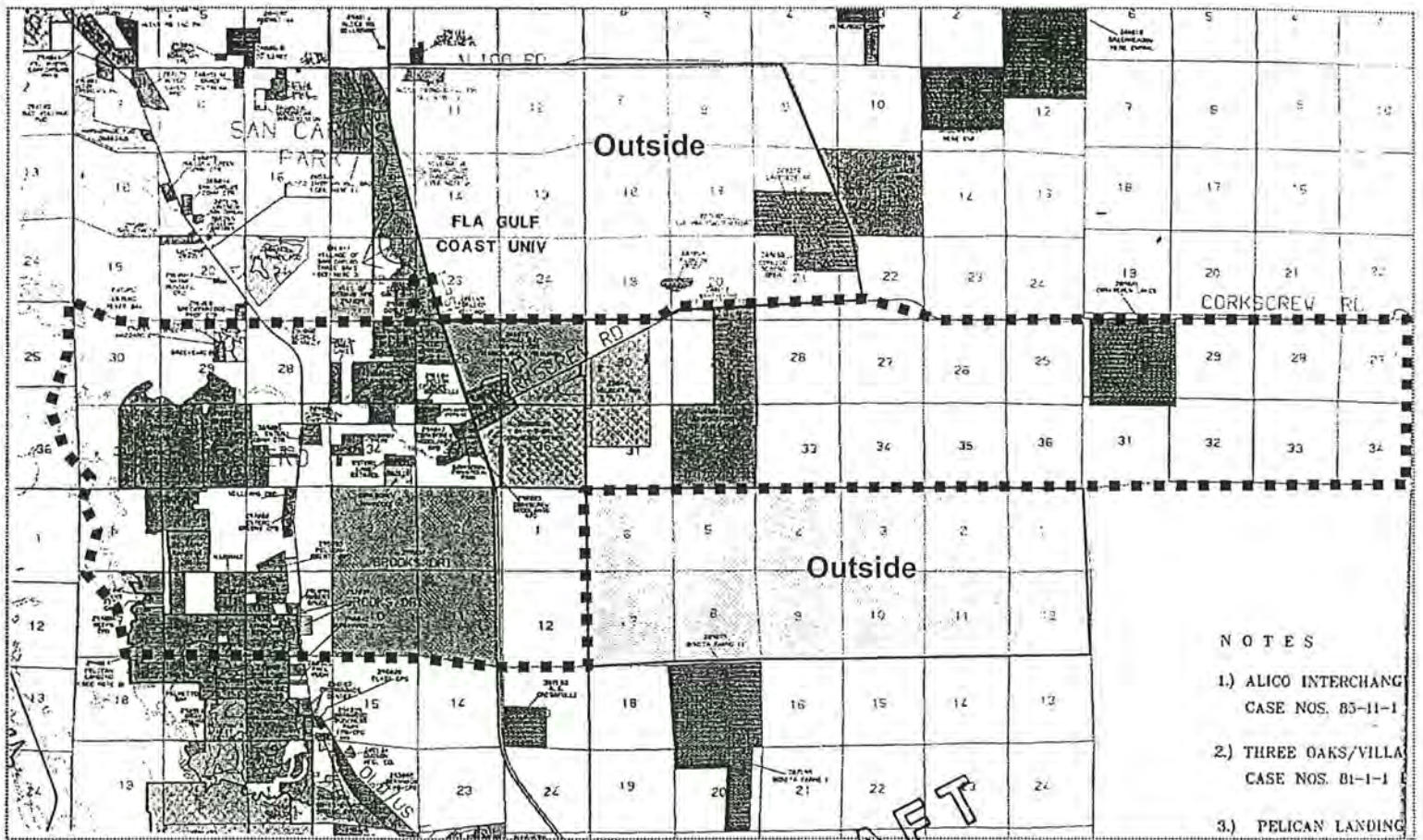


Exhibit 2: Community Boundaries

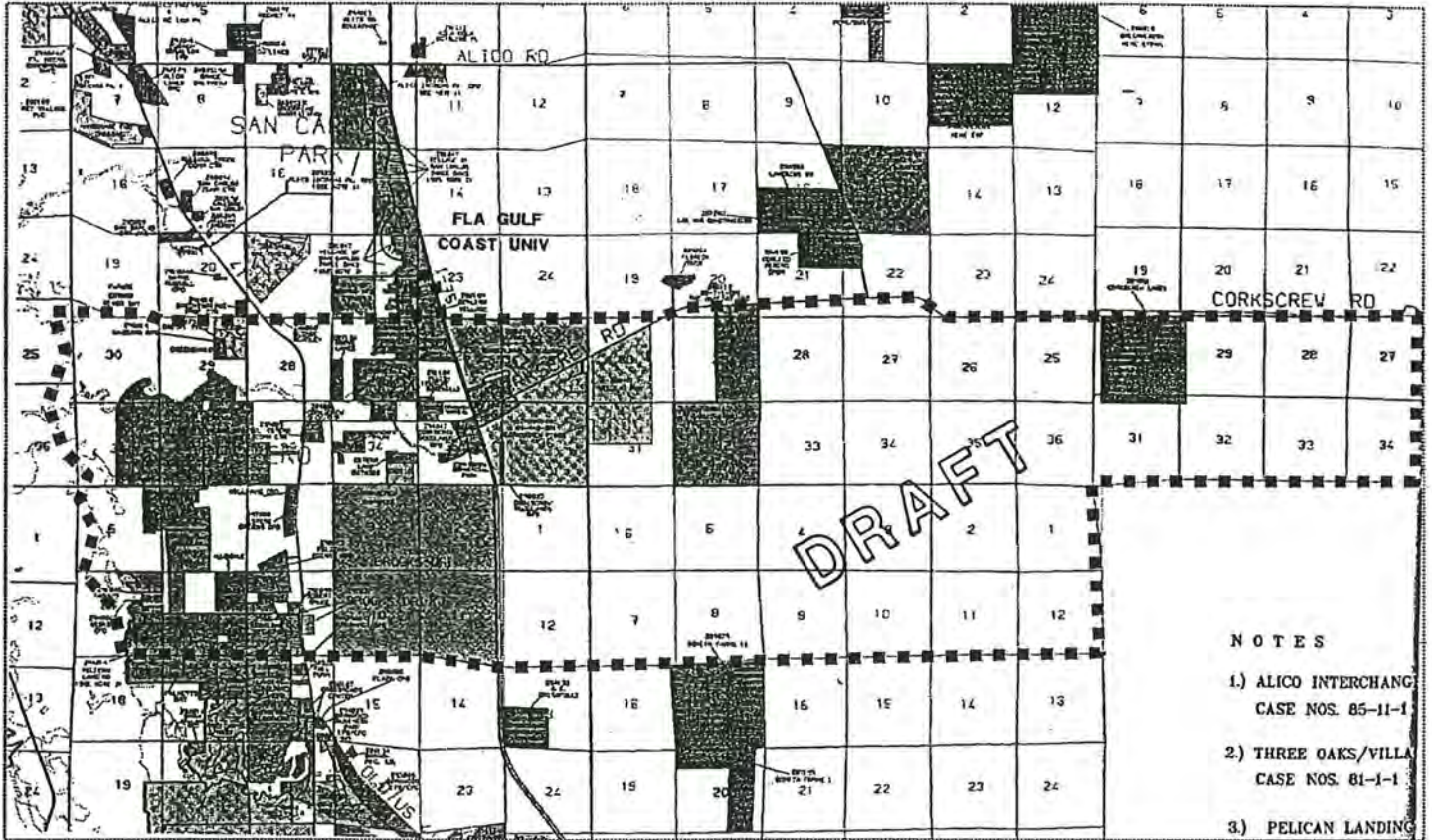
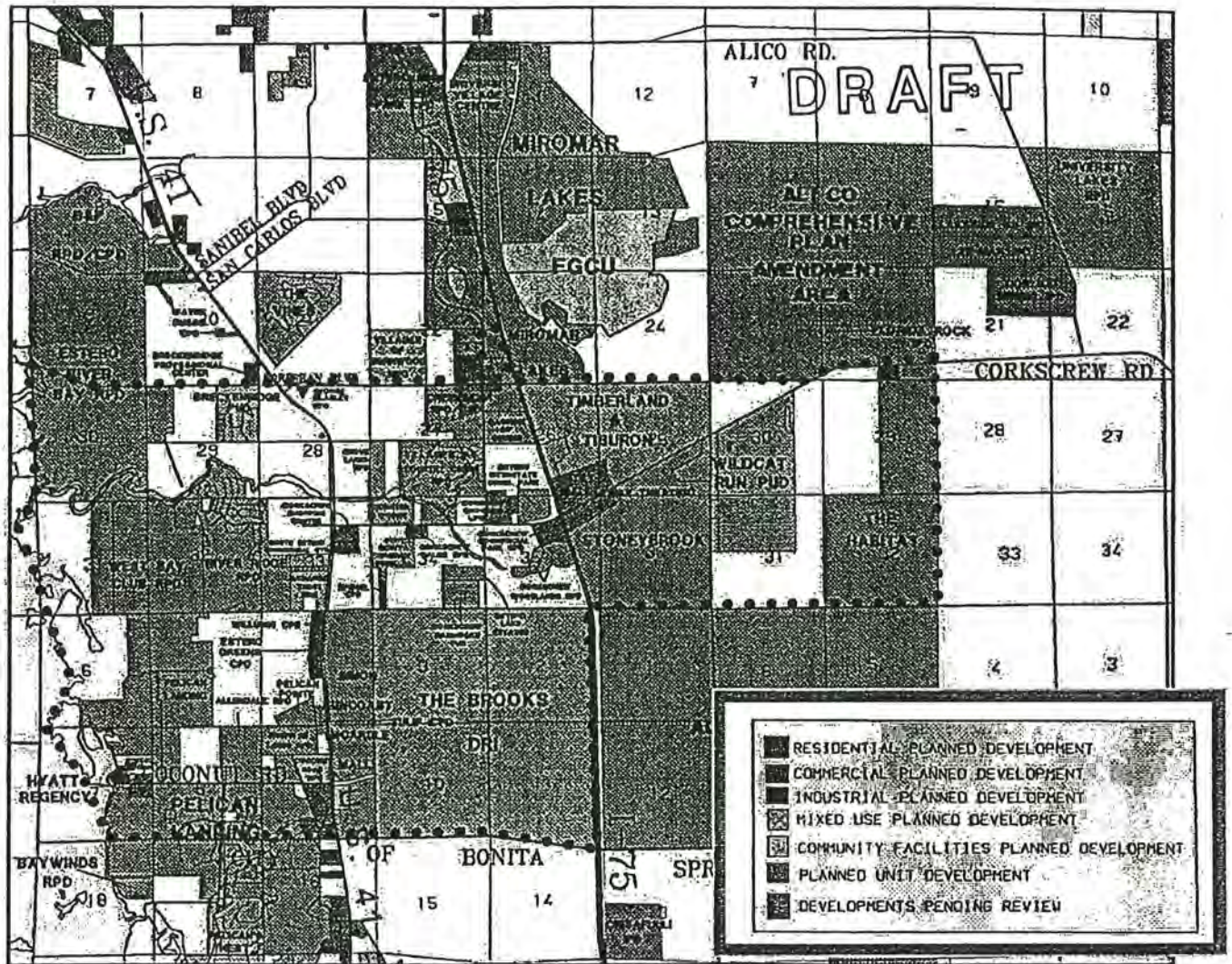


Exhibit 3: Core Community



DEVELOPMENT IN THE ESTERO AREA

- **Population:**

Based on an analysis of the approved dwelling units, county population projections, and a detailed count of existing homes prepared by the Estero Fire District, the existing and projected populations within the Estero Core Community, are as follows:

Table 1: 1999 Population Projections Based on Data and Analysis:

	Dwelling Units			Population -		
	Total	Permanently Occupied	Seasonally Occupied	Permanent	Seasonal	Functional
Estero	6,815	4,484	1,990	10,188	3,980	14,168

Source: Lee County Department of Community Development

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Table 2: 2010 Population Projections Based on Housing Projections

Year	Dwelling Units	Population
1999	7,089	14,745
2010	25,718	53,493

Source: Estero Fire Department

Table 3: 2020 Population Projections for the Estero/San Carlos Community

Year	Population
1998	23,240
2020*	43,404

Source: Lee County Department of Community Development

Table 4: Community Expected Population by 2020:

Answer	Average	Number of Answers	Multiplied
No Answer		27	
5,000	5,000	1	5,000
10,000	10,000	5	50,000
10,000 - 15,000	12,500	3	37,500
13,000 - 14,000	13,500	1	13,500
15,000	15,000	7	105,000
15,000 - 20,000	17,500	3	52,500
15,000 - 25,000	20,000	1	20,000
20,000	20,000	6	120,000
20,000 - 25,000	22,500	2	45,000
20,000 - 30,000	25,000	3	75,000
25,000	25,000	4	100,000
25,000 - 30,000	27,500	1	27,500
30,000	30,000	7	210,000
30,000 - 35,000	32,500	1	32,500
30,000 - 40,000	35,000	4	140,000
30,000 - 50,000	40,000	1	40,000
35,000	35,000	1	35,000
35,000 - 50,000	42,500	1	42,500
40,000	40,000	7	280,000
40,000 - 50,000	45,000	1	45,000
50,000	50,000	14	700,000
50,000 - 60,000	55,000		110,000
50,000 - 75,000	62,500	1	62,500
60,000	60,000	4	240,000
60,000 - 75,000	67,500	1	67,500
70,000	70,000	1	70,000
70,000 - 100,000	85,000	2	170,000
75,000	75,000	1	75,000
75,000 - 100,000	87,500	1	87,500
80,000	80,000	1	80,000
80,000 - 100,000	90,000	1	90,000
100,000	100,000	4	400,000
100,000 - 150,000	125,000	1	125,000

TOTALS		121	3,753,500
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AVERAGE POPULATION ANSWER			30,994
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It is interesting to note that based on the public input through the Estero Community Questionnaire, the mean population (as reflected in Table 2) of 30,994 is roughly consistent with the with the current projected population for the year 2010 established by a detailed analysis of existing and approved units.

- **Future Land Use Map:**

The Future Land Use Map (FLUM) within the Core Community has a center point at I-75 and Corkscrew Road. This point represents the highest intensity land uses and highest concentration of circulation corridors, with land uses, density and intensity reducing as you proceed away from this point. A second development node is identifiable at the intersection of US 41 and Corkscrew Road, where an existing community shopping center already exists. The Future Land Uses within the Estero Community are reflected on Exhibit 3.

The majority of the undeveloped land within the Core Community is designated "suburban", with surrounding existing and approved projects consuming the majority of the outlying suburban and/or rural designations. The "suburban" category allows for moderate residential densities, and limits commercial intensities to developments less than 100,000 square feet.

As depicted on the FLUM, the most dominant natural features are located east of I-75, or along the edges of Estero Bay. Three notable exceptions include the headwaters of the Estero River (which emanate from the northern edge of County Creek and run southwest), the Koreshan State Historic Site (located at the northwest quadrant of US 41 and Corkscrew Road) and a wetland flow way system that has been integrated into The Brooks water management/preserve system.

Generally, the existing designations are appropriate for guiding the future growth of the community, provided that Lee County gives further direction on where and how commercial uses should be developed, and a methodology to encourage a mix of residential uses and community uses in the smaller parcels along key corridors.

Based on these findings, we anticipate that Lee County could adopt a Community Overlay into the Lee Plan to provide this direction, without requiring a significant redesignation of the underlying Future Land Use Categories. The "Overlay" will initially be implemented through the proposed Goals, Objectives and Policies recommended in Phase I, while specific "Overlay" regulations may be adopted through Phase 2 and 3 of the Community Plan.

- **Planned Development Approvals:**

Much of the support for undertaking this amendment is generated out of frustration with, or a mis-understanding of the Planned Development Approval Process, or the entitlements obtained in earlier Planned Developments.

Based on input from the community, we have found that residents perceive that significant development has recently been approved for the community, outpacing the actual demand. Vanasse & Daylor, LLP conducted a thorough evaluation of all of the Planned Development Approvals that have been granted within the area identified above as the Estero Community, in order to determine what has actually been approved, and how that compares with the projected population. Based on a detailed review of the zoning resolutions and Planned Development Summary (which are provided in Appendix

B) Table 3 has been prepared to summarize the current residential, service and retail approvals granted through the Planned Development Process. It is important to note, that the date of each approval has also been provided.

Exhibit 4: Future Land Use Map

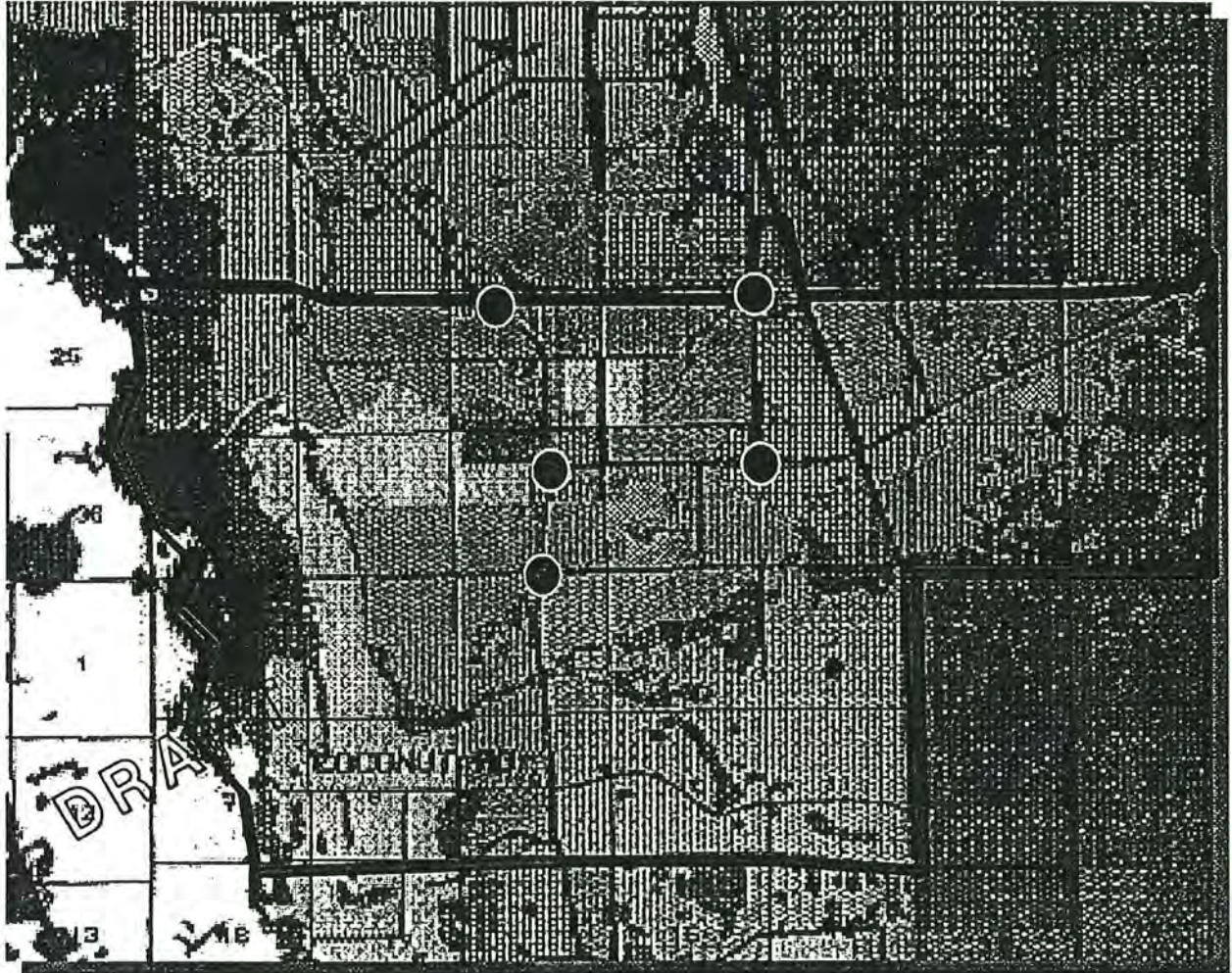
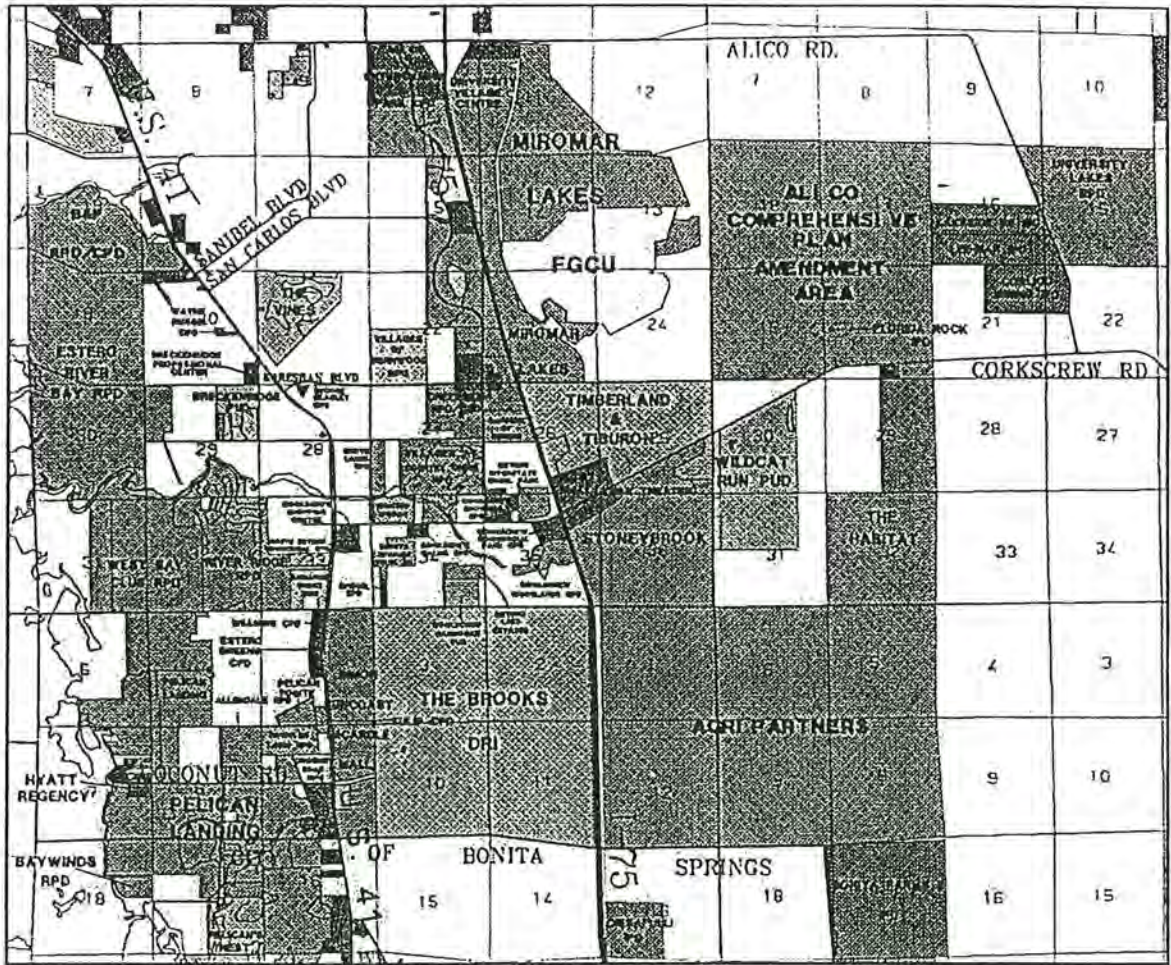
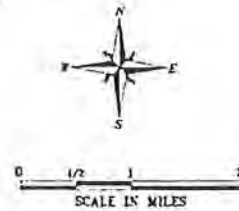


Exhibit 5: Planned Development Map



DEVELOPMENT IN THE ESTERO AREA
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- | | |
|--|--|
| | RESIDENTIAL PLANNED DEVELOPMENT |
| | COMMERCIAL PLANNED DEVELOPMENT |
| | INDUSTRIAL PLANNED DEVELOPMENT |
| | MIXED USE PLANNED DEVELOPMENT |
| | COMMUNITY FACILITIES PLANNED DEVELOPMENT |
| | PLANNED UNIT DEVELOPMENT |
| | DEVELOPMENTS PENDING REVIEW |



PREPARED BY LEE COUNTY DIVISION OF PLANNING
11/9/09

In Appendix A, we have summarized the planned development approvals in Estero. Appendix A shows that there is approximately 7,779,076 square feet of approved commercial entitlements, while there are 25,656 approved residential units. This results in a ratio of 303.2 square feet per dwelling unit. The original Roberts Overlay (2010 Overlay) estimated a commercial demand of .0323 acres (or 1,400 square feet) per dwelling unit for all of Lee County in 1987 and a projection of .0418 acres (or 1,800 square feet) per dwelling unit in the year 2010. Based on this evaluation, the approved commercial does not exceed the ratio established by the Lee Plan. This is not intended to suggest that all of the commercial is compatible with surrounding uses, or that it is appropriately located, but simply that based on the approved residential units, there is not an excess of commercial approved within the Estero Community.

Another source of frustration for residents has been the perceived uncertainty when projects are approved using a "bubble" Master Concept Plan (MCP). However, in reviewing a significant sample of the Master Concept Plans for community cores, most projects are adequately articulated to provide sufficient assurance for adjacent uses. Frequently it is not that the uses being developed differs from those requested, but residents simply would prefer to see other uses. Of course, there have been some notable exceptions to this conclusion, primarily in conjunction with several recent developments that approved intensive uses, which were not consistent with the community's expectations for commercial development within the community. In light of this conflict between adequate assurance for the community, and reasonable flexibility for the development community, this Community Plan recommends some additional restrictions on uses, as well as increased submittal requirements for specific "high intensity" uses. These recommendations are contained in the Recommendations Section of this report.

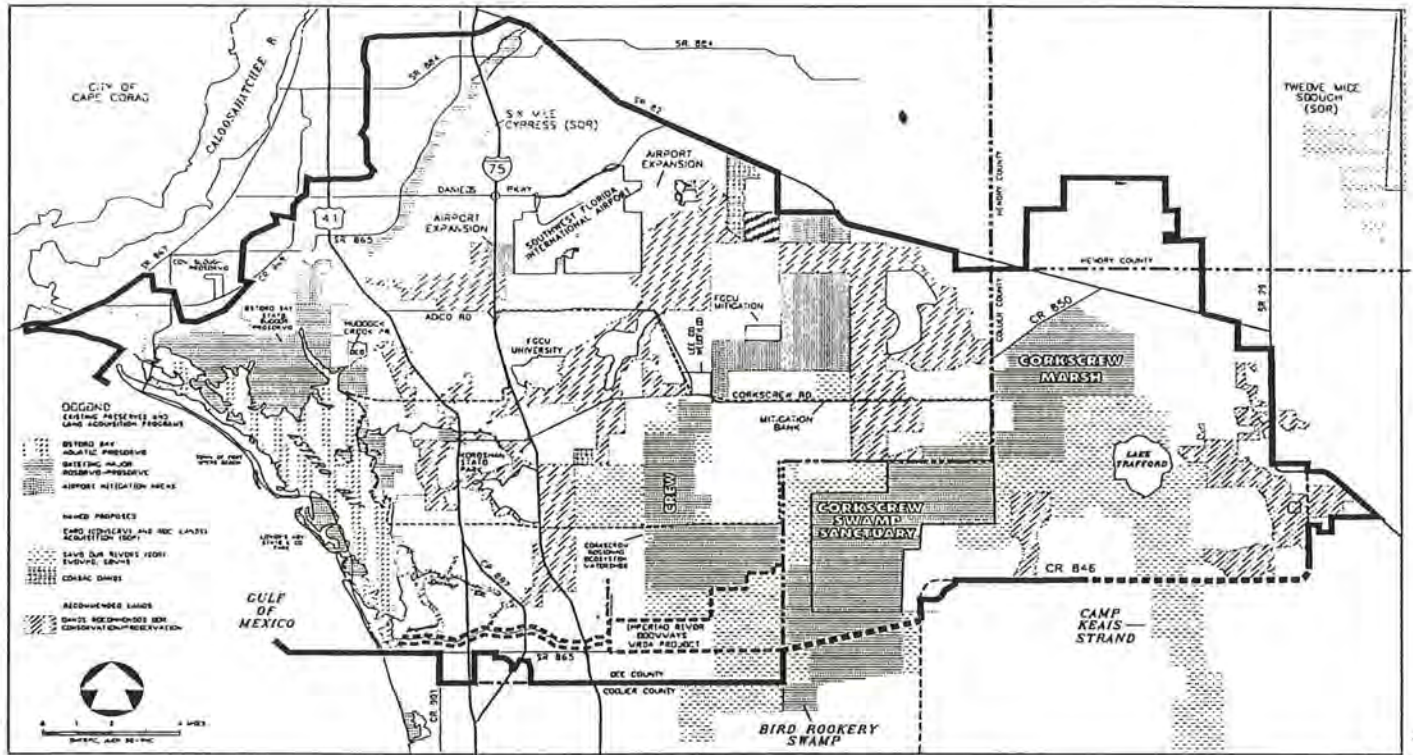
- **Natural Resources:**

In evaluating the public input provided through the Workshop Questionnaire, 45% of the respondents cited Water Resources as their primary concern, with a vast number of the remaining respondents identifying this as one of the top several issues. The main justification for this concern is the reoccurring restrictions implemented by the Water Management District, and the occurrence of dry wells in certain communities. It is important to note that the SFWMD has instituted water restrictions on a regular basis for nearly 20 years. The result is the perception that the restrictions are solely the result of new development, when in reality, they have been a regular occurrence for many years. This Community Plan recommends that Lee County work with the SFWMD to implement a year-round "Conservation Program" that encourages smart use of water resources, while eliminating the fear associated with period "restrictions" that are created, then lifted in an ongoing basis.

Second, one of the desired results of the Community Plan is to encourage Lee County Department of Public Works, Lee County Water Supply Authority and the South Florida Water Management District to begin an educational program to outline the actual status of potable water planning, treatment and availability in Lee County. Again, the perception is that the community is on the brink of running out of water supply, when in reality, the above mentioned agencies have established long term plans, adopted regulations to enforce those plans, and are continuing to work with private developers to undertake Aquifer Storage and Recovery Wells, restoration of flow ways, and long term protection of potable sources, etc. This Community Plan recognizes those efforts, as well as the understandable desire to protect these resources. Phase I includes provisions to encourage the implementation of existing regulations, as well as conduct additional evaluations during the Phase III amendments.

Finally, in reviewing the available documentation on other natural resources, primarily wetlands and Environmentally Significant Coastal Habitats, the Community Plan recommends adding an Environmental Objective to Goal 19 to help provide additional guidance for the protection of natural resources during the future growth of the Estero Community. This Objective will be primarily associated with the Estero River and Tributaries, as well as the "coastal fringe" associated with the Estero Bay. This recommendation is based on the mapping provided by the Agency on Bay Management, Exhibit 6, the CREW Regional Ecosystem Watershed Map, Exhibit 7, and the Regional Planning Council's Regionally Significant Natural Resources Map, Exhibit 8.

Exhibit 6: Agency On Bay Management

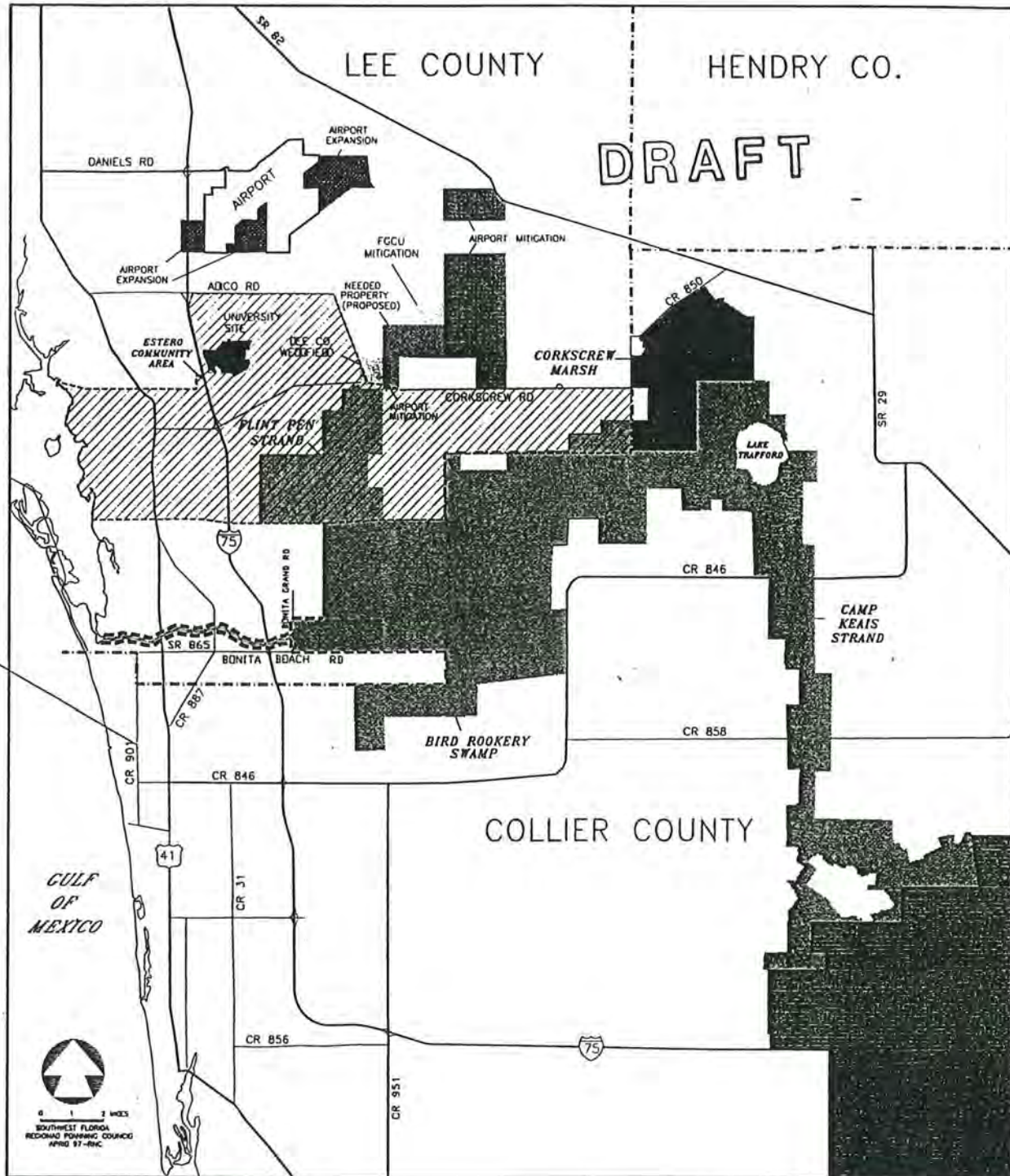


ADOPTED JULY 13, 1998 BY THE ESTERO BAY AGENCY ON BAY MANAGEMENT

**ESTERO BAY WATERSHED
LAND CONSERVATION/PRESERVATION STRATEGY MAP**

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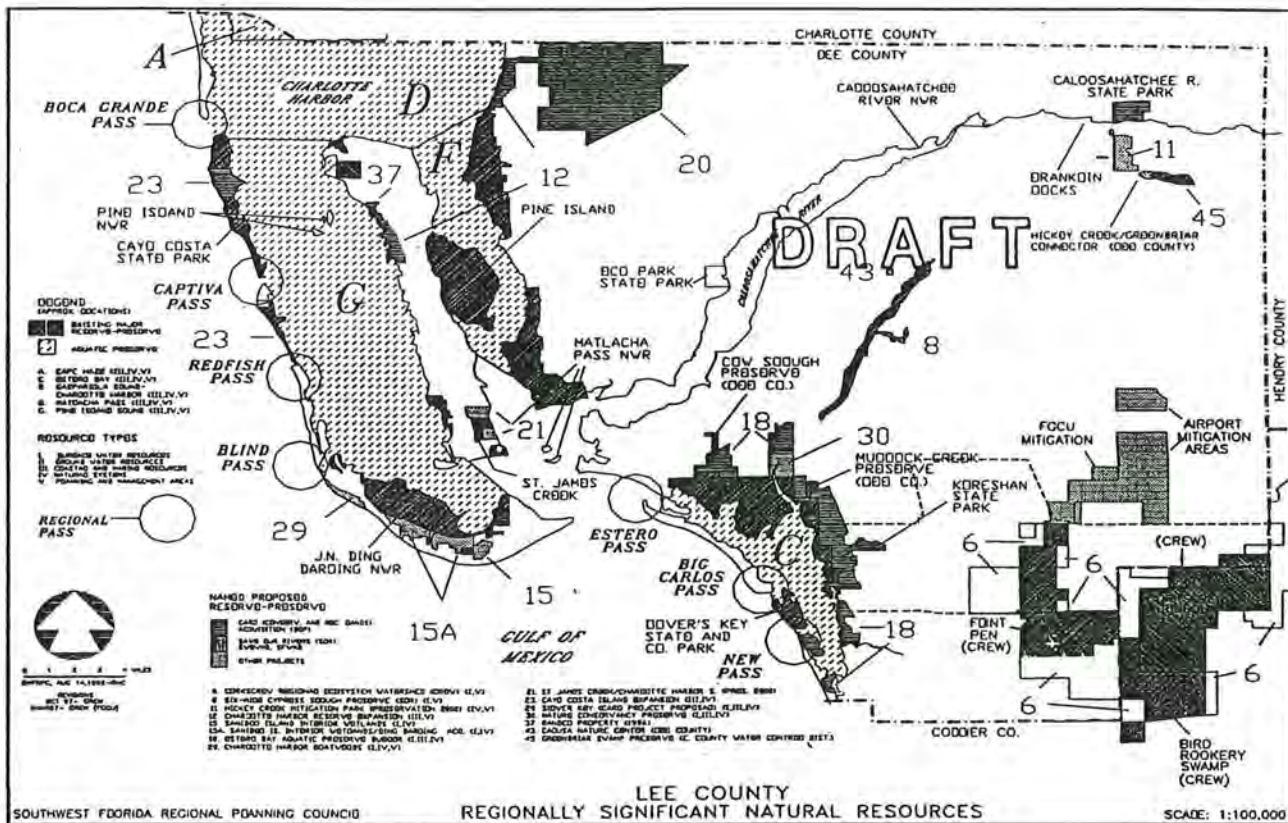
Exhibit 7: CREW Regional Ecosystem Watershed



- CREW (PROPOSED)
- PURCHASED (APPROX.)
- OTHER PRESERVE/RESERVE
- AIRPORT MITIGATION
- AIRPORT EXPANSION
- IMPERIAL RIVER FLOWS

(CREW)
CORKSCREW REGIONAL ECOSYSTEM WATERSHED

Exhibit 8: Lee County Regionally Significant Natural Resources (SWFRPC)



Source: PBS&J and SFWMD

- **Transportation:**

One of the next highest "areas of concern", as identified by the residents of Estero, is the roadway/traffic issue. Because of the complex nature of this issue, it is recommended that Lee County continue to enforce the concurrency standards contained in the Lee Plan. However, it is further recommended that a detailed evaluation of the projected transportation requirements for approved and planned development be initiated as part of the Phase III evaluation.

Two specific issues that appear to be appropriate for additional evaluation are the extension of Sandy Lane south to Williams, and the identification of an additional east/west corridor. One east/west corridor that has been preliminarily evaluated is the Coconut Road extension to the proposed 951 extension. Currently, the Estero Community Plan makes no formal recommendation on any specific actions on these two issues, other than identifying that they deserve additional evaluation.

A third issue currently receiving a significant amount of attention is the truck traffic on Corkscrew Road. The community is strongly behind current efforts to designate Corkscrew Road as a "No Through Truck" zone, from Alico to US 41. Significant amount of research and documentation has been provided to Lee County through the on-going efforts of the Corkscrew Road Service Area (CRSA). Presently this issue is schedule to go before the Board of County Commissioners at the October Management and Planning Meeting. Additional recommendations are contained in this document to further support this community planning issue.

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- **Historic Resources:**

The Koreshan Unity's settlement in Lee County was based in Estero, with the very first buildings located at the Estero River, adjacent to the current alignment of US 41. The settlement was established in 1894 as an outgrowth of the Koreshan Unity Movement. During the next decade, the Koreshan community continued to see significant cultural development and construction.

The main buildings and gardens of the original settlement were determined to be of such significance that they were placed on the National Register of Historic Places by the State of Florida. Eventually, Koreshan Unity, Inc donated the majority of the property to the state in 1961.

In December 1986, Lee County, in conjunction with Florida Preservation Services, prepared the Historic and Archaeological Survey – Lee County, to highlight the significance of the facility, as well as recommend specific planning considerations. The following information is taken from that report.

Description:

The Koreshan Unity settlement, now a state park, is available for study, interpretation, and recreation. The settlement area within the park is listed on the National Register. Most of the 11 buildings recorded in the survey were built prior to 1908 and reflect the industry and activities of the settlers.

The significant buildings include the Planetary Court, dormitory, Arts Hall, store, bakery and various residential buildings. Beyond the religious settlement are residential areas that were built between Sandy Lane, Corkscrew Road and Broadway, and include several old grove houses and outbuildings. Mound Key fishing families built many of these buildings in 1917 – 1918. Additionally, the old schools of 1917 and 1924 are standing, as is the old county barn. On the west side of US 41 is the Boomer estate and caretaker's house.

Significance:

The national register nomination form prepared by the Department of State, Division of Historic Resources in 1975 described the significance of the site as follows:

"The physical remains of the Koreshan community are preserved because they represent a unique philosophical and religious movement, because they illustrate a cooperative settlement of the past era and because they are remnants of a pioneer community which, in many ways, typified life on the south Florida frontier around the turn of the twentieth century. The extant gardens are of value to tropical horticulturalists."

Based on the findings contained in this Historical Survey, as well as the Community's desire to protect it's historical beginnings, the Community Plan is recommending several specific actions in order to protect these assets and enhance the aesthetic value of the community.

First, a policy is being proposed in Phase I to encourage the protection of these historic areas by discouraging the conversion to retail or commercial uses that would eliminate the historic nature of the property. The intent is not to prohibit reasonable development within this area, but rather to encourage development that enhances the historic nature, and is consistent with the character of the community. Potential uses include studios, arts and craft facilities, corporate training facilities, retreats, and snack bars.

Second, it is recommended that a detailed master plan for the Historic Area be developed, and redevelopment/preservation incentives be adopted during Phase II of the Community Plan. This will provide assurances of realistic development potential, as well as guide appropriate growth in the Highlands Avenue corridor.

Finally, it is recommended that Phase III of the Community Plan obtain the necessary data and analysis to adopt a Historic Development Overlay into the Lee Plan.

Exhibit 9: Historic Areas Map:

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3. Public Input:

Because of the grass roots nature of this undertaking, input from area residents and landowners has been very important in the formulation of the study's recommendations. In order to assist the community to maintain a focused approach for this first amendment round, we utilized the list of Key Community Issues, and the preliminary existing conditions evaluations to stimulate input. However, we received input on other issues, and will incorporate them throughout the community planning process.

Between August 15 and September 11, we provided over 500 copies of the questionnaire to the community. These were handed out at the first public workshop, made available through local points of service (Publix, Colonial Bank, and the Estero Chamber of Commerce), and many were mailed out or sent via e-mail to those calling to request additional copies.

As of September 11, we received 125 responses to the questionnaire.

4. Planning Workshops

In addition, 4 Planning Workshops were conducted with the Estero Community Plan Committee in order to establish a scope, evaluate project approaches, review preliminary findings, and critique the preliminary draft of the Estero Community Plan. These meetings were fairly informal, and were conducted at the Colonial Bank conference room. Additional informal meeting were conducted with various members of the Committee, either by phone or at the offices of Vanasse & Daylor, LLP.

These workshops provided the members of the committee with a better understanding of the community input, results of the mapping, and recommended approach. Further, they provided the Consultant with the opportunity to obtain input from representatives of the Community and refine the Plan recommendations.

Section Four: Community Direction/Evaluation of Public Input

In order to solicit direct input from the community and Key Stakeholders, Vanasse & Daylor prepared a Questionnaire to identify specific concerns, recommendations and comments held by the citizens. These questionnaires contained a very broad diversity in response ranging from a no-growth sentiment to a "maintain the course" recommendation. Presented below is a summary of some of the key responses to the questionnaire. Copies of all the questionnaires are attached in Appendix B.

Table # 5:

FACILITIES AND SERVICES

The question read:

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Please rank the following public facilities and services based on your perception of the relative need for improvement.

RANKING		No Answer	1	2	3	4	5	6	7	8	9	10	11	12	13	14	TOTALS
2	ROADS	16	40	16	10	9	7	3	6	3	6	3	2	3	1		125
11	BIKE PATHS	19	5	2	4	6	4	7	10	10	5	8	8	15	17	5	125
1	WATER SUPPLY	19	58	22	8	5	2	5	2	1		1		1		1	125
3	DRAINAGE	19	17	28	15	10	10	3	6	5	4	3	3	1		1	125
8	SOLID WASTE	22	8	5	18	4	11	10	10	7	10	9	4	4	2	1	125
9	PARKS AND RECREATION	22	7	4	5	6	14	7	11	13	12	7	8	4	5		125
4	FIRE PROTECTION	23	10	11	19	12	14	10	6	5	5	2	2	2		4	125
10	LIBRARY	29	3	1	3	3	9	2	8	11	8	13	10	11	9	5	125
6	EDUCATION	23	10	6	8	12	11	13	9	8	6	6	7	2	4		125
12	CULTURE	22	4	3	4	5	12	5	8	6	8	14	15	14	5		125
13	RELIGION	29	1	1		8		2	4	6	5	12	13	16	20	8	125
5	LAW ENFORCEMENT	23	9	11	8	16	13	16	11	4	5	5	1	1	1	1	125
7	HEALTH CARE	22	8	3	8	9	13	10	10	12	7	12	5	2	3	1	125
	TOTALS	288	180	113	110	105	120	93	101	91	81	95	78	76	67	27	

(Please note: Not all rankings were used in all answers, some rankings were used more than once per questionnaire.)

Based on the compilation of responses, evaluation of existing conditions, and mapping and analysis, a Community Vision was refined, as well as the identification of multiple "Action Items". These Action Items represent general or specific steps that the community has identified for immediate action or future detailed evaluation. Presented below is a summary of the key issues identified by the participants of the study. However, in order to give the Community a clear expectation of how each of these Action Items will be addressed, when they will be addressed, and who is responsible for implementing them, each Action Item has been categorized in one of the following five categories:

- Initial Lee Plan Amendment
- Land Development Code Amendment
- Detailed Master Planning
- Secondary Lee Plan Amendments
- Community Responsibility

1. Initial Lee Plan Amendment:

The Action Items listed in this category can be addressed, even if only preliminarily, in the Lee Plan Amendment scheduled for submittal on September 29, 2000. These are typically issues that are visionary in nature, and can be adopted in Goal, Objective and Policy format. They will then serve as "enabling" language for future, more detailed community planning efforts.

These Action Items will help form the Community Vision Statement, and will serve as the cornerstone for future development and project approvals.

Timeframe: Initiated September 29, 2000; Approved September 2001

a. Commercial Corridor Concepts – See Policy 19.2

- Encourage Retail Concentrations at Major Intersections and in Other Clusters
- Encourage Mixed Use Developments along designated roadways
- Encourage neighborhood oriented retail uses along designated roadways (such as Flower Shop, Shoe Repair, Art Gallery, etc.)

b. Recreational Areas and Parks – See Recommended Policy 19.4

- Encourage the continued development of Recreational opportunities
- Encourage the integration of recreational opportunities and public water access on the Sahdev property.
- Encourage the acquisition of public access to the Estero River
- Encourage continued preservation and enhancement of CREW Lands

c. Community Services/Infrastructure

- Encourage Local Governmental Offices For Essential Services in Estero
- Encourage a Sheriff's Substation in Estero
- Encourage enhanced Fire Protection and EMS/ALS Services for Estero
- Encourage Community Based Medical/Health Services in Estero
- Encourage the expansion of Lee Tran Operations within Estero
- Discourage the proliferation of median cuts and accesses to adjacent properties.
- Discourage Through Truck Traffic on Corkscrew Road
- Provide direction for the protection of the Historic resources of Estero.

d. Environmental/Protection of Natural Resources

- Direct Required Mitigation to Estero, Whenever Possible

e. Identify Incompatible Uses

- Discourage the approval of detrimental uses including adult entertainment related businesses, bottle club establishments, free standing bars or lounges, businesses that use large outdoor areas for sales and inventory storage.

f. Development Approval Process

- Provide for earlier public notification of zoning actions via on-site signage, notice in the media, notice on County website, and notice to registered organizations and citizens of application for rezoning.
- Encourage Public Workshops Prior to the Hearings Examiner Proceedings.

g. General Amendments

- Update the Vision Statement to reflect the Community Vision for Estero

2. Land Development Code Amendment:

The following Action Items are typically more detailed in nature, and applicable to all new development in the Estero Community. These items will not only apply to all new development, but to approved projects that have not obtained Development Orders. Because of the specific nature of these amendments, these Action Items will be adopted in the Land Development Code, and will have the most immediate and visible results in achieving the character the community desires. Examples of these Action Items include buffering, enhanced landscaping, signage guidelines, etc.

Timeframe: Initiated October 2000; Approved January 2001

a. Architectural Standards for Structures

- Establish a Community Based Architectural Standards Review Board
- Define Standards Compatible with Community Vision
- Include or modify Building Height Limits
- Include or modify Building Setback Standards
- Encourage "Subdued" Color Schemes
- Limit "Box Type" Structures Without Architectural Features and Trim (these regulations currently exist in the Land Development Code, but may require refinement for Estero.)

b. Landscaping Standards

- Require Landscaping Consistent with LeeScape Master Plan
- Establish Standardized "Welcome to Estero" Signs and Landscaping at Estero Borders
- Require Implementation of roadway landscaping, berms and Sidewalks/Bike Paths along designated road corridors in order to provide visual relief and a unifying element throughout the Community.

c. Lighting, Signs, Utilities, Towers and Antennas

- Establish Distinctive Street Signs, Lamps and Poles, Benches and Bus Shelters for use within the Community.

- Define Standards for Size, Placement and general design of Streetlights.
- Require (When Economically Feasible) Buried Utilities Along Gateway Roadways and Internal to Planned Developments
- Require Enhanced Landscaping/Screening Around Utilities

d. Commercial Corridor Concepts

- Establish or modify Building Setbacks in Conjunction with Rear Parking
- Limit the Number of Roadway Median Cross Cuts and Accesses from Roadways
- Evaluate modified Hours of Operations for areas adjacent to residential zones
- Evaluate requiring compliance with the Estero Community Plan provisions in order to extend or vest a Planned Development Master Plan after five years of inactivity.

f. Community Services

- Encourage Community Uses (Fire, Post Office, etc.) within all zoning districts in Estero.
- Provide incentives for redevelopment/preservation within the Historic Area.

g. Environmental/Protection of Natural Resources

- Encourage required mitigation within Estero, whenever possible
- Establish appropriate setback standards from the Estero River and Estero Bay

h. List of Undesirable Businesses

- Modify the "List of Permitted Uses" within Key Corridors to discourage detrimental uses, bottle clubs, free standing bar or lounges, businesses which require large outdoor areas for sales and inventory storage

i. Development Approval Process

- Outline a Public Notification System to provide earlier public notice through signage, media, website notification or disclosure to Registered Organizations.
- Establish appropriate levels of information for Master Concept Plans – based on whether or not the proposed use is a "High Impact" use.
- Require an additional opportunity for Community review and input on a development approval request, prior to the Hearing Examiner Process.

3. Detailed Master Planning:

These Action Items will typically require additional research and/or detailed site planning on specific parcels. Examples include the location and/or design of community facilities such as parks, post offices, band shells, etc. This work must be directed by a consensus of the Estero Community, and in concert with individual property owners.

Timeframe: Initiated At the request of the Community Planning Committee
Approved by the Community Planning Committee and Private Property Owner

- Investigate potential Village Green concepts in conjunction with the Sandy Lane, Estero Community Park, and Railroad area.
- Investigate the potential of a modified "Main street" concept for the property adjacent to Corkscrew Road.

- c. Prepare conceptual and detailed "Entry Features" to welcome travelers to the Estero Gateways.
- d. Prepare conceptual and detailed plans for Koreshan State Historic Site's US 41 frontage. This may include enhanced landscaping, informational/interpretive kiosk at US 41 and Corkscrew intersection, modified wall and column design to integrate the Park into the community.
- e. Prepare conceptual and detailed plans for the Theatre in the Woods property at the Northeast quadrant of US 41 and Corkscrew Road to identify potential development scenarios that maintain the historic/open space nature of the property, while potentially allowing some development that is consistent with the Vision Plan.
- f. Prepare a Historic Community plan for the Broadway and Highland Road area. This may include residential, limited office and studio type uses.

4. Secondary Lee Plan Amendments:

These are more specific community planning elements that require significant evaluation, public input, and investigation of economic impacts. Because of the limited timeframe for the initial amendment, a secondary amendment round may be required to further implement specific modifications to the maps and/or text of the Lee Plan.

Timeframe: Initiated at the request of the Community Planning Committee
 Submitted September 2001
 Approved September 2002

- a. **Commercial Corridor Concepts**
 - Designate Specific Locations for "high intensity" commercial uses – not solely based on square footage.
 - Designate Specific Areas for Mixed Use Village Uses (Corkscrew Road, Highland Road)
 - Designate Future Community Facilities Location
- b. **Recreational Areas and Parks**
 - Evaluate the "Desired" LOS Requirements for Recreational Facilities in Estero
- c. **Community Services**
 - Evaluate the 2020 MPO Traffic ways maps for necessary improvements
 - Identify Sites for New Schools and Community Based Educational Programs in Estero.
 - Develop a Historic Development Overlay for the Historic Area east of US 41 and the Koreshan State Historic Site.
- d. **Environmental/Protection of Natural Resources**
 - Confine Required Mitigation to Estero, whenever possible
 - Evaluate the Preservation Approach within the DRGR areas East of I-75

e. General Amendments:

- Update the Planning Communities Map to individually track the population and development approvals within Planning Community 13.

5. Community Responsibility:

These are undertakings that do not fall within the "jurisdiction" of local regulatory structure. These Action items are identified in this report, but will require the active involvement of the Community to implement.

a. Architectural Standards for Structures

- Define Standards Compatible with Florida Traditional Styles and Surroundings.

While this was clearly a sentiment established in the Questionnaire responses, it is not recommended that a single style be established as the "preferred" style for the community. Rather, it is recommended that the Community work together during the Land Development Code amendments to identify certain parameters that are desired in the community, but allow various styles to be implemented. This approach will be much easier to regulate, will allow for more diversity, and result in a more vibrant, attractive community.

- Encourage "Subdued" Color Schemes.

As with the architectural regulations mandating a specific style, limitations on colors may be very difficult to obtain a consensus on, as well as regulate. It is recommended that a preferred list of colors be established during the Land Development Code process, with the understanding that the community will have to provide direct input to the developer during the Community workshops.

b. Landscaping Standards

- Use "Signature" Plantings of Flowering Plants and Trees.

It is understood that the Community desires an attractive landscaping component to separate the Estero Community from other areas of Lee County. However, it is the recommendation of this consultant that the landscaping not be limited to flowering plants and trees. Often, these plant species require significant maintenance, have undesired leaf and fruit drop, and go dormant during the peak season. Conversely, it is recommended that the majority of "required" plant material be based around native, hardy plant material with minimal maintenance requirements. Additional landscaping may be provided at the discretion of the property owner that features a limited list of flowering plant species.

c. Recreational Areas and Parks

- Develop Youth/Adult Recreation Centers with Active Programs

Typically, this type of requirement is community based, either through the establishment of a MSBU/MSTU district to fund these additional recreational facilities, or through the development of programs in conjunction with a YMCA, church or other similar organization.

- Make Appropriate Use of The Sahdev Property.

While a Policy has been recommended to encourage the "appropriate use" of the Sahdev Property, it is important to inform the Community that this is a State owned and managed facility, and that Lee County has no ability to require or develop any specific type of development at this location.

d. Cultural and Historical

- Support The Estero Historical Society, the Koreshan State Historic Site and Facilities Restoration, and develop a Center for the Arts.

All of these desires are efforts that must be undertaken by the residents and Key Stakeholders of the Community. Lee County has no ability to mandate or affect any change that would result in the achievement of these goals.

e. Community Services

- Establish local governmental offices for essential services in Estero.

The Estero Community Plan includes a Policy encouraging the compliance with this goal. However, the realization of this goal will require significant lobbying and population growth in order to justify this level of infrastructure. Most likely, in order for these services to be provided, there will have to be a public/private partnership to facilitate the cost effective provision of these services. It is recommended that the Community work with local developers and landowners to put together an offering that will encourage the County government to take action on this request.

- Identify Sites for New Schools and Community Based Educational Programs in Estero.

The Lee County School Board, as well as higher educational providers, is completely independent of Lee County government. While Policies may be developed to encourage these uses, the County has no ability to implement this goal. In order to realize compliance with this goal, a local effort will have to be spearheaded by the Community to persuade the appropriate agencies to consider locating in the Estero Community.

- Encourage Community Based Medical/Health Services in Estero.

The provision of Medical and Health services are purely market driven, and cannot be required to locate in the Estero Community. As with other "Community Cultural" elements, it is recommended that the Community put together a group that is charged with the responsibility of pursuing these service providers, and demonstrating that Estero is the most appropriate location for them to enter the market.

f. Environmental/Protection of Natural Resources

- Enforce Population Density Standards.

The Lee Plan establishes the maximum density standards. There are no instances where the population standards have not been enforced. There may be instances where zoning approvals allow densities consistent with the higher end of the permitted densities, but the resulting density is consistent with the established standards.

- Define and Implement Noise Standards.

Lee County already has a Noise Ordinance that establishes maximum noise thresholds for daytime and nighttime periods. This Ordinance is enforced by the Lee County Sheriff's office. A recent evaluation of this ordinance demonstrates that the regulations are consistent with the majority of Florida communities.

g. Development Approval Process

- Conduct all Public Workshops and Hearings Within the Estero Community.

This request would essentially relocate the county seat to Estero. It is highly unlikely that all Public Workshops and Hearings could be conducted within the Community. The Estero Community Plan has recommended additional notification and workshops be conducted within the community, but additional changes should be conducted separate from the Community Plan.

- Distinguish between "persons being paid to influence public decisions" and "citizens and/or citizens organizations" when limiting communications with County Staff and County Commissioners regarding property and land use decisions.

This request is based on the current prohibition of un-authorized communication with County Commissioners. This is a legal issue that has recently been discussed between the Board of County Commissioners and the County Attorney's Office. The Community Plan has no ability to modify this current regulation. If the Community desires additional changes, it is recommended that the issue be addressed with the State Attorney's office as well as the County Attorney's office.

Section 5: Concepts/Strategies

The following concepts are underlying principals that have been utilized to evaluate the Action Items, as well as craft the Estero Community Plan recommendations. These concepts are founded in sound planning principles, Lee Plan provisions, and Land Development Code regulations, and are intended to maintain a balance between the desires of the community and the legal rights of property owners.

1. The unique character of Estero should be enhanced and/or protected from visual blight.
2. Corkscrew Road is a gateway into the Estero Community, and should be protected.
3. Florida Gulf Coast University and the International Airport should be considered when planning for future growth patterns within the Estero Community.
4. The historic beginnings of Estero should be protected and integrated into the Community.
5. The natural resources of Estero are essential for the well being of the Community.
6. Acknowledge and protect property rights previously obtained through the development approval process.
7. The following Lee Plan provisions are particularly applicable to the Estero Community, and should be considered in all land use or infrastructure planning decisions.
 - a. Goal 1: Future Land Use Categories
 - b. Objective 2.1: Development Location
 - c. Objective 2.2: Development Timing
 - d. Policy 2.3.2: Provision of Adequate Infrastructure
 - e. Policy 2.9.1: Scenic Corridors
 - f. Goal 4: Development Design (encouraging Mixed Use Projects)
 - g. Policy 5.1.3: Direct high-density residential areas to locations near employment centers.
 - h. Policy 5.1.5: Protection of the character and integrity of existing and future residential areas from encroachment of destructive uses.
 - i. Policy 6.1.1: Review criteria for Commercial Development.
 - j. Policy 6.1.3: Commercial Development Design Requirements
 - k. Policy 6.1.5: Traffic Carrying Capacity provisions (to support the requirement to provide project interconnects along Corkscrew Road).
 - l. Policy 6.1.11: Incentives for the Conversion of Strip Commercial Uses. (this provision may be implemented to support recommendations resulting from the Phase II and III Estero Community Plan).
 - m. Goal 22: Level of Service Requirements for the County Road system.
 - n. Goal 24: Transportation System Development Regulations
 - o. Objective 25.3: Roadway Landscaping (use this Objective to support enhanced landscaping requirements)
 - p. Goal 33: Potable Water Level of Service Requirements
 - q. Goal 36: Sanitary Sewer Level of Service Requirements
 - r. Goal 41: Protection of Water Resources (to educate the Community on existing efforts to protect these resources)

- s. Goal 43: Groundwater Recharge (to educate the Community on existing efforts to protect these resources)
- t. Chapter V.: Parks, Recreation and Open Space (to support requests for integrated planning of recreational facilities)
- u. Policy 70.1.3: Minimum Acceptable Level of Service Standards
- v. Goal 74: Coastal Resource Protection (to support future additional regulations associated with the Coastal Area)
- w. Goal 77: Resource Protection (to support future Land Development Code amendments that may require additional protection of key natural resources)
- x. Objective 104.3: Historic Preservation Incentives (to support recommendations regarding the enhancement of the Koreshan State Historic Site and Theatre in the Woods property).
- y. Policy 110.1.2: Economic Element (used to support request for additional medical facilities within the community)

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Section Six: Recommendations

The recommendations from Phase I of the Estero Community Plan are targeted at establishing a vision for the community, and to provide the Lee Plan with guidance for future community development issues within Estero. The proposed Lee Plan amendments fall into six primary categories: Community Character, Commercial Land Use, Residential Land Use, Natural Resources, the Development Approval Process, and Community Facilities. Presented below are the proposed Goals, Objectives and Policies intended to begin to establish the type of community envisioned by the residents.

Vision Statement:

"To establish a community that embraces its historic heritage, while carefully planning for future growth resulting from Florida Gulf Coast University, the Southwest Florida International Airport, growing population and unique natural environment. Estero's growth will be planned as a village, establishing defined areas for tasteful shopping, service and entertainment, while protecting and encouraging residential neighborhoods that encourage a sense of belonging. Weaving the community together will be carefully crafted limitations on strip commercial uses, inappropriate signage and certain undesired commercial uses, while additional design guidelines will be established to ensure attractive landscaping, streetscaping, architectural standards, and unified access points. The implementation of this Vision will help reduce the conflict between residential and commercial areas, as well as allow Estero to emerge as a vibrant Lee County Village."

GOAL19: ESTERO

To protect the character, natural resources and quality of life in Estero by establishing minimum aesthetic requirements, managing the location and intensity of future commercial and residential uses, and providing greater opportunities for public participation in the land development approval process.

Objective 19.1: COMMUNITY CHARACTER. Lee County shall establish, enhance and enforce regulations, policies and discretionary actions affecting the character and aesthetic appearance of Estero to help create a visually attractive community.

Policy 19.1.1: By the end of 2001, Lee County shall review, amend or establish Land Development Code regulations that provide for enhanced landscaping along roadway corridors, greater buffering and shading of parking areas, signage consistent with the Community Vision, and architectural standards.

Policy 19.1.2: Lee County may not approve any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards.

Policy 19.1.3: Lee County will work with private property owners to establish incentives for bringing older projects into compliance with the regulations adopted as a result of the Estero Community Plan.

Policy 19.1.4: Lee County and the Estero Community shall work in conjunction with private developers, public agencies and community service providers to establish a town commons that encourages the location of a post office, public meeting hall, outdoor plaza, governmental offices, medical providers and recreational opportunities. Ideally,

this town commons shall be located south of Corkscrew Road and north of The Brooks, and shall be between US 41 and I-75.

Policy 19.1.5: Lee County and the Estero Community will work with the State of Florida to enhance the Koreshan State Historic Site in such a manner that it is more visually integrated with the Community along US 41, provides for enhanced pedestrian/bicycle access, and includes a public plaza/interpretive area at the corner of US 41 and Corkscrew Road.

Policy 19.1.5: Lee County and the Estero Community will work with the property owners within the Historic Area to encourage development that is consistent with the historic nature of the Highlands Avenue/US 41 area. This should include the prohibition of significant conversion of land area until a comprehensive Historic Development Overlay can be developed.

Objective 19.2: COMMERCIAL LAND USES. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions must recognize the unique conditions and preferences of the Estero Community to ensure that tasteful shopping and employment opportunities are provided, while maintaining the community character.

Policy 19.2.1: All commercial developments within the Estero Community must be reviewed as a Commercial Planned Development.

Policy 19.2.2: All retail uses shall be in compliance with the Retail Site Location Standards. A finding of a "Special Case" (when not offered as part of an area wide development plan) may not be permitted along Corkscrew Road or adjacent to any residential use.

Policy 19.2.3: Non-Residential Uses along Corkscrew Road (outside of the Nodes identified on Map 19) are encouraged to be mixed use in nature, and allow for residential uses when possible. Further, uses outside of the Site Location Nodes on Corkscrew Road should be limited to minor commercial uses intended to serve community residents.

Policy 19.2.4: By the end of 2001, Lee County must review, amend or adopt regulations that encourage or incentivize mixed use developments along Corkscrew Road.

Policy 19.2.5: With the exception of Commercial Nodes identified on Map 19, as may be amended from time to time, Lee County shall discourage retail uses along Three Oaks Parkway, in favor of service and residential uses.

Policy 19.2.6: By the end of 2001, Lee County must review, amend or adopt regulations that prohibit "detrimental uses", free-standing nightclubs or lounges, or retail uses that require significant outdoor display, storage or delivery areas from locating within 500' of an existing or approved residential neighborhood.

Policy 19.2.7: By the end of 2001, Lee County must review, amend or adopt regulations that require Planned Developments which exceed the five year time frame established in the Land Development Code, and have not complied with the vesting requirements outlined in the LDC, to automatically become vacated. In order to extend, vest or

otherwise maintain the original Master Concept Plan, all provisions required by Goal 19 shall be accommodated by the development.

Policy 19.2.8: By the end of 2001, Lee County must review, amend or adopt regulations that require commercial developments within the Estero Community to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors.

Objective 19.3: RESIDENTIAL USES: Lee County shall protect and enhance the residential character of the Estero Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space, and requiring compliance with enhanced buffering requirements.

Policy 19.3.1: In order to meet the future needs of Florida Gulf Coast University, Lee County shall encourage higher density residential developments, with a mix of unit types, in close proximity to Florida Gulf Coast University, and along I-75.

Policy 19.3.2: By the end of 2001, Lee County shall amend the Mixed Planned Development Category to allow for small scale mixed use projects along Corkscrew Road, to allow residential above or in close proximity to retail and service uses.

Policy 19.3.3: By the end of 2001, Lee County shall review, amend or adopt regulations to strengthen buffering between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature.

Policy 19.3.4: Lee County shall protect the large lot residential areas between Koreshan Parkway and Corkscrew by requiring significant buffers between existing lots and higher density residential developments, or the placement of transitional density units along the perimeter.

Policy 19.3.5: No property within the Estero Community may be rezoned to RVPD or MHPD.

Objective 19.4: Natural Resources: County regulations, policies, and discretionary actions affecting Estero must protect or enhance key wetland or native upland habitats.

Policy 19.4.1: By the end of 2001, Lee County shall review, amend or adopt Lee Plan or Land Development Code regulations to provide the following:

- All future development proposals adjacent to the Estero River or its tributaries shall include floodplain protection plans prior to zoning approval.
- All new development adjacent to the Estero River or its tributaries must provide a 50' vegetative buffer adjacent to the top of bank. This is intended to prevent degradation of water quality within these natural water bodies.
- Lee County shall encourage the off-site mitigation of indigenous areas, wetland impacts or wildlife habitat impacts to be provided within the Estero Community Boundaries.

- Lee County shall provide significant incentives (increased density, impact fee reductions, Transfer of Development Rights, etc) for the protection of wetlands, flow ways, native habitat or other significant natural resource within the Estero Community.

Policy 19.4.2: Lee County shall focus acquisition efforts on environmentally sensitive lands east of I-75 and along the Estero Bay.

Policy 19.4.3: Lee County, or another authorized agency, will work to provide alternative irrigation sources (re-use, Aquifer Storage and Recovery Water, or mixed-non-potable) or financial incentives to provide non-potable water to uses within the Estero Community. This is desired to discourage the proliferation of private, single user wells.

Policy 19.4.4: Lee County will continue to enforce Wellfield protection requirements, monitoring, and other applicable provisions to ensure that future wellfield drawdown zones are protected.

Objective 19.5: PUBLIC PARTICIPATION. Lee County shall encourage and solicit public input and participation prior to and during the review and adoption of county regulations, land development code provisions, policies, zoning approvals, and administrative actions.

Policy 19.5.1: Lee County shall register groups within the Estero Community that desire notification of pending review of ordinances, development code amendments or development approvals. Upon registration, Lee County will send written notifications summarizing the issue being reviewed and any established hearing dates.

Policy 19.5.2: Lee County shall require public notice to any "registered" person or landowner within 500', issued upon being found sufficient.

Policy 19.5.3: Lee County shall establish a "document clearing house" in the Estero Community, where copies of submittal documents, staff reports, Hearing Examiner recommendations or resolutions will be provided for public inspection, as soon as they are available.

Policy 19.5.4: Lee County shall require that the agent for any planned development request within the Estero Community, conduct one public workshop, or provide one set of submittal information to an established "document clearing house" for public review. The agent shall provide the public workshop or submittal of documentation at least one week prior to the Hearing Examiner meeting.

Objective 19.6: COMMUNITY FACILITIES. Lee County shall work with the Estero Community to economically provide or facilitate the provision of a broad mix of Community Facilities necessary to support the Estero Community as a vibrant urban core.

Policy 19.6.1: Lee County and the Estero Community shall work with the State of Florida to provide appropriate passive recreational opportunities within the Sahdev Property, potentially enhanced by a public/private partnership. This should include easy access, parking, trails, and other non-intrusive uses.

Policy 19.6.2: Lee County and the Estero Community will work with the State of Florida to encourage the integration of Koreshan State Historic Site into the fabric of the community. This may include landscaping, attractive fence/walls along US 41, the provision of a "gateway" at US 41 and Corkscrew Road and enhanced pedestrian access.

Policy 19.6.3: Lee County will adopt regulations that will encourage the protection of historic or culturally significant areas from conversion to residential or commercial uses. This is not intended to prevent ancillary development designed to highlight historic uses, but rather to prohibit the removal of such historic uses.

Policy 19.6.4: Lee County will work with the community and private landowners to identify opportunities to maintain public access to the Estero River and Estero Bay.

Policy 19.6.5: Lee County will work with the community to ensure that the development of the Estero Bonita Springs Community Park is integrated into the surrounding development and open space areas. The concept would be for the park to act as a hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments.

Policy 19.6.6: Lee County will assist the Estero Community in identifying and developing a "village green" that provides opportunities for public gathering, recreation, civic activities, and the distribution of public services, including a post office, license bureau, tax collectors office, police sub-station and or fire station.

Policy 19.6.7: Lee County will work with the Community and specific property owners to evaluate the potential of extending Sandy Land to Williams Avenue to provide for an alternative north/south corridor.

Policy 19.6.7: In order to protect the health, safety, welfare and community character, prohibit trucks with a carrying capacity of ## from using Corkscrew Road (from Alico Road to US 41) as a connecting road to US 41 and I-75.

Modifications to current Lee Plan Provisions:

The following section contains proposed amendments to existing Lee Plan provisions to better implement the intent of the Estero Community Plan.

Policy 6.1.2.10: The Board of County Commissioners may approve applications for minor commercial centers that do not comply with the location standards for such centers, but which are consistent with duly adopted CRA and Community plans.

Policy 6.1.2.1(e): When developed as a mixed use development, and meeting the use limitations, modified setback standards, signage limitations and landscaping provisions of the Corkscrew Road Mixed Use Village, retail uses may deviate from the locational requirements and maximum square footage limitations, subject to conformance with the Estero Community Plan and approval by the Board of County Commissioners.

Vision Statement: Amend the Vision Statement to reflect the Vision Statement developed for the Estero Community.

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Proposed Actions for Phase II of the Estero Community Plan:

As a result of the Action Items identified during the Phase I Community Planning Effort, several steps are recommended to the Community for incorporation of the Phase II Community Planning Effort. These include the following:

1. Evaluate and/or Modify Land Development Code Section 10-416, to consider enhanced landscape requirements for the Estero Community, particularly adjacent to identified road corridors, and between commercial and residential developments.
2. Evaluate and/or Modify Article IV of the Land Development Code to consider enhanced architectural requirements for the Estero Community.
3. Evaluate and/or Modify Chapter 30 of the Land Development Code to provide additional design guidelines for signage within the Estero Community.
4. Evaluate and/or Modify Division 7 of Chapter 34 to provide for enhanced notification of pending development approval hearings, as well as establish a methodology to provide greater information to the public prior to public hearings.
5. Evaluate and/or Modify Section 34-373(a)(6) of the Land Development Code to establish additional submittal requirements for specific land uses.
6. Clarify Section 34-341 of the Land Development Code to require that all commercial developments within the Estero Community be evaluated through the Planned Development process.
7. Evaluate Table 34-934 of the Land Development Code to establish that certain detrimental uses, or uses with significant outdoor storage are discouraged within the Estero Community except at locations currently designated on Map 19 of the Lee Plan.
8. Work with affected property owners to prepare and adopt specific development regulations for the Corkscrew Road Mixed Use Village that allow for mixed use developments in excess of Minor Commercial Standards, provided that the development complies with the limited list of permitted uses, more restrictive signage requirements, enhanced landscape standards, internal vehicular interconnections, and modified buffer and setback provisions.
9. Work with affected property owners to prepare and adopt specific development regulations for the Historic Village Development Areas to outline development regulations that encourage community oriented development while preserving historic and natural resources.

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Proposed Actions for Phase III of the Estero Community Plan:

As a result of the Action Items identified during the Phase I Community Planning Effort, several steps are recommended to the Community for incorporation of the Phase III Community Planning Effort. Phase III will result in a combination of Map and Text Amendments to the Lee Plan to further the intent of the Estero Community Plan. These include the following:

2. Adopt a Historic Development Overlay for the historic corridor between US 41 and the Highland Avenue area.
3. Evaluate the potential of extending Sandy Lane to Williams Avenue, and the potential creation of an additional east/west connection road.
4. Prepare the necessary data and analysis to adopt a mixed use Village Overlay district along Corkscrew Road.
5. Evaluate the preservation strategies for targeted acquisition areas east of I-75.

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Appendix A: Planned Development Approval Summary

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Appendix B: Questionnaire Responses

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General

1. What general area do you consider to be your neighborhood?

2. What do you envision Estero to look like in 2010? What character do you want it to have?

3. Given the current year-round population of approximately 5,000, how big do you see the Estero Community in 20 years?

Character

4. Would you support changes to the existing signage regulation? (Please check) Yes _____ No _____ If yes, how?

5. Would you support changes to the landscaping regulations? (Please check) Yes _____ No _____ If yes, how?

6. Would you support changes to architectural requirements? (Please check) Yes _____ No _____ If yes, how?

Land Use - Residential

7. Are there areas of the Estero community that you think should be identified for higher density uses?

8. Are there areas that of the Estero community that you think should be identified for lower density uses?

Land Use - Commercial

9. Are there areas of the Estero community that you think should be identified for higher intensity uses?

10. Are there areas that of the Estero community that you think should be identified for lower intensity uses?

11. Are there any specific commercial uses you would like to encourage or discourage within the Community?

Other

12. What, if anything, would you like to see changed in the Estero community?

13. Have you ever participated in a public hearing or zoning process? Yes _____ No _____ Would you recommend any changes?

14. Are there any other issues that you think ought to be addressed?
as we proceed with the Estero Community Plan?

15. What issues do you feel are important relative to past growth?

16. What issues do you feel are important relative to future growth?

17. Are there any other recommendations on land use that you
want to offer?

18. Please identify any problems or opportunities with specific
natural resources that you would like addressed.

Facilities and Services

19. Please rank the following public facilities and services based
on your perception of the relative need for improvement.

Rank Importance (1 most to 14 least)	Facility/Service	Comment
	Roads	
	Bike Paths	
	Water Supply	
	Drainage	
	Solid Waste	
	Parks and Recreation	
	Fire Protection	
	Library	
	Education	
	Culture	
	Religion	
	Law Enforcement	
	Health Care	

Estero Community Plan

Public Workshop #1 Questionnaire

August 15, 2000

Vanasse & Daylor is working in cooperation with the Estero Chamber of Commerce, the Estero Concerned Citizens Association, the Estero Civic Association, and the Residents of Estero to develop a Community Plan for the Estero Community. The Community Plan will address issues relating to land use, public facilities and services, natural resources and housing. This questionnaire is intended to gather an initial indication of the interests and priorities of the residents of the Estero Community.

Please complete the questionnaire and mail it to Vanasse & Daylor, LLP at the address listed below, or drop it by the Estero Chamber of Commerce, by August 23, 2000.

Mail the questionnaire to:
Diane Wakeman, Administrative Coordinator
Vanasse & Daylor, LLP
12730 New Brittany Boulevard, Suite 600
Fort Myers, FL 33907
(941) 437-4601



**PLANNING DIVISION**

M E M O R A N D U M

LEE COUNTY
S O U T H W E S T F L O R I D A

to: Mitch Hutchcraft, Vanasse & Daylor, LLP
from: Paul O'Connor, AICP, Director of Planning
subject: Estero Community Plan Comments
date: April 18, 2001

The Lee County Planning Division has reviewed the draft submittal for the Estero Community Plan, and offers the following comments. County staff met with members of the community and you in November of 2000, and discussed many of the following comments at that time. Staff had hoped that several of these issues would have been resolved by now, but they have not.

The goals, objectives, policies, and standards proposed by the Estero community have been proposed with the idea of incorporating these standards into the existing Lee Plan. Consequently, any such modification to the Lee Plan requires data and analysis (justification) in support of the amendment. The analysis should demonstrate that existing regulations have been reviewed, and that they are not adequate to meet the goals of the community. Also, the analysis should demonstrate that proposed regulations do not conflict with existing regulations. Staff analyzed this submittal as it would any other proposed plan amendment. In the review of the Estero Community Plan, staff primarily looked for data, analysis, and justification to support what was being proposed. Sufficient analysis for many of the proposals is missing from the current submittal. There are many regulations being proposed that would seem to be beneficial to the Estero community, but without adequate analysis, it is difficult to justify incorporating these policies into the Lee Plan.

Furthermore, some of the proposed regulations require some type of action by Lee County. Many of the policies require Lee County to amend certain documents, work with the Estero community, or provide something to the Estero community. These policies, in many cases, go above and beyond what is required in other areas of the County. In many cases, the new regulations will likely require additional capital expenditure beyond the County's existing level of service. The Estero Community Plan does not take into account how the County will pay for the additional level of service that would be required by some of the proposed policies. This issue needs to be addressed in the resubmittal. Additionally, several Policies require that the County's Land Development Code be amended by 2001. Staff notes that this is impossible as the last round of amendments for 2001 has already been initiated.

Specific comments on the proposed regulations are shown policy by policy, in numerical order, in the ensuing paragraphs.

Proposed Lee Plan Policies:

Vision Statement - The proposed Vision Statement seems to indicate that changes are being proposed to the Lee Plan's Vision Statement to reflect the unique character of Estero. Staff is unclear whether this means that Estero is requesting to be its own planning community, independent of the current "San Carlos/Estero" designation, or if the proposed vision statement language would be added to the existing San Carlos/Estero Vision Statement. The County uses the existing planning communities in the planning process for generating land use accommodation data. If the proposed amendments seek to establish a new planning community for Estero, then the Lee Plan 2020 allocations contained in Table 1(b) will also require an amendment.

The use of the phrase "certain undesired commercial uses" in the proposed Vision Statement needs further definition. As it currently reads, there is no guidance as to what constitutes an undesired commercial use. Staff questions the appropriateness of such language in the Vision Statement. This statement should be more general in nature, with any detailed restrictions on "undesired commercial uses" being addressed through specific policies. Staff believes that "undesired commercial uses" can be controlled through other policies that address compatibility, buffering, landscaping, etc.

Goal 19 - The phrase "approval process" should possibly be replaced by "review process." This is just a simple wording issue. The phrase "approval process" assumes that all development applications are approved, which they are not.

Policy 19.1.1 - The "draft" community plan gives little direction on what constitutes enhanced landscaping along roadway corridors, greater buffering and shading of parking areas, signage consistent with the Community Vision, and architectural standards. This proposed policy directs the County to amend the County's Land Development Code (LDC), but provides little or no direction as to how much the LDC should be amended. The balance of the community plan provides no further enlightenment.

Policy 19.1.2 - It is not realistic to eliminate all of these deviations. There will always be cases where a deviation is needed for a legitimate reason such as an unusual lot configuration. The LDC contains specific restrictions on the granting of deviations in Chapter 10-104(b). These restrictions prohibit deviations from being granted unless they are consistent with the Lee Plan, among other things. Staff needs to see more analysis indicating that alternatives have been considered, and that this new policy is the appropriate vehicle for achieving the desired outcome. Perhaps the policy could be rewritten to discourage these deviations by requiring a higher level of justification by the applicant.

Policy 19.1.3 - Staff questions what action would trigger the requirement to upgrade the aforementioned private property owner's development? The LDC already requires that properties that have been vacant for more than a year to be brought up to the code requirements as much as possible. Staff regularly works with owners in this situation.

Policy 19.1.4 - Staff needs to see analysis and reasoning why this particular location has been chosen for the town commons, and if it is feasible to locate it in this area. Why has this area been chosen as the desired location for the town commons? Would any existing development prevent the establishment of a town commons at this location? Would the town commons require any public funding or would it be a private development? Have other areas been considered? What level of involvement is expected from the County?

Policy 19.1.5 (first one numbered 19.1.5) - What level of County commitment is expected? What does "more visually integrated with the Community along US 41" mean? The Department of Environmental Protection Park Manager comments that the "creation of a public plaza/interpretive area for vehicular access would be difficult with the congestion, noise and traffic levels that currently exist. Safety concerns at the junction of US Highway 41 and Corkscrew Road would present serious drawbacks." The park manager notes that pedestrian/bicycle access to the park for US 41 is desperately needed.

Policy 19.1.5 (second one numbered 19.1.5) - Staff believes it would be most appropriate to revise this policy to say that the Lee Plan will be amended by a specific date to include a comprehensive "Historic Development Overlay." What are the boundaries of the "Historic Area"? Will it be the County's responsibility to develop the "Historic Development Overlay?"

Objective 19.2 - The phrase "tasteful shopping and employment opportunities" is subjective. Individual preferences can determine what is tasteful, in other words, tastes vary from individual to individual. The objective also assumes that there is an agreed upon "community character." What is the character that is to be maintained?

Policy 19.2.1 - This policy is unclear. Does this mean that all commercial development requiring rezoning must rezone to CPD? Or does it mean that all commercial development will be reviewed as if it were a CPD? It is not realistic to require all commercial developments to come in as a commercial planned development, when there are many vacant properties that already have conventional commercial zoning. What does this policy mean for conventional commercial development that only requires a development order and no rezoning? Analysis is required showing why this is needed and how feasible this will be.

Policy 19.2.2 - Staff does not agree with the complete elimination of the "special case" along Corkscrew Road and adjacent to residential uses. Staff believes it would be an unnecessary regulation. Currently, the special case may only be granted if retail is the only reasonable use of a property in light of its size, proximity to arterials and collectors, and the nature of existing and projected surrounding land uses. There have been very few cases in which the special case has been granted to waive the requirements of retail site location standards. Furthermore, it has been the policy of County staff and the Board of County Commissioners to oppose retail uses along Corkscrew Road, except at the major nodes of US 41, Three Oaks Parkway, and I-75. In those cases where retail uses are located adjacent to residential areas, any application for a special case could be

denied based on the compatibility requirements of the LDC and inconsistency with Policy 5.1.5 and Policy 6.1.4 of the Lee Plan. Staff believes that the provisions for the "special case," given in Policy 6.1.2.8 should remain in place.

Policy 19.2.3 - This proposed policy could result in the commercial "stripping-out" of Corkscrew Road. Staff believes that the phrase "minor commercial uses intended to serve community residents" is subjective and open to endless debate in the rezoning process. The proposed policy opens up Corkscrew Road to commercial uses, while mixed use projects are only "encouraged."

Policy 19.2.4 - Staff is unsure what constitutes a "mixed use development" in this context. Would it simply be a development with more than one distinct type of land use or would it go further to require that residential and commercial uses be truly integrated in such a way to form a semi-independent community where many trips would be captured internally? The submitted application does not propose any incentives. Also, please provide an analysis as to any potential public costs and benefits from providing incentives to developers who elect to create mixed-use projects.

Policy 19.2.5 - Retail uses already exist or are planned along Three Oaks Parkway. An analysis is needed showing that alternatives have been considered and that this policy would be absolutely necessary in light of other Lee Plan policies and the goal of the community. Analysis of the existing and approved retail uses along Three Oaks Parkway is needed. In the context of this policy, what constitutes service uses.

Policy 19.2.6 - The term "detrimental uses" is vague. The policy also does not specify what constitutes "significant outdoor display?" Also, nearly every commercial retail or service use has a storage or delivery area. This policy seems to prevent any retail or service uses from locating within 500' of a residential neighborhood. Is this the intent? Would this policy apply to a multi-family residential neighborhoods? How would this proposed policy effect the proposed Policy 19.2.4, which encourages mixed use development? Would this policy apply when the "detrimental uses" are within the same mixed use development as residential uses?

Policy 19.2.7 - Planned developments already become vacated if they do not comply with the vesting requirements of the LDC (see LDC Sec. 34-381). In staff's opinion this proposed policy is not needed.

Policy 19.2.8 - Staff believes the policy would be more effective if it simply encouraged the interconnections outright instead of requiring LDC amendments at a later date. Please indicate if this alternative has been considered. Staff notes that LDC Section 10-295 already gives the Director of Development Services the ability to require "street stubs" to adjoining property.

Objective 19.3 - The objective, and subsequent Policies, provide no guidance as what constitutes an enhanced buffering requirement. The phrase "strictly evaluating" is not defined and is subjective.

Policy 19.3.1 - How will higher density residential developments, with a mix of unit types, be encouraged by Lee County?

Policy 19.3.2 - Staff notes that the MPD thresholds have already been lowered. Is the intent to lower the thresholds further?

Policy 19.3.3 - No analysis has been provided that demonstrates that the LDC buffering criteria is inadequate. This Policy, and the community plan in general, does not address how the buffers should be "strengthened."

Policy 19.3.4 - The large residential lots referenced in this policy need to be better defined. Also "transitional density units" need to be better defined to prevent future confusion.

Policy 19.3.5 - Excluding mobile homes has been found by the courts to be discriminatory. Staff can not support the proposed Policy. The proposed Policy makes no sense as a developer/property owner would still have the ability to request mobile home use under conventional zoning. No data or analysis has been presented to warrant limiting these singled out uses.

Objective 19.4 - How must the sited county provisions protect or enhance key wetland or native upland habitats?

Policy 19.4.1 (bullet 2) - The specified buffer should be a minimum and be a native vegetative buffer.

Policy 19.4.1 (bullet 3) - This provision is poorly worded. The policy could be interpreted as encouraging off-site mitigation. Off-site mitigation should be the last option. Lee County does not permit wetland impacts and mitigation. The Army Corps of Engineers and South Florida Water Management District handle those functions. The Policy is asking for a major change in Board of County Commissioners policy.

Policy 19.4.1 (bullet 4) - The incentives that have been mentioned will require amendments to other sections of the Lee Plan as well as the LDC and Administrative Code. Bonus density provisions would require substantial amendments, which have not been proposed by the applicant. The policy should provide more direction on exactly what documents, and sections within these documents, should be amended, and by what date, to achieve the desired outcome. Analysis is needed showing why incentives should be provided for doing things that are already required by the Lee Plan and LDC during the development review process. Furthermore, it is the opinion of the County that it is illegal to provide impact fee reductions as an incentive for any purpose. Also, impact fees cannot be reduced to encourage the protection of natural resources when there are no impact fees collected for this purpose.

Policy 19.4.2 - Lee County takes a countywide approach to land acquisition.

Policy 19.4.4 - This proposed policy is redundant as it merely states what Lee County is already doing.

Objective 19.5 - Lee County already requires public notification on LDC and Lee Plan changes as well as zoning approvals. The public is made aware of these actions, and it is their choice to participate through the public hearing process or not. Administrative actions, however, do not require public notification or a public hearing. Some examples of administrative approvals might include building permits, fence permits, pool permits, or development orders. How can the County encourage public participation on such administrative actions when they do not require public notification or a hearing? The way this objective is written, it could be interpreted to encourage public participation on some common administrative approvals, which would be unreasonable. Was this the intent? This objective should further define what approvals will be subject to the encouragement of public participation. Also, this requirement seems to open the door to additional LDC amendments that would significantly change what qualifies as an administrative approval in Lee County. These impacts should be considered by the applicant.

Policy 19.5.2 - Lee County has recently revised the public notification requirements. The applicant should evaluate those new requirements. Staff believes this policy is not needed as any landowner within 500 feet of a rezoning would be notified. In some cases this notification would be extended to 750 feet. The proposed policy is not specific enough. For example, the proposed policy does not indicate what actions would be subject to the notification.

Policy 19.5.3 - Please indicate what department in Lee County will be responsible for establishing this clearinghouse, and where it might be established. Also, the estimated costs and public benefit of establishing the clearinghouse should be analyzed. Could the documents cited in the policy possibly be made available at the library or online?

Policy 19.5.4 - The words "Lee County shall require" should be removed. The policy should begin, "The agent for any planned development..." Also, staff believes that conducting the public workshop one week prior to the public hearing does not give interested citizens adequate time to prepare any response to the proposed development. Staff recommends that this workshop be conducted a minimum of sixty days prior to the hearing examiner public hearing. Also, staff believes that any submittal materials should be provided to the proposed document clearing house within one week after they are submitted to the County. Lee County has recently amended the regulations concerning the rezoning process. The applicant should evaluate the amended process.

Objective 19.6 - It is unclear what level of service for community facilities would be necessary to support a "vibrant urban core." The term "vibrant urban core" is not defined.

Policy 19.6.1 - Staff would agree to facilitate communication between the Estero Community and the State of Florida in regard to passive recreational uses on the former Sahdev property. It should

be made clear, however, that the property is now public preserve land, and the uses will be limited by the state of Florida through a management plan.

Policy 19.6.2 - Please indicate how a fence/wall around the historic site would serve to integrate it into the community. Staff fully supports any action that would better integrate the historic site into the community, but would respectfully disagree with the use of a fence/wall around the site as the means to provide integration.

Policy 19.6.3 - Please provide an exhibit that identifies the location of the historic or culturally significant areas that are to be protected by this policy. A map and list of the historic areas with specific historic sites would be beneficial to the planning effort. Phase III of the planning effort calls for the adoption of a Historic Development Overlay. Will this overlay coincide with the historic areas identified in this policy? Have the boundaries of this overlay been explored at this time? If historic uses, rather than historic buildings, must be protected, then these uses must be identified.

Policy 19.6.7 (first numbered Policy 19.6.7) - The Sandy Lane extension is already on the 2020 Transportation Plan, which shows that it is something that Lee County plans to do before the year 2020 if the funding is available. The county is already in the process of acquiring right-of-way for the extension of Sandy Lane. This policy should possibly be reworded. Also note typo: "Sandy Lane" instead of "Land".

Policy 19.6.7 (second numbered Policy 19.6.7) - This issue has already been addressed by the Board of County Commissioners. Staff can not support the proposed policy.

Modification to current Lee Plan provisions:

Policy 6.1.2.1(e) - Staff is unaware of any "Corkscrew Road Mixed Use Village" requirements in any of the County's regulations. This appears to be a waiver of commercial site location standards with no data and analysis to support this departure from a long standing provision that guides intensive retail uses.

Vision Statement - As discussed previously in this memo, the Vision Statement is based on the twenty identified planning communities within Lee County. Estero is not an identified planning community unto itself, therefore, the addition of Estero to the Vision Statement would also require the modification of other references to the planning community of San Carlos/Estero within the Lee Plan. Does this action seek to establish a new planning community for Estero?

Note:

Planning staff is also attaching additional comments that have been forwarded to staff. If I can be of further assistance in this matter, do not hesitate to call me.

HUMPHREY & KNOTT

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September 22, 2000

Mr. Mitch Hutchcraft
Vanasse & Daylor
12730 New Brittany Blvd. Suite 600
Fort Myers, FL 33907

Re: Estero Community Plan

Dear Mitch:

Our firm represents Koreshan Unity Foundation, Inc., the owner of several parcels consisting of approximately 50 acres in an area bounded by Corkscrew Road, Sandy Lane, U.S. 41, and County Road (a local street located north of the river). One of these parcels contains historic resources; the remainder do not. KUF was and is responsible for the preservation of the culture and history of the original Koreshans; this was done, in part, through the donation of 340 acres that is now the state park. KUF is, and always will be, sensitive to the need to protect the historic character of the area.

KUF, like all non-profits, has to generate revenues to pay its bills. To that end, it has reacquired several properties that were formerly owned by the Foundation. These properties do not contain historic resources. We have been working on a very complicated zoning application over the last year that includes both the historic areas and the reacquired parcels in an effort to assist the Foundation to continue to accomplish its goals. The application will be filed September 22nd.

The application is consistent with the overall objectives of your proposed community plan in a variety of ways, including the following:

1. The application is for a mixed-use development which contains residential, commercial, and community facility uses;
2. The plan shows an Estero River Management Zone and Buffer Area with very limited permitted uses;

Mr. Mitch Hutchcraft
September 22, 2000

3. The plan contains open space in a percentage that significantly exceeds the requirements in the LDC;
4. The proposal includes a landscape betterment plan for property along Corkscrew Road, Sandy Lane and U.S. 41 with special limitations on signage;
5. The plan is consistent with your general concept of village-style development along Corkscrew Road; and
6. The plan preserves the historic character of the parcel to which you refer as the "Theater in the Woods" tract.

Unfortunately, your proposed community plan contains several policies that are inconsistent with our MCP, including the following:

1. Policy 19.1.2: This policy appears to prohibit the use of landscape betterment plans along Corkscrew Road, which is inconsistent with the County Commission's recent decision to approve them as deviations. It should be deleted.
2. Policy 19.1.6 (shown as 19.1.5): The draft plan does not contain a map showing the "Historic Area," so it is impossible for us to determine the precise impact of this policy on the KUF property. We do not know if the "Highlands Avenue/US 41 area" includes the KUF property located at the intersection of U.S. 41 and County Road. We strongly object to the policy as it is currently written and to any notion that the proposed rezoning should be delayed until a "comprehensive Historic Development Overlay can be developed." Since our MCP protects all of the historic resources on the site, there is no reason to delay the zoning case, particularly since we started working on it even before there was any discussion about a community plan. Please delete the second sentence.
3. Policy 19.2.2: As will be explained more thoroughly at next week's public showing of the Foundation Master Plan, the project hinges on a special case finding. The parcel and the plan contain numerous unusual features that justify the special case finding including, but not limited to, the protection of the "Theater in the Woods" tract from large scale commercial uses in spite of its location at the intersection of two arterials. We do not see how this policy accomplishes your objective of encouraging small-scale, attractive, village-type commercial development along Corkscrew Road. We strongly object to this policy, which should be deleted.

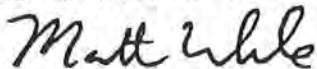
Mr. Mitch Hutchcraft
September 22, 2000

4. Policy 19.2.3: This policy should not apply to property that is in the Urban Community FLUM category. Map 19 (which, incidentally, has very limited regulatory significance) does not show a node at US 41 and Corkscrew Road, but the presence of a large shopping center at the southeast corner of that intersection makes it obvious that the subject property is suitable for commercial uses in excess of the minor commercial standard.
5. Policy 19.4.1 The policy is vague and unenforceable by Lee County in that all relevant rules are under the jurisdiction of SFWMD. As such, the policy should be deleted.
6. Policy 19.6.3: We do not intend to "convert" the historic resources on the property to other uses. We are, however, proposing a wide range of residential, commercial, and community facilities uses on the various parcels. The language in this policy is too general to permit us to draw a conclusion as to whether it is consistent with our MCP.

It is my understanding that Greg Stuart will be briefing you on the project on September 25th. We are more than willing to provide you with a copy of our zoning application if you would find it helpful in your review of these issues. We can also provide you with information about the historic resources on the property, and we can even give you a tour of the site if you like. We are concerned, however, that these policies were drafted without any detailed knowledge of the KUF property or of our plan. We do not believe that the plan should go forward with the current policies without additional data and review, along with input from the public including, but not limited to, the Koreshan Unity Foundation.

Sincerely,

HUMPHREY & KNOTT, P.A.



Matthew D. Uhle

MDU/dr

cc: Charles Dauray
Greg Stuart
Alan Fields
Paul Schryver

g:\mdu\TEMP\hutch21tr.

Marsa B. Detscher
1803 Ardmore Rd.
Fort Myers, FL 33901
941.334.3939



September 26, 2000

Gloria Sajgo, AICP, Principal Planner
Lee County Planning Division
P. O. Box 398
Fort Myers, FL 33902-0398

RE: Preliminary Draft of the Estero Community Plan

Dear Gloria:

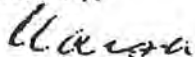
Thank you for the opportunity to review the Preliminary Draft of the Estero Community Plan. I preface my observations with a few comments. Firstly, I strongly endorse any community's efforts to articulate a community vision as a community-building and forward-thinking activity. I believe it is important that a community develops this vision through a widely participative process, ensuring the greatest opportunity for all to provide input and consideration. Secondly, I found it difficult to limit my comments to the narrow scope of historic preservation. Past experiences in planning, visioning, and community-building made it impossible for me to overlook the rest of the document. Finally, I appreciate the fact that this is a draft document, prepared within a limited time frame. However, there are many blank pages containing missing exhibits and tables which might explain some of my comments.

- The only reference to (the first) Table 3 appears on page 10. If the purpose of this table is to illustrate public perceptions of projected growth, this could be accomplished more succinctly. Since the data in Table 2 is missing, it is unclear whether or not this public perception data warrants a large portion of this report.
- It appears that a primary impetus of this report is the articulation and preservation of lifestyle issues important to the community. The report contains dwelling unit and population estimates, a summary of dwelling units approved for development, and will include population projections (blank Table 2). However, we know nothing of these people. More expansive demographic data (e.g. household sizes, ages, household income levels, etc.) will facilitate a clearer picture of projected impacts on quality of life issues, such as public facilities, environment, transportation, employment generation, and so on. This data would be important to ascertain whether or not the assertions that the current development pattern as depicted on the FLUM is indeed "appropriate for guiding the future growth of the community".
- There are two tables labeled Table 3 (pages 9 and 13).
- There are repeated references to community priorities as expressed by the community members. It would have been helpful to see these in Table 4 on page 22.
- Suggestions to develop a Historic Overlay may be unnecessary since the County has an Historic Preservation Ordinance. Existing preservation mechanisms may be adequate to

- address the historic preservation objectives, rather than creating another land development regulation. In my experience, "overlays" are not well received in the development community.
- Item 6 on page 30: I do not have a copy of the Lee Plan; however, it would appear that these items are (or should be) considered at this time and should not need to be particular to Estero.
 - Phraseology used in several of the Objectives and Policies presented (pp. 32-36) include ill-defined concepts that can become sources of conflict. Examples include "visually attractive" (Objective 19.1), "tasteful" (Objective 19.2), "strictly evaluating" (Objective 19.3), and "necessary to support" (Objective 19.6). Use of absolutes may also become problematic, such as "may not approve any deviation" (Policy 19.1.2), "all commercial developments" (Policy 19.2.1), and "may not be permitted" (Policy 19.2.2). The "significant incentives" in Policy 19.4.1 may conflict with other policies that are absolutes (e.g. Policy 19.1.2).
 - Policy 19.2.1: I question the practicality of such requirement.
 - How does Objective 19.5 differ from current practice? Is there a local group or recognized organization willing to assume this responsibility?
 - Policy 19.1.5 and Policy 19.6.3: An Historic Preservation Ordinance exists. Historic District designation may be appropriate for the "historic area".
 - Phase II, Proposed Action 1. In developing roadway landscaping requirements, there must be a careful consideration of landscaping with respect to commercial building and signage visibility. Parallel efforts to create signage "consistent with the community vision" may conflict with other aesthetic efforts. Success of such a program must reflect a balance between roadway appearance and building visibility.
 - Proposed Action 5. It is unclear what is inadequate in the current submittal process.
 - Proposed Action 6. See comment above regarding Policy 19.2.1.
 - Phase III, Proposed Action 1. I commented earlier on the proposal for the creation of a Historic Development Overlay. Nonetheless, if historic preservation is important to the community, it should not be included in Phase III; appropriate measures need to be implemented as soon as practicable.
 - Page 38 is blank, and there is no page 39.

Again, thank you for this opportunity to review Estero's draft Plan. I hope my comments are helpful in the preparation and consideration of the Plan. Please feel free to contact me should you have any questions.

Sincerely,



Marsa B. Detscher, AICP

RESPONSE TO ESTERO COMMUNITY PLAN: PRELIMINARY DRAFT

from: Quentin Quesnell, local historian; Roe/Straut professor in the humanities,
Smith College.

Considering the short time in which it had to be prepared, the draft is very good. However it is difficult to render a serious opinion on several important points because the supporting charts, tables, and maps are only named in this draft and not actually included. I will touch only some highlights of particular interest to me.

I.

Table 2 and table 3.

Table 2 "2020 population projections based on data and analysis" would seem to be the most important part of our planning. But it is not included. Instead we are given Table 3: "Community-expected population by 2020, which is nothing but the arbitrary guesses of 93 people. The answers are interesting for a sense of community feeling; but they have no scientific value and they are too wildly divergent to allow basing any plans on them.

But worse still, Table 3 concludes with an "average population answer" into which 27 non-responses have been averaged just as if they were 27 predictions that the population will be zero. But even if those 27 non-responses had been laid aside, an average of the remaining 93 responses would not be very useful. Suppose for instance that even one respondent had been a believing Koreshan who answered in terms of the published plans of Koresh in 1904: "Estero will soon be a city of ten million." That one further response would have changed the average predicted population to 113,665.

I suggest that the table stand as is, but that "AVERAGE POPULATION ANSWER" be replaced by a short verbal analysis of the responses. For instance: "Of the 93 persons who did answer this question, 51 projected a population between 30,000 and 60,000. Only 19 thought the population would be less than 20,000 and only 16 picked a figure between 20,000 and 30,000."

II..The boundaries of the Estero Community.

The "recommended boundaries of the Estero Community"(p.4) illustrated in Exhibit 2 do not include Mound Key and the mouth of the Estero River. Estero cannot be understood without Mound Key and the mouth of the Estero River. They are the heart of its history from the 16th century on, as will be amply illustrated in the book I am preparing for the Estero Historical Society.

Page 4 claims that the recommended boundaries include essentially the Estero Fire District. But on my copy of the Estero Fire District map, Mound Key is a part of the Estero district. Only the postal zip code 33928 cuts it off from Estero. The issue for our community plan is not simply how many people live there today, but what role this piece of land can play in our own self-understanding. Even as a State of Florida archaeological preserve, Mound Key will need local protectors and advocates in the near future. The citizens of Estero are the natural candidates for those roles.

III. Planned Development Approvals.

The future land use map (FLUM) and Exhibit 3 (pp. 10ff.) are missing. They would be very helpful.

The explicit figures on p. 13 explaining the relation between living space and commercial development space are helpful. But the community probably wants to know not only what the projections are but what will actually be allowed. Is there a provision in law anywhere that says these projections may not be exceeded and that takes away the commissioners' power to approve development beyond those projections? Isn't that the kind of thing the community is concerned about?

The discussion on p. 13 of "another source of frustration" is too gentle. Does use of bubble MCP result only in "perceived uncertainty"? Even if most projects are "adequately articulated," the fact that there have also been "recent notable exceptions" means that community frustration has resulted from more than perceived uncertainty. It is frustration over engineered uncertainty, pressing the details of what the law allows in order to obscure and conceal what the community really has a right to know.

IV. Natural Resources.

The discussion on p. 13 is also too gentle. Whatever the perceptions, the community has articulated the common sense position that if we now need any water restrictions, we should not go on approving further demands for water until we are certain where the extra water is going to come from. The need for water restrictions is always a common sense red signal of danger. The proper thing to do is to stop and look around again before proceeding. All the plans mentioned on p. 14, "continuing to work with private developers," etc. are good, but planning, encouraging, and working with can also be nothing but promises, promises.

V. Historic Resources (p. 18ff.)

Very good suggestions. However, the fact that the "map depicting the historic area" is not in fact included makes the suggestions on p. 19 seem to be aimed at the area which is already a state park. In fact, it is "the surrounding Community of Estero" which has abundant resources subject to loss through careless development. The "historic area" map should include the area between East Broadway and Corkscrew, from Hwy 41 at least to Sandy Lane.

VI. Development approval process (p. 24)

This is very important; but has to be implemented in a way that is not too burdensome to developers and even homeowners. To multiply excessively the persons and organizations that must be explicitly notified is risky and may end up with the notification becoming practically meaningless (like

some of the official land and zoning notices in technical language posted in the newspapers just to fulfill legal requirements).

Might it not be more effective to choose now one or two organizations of large membership and recognized standing to maintain a watchdog committee. Official notice would be sent to this organization and it would be their responsibility to pursue anything that seemed to require further attention. They would then translate the issue into laypersons' language and alert their membership and other organizations that something of general interest was underway.

Perhaps this is the place to include in the plan mention of the existence of the gated communities. They are natural organizational units within Estero and they could be recognized and made use of as a way of reaching the citizenship on this and similar issues.

VII. SOME GENERAL REFLECTIONS.

As with the last point mentioned, the gated communities, there are several large issues that are a part of envisioning the future and could be called to people's attention in this planning process. For instance, what percentage of the population already lives in the gated communities? Do we want that to be the pattern of living for the next 30,000 people to move in here? To what extent do these already existing organized communities want to be separate? Or do they prefer to be unconcerned over any larger community called Estero? As islands within Estero, they probably rightly expect great independence in decisions about beautification, landscaping, building design. But even as islands, they could be units of "government" within Estero, the fastest and easiest way to ascertain and to cultivate community feeling on many issues.

The suggestions under point 3. Detailed Master Planning (p. 25f.) for developing focal points, not just for practicality but for making visible the existence of Estero by attention to the impressions of anyone driving through north and south or even east-west, are very good. The plan should be given wide enough distribution to get the community talking about these things, as also about the need to choose now sites for schools, playgrounds, parks, community centers, clinics, meeting places. On the other hand, once we choose them, how are they to be provided? Estero has no funds to buy lands and no authority of eminent domain. Perhaps the plan could say more clearly to whom suggestions can be made and how that person or office will be responsible for handling the suggestions, what account they will have to make eventually and to whom.

Should there not be express mention at some point of how all this is complicated by the fact that more than a third of our dwelling units are only seasonally occupied and more than a third of the population are

seasonal? For instance, surely the move to create this Community Plan, from the Ford-dealership story on down, would have been different if it had all happened between January and March rather than from July to September. Again, this fact ought to be a topic of extended discussion in the community, because it will always be a source of difficulties. What are the items that the year-round residents and the seasonal residents both want? That is where our real strength lies.

A vision for the future will be built around major features of Estero already in existence—a restored and living river, the bay, Mound Key, the waterfront park lands; the State Park, the high school, the university, the Teco arena; highway 41 and Corkscrew, not just for transportation but to convey to the world an image of a place that is self-aware and proud; the gated communities, the trailer parks, the churches, the historic district. An introduction-to-Estero map should be created for newcomers, one which features only such items. It would not attempt to list all the streets, but only to single out against a general geographical backdrop all that most makes Estero what it is. Publishing such a map in even the simplest, roughest form would be a great stimulus to community comment and discussion.

Quentin Quesnell
September 25, 2000

JAMES I. HUMPHREY
GEORGE H. KNOTT**
GEORGE L. CONSOER, JR.**
MARK A. EBELINI
GAREY F. BUTLER

HUMPHREY & KNOTT

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**Board Certified Real Estate Lawyer
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LEE COUNTY
2005
25 SEP 25
THOMAS B. HART
MARK A. HOROWITZ
MATTHEW D. UHLE
H. ANDREW SWETT

PLANNING
CONTR.
DIRECTOR OF ZONING AND
LAND USE PLANNING
MICHAEL E. ROEDER, AICP

September 22, 2000

Mr. Mitch Hutchcraft
Vanasse & Daylor
12730 New Brittany Blvd. Suite 600
Fort Myers, FL 33907

RE: Estero Community Plan

Dear Mitch:

Our firm represents John Madden, Trustee, the owner of the parcel west of U.S. 41 that is commonly known as Estero Greens. The property is zoned CPD. The owner is currently seeking development order approval for an automobile dealership on a portion of the 24-acre site. As you are undoubtedly aware, the dealership was the source of considerable controversy, and the issue is in litigation.

The LDC currently provides that planned development zonings are vacated after five years unless the applicant applies for a development order for a "substantial portion" of the project within that time frame. Once the applicant has complied with that requirement, however, the zoning remains in place indefinitely so long as the developer adheres to the phasing schedule, if any, shown on the MCP. Your proposed Policy 19.2.7, however, directs the County to consider the possibility of adopting new regulations which would apparently have the effect of vacating all existing planned developments, even if they have already met all of the current vesting requirements, after five years. When read in connection with proposed Policy 19.2.6, this policy would result in the elimination of the automobile dealership use from the schedule of uses for Estero Greens, which would substantially diminish the value of the property.

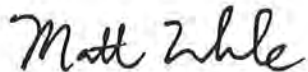
There can be no doubt that the purpose of the proposed policy is to divest projects that the County currently considers to be vested. At best, it would only address projects which are merely in the development order process; at worst, it would destroy the effectiveness, not just of vested zonings, but of outstanding development orders as well. It will have a major impact, not just on Estero Greens, but on every planned development in the Estero area. The potential Bert Harris Act liability for the County could be enormous.

Mr. Mitch Hutchcraft
September 22, 2000

The County currently has the legal ability to require projects that have been vacated to comply with its most recent regulations. We believe that is as far as the County can, or should, go.

Sincerely,

HUMPHREY & KNOTT, P.A.



Matthew D. Uhle

MDU/dr

cc: Rick Marchetta
Greg Stuart
Richard Collman, Esq.
Timothy Jones, Esq.
Paul O'Connor



Department of Environmental Protection

Jeb Bush
Governor

Koreshan State Historic Site
PO Box 7
Estero, FL 33928
(941)992-0311

David B. Struhs
Secretary

September 25, 2000

Mr. Mitchel A. Hutchcraft
Vanasse & Daylor, LLP
12730 New Brittany Blvd. Suite 600
Fort Myers, FL 33907

SEP 27 10 09:00
USE COUNTY
V/

Dear Mr. Hutchcraft,

I have taken the time to review the Preliminary Draft of The Estero Community Plan and have the following comments:

The state park should be referred to as Koreshan State Historic Site throughout the document.

The Koreshan Unity Settlement is a National Historic District. The portion of the Koreshan Unity Settlement Historic District found in Koreshan State Historic Site is located within a 40 acre parcel adjacent to US Highway 41. The District extends to the east, across US Highway 41 on the grounds currently managed by the Koreshan Unity Foundation. The total acreage of the state park is 192.6 acres. Mound Key State Archaeological Site a 166.6 acre parcel found on the island of Mound Key is located at the mouth of the Estero River and is also managed by staff at Koreshan S.H.S. Accessible by boat, Mound Key is a highly significant resource that should be considered in this plan as well.

Twelve historic structures, seven landscape features, extensive artifact and archival collections are maintained by the park. The Koreshan Unity Settlement is not maintained by the state as a "religious shrine". The national register nomination form prepared by the Department of State, Division of Historic Resources in 1975 described the significance of the site as follows:

"The physical remains of the Koreshan community are preserved because they represent a unique philosophical and religious movement, because they illustrate a cooperative settlement of the past era and because they are remnants of a pioneer community which, in many ways, typified life on the south Florida frontier around the turn of the twentieth century. The extant gardens are of value to tropical horticulturalists."

Accurate representation of the site is crucial to the support and success of community planning efforts.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.

Mitchel Hutchcraft
September 25, 2000
Page 2

Management guidelines for the park are described in Unit Management Plans for both parks. Unit plan development has directly involved input from community representation in a DEP Advisory Groups. The Advisory Group for the Koreshan State Historic Site Unit Management Plan met in March, 2000 to provide input in the development of the current plan.

Unit Plans provide a management program overview, a description of the resources as well as conceptual land use plans that guide activities associated with natural and cultural resource management and any facility development. Any needs, uses or facility development described in the community plan which directly involve the use of state lands associated with these parks should reflect the management direction described in the plan. If you would like to review a copy of the unit plan, please let me know.

Policy 19.1.5 and Policy 19.6.2 creation of a public plaza/interpretive area for vehicular access would be difficult with the congestion, noise and traffic levels that currently exist. Safety concerns at the junction of US Highway 41 and Corkscrew Road would present serious drawbacks. Pedestrian/bicycle access to the park from US Highway 41, along Corkscrew Road is currently non-existent and is desperately needed to provide resident access into the park. Any proposal to consider a change in the current park access must take into account traffic speed and flow, the size of vehicles that regularly enter the park as well as the number of vehicles that attend special events. Noise levels and traffic vibration emanating from US Highway 41 have raised concerns for the need for landscaping, fences and walls to protect the cultural resources as well as restore the tranquility of the park setting. The park is willing to work closely with the community with those goals in mind.

I appreciate the opportunity to submit comments during the process of developing this plan. Strong community support has served Koreshan State Historic Site well during my tenure as Park Manager. I look forward to creating a stronger relationship with the residents of Estero by continuing to work with them.

Sincerely


Jeanne M. Parks
Park Manager


Cc: Michael K. Murphy, Chief, Bureau of Parks, District 4
✓ Gloria M. Sajgo, Principal Planner, Lee County
Bill Grace, President, Koreshan Unity Alliance
file

PLANNING DIVISION



MEMORANDUM

To: Matt Noble, AICP, Principal Planner

From: Gloria M. Sajgo, AICP, Principal Planner 

Subject: Comments on the Preliminary Draft of the Estero Community Plan

Date: September 20, 2000

Page 9 the purpose of Table 3 Community Expected Population by 2020 is unclear.

Page 18 the name of the historic document produced by Florida Preservation Services is Lee County Historic Sites Survey

Page 19 and Page 24 With regards to how to protect historic structures and whether to establish a community based architectural standards review board, it is important to consider that Lee County has a historic preservation ordinance that can regulate both historic and non-historic buildings.

Lee County has an active historic preservation program and a very effective historic preservation ordinance. Being designated under the Lee County Historic Preservation Ordinance (Chapter 22 of the LDC) would most effectively protect historic structures; changes to historic buildings are reviewed per the Secretary of the Interior's Standards for Rehabilitation. Also if an area were designated as a historic district then in addition to reviewing changes to historic buildings, the ordinance would allow for the review of changes to non-historic buildings through the adoption of design guidelines.

This ordinance has been in place for 10 years and has proven record protecting individual historic resources as well as large scale historic districts like Boca Grande and Matlacha. (In both of these districts, historic and non-historic buildings are subject to review.) This ordinance is modeled after the best preservation ordinances in the country and meets the state and federal requirements for Certified Local Governments.

This ordinance is implemented by the Lee County Planning staff and the Lee County Historic Preservation Board, a 7 member board whose members are appointed on the basis their of profession or area of expertise and not on the basis of where they live.

Objective 19.1 is hard to measure since what constitutes a visually attractive community is not identified or defined. The phrase “visually attractive” is too subjective to serve as an effective regulatory standard.

Policy 19.1.1 The phrase “...signage consistent with the Community Vision and architectural standards”...would be hard to implement as the vision statement provides little guidance as to what signage would be appropriate and there are no defined or identified architectural standards.

Policy 19.1.2: A flat prohibition against a deviation is usually too rigid to be applied fairly in the day to day permitting process.

Policy 19.1.3. It is unclear what is meant by “older projects” and what type of incentives these projects would need.

The Lee County Historic Preservation Ordinance (Chapter 22 of the LDC) has provisions for zoning relief for designated historic structures that do not meet current zoning regulations. Also the designated historic structures are exempt from FEMA flood regulations and the Building Official has some discretionary latitude so that modern building codes are applied in manner that do not destroy the historic character of a designated resource.

Policy 19.1.4: This policy is similar to 19.6.6. The two could be made to dovetail each other better.

Policy 19.1.5 This policy should reference the Lee County Historic Preservation Ordinance, which is already implemented, rather suggesting that a new concept: a Historic Development Overlay district be implemented.

Objective 19.2 is hard to measure since what constitutes “tasteful shopping and employment opportunities” and the “community character” is not defined. These phrases are too subjective to serve as effective regulatory standards.

Policy 19.2.1 Requiring all commercial development to be reviewed as a commercial planned development might not be practical.

Policy 19.2.3 This policy needs to be more definite. How will non-residential uses be encouraged to be mixed use in nature and allow for residential uses? What are minor commercial uses?

Policy 19.2.4. What specific regulations must be adopted or amended to encourage or “incentivize” mixed use developments along Corkscrew Road.

Policy 19.2.5 How will Lee County discourage retail uses along Three Oaks Parkway in favor of service and residential uses?

Objective 19.3 seems hard to measure, as the phrase “strictly evaluating” is not defined. (The word strictly is too subjective to be an effective regulatory standard.)

Policy 19.3.1. How will higher density residential developments with a mix of unit types be encouraged?

Policy 19.3.3. A good way to protect large lot residential areas is to prohibit the creation of small lots from these larger lots. Is this applicable to this area?

Objective 19.4 What county regulations, policies and discretionary actions must protect or enhance key wetland or native upland habitats? How must they protect or enhance them?

Policy 19.4.2 Lee County takes a countywide approach to land acquisition. It is unrealistic to expect the county to focus its acquisition efforts on the area east of I-75 and along Estero Bay in the absence of a clearly demonstrated immediate need or threat.

Policy 19.4.4. merely states what Lee County is already doing.

Objective 19.5 This public participation objective is a bit unwieldy. Requiring that Lee County *encourage and solicit* public input and participation to and during the *review and adoption* of county regulations, land development code provisions, policies, zoning approvals and *administrative actions* seems unrealistic. A more specific approach identifying the type of notice or participation requirement for each type of government action would be more implementable.

Policy 19.5.1 Development approvals are done by staff without public input.

Policy 19.5.3 What type of issue would trigger a public notice to persons within 500’?

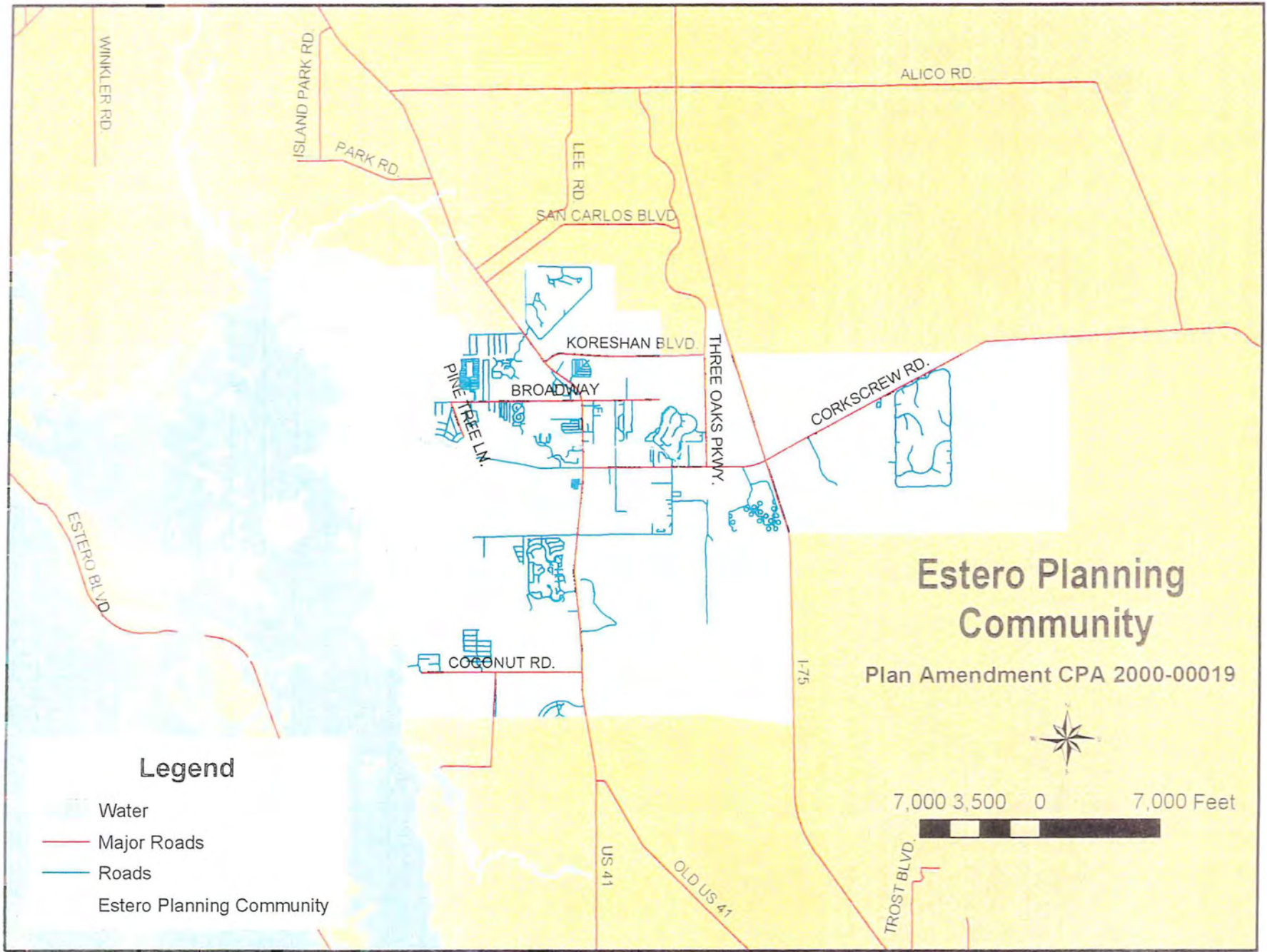
Policy 19.5.3. What does a document clearinghouse mean?

Objective 19.6 It is unclear what level of service for community facilities would be necessary to support a “vibrant urban core”. What is a “vibrant urban core”/

Policy 19.6.3. If historic uses – rather than historic buildings – must be protected, then these uses must be identified.

Policy 19.6.6. This policy should dovetail policy 19.1.4.

S: \historic\estero\estero preliminary draft



Memo

To: Paul O'Connor, Planning Division Director

From: David Loveland, Planning Program Director *DML*

Date: June 8, 2001

Subject: **Estero Community Plan
Proposed Amendments to Lee Plan Goals,
Objectives and Policies**

LEE COUNTY
RECEIVED
01 JUN 12 AM 9:49
OFFICE OF THE
PLANNING DIVISION
SOUTHWEST FLORIDA

Thank you for the opportunity to review the proposed amendments to the Lee Plan for the Estero community, in the form of a new Goal 19 and related objectives and policies. The Department of Transportation has a concern about proposed new Policy 19.6.6, which reads as follows:

Policy 19.6.6: In order to protect health, safety, welfare and community character, Lee County will continue to monitor truck traffic along Corkscrew Road (from Alico Road to US 41) as a connecting road to US 41 and I-75, to evaluate the impact on adjacent residential communities.

The proposed policy deals with an operational issue at a specific location, with no identified time frame for how long such monitoring would continue. As a matter of operational practice, DOT monitors particular problem locations all around the County on an as-needed basis, and we are currently monitoring the truck traffic situation on Corkscrew Road based on a perceived problem identified by the community with truck speeds and we will be making periodic reports to the BOCC on our findings. However, the policy as written would require perpetual monitoring of this one location, which restricts our ability to address other problem areas around the County with our limited resources and which ignores the potential that the perceived problem gets addressed. There are a number of physical improvements planned on Corkscrew Road which should make for safer travel in the near future, including turn lane additions, four-laning and the addition of paved shoulders and the installation of new traffic signals. DOT staff feels the policy is unnecessary and burdens our resources and should be deleted.

DML/mlb

cc: Administrative File

to: Local Planning Agency Members
from: Paul O'Connor, AICP, Director of Planning
subject: CPA 2000-19, Estero Community Plan
date: July 18, 2001

At the June 25, 2001 meeting of the Local Planning Agency, the LPA voted to transmit the majority of the amendment for the Estero Community Plan. Several items from this amendment, however, were tabled for further consideration. Staff has reexamined those items and offers the following recommendations for the LPA to consider at the July 23, 2001 public hearing.

PROPOSED POLICY 19.2.5

Staff's Recommended Language from the June 25th Hearing:

Policy 19.2.5: Lee County prohibits "detrimental uses" (as defined in the Land Development Code), free-standing nightclubs or lounges, retail uses that require outdoor display in excess of one acre, and storage or delivery areas from locating within 500' of an existing or approved residential neighborhood.

The LPA tabled this particular policy so that staff could clarify several issues.

"Lounges" are not a defined term in the Land Development Code (LDC). Staff believes that references to specific uses in the Lee Plan should correspond to the terminology provided in the LDC. The LDC specifically defines the term "bar and cocktail lounge," and staff recommends using this terminology in Policy 19.2.5. The term "nightclub" is also specifically defined in the Land Development Code. This term is different from "bar and cocktail lounge," and should be treated as such in the proposed policy language.

An issue was raised at the June 25th hearing about the existing or pending projects that might be made non-conforming if this policy is adopted. Staff conducted a cursory review of approved commercial planned developments in Estero, some of which are developed, but many of which are still vacant. In reviewing the list of uses approved in these projects, staff found that many of them contained uses that would be prohibited by this new policy. These uses include, but are not limited to Contractors and Builders, Rental or Leasing Establishments, Vehicle and Equipment Dealers, Bar and Cocktail Lounges, and Nightclubs. The LPA questioned what would happen to these approved uses if this new policy was adopted.

In response, staff believes that Chapter XIII, *Procedures and Administration*, Item a., *Effect and Legal Status of the Plan* addresses this issue. Item D. reads as follows:

D. In addition to above-mentioned development orders, preliminary and final development orders, the following categories of approvals, projects, and developments will be deemed to be consistent with the Lee Plan, subject to the applicable conditions as set forth below:

Item 7 under this heading specifically addresses the issue of how to deal with uses approved within planned developments that might be inconsistent with this new policy.

7. "planned development" zoning approvals which have not been vacated due to inactivity by the developer;

Staff believes that if a development was previously approved in Estero for any of the uses that would be subject to the proposed Policy 19.2.5, then those uses would remain consistent with the Lee Plan because of the policy shown above. Any planned developments that are already approved for these uses would be legally non-conforming if this policy was adopted. If the planned development zoning is vacated, then the provisions in Item D.7. above would not apply, and the development would be subject to the new provisions of Policy 19.2.5.

As a side note, staff believes that the proposed Policy 19.2.5 might not have the effect that the Estero group is seeking. While the policy will prohibit freestanding bar and cocktail lounges as well as night clubs, it would not prohibit them from locating in a shopping center or plaza. In staff's experience, there are very few new freestanding bars or night clubs being established anywhere in the County. These establishments are generally found in shopping centers. This is not an item of concern to staff, but it should be pointed out for the record.

Staff is also concerned about the creation of a new policy in the Lee Plan to strictly prohibit certain uses without having any data and analysis to support it. Staff believes that in the absence of data and analysis, the creation of this policy appears to be arbitrary and not based on sound planning principles.

Revised Staff Recommendation

Staff recommends that if Policy 19.2.5 is to be transmitted, the following language should be used. Changes made since the June 25th meeting are shown in strike-out and double underline format.

Policy 19.2.5: ~~The Estero Community will propose regulations for Lee County to review, amend or adopt that prohibits~~ The following uses are prohibited within the Estero Planning Community: "detrimental uses" (as defined in the Land

Development Code); free-standing nightclubs or bar and cocktail lounges; or and retail uses that require outdoor display in excess of one acre., and storage or delivery areas from locating within 500' of an existing or approved residential neighborhood.

PUBLIC PARTICIPATION

There was lengthy discussion at the June 25 hearing about the proposed objective and policies relating to public participation. At that time, staff made the following recommendation on the proposed public participation language:

Staff's Recommended Language from June 25th Hearing:

Objective 19.5: PUBLIC PARTICIPATION. Lee County shall will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, land development code provisions, policies, and zoning approvals, and development orders.

~~Policy 19.5.1: Lee County shall register groups within the Estero Community that desire notification of pending review of ordinances, development code amendments or development approvals. Upon registration, Lee County will send written notifications summarizing the issue being reviewed and any established hearing dates.~~

~~Policy 19.5.2: Lee County shall establish a "document clearing house" in the Estero Community, where copies of submittal documents, staff reports, Hearing Examiner recommendations or resolutions will be provided for public inspection, as soon as they are available.~~

Policy 19.5.3: The owner or agent for any Planned Development request within the Estero Community, in coordination with zoning staff, shall must conduct one public workshop within two weeks of the project being found sufficient.

Staff has revisited these policies since the last LPA meeting, and is still not comfortable with placing all of these requirements in the Lee Plan. With regard to Policy 19.5.1, staff believes that providing notification on all ordinances and "development approvals" would require a significant increase in the County's level of service. The volume of ordinances and "development approvals" that the County deals with on a daily basis is so large that it would not be practical to send written notification on all of these items. On the other hand, staff believes that some form of notification for Lee Plan and Land Development Code amendments would be feasible. Staff would be willing to send a copy of an agenda to registered groups, and if these groups wanted more information on

any particular item, then they could contact the County for further information. Currently, staff provides such information to any interested parties on request, and staff is somewhat hesitant to take the lead in determining which items the Estero Community would want to examine in more detail. Typically, staff would respond to a citizen request for information, but would not initiate the distribution of this information. Staff would be willing to notify registered groups on selected items or issues, such as Lee Plan and Land Development Code amendments, but could not do so for every ordinance or "development approval." Staff would do this as a courtesy only.

With regard to Policy 19.5.2, there is still some uncertainty as to what items would be sent to the document clearing house. Staff believes that the intent of the Estero Planning Group was for this policy to apply to documents related to rezonings in Estero. Typically, a zoning file contains several versions of the same documents, all of which add up to large volumes of paperwork. Staff believes that the most appropriate thing to do would be to send only the original submittal documents to the clearing house. This would give the Estero residents a comprehensive overview of the proposed project.

The Estero Planning Group has suggested the South County Regional Library as a potential location for this document clearing house. Staff believes that the library would be a logical place for the clearing house, but staff is still concerned about what will happen to the documents that the County would send to the library. There are no assurances that the library is willing to accept these materials, and there are no assurances that the library is willing to put forth a continuing effort to catalog and shelve the zoning materials. Staff is not comfortable with assuming that the library will be willing to take on this additional responsibility. If the LPA decides to transmit Policy 19.5.2, staff has proposed transmittal language below.

The proposed Policy 19.5.3 addresses the public workshop that would be conducted by the agent handling a rezoning request. The main concern from staff is that procedures for this "public workshop" are not specifically defined. There are many uncertainties and questions that need to be answered. Do the workshops need to be advertised? Do minutes need to be kept? Where will the workshop take place, and who will arrange the location? What are the agent's responsibilities at these workshops? What if no citizens are interested in attending the workshop? Staff is not opposed to the requirements of Policy 19.5.3, but staff also believes that these uncertainties will need to be addressed as these public workshops are conducted in the future. Staff recommends transmittal of this policy, with the language provided by staff below. Staff further recommends that the issues related to this proposed policy continue to be examined for possible consideration in future amendment cycles.

Revised Staff Recommendation:

Objective 19.5: PUBLIC PARTICIPATION. Lee County shall will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land

Development Code provisions, Lee Plan provisions, policies, and zoning approvals, and development orders.

Policy 19.5.1: As a courtesy, Lee County shall will register citizen groups and civic organizations within the Estero Planning Community that desire notification of pending review of ordinances, Land Development Code amendments and Lee Plan amendments or development approvals. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments. Lee County will send written notifications summarizing the issue being reviewed and any established hearing dates. This notice is a courtesy only and is not jurisdictional. Accordingly, the County's failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 19.5.2: Lee County shall The Estero Community will establish a "document clearing house" in the Estero Community, where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations or and resolutions will be provided for public inspection, as soon as they are available. The County's failure to provide or to timely provide documents to the document clearing house, or failure of the document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 19.5.3: The owner or agent for any Planned Development request within the Estero Planning Community, in coordination with zoning staff, shall must conduct one public workshop informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted within thirty (30) days after the zoning request is submitted two weeks of the project being found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

Executive Summary

Executive Summary

The Estero Community Plan

Phase I

Presented to the Estero Community on September 19, 2000

The Estero Community Plan Phase I marks an important first step in an on-going process to address the future growth, character and quality of life within the Estero Community. The Community Plan incorporates recommendations on the adoption of guiding principles into the Lee Plan. The provisions recommended by this Community Plan will not only guide actual development requests, but also the development of future Land Development Code regulations and site specific Land Use Map Amendments.

The Estero Community Plan is the result of a grass roots effort to address concerns over the potential loss of quality of life in Estero, and to provide the residents and landowners with an understanding of what to expect in the future. The six person Estero Community Master Plan Committee, which is comprised of representatives from the Estero Chamber of Commerce, the development community, and the Estero Concerned Citizens Organization (ECCO), now coordinates this grass roots effort. Input from individuals and organizations is encouraged through these representatives, as well as through direct communication with the consultant.

As a result of the work of this Committee, and the one-month public input process that consisted of questionnaires, workshops, a survey of existing conditions and direct communication with the Chamber of Commerce, ECCO, the Lee County Department of Community Development and residents of Estero, the following key community issues were identified.

Key Community Issues:

- **Community Character** – The community has expressed the desire to implement a stronger community planning approach to proactively address appearance, landscaping, signage, and the location and type of certain land uses.
- **Residential Land Uses** – The community identified a desire to maintain a “small town” feel, and avoid high-rise residential uses while protecting existing neighborhoods from encroachment.
- **Commercial Land Uses** – The community has a strong desire to limit “tourist oriented uses”, “detrimental uses” and high intensity uses along specific corridors. However, there is a recognized need for small-scale retail that services adjacent neighborhoods.
- **Natural Resources** – The community expressed a strong desire to protect groundwater resources, wetlands and other aquatic habitats through acquisition, incentives, and regulations.
- **Public Participation** – The community has requested the opportunity to become more actively and meaningfully involved in the development approval process.
- **Community Resources** – The community has expressed a desire for the expansion of certain community resources, including a community center, meeting area, and governmental service offices – such as a post office.

In response to these community "Action Items", and with the support of the evaluation of existing conditions, the Estero Community Plan presents detailed Goals, Objectives and Policies that should be adopted into Goal 19 of the Lee Plan to formally establish and begin the implementation of the Community Vision. These recommendations will be submitted to Lee County on September 29, 2000 for consideration during the 2000 Comprehensive Plan Amendment Cycle.

In order to further implement the Community Vision, the Estero Community Plan outlines more specific amendments that should be undertaken by the Estero Community Planning Committee during the Phase II Land Development Code amendment process. These additional efforts include the following:

- The development of additional landscaping and signage regulations.
- The evaluation of architectural requirements.
- Adjustments to the Planned Development Submittal and Review Process.
- The refinement of the Planned Development Permitted Use list within the Estero Community.
- Modification to buffer, setback and height requirements.
- Adjustments to road access and interconnection requirements.
- The development of a Historic Development Overlay Concept for the Historic Areas.
- The development of a Mixed Use Village Overlay for the Corkscrew Road Area.

These amendments will be initiated upon the Community's direction, and may begin as early as October 2000. Similarly, Phase III of the Community Plan includes a final round of Comprehensive Plan Amendments. This Phase is recommended for the September 2001 round of Comprehensive Plan Amendments, and will outline detailed amendments to the Lee Plan to adopt specific map amendments that result from the Land Development Code and Master Planning Process.

It is important to applaud the Community for undertaking this process, and actively working on outlining a foundation for the future of the Community. Continued public input and participation is even more important as additional refinements are made to the local development regulations. The work that is being done today will not only have an impact on your community in the near future, but its results will be seen for generations.

Section Six: Recommendations

The recommendations from Phase I of the Estero Community Plan are targeted at establishing a vision for the community, and to provide the Lee Plan with guidance for future community development issues within Estero. The proposed Lee Plan amendments fall into six primary categories: Community Character, Commercial Land Use, Residential Land Use, Natural Resources, the Development Approval Process, and Community Facilities. Presented below are the proposed Goals, Objectives and Policies intended to begin to establish the type of community envisioned by the residents.

Vision Statement:

"To establish a community that embraces its historic heritage, while carefully planning for future growth resulting from Florida Gulf Coast University, the Southwest Florida International Airport, growing population and unique natural environment. Estero's growth will be planned as a village, establishing defined areas for tasteful shopping, service and entertainment, while protecting and encouraging residential neighborhoods that encourage a sense of belonging. Weaving the community together will be carefully crafted limitations on strip commercial uses, inappropriate signage and certain undesired commercial uses, while additional design guidelines will be established to ensure attractive landscaping, streetscaping, architectural standards, and unified access points. The implementation of this Vision will help reduce the conflict between residential and commercial areas, as well as allow Estero to emerge as a vibrant Lee County Village."

GOAL19: ESTERO

To protect the character, natural resources and quality of life in Estero by establishing minimum aesthetic requirements, managing the location and intensity of future commercial and residential uses, and providing greater opportunities for public participation in the land development approval process.

Objective 19.1: COMMUNITY CHARACTER. Lee County shall establish, enhance and enforce regulations, policies and discretionary actions affecting the character and aesthetic appearance of Estero to help create a visually attractive community.

Policy 19.1.1: By the end of 2001, Lee County shall review, amend or establish Land Development Code regulations that provide for enhanced landscaping along roadway corridors, greater buffering and shading of parking areas, signage consistent with the Community Vision, and architectural standards.

Policy 19.1.2: Lee County may not approve any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards.

Policy 19.1.3: Lee County will work with private property owners to establish incentives for bringing older projects into compliance with the regulations adopted as a result of the Estero Community Plan.

Policy 19.1.4: Lee County and the Estero Community shall work in conjunction with private developers, public agencies and community service providers to establish a town commons that encourages the location of a post office, public meeting hall, outdoor plaza, governmental offices, medical providers and recreational opportunities. Ideally, this town commons shall be located south of Corkscrew Road and north of The Brooks, and shall be between US 41 and I-75.

Policy 19.1.5: Lee County and the Estero Community will work with the State of Florida to enhance the Koreshan State Park in such a manner that it is more visually integrated with the Community along US 41, provides for enhanced pedestrian/bicycle access, and includes a public plaza/interpretive area at the corner of US 41 and Corkscrew Road.

Policy 19.1.5: Lee County and the Estero Community will work with the property owners within the Historic Area to encourage development that is consistent with the historic nature of the Highlands Avenue/US 41 area. This should include the prohibition of significant conversion of land area until a comprehensive Historic Development Overlay can be developed.

Objective 19.2: COMMERCIAL LAND USES. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions must recognize the unique conditions and preferences of the Estero Community to ensure that tasteful shopping and employment opportunities are provided, while maintaining the community character.

Policy 19.2.1: All commercial developments within the Estero Community must be reviewed as a Commercial Planned Development.

Policy 19.2.2: All retail uses shall be in compliance with the Retail Site Location Standards. A finding of a "Special Case" may not be permitted along Corkscrew Road or adjacent to any residential use.

Policy 19.2.3: Non-Residential Uses along Corkscrew Road (outside of the Nodes identified on Map 19) are encouraged to be mixed use in nature, and allow for residential uses when possible. Further, uses outside of the Site Location Nodes on Corkscrew Road should be limited to minor commercial uses intended to serve community residents.

Policy 19.2.4: By the end of 2001, Lee County must review, amend or adopt regulations that encourage or incentivize mixed use developments along Corkscrew Road.

Policy 19.2.5: With the exception of Commercial Nodes identified on Map 19, as may be amended from time to time, Lee County shall discourage retail uses along Three Oaks Parkway, in favor of service and residential uses.

Policy 19.2.6: By the end of 2001, Lee County must review, amend or adopt regulations that prohibit "detrimental uses", free-standing nightclubs or lounges, or retail uses that require significant outdoor display, storage or delivery areas from locating within 500' of an existing or approved residential neighborhood.

Policy 19.2.7: By the end of 2001, Lee County must review, amend or adopt regulations that require Planned Developments which exceed the five year time frame established in the Land Development Code to automatically become vacated. In order to extend, vest or otherwise maintain the original Master Concept Plan, all provisions required by Goal 19 shall be accommodated by the development.

Policy 19.2.8: By the end of 2001, Lee County must review, amend or adopt regulations that require commercial developments within the Estero Community to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors.

Objective 19.3: RESIDENTIAL USES: Lee County shall protect and enhance the residential character of the Estero Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space, and requiring compliance with enhanced buffering requirements.

Policy 19.3.1: In order to meet the future needs of Florida Gulf Coast University, Lee County shall encourage higher density residential developments, with a mix of unit types, in close proximity to Florida Gulf Coast University, and along I-75.

Policy 19.3.2: By the end of 2001, Lee County shall amend the Mixed Planned Development Category to allow for small scale mixed use projects along Corkscrew Road, to allow residential above or in close proximity to retail and service uses.

Policy 19.3.3: By the end of 2001, Lee County shall review, amend or adopt regulations to strengthen buffering between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature.

Policy 19.3.4: Lee County shall protect the large lot residential areas between Koreshan Parkway and Corkscrew by requiring significant buffers between existing lots and higher density residential developments, or the placement of transitional density units along the perimeter.

Policy 19.3.5: No property within the Estero Community may be rezoned to RVPD or MHPD.

Objective 19.4: Natural Resources: County regulations, policies, and discretionary actions affecting Estero must protect or enhance key wetland or native upland habitats.

Policy 19.4.1: By the end of 2001, Lee County shall review, amend or adopt Lee Plan or Land Development Code regulations to provide the following:

- All future development proposals adjacent to the Estero River or its tributaries shall include floodplain protection plans prior to zoning approval.
- All new development adjacent to the Estero River or its tributaries must provide a 50' vegetative buffer adjacent to the top of bank. This is intended to prevent degradation of water quality within these natural water bodies.
- Lee County shall encourage the off-site mitigation of indigenous areas, wetland impacts or wildlife habitat impacts to be provided within the Estero Community Boundaries.
- Lee County shall provide significant incentives (increased density, impact fee reductions, Transfer of Development Rights, etc) for the protection of wetlands, flow ways, native habitat or other significant natural resource within the Estero Community.

Policy 19.4.2: Lee County shall focus acquisition efforts on environmentally sensitive lands east of I-75 and along the Estero Bay.

Policy 19.4.3: Lee County, or another authorized agency, will work to provide alternative irrigation sources (re-use, Aquifer Storage and Recovery Water, or mixed-non-potable) or financial incentives to provide non-potable water to uses within the Estero Community. This is desired to discourage the proliferation of private, single user wells.

Policy 19.4.4: Lee County will continue to enforce Wellfield protection requirements, monitoring, and other applicable provisions to ensure that future wellfield drawdown zones are protected.

Objective 19.5: PUBLIC PARTICIPATION. Lee County shall encourage and solicit public input and participation prior to and during the review and adoption of county regulations, land development code provisions, policies, zoning approvals, and administrative actions.

Policy 19.5.1: Lee County shall register groups within the Estero Community that desire notification of pending review of ordinances, development code amendments or development approvals. Upon registration, Lee County will send written notifications summarizing the issue being reviewed and any established hearing dates.

Policy 19.5.2: Lee County shall require public notice to any "registered" person or landowner within 500', issued upon being found sufficient.

Policy 19.5.3: Lee County shall establish a "document clearing house" in the Estero Community, where copies of submittal documents, staff reports, Hearing Examiner recommendations or resolutions will be provided for public inspection, as soon as they are available.

Policy 19.5.4: Lee County shall require that the agent for any planned development request within the Estero Community, conduct one public workshop, or provide one set of submittal information to an established "document clearing house" for public review. The agent shall provide the public workshop or submittal of documentation at least one week prior to the Hearing Examiner meeting.

Objective 19.6: COMMUNITY FACILITIES. Lee County shall work with the Estero Community to economically provide or facilitate the provision of a broad mix of Community Facilities necessary to support the Estero Community as a vibrant urban core.

Policy 19.6.1: Lee County and the Estero Community shall work with the State of Florida to provide appropriate passive recreational opportunities within the Sahdev Property, potentially enhanced by a public/private partnership. This should include easy access, parking, trails, and other non-intrusive uses.

Policy 19.6.2: Lee County and the Estero Community will work with the State of Florida to encourage the integration of Koreshan State Park into the fabric of the community. This may include landscaping, attractive fence/walls along US 41, the provision of a "gateway" at US 41 and Corkscrew Road and enhanced pedestrian access.

Policy 19.6.3: Lee County will adopt regulations that will encourage the protection of historic or culturally significant areas from conversion to residential or commercial uses. This is not intended to prevent ancillary development designed to highlight historic uses, but rather to prohibit the removal of such historic uses.

Policy 19.6.4: Lee County will work with the community and private landowners to identify opportunities to maintain public access to the Estero River and Estero Bay.

Policy 19.6.5: Lee County will work with the community to ensure that the development of the Estero Bonita Springs Community Park is integrated into the surrounding development and open space areas. The concept would be for the park to act as a hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments.

Policy 19.6.6: Lee County will assist the Estero Community in identifying and developing a "village green" that provides opportunities for public gathering, recreation, civic activities, and the distribution of public services, including a post office, license bureau, tax collectors office, police sub-station and or fire station.

Policy 19.6.7: Lee County will work with the Community and specific property owners to evaluate the potential of extending Sandy Land to Williams Avenue to provide for an alternative north/south corridor.

Modifications to current Lee Plan Provisions:

The following section contains proposed amendments to existing Lee Plan provisions to better implement the intent of the Estero Community Plan.

Policy 6.1.2.10: The Board of County Commissioners may approve applications for minor commercial centers that do not comply with the location standards for such centers, but which are consistent with duly adopted CRA and Community plans.

Vision Statement: Amend the Vision Statement to reflect the Vision Statement developed for the Estero Community.

Proposed Actions for Phase II of the Estero Community Plan:

As a result of the Action Items identified during the Phase I Community Planning Effort, several steps are recommended to the Community for incorporation of the Phase II Community Planning Effort. These include the following:

1. Evaluate and/or Modify Land Development Code Section 10-416, to consider enhanced landscape requirements for the Estero Community, particularly adjacent to identified road corridors, and between commercial and residential developments.
2. Evaluate and/or Modify Article IV of the Land Development Code to consider enhanced architectural requirements for the Estero Community.
3. Evaluate and/or Modify Chapter 30 of the Land Development Code to provide additional design guidelines for signage within the Estero Community.
4. Evaluate and/or Modify Division 7 of Chapter 34 to provide for enhanced notification of pending development approval hearings, as well as establish a methodology to provide greater information to the public prior to public hearings.
5. Evaluate and/or Modify Section 34-373(a)(6) of the Land Development Code to establish additional submittal requirements for specific land uses.
6. Clarify Section 34-341 of the Land Development Code to require that all commercial developments within the Estero Community be evaluated through the Planned Development process.
7. Evaluate Table 34-934 of the Land Development Code to establish that certain detrimental uses, or uses with significant outdoor storage are discouraged within the Estero Community except at locations currently designated on Map 19 of the Lee Plan.

Proposed Actions for Phase III of the Estero Community Plan:

As a result of the Action Items identified during the Phase I Community Planning Effort, several steps are recommended to the Community for incorporation of the Phase III Community Planning Effort. These include the following:

1. Adopt a Historic Development Overlay for the historic corridor between US 41 and the Highland Avenue area.
2. Evaluate the potential of extending Sandy Lane to Williams Avenue, and the potential creation of an additional east/west connection road.
3. Prepare the necessary data and analysis to adopt a mixed use Village Overlay district along Corkscrew Road.
4. Evaluate the preservation strategies for targeted acquisition areas east of I-75.

September 28, 2000

Mr. Matt Noble, Senior Planner
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

**Re: Estero Community Plan
Comprehensive Plan Amendment Documentation**

Dear Matt:

On behalf of the residents and property owners of Estero, I am pleased to submit the preliminary recommendations for the Estero Community Plan. This plan incorporates the vision and input of a wide section of the Estero Community, and is designed to provide significant direction for the future growth within the Community.

I look forward to working with the Lee County Department of Community Development and the Estero residents to fine tune this application as it proceeds as a County initiated amendment. I understand that you have already developed a list of issues that you would like to review, and I will be calling you to schedule a meeting to review these items. Further, I would like to hold one more Public Workshop on Phase I of the Community Plan, and have Lee County take an active role in this interactive process.

In the meantime, if you have any questions, or would like additional documentation on any of the recommendations contained in the Estero Community Plan, please do not hesitate to contact me. Once again, on behalf of the residents of Estero, thank you in advance for your efforts in adopting the plan that outlines the future vision for this growing community.

Sincerely,
Vanasse & Daylor, LLP



Mitchel A. Hutchcraft, ASLA, AICP
Executive Vice President

Cc: (without attachments)
Meg Vencellar, Estero Chamber of Commerce
Eddie Perry, Estero Civic Association
Neal Noethlich, ECCO
Don Eslick, ECCO
Frank Weed, West Bay Club
David Graham, Bonita Bay Properties

Resource Data/Maps

Lee County Department of Community Development



www.lee-county.com

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Planning Community of San Carlos/Estero

Back to Planning Communities Map

Year	Population
1998	23,240
2020*	43,404

* Forecast

Residential Use by Future Land Use Category	Allocation for Year 2020	Acreage	
		Existing	Available
Central Urban (CU)	15	17	-2
Urban Community (UC)	1,113	715	398
Suburban (S)	2,962	2,090	872
Outlying Suburban (OS)	81	73	8
Industrial Development (ID)	13	10	3
University Community (UNC)	860	0	860

What's New?



Rural (R)	280	13	267
Wetlands (WL)	50	93	-43
Total Residential	5,374	3,011	2,363

Other Uses	Allocation for Year 2020	Acreage	
		Existing	Available
Commercial	2,853	353	2,500
Industrial	352	181	171

Lee County Department of Community Development
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 Last Revised: 08/18/00 02:11 PM

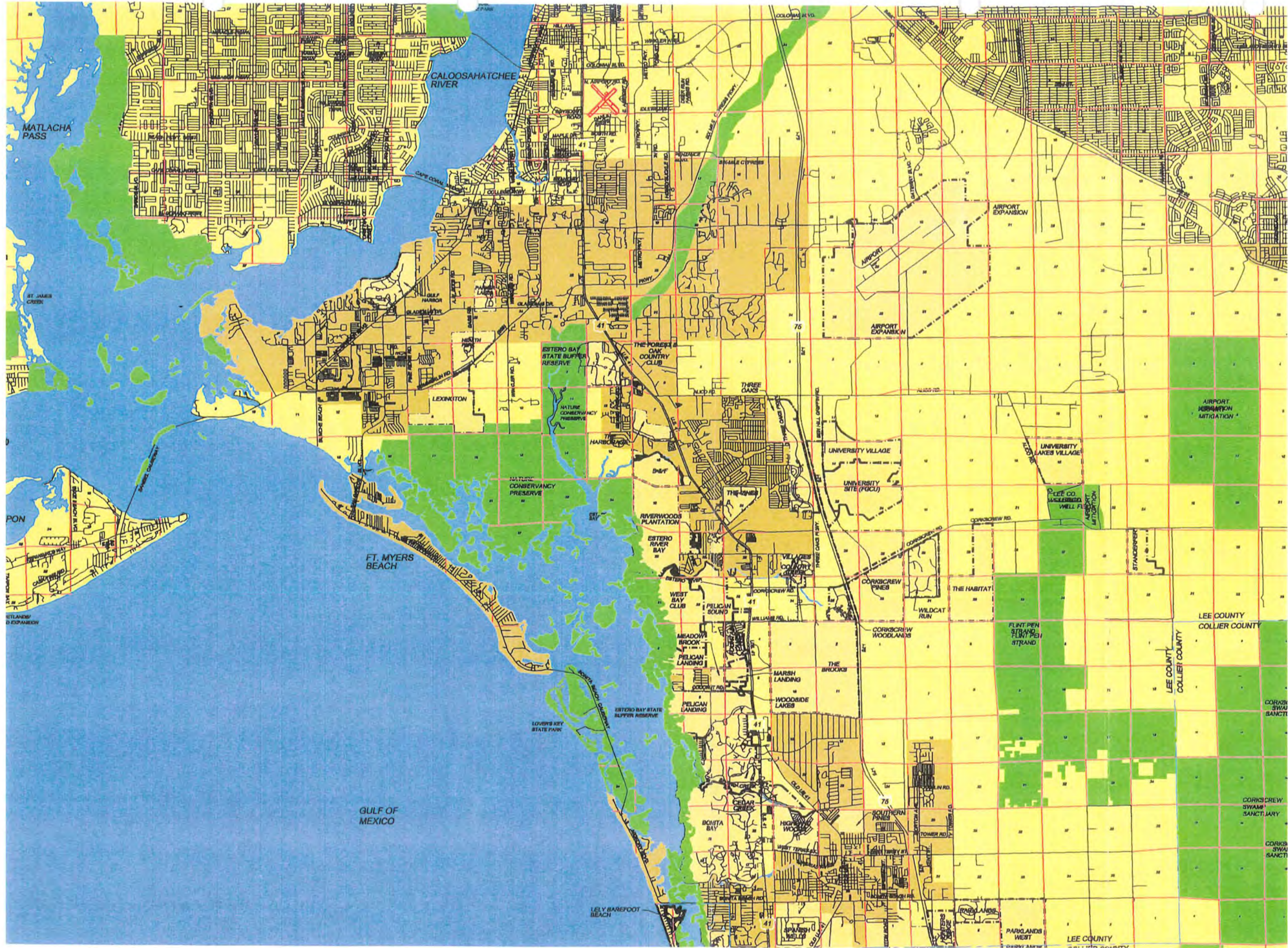
Residential Estimates

As of December 1999

Fire District	DWELLING UNITS			POPULATION		
	Total	Permanently Occupied	Seasonally Occupied	Permanent	Seasonal	Functional
Alva	1,169	1,006	104	2,286	209	2,495
Bayshore	2,502	2,035	342	4,624	683	5,307
Boca Grande	1,143	446	640	1,013	1,280	2,293
Bonita Springs	23,047	13,073	8,822	29,701	17,644	47,345
Burnt Store	1,214	498	656	1,131	1,311	2,442
Cabbage Key	12	3	9	6	18	23
Cape Coral*	152	95	49	216	99	315
Captiva	1,393	324	1,000	736	1,999	2,735
Cayo Costa	18	4	13	9	27	35
Division of Forestry	12	8	3	19	6	25
Estero	6,815	4,484	1,990	10,188	3,980	14,168
Fort Myers Beach	<i>Contact the Town of Fort Myer Beach</i>					
Fort Myers Shores	3,352	3,013	172	6,845	344	7,188
Fort Myers*	278	242	22	550	44	594
Iona McGregor	29,303	21,394	6,444	48,607	12,888	61,495
Lehigh Acres	13,908	12,486	727	28,367	1,454	29,821
North Fort Myers	27,054	21,110	4,591	47,962	9,183	57,145
Pine Island Matlacha	5,968	3,700	1,969	8,407	3,939	12,346
San Carlos	10,147	7,102	2,537	16,136	5,075	21,211
Sanibel	<i>Contact the City of Sanibel</i>					
South Trail	18,807	14,444	3,423	32,817	6,845	39,662
Tice	7,047	6,286	409	14,282	817	15,099
Upper Captiva	225	47	166	107	333	440
Useppa Island	117	25	87	56	173	229

Source: Lee County DCD Planning Division Existing Land Use Database

*Figures are for the unincorporated portion of the fire district. Contact the appropriate municipality for their information.



V&D
 VANASSE & DAYLOR, LLP
 8270 College Parkway
 Suite 205
 Fort Myers, FL 33919
 Phone: 941-687-4000 Fax: 941-687-4001 Website: www.vand.com

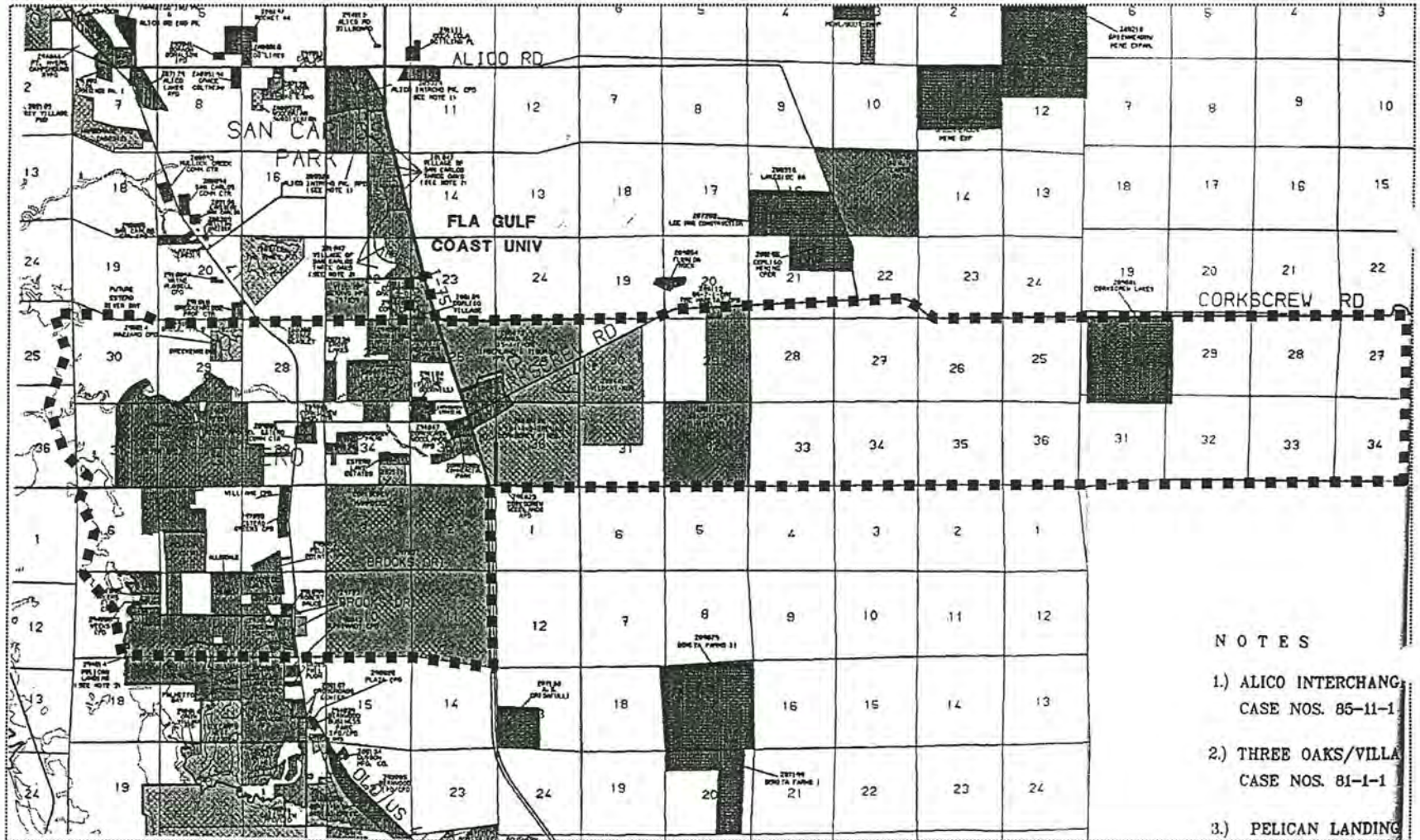
OWNER: BONITA BAY PROPERTIES, INC.
 PROJECT: BONAITA BAY POTENTIAL PROJECT LOCATION ANALYSIS
 PROJECT NO: 100000000000
 SHEET TITLE: SOUTH LEE COUNTY, NORTHERN COLLIER COUNTY SITE ANALYSIS
 SCALE: 1" = 5000'
 DRAWN: WAS 8/25/08
 CHECKED: DEC 8/25/08
 APPROVED: [Signature]

NO.	DATE	BY	REVISION

NOTE: This information was prepared by the consultant under contract to the client. It is intended for the use of the client and its authorized representatives. It is not to be used for any other purpose without the written consent of the consultant.

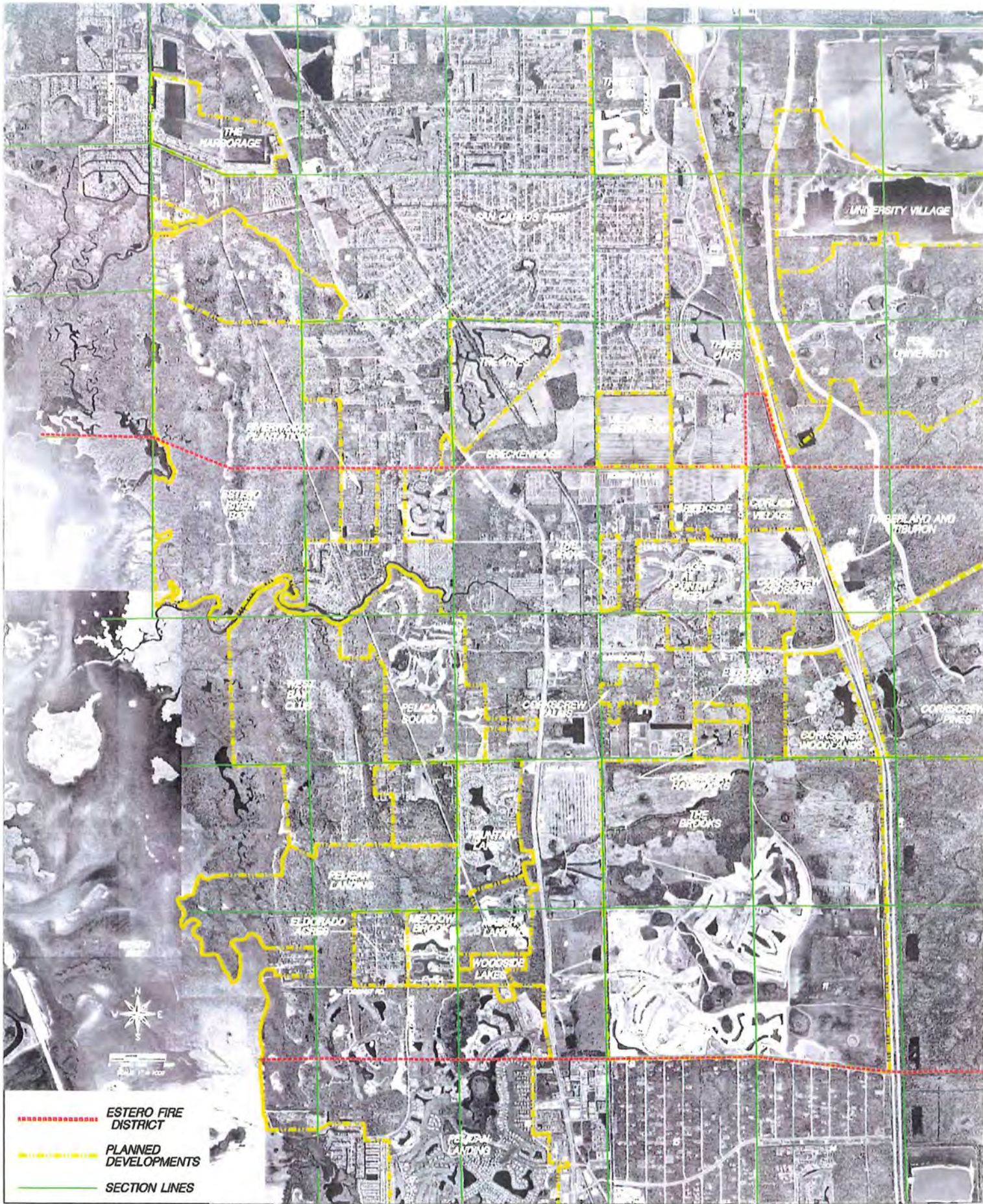
Sheet No **X** of **X**

Community Boundaries:



- NOTES
- 1.) ALICO INTERCHANG
CASE NOS. 85-11-1
 - 2.) THREE OAKS/VILLA
CASE NOS. 81-1-1
 - 3.) PELICAN LANDING

Based on the Estero Fire District Boundaries



THE HARBORAGE

UNIVERSITY VILLAGE

BRECKENRIDGE

WEST BAY CREEK

PELAGA BOUND

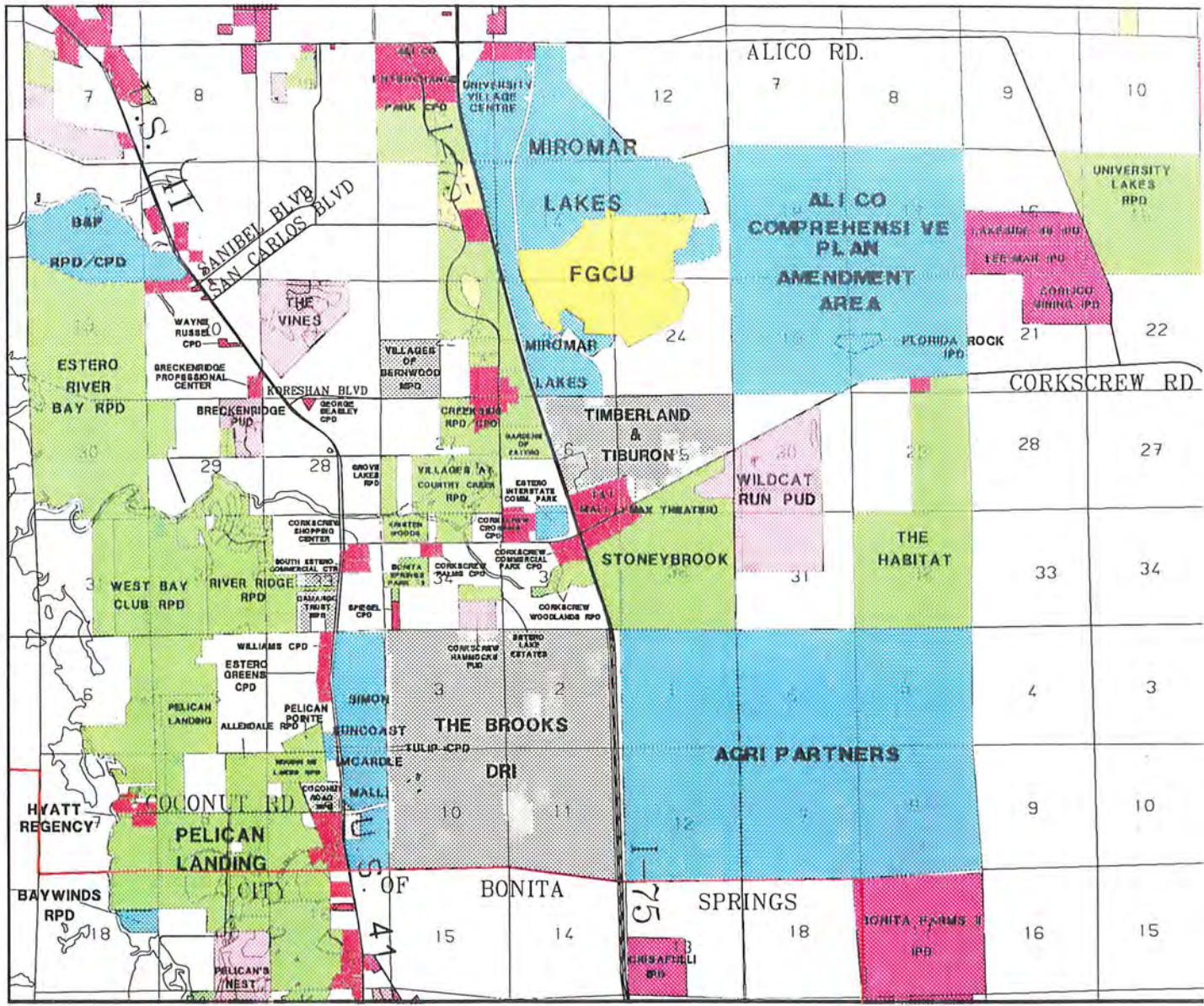
WOODSIDE LAKES

THE BROOKS

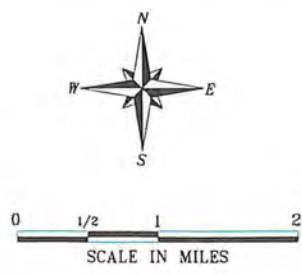
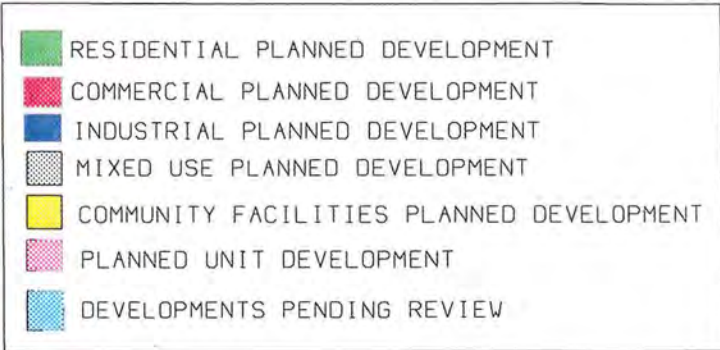
- ESTERO FIRE DISTRICT
- PLANNED DEVELOPMENTS
- SECTION LINES



Scale bar showing 0, 200, 400 feet



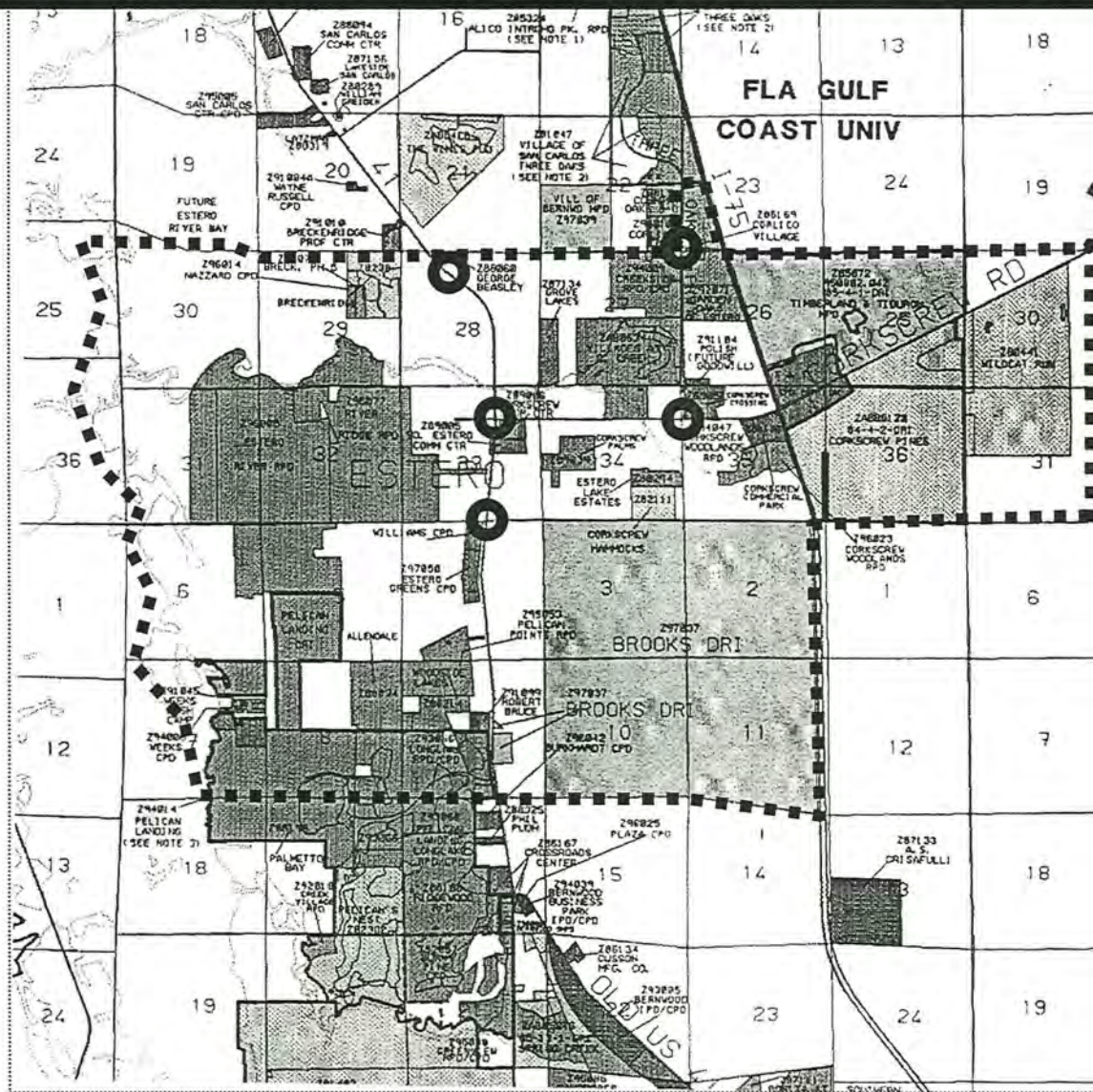
DEVELOPMENT IN THE ESTERO AREA



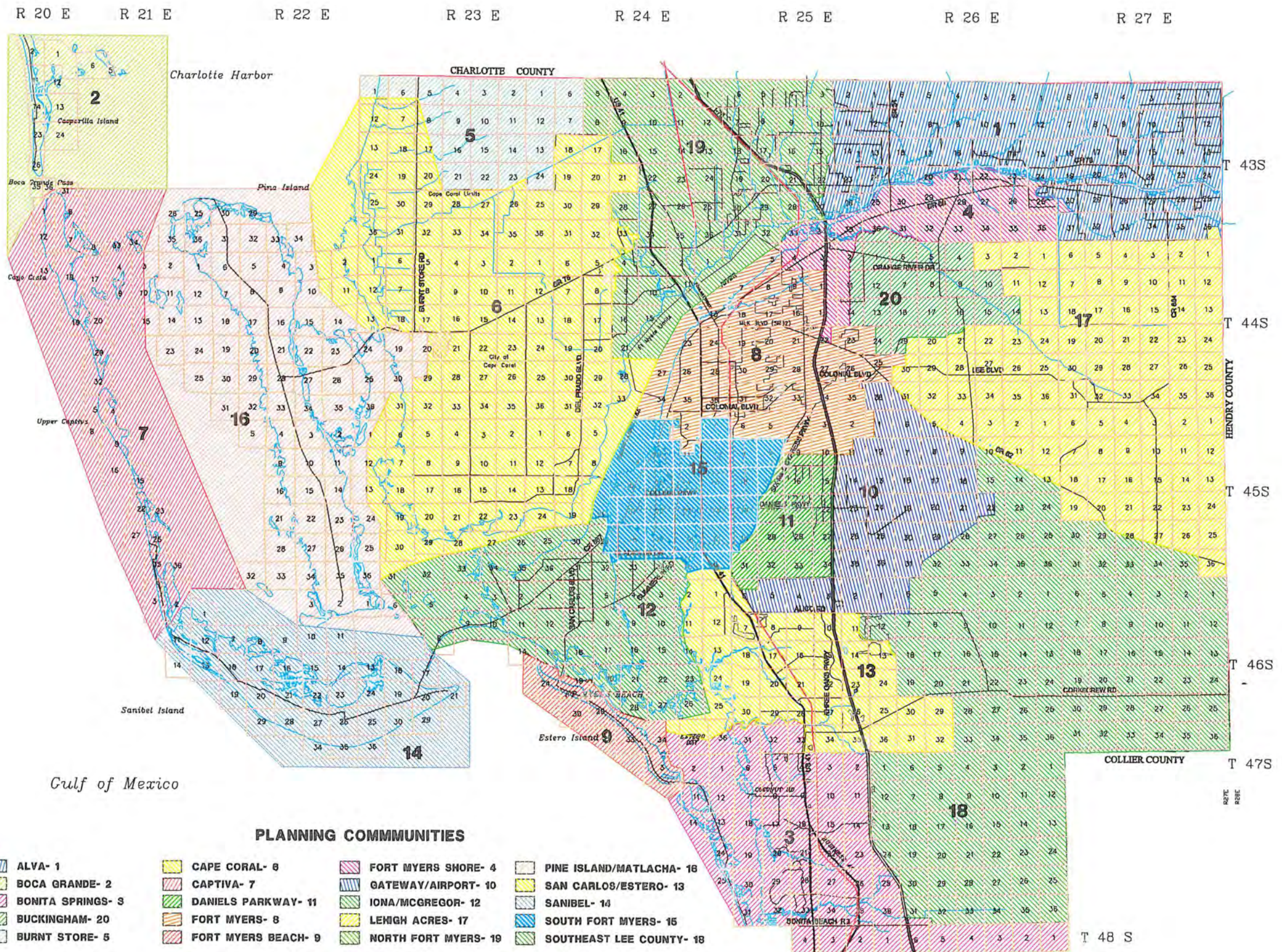
ANNUAL TOTALS for ALL STATIONS

<u>YEAR</u>	<u>SINGLE FAMILY</u>	<u>DUPLEX</u>	<u>MID RISE</u>	<u>HIGH RISE</u>	<u>MULTI FAMILY</u>	<u>MOBILE HOME</u>	<u>RV</u>	<u>TOTAL</u>	<u>Cumulative TOTAL</u>
PRESENT	2,283	87			2,088	2,557	74	7,089	7,089
2000	2,847	99			1,913	123		4,982	12,071
2001	1,233	68		72	1,648	20		3,041	15,112
2002	955	14			1,337	20		2,326	17,438
2003	762	14	30		971	20		1,797	19,235
2004	645				771	20		1,436	20,671
2005	523			75	498	10		1,106	21,777
2006	366				620			986	22,763
2007	305			75	594			974	23,737
2008	232				444			676	24,413
2009	210				443			653	25,066
2010	210				442			652	25,718
TOTAL	10,571	282	30	222	11,769	2,770	74	25,718	25,718

Existing Commercial Planned Developments & Commercial Nodes:



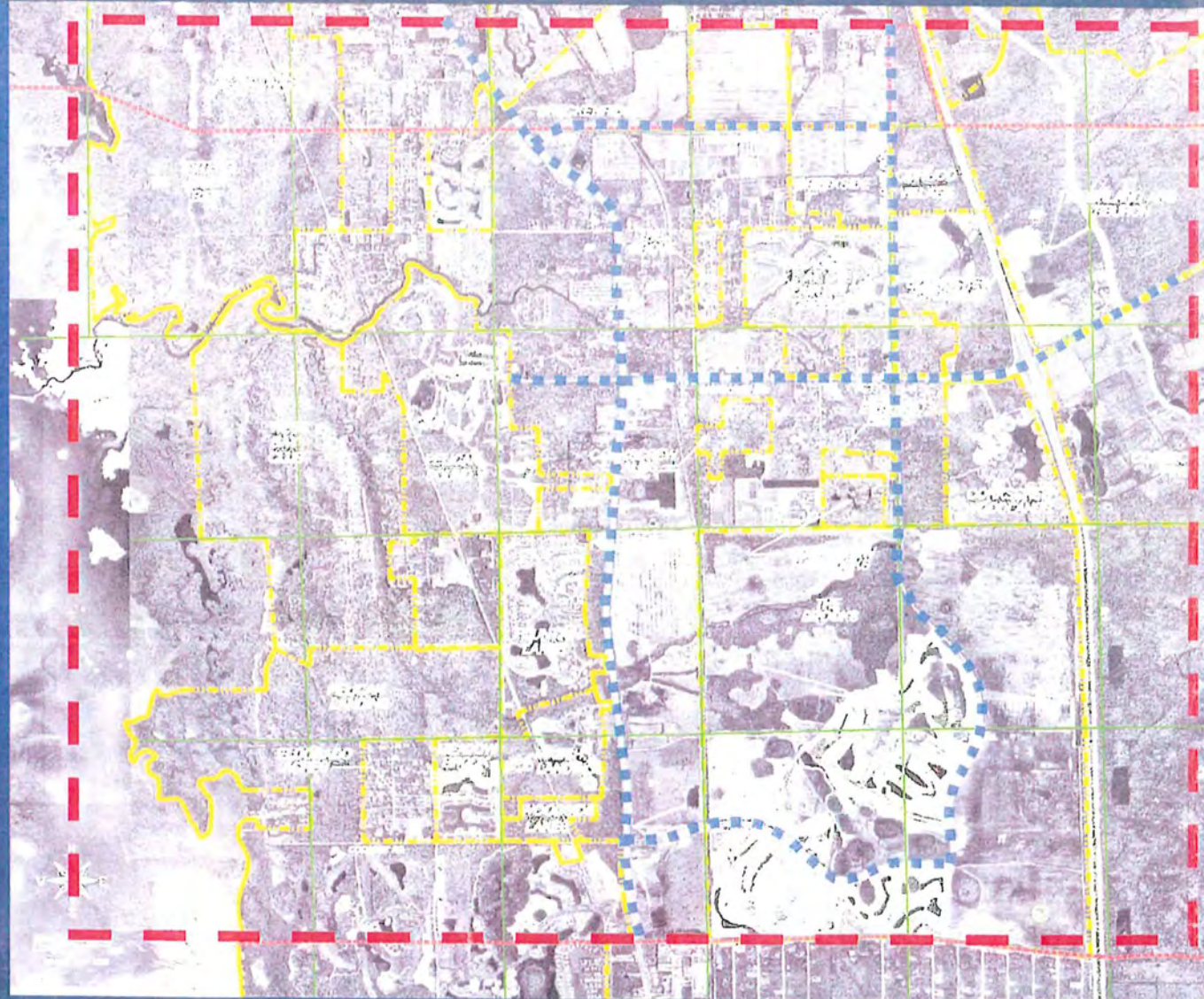
Lee County Planned Development Map, 1998



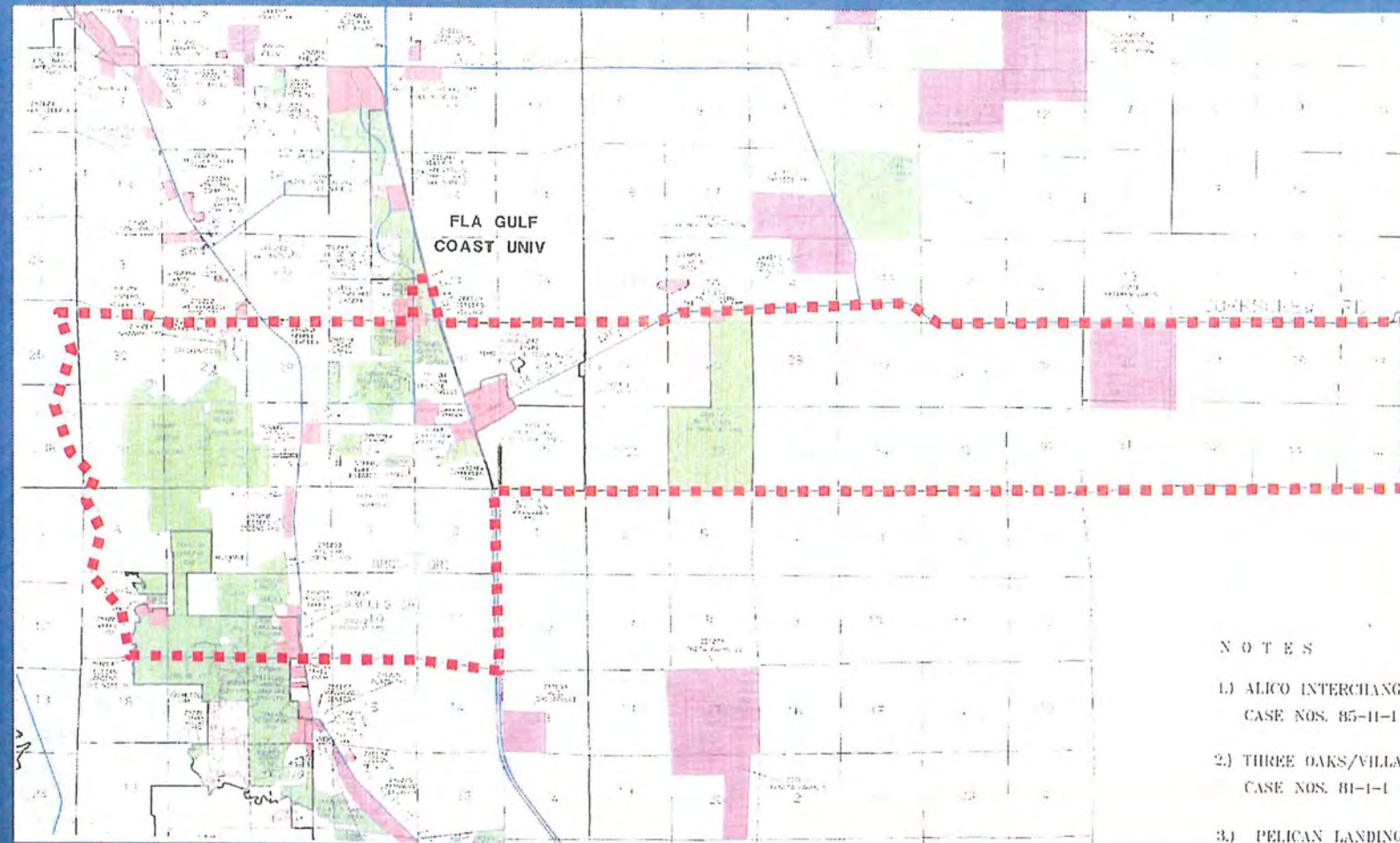
- PLANNING COMMUNITIES**
- | | | | |
|-------------------|---------------------|----------------------|--------------------------|
| ALVA- 1 | CAPE CORAL- 6 | FORT MYERS SHORE- 4 | PINE ISLAND/MATLACHA- 16 |
| BOCA GRANDE- 2 | CAPTIVA- 7 | GATEWAY/AIRPORT- 10 | SAN CARLOS/ESTERO- 13 |
| BONITA SPRINGS- 3 | DANIELS PARKWAY- 11 | IONA/MCGREGOR- 12 | SANIBEL- 14 |
| BUCKINGHAM- 20 | FORT MYERS- 8 | LEHIGH ACRES- 17 | SOUTH FORT MYERS- 15 |
| BURNT STORE- 5 | FORT MYERS BEACH- 9 | NORTH FORT MYERS- 19 | SOUTHEAST LEE COUNTY- 18 |

PROJECT NO: BONITA BAY PROPERTIES, INC. 3451 Bonita Bay Blvd Bonita Springs, FL 34134		PROJECT LOCATION: LEE COUNTY, FLORIDA									
PROJECT NO: VANASSE & DAYLOR, LLP 8270 College Parkway Suite 205 Fort Myers, FL 33918 TEL: 813-437-4611 • FAX: 813-437-6035 • EMAIL: ADMIN@VANADY.COM		PROJECT NAME: PLANNING COMMUNITIES									
DATE: _____ SCALE: _____ SHEET NO: _____ OF _____		APPROVED: _____ DATE: _____									
NOTE: The information shown on these maps is for informational purposes only. It is not intended to constitute an offer of insurance or any other financial product. Please consult your agent for more information.		REVISIONS: <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION						
NO.	DATE	DESCRIPTION									
SHEET NO. 1 OF 1		PROJECT NO: 80250									

Recommended Focus Area:

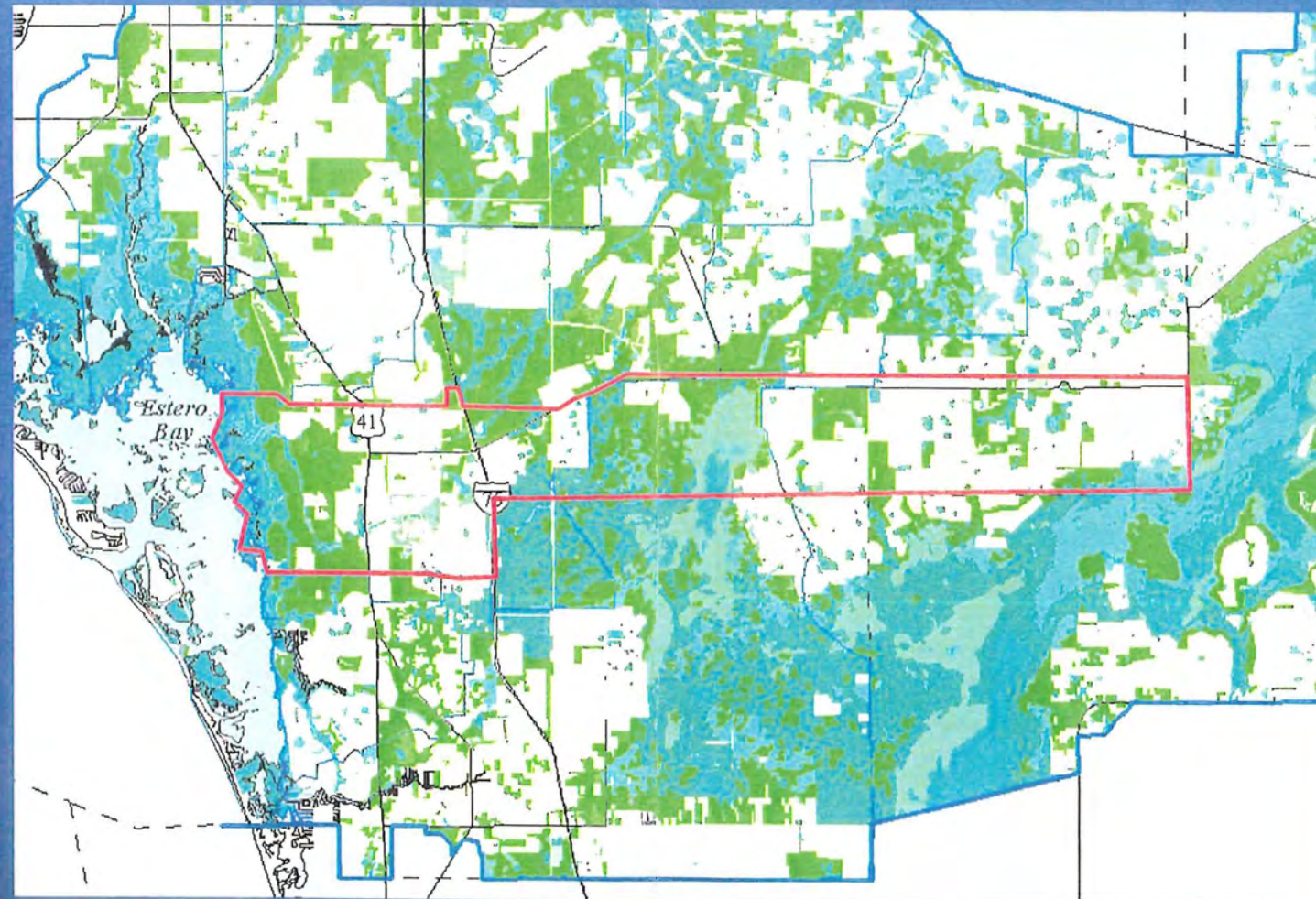


Community Boundaries:



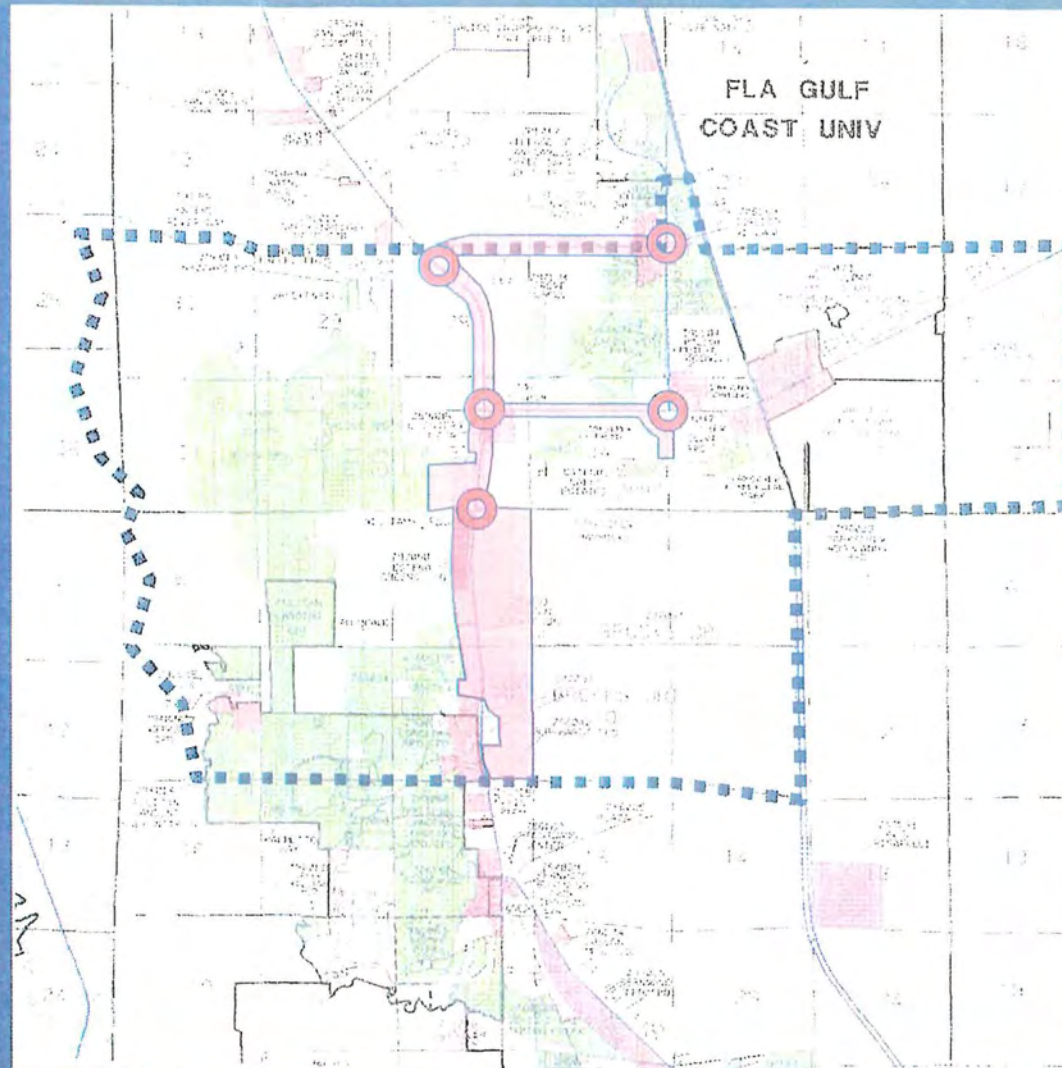
Based on the Estero Fire District Boundaries

Undeveloped Land:



◆ Estero Bay and Watershed Assessment, Prepared by PBS&J and SFWMD

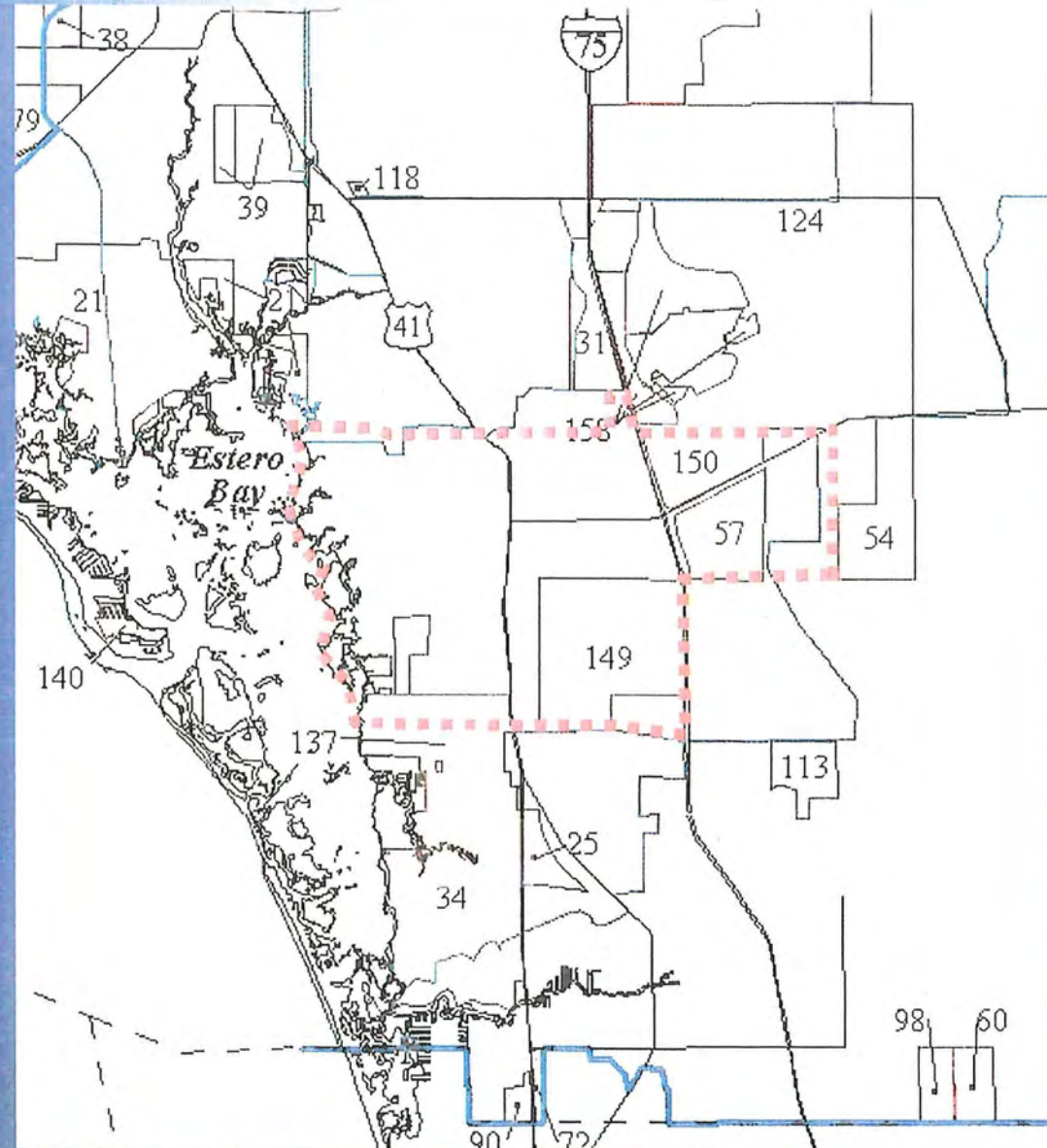
Commercial/Residential Interface Zone:



Lee County Planned Development Map, 1998



Developments of Regional Impact:



Estero Bay and Watershed
Assessment. Prepared by
PBS&J and SFWMD

Approved Development Summary Table

Estero Community Plan Research

Approved Development Summary in the Estero Community										
Project Name	Resolution #	Hearing Date	Case Number	Total Comm. sq. ft.	Retail sq. ft.	Office sq. ft.	Residential acre	Residential Units	Notes	Strap Number
Beasley Broadcasting CPD	Z-88-060	4/25/1988	88-3-11 DCI						Note: 3.77 Public ac.	28-46-25
Bonita Springs Park #2 (fka Corkscrew Palms RPD)	Z-89-039	1/8/1990	89-4-25-4 DCI				0.00	187		34-46-25
Breckenridge PH V, VI, VII RPD	Z-96-014	4/15/1996	95-05-018 02Z 02.01				9.83	56		
	PUD-96-006	2/2/1996	95-05-018.13A 03.01							
	PUD-95-016	6/7/1995	95-05-018.13A 02.01							20-46-25 / 29-46-25
	Z-95-073	11/6/1995	95-05-018.02Z							29-46-25
Breckenridge Phase VIII	Z-99-053	10/18/1999	95-05-018.03Z 01.01				19.78	160		20-46-25
Breckenridge Prof CPD	PD-94-005	3/16/1994	91-1-29-DCI-4(a)	121,000	12,500	108,500				20-46-25
	Z-91-010	3/25/1991	91-1-29-DCI-4							20-46-25
Breckenridge PUD (fka Laguna Woods)	ZAB-85-129	9/9/1985	82-2-15-DCI				103.00	617		29-46-25
	ZAB-84-194	10/15/1984	82-2-15-DCI							29-46-25
	PUD 92-18	11/2/1992	82-2-15-DCI							29-46-25
	Z-82-038	8/9/1982	82-2-15-DCI							29-46-25
Brooks of Bonita DR/MPD			96-07-030.04z 02.01	250,000			0.00	5,200		2,3,9,1,11-47-25
			96-07-030.03z 02.01							2,3,9,10,11-47-25
	Z-97-037	8/25/1997	96-07-030.04Z							2,3,9,10,11-47-25
Camargo Trust MPD	Z-98-029	6/29/1998	97-12-021.03Z	400,000	100,000					33-46-25
Coconut Road MPD	Z-98-075	11/16/1998	97-12-118.03Z					142	Note: 46.40 ac Mixed Use	09-47-25
	Z-91-099	12/9/1991	91-10-1-DCI-1		40,526	29,999			Note: Previously Robert Bruce CPD	09-47-25
Corkscrew Comm Park CPD	Z-86-136	1/12/1987	86-08-08-DCI	130,000	100,000	30,000				35-46-25
	Z-90-134	1/28/1991	90-12-11-DCI-2							35-46-25
Corkscrew Crossings CPD	Z-94-050	12/5/1994	89-5-16-4-DCI-(a)	187,000	187,000					35-46-25
	Z-89-051	11/13/1989	89-5-16-4-DCI							35-46-25
Corkscrew Hammocks PUD	ZAB-82-111	9/17/1984	82-03-43-DCI				50.00	250		34-46-25
	Z-89-59	12/11/1989	82-3-43-DCI(a)							34-46-25
	Z-82-111	4/22/1982	82-3-43-DCI							34-46-25
Corkscrew Palms CPD	PD-98-069	10/13/1998	97-08-132.13A 01.01	100,000		100,000				34-46-25
	Z-98-015	5/4/1998	97-08-132.03Z							34-46-25
Corkscrew Road Square CPD			99-11-037.02Z 01.01			47,800			Note: No information given	34-46-25
			96-02-192.02Z 02.01	105,000						33-46-25
Corkscrew Village Shopping Ctr CPD	Z-94-69	1/11/1995	89-01-04-DCI-04(a)							33-46-25
	Z-89-06A	4/10/1989	89-01-04-DCI-04							33-46-25
	Z-89-06	2/13/1989	89-01-04-DCI-04							33-46-25
	PD-96-050	9/16/1996	96-02-192.13A							33-46-25
	PD-96-065	2/10/1997	96-02-192.13A 02.01							33-46-25
	Z-96-030	7/15/1996	96-02-192.02Z							33-46-25
Corkscrew Woodlands (NW Parcel) RPD	Z-94-047	11/21/1994	94-10-11-DCI-01				20.99	120		35-46-25
Corkscrew Woodlands RPD (PH A, B, C, D)	Z-96-023	7/15/1996	96-02-108.02Z				34.35	200		35-46-25
Corlco CPD	Z-94-010	5/2/1994	94-03-22-DCI-01	300,000	250,000	50,000				22-46-25
Country Oaks RPD	Z-94-004	3/21/1994	88-6-9-DCI(a)				38.36	123		22-46-25
	Z-88-154	7/11/1988	88-6-9 DCI							22-46-25
Creekside RPD/CPD	Z-94-009	5/2/1994	94-03-15-DCI-01	250,000			111.48	500		27-46-25
Danzi Restaurant CPD			99-10-065.02Z 01.01						Note: No information given	33-46-25
Estero Interstate Commerce Park CPD			99-08-241.03Z 01.01	140,000	140,000					35,26-46-25
Estero Lakes East RPD (Spring Ridge)	Z-88-294	12/12/1988	88-10-12 DCI				28.90	82		34-46-25
	Z-91-29	6/10/1991	91-3-5-DCI-2	24,500						26-46-25
Goodwill Store Adlt Learning (Polish Cultural) Ctr	Z-91-104	1/6/1992	91-3-5-DCI-2(a)							26-46-25
	Z-98-090	2/1/1999	97-10-261.02Z 02.01							26-46-25
	Z-98-003	3/17/1998	97-10-261.02Z							26-46-25
Grove Lakes RPD (The Groves)	Z-87-134	5/9/1988	87-7-6 DCI				37.10	73		27-46-25

Estero Community Plan Research

Project Name	Resolution #	Hearing Date	Case Number	Total Comm. sq. ft.	Retail sq. ft.	Office sq. ft.	Residential acre	Residential Units	Notes	Strap Number	
Koreshan CPD	Z-99-052	10/4/1999	99-03-070.03Z 01.01	100,000		100,000				33-46-25	
Kristen Woods RPD/CPD	Z-98-093	3/15/1999	98-08-067.03Z	170,000		170,000	0.00	220		34-46-25	
Pelican Landing CPD/RPD DRI	PD-96-26	6/28/1996	95-01-050.13A 02.01	775,000	300,000	475,000	697.40	4,400		MANY	
	PD-97-38	8/15/1997	95-01-050.13A 09.01							MANY	
	PD-97-32	7/22/1997	95-01-050.13A 08.01							MANY	
	PD-97-20	5/9/1997	95-01-050.13A 07.01							MANY	
	PD-97-12	3/21/1997	95-01-050.13A 06.01							MANY	
	PD-96-057	1/15/1996	95-01-050.13A 05.01							MANY	
	Z-94-014	8/29/1994	94-04-05-DRI-01								MANY
	PD-96-039	8/28/1996	95-01-050.13A 03.01							MANY	
	PD-97-55		95-01-050.13A 12.01							MANY	
	PD-96-021	4/29/1996	95-01-050.13A 01.01							MANY	
	Z-97-073	11/17/1997	95-01-050.04Z 06.01							MANY	
	Z-96-055	11/4/1996	95-01-050.04Z 05.01							MANY	
	Z-95-062	8/16/1995	95-01-050.04Z 04.01							MANY	
	Z-95-61	9/13/1995	95-01-050.04Z 03.01							MANY	
	PUD-93-001	1/8/1993	82-8-15-DCI(B)								MANY
	PD-96-040	8/29/1996	95-01-050.13A 04.01							MANY	
	PD-98-035	5/21/1998	95-01-050.13A 15.01							MANY	
			95-01-050.03Z 05.01								MANY
		Z-99-048	10/4/1999	95-01-050.04Z 10.01							MANY
		Z-99-065	12/6/1999	95-01-050.04Z 09.01							MANY
		Z-98-066	9/21/1998	95-01-050.04Z 07.01							MANY
		FPA-98-095	1/10/1999	95-01-050.04A 02.02							MANY
		FPA-98-094	1/15/1999	95-01-050.04A 03.01							MANY
		PD-97-45	11/17/1997	95-01-050.13A 10.01							MANY
		PD-98-070	10/1/2698	95-01-050.13A 16.01							MANY
		PD-97-51	11/19/1997	95-01-050.13A 11.01							MANY
		PD-98-026/2	5/7/1998	95-01-050.13A 14.01							MANY
		PD-98-026/1A	6/30/1998	95-01-050.13A 14.02							MANY
	PD-98-026-2	5/7/1998	95-01-050.13A 14.01							MANY	
	PD-98-026-1	5/6/1998	95-01-050.13A 14.01							MANY	
	PD-97-56	12/11/1997	95-01-050.13A 13.01							MANY	
	Z-99-024	6/21/1999	95-01-050.04Z 08.01							MANY	
	FPA-98-048	7/22/1998	95-01-050.04A 01.01							MANY	
Pelican Pointe RPD/Marsh Landing	PD-98-040	6/5/1998	95-01-329.13A 03.01				120.69	404		9816-47-25	
	PD-97-052	12/2/1997	95-01-329.13A 02.01							9816-47-25	
	PD-96-051	10/25/1996	95-01-329.13A 01.01							9816-47-25	
	Z-95-053	9/6/1995	95-01-329.03Z							04/09-47-25	
South Estero Commercial Center CPD			96-04-121.02Z 01.01	205,000						33-46-25	
	PD-96-023	5/4/1996	96-04-121.13A 01.01							33-46-25	
	Z-89-005	2/13/1989	89-1-3 DCI							33-46-25	
Spiegel CPD	Z-98-051	8/17/1998	98-01-161.02Z						Note: 9.60 Commercial ac.	34-46-25	
Stoneybrook (fka Corkscrew Pines)	Z-99-026	6/21/1999	95-01-033.03Z	300,000	200,000	100,000	0.00	1,840		36-46-25	
	Z-91-86	9/23/1991	84-04-02-DRI(a)							36-46-25	
	Z-98-018	4/21/1998	95-01-033.03Z							36-46-25	
	ZAB-85-128	6/17/1985	84-4-2-DRI							36-46-25	
	Z-92-68	3/1/1993	84-04-02-DRI(b)							36-46-25	
The Gardens of Estero (fka Garden Oaks RPD)			98-03-199.02Z 02.01	10,000			69.20	692		26-46-25	
	Z-91-105A	5/4/1992	91-10-22-DCI-1(R)							26-46-25	
	Z-91-105	1/6/1992	91-10-22-DCI-1							26-46-25	
	Z-92-071	3/1/1993	91-10-22-DCI-1(a)							26-46-25	
The Vines PUD	Z-92-70	4/5/1993	84-1-18-DCI(d)				269.00	440			
	PUD-90-23	12/3/1990	84-1-8-DCI(c)								
	Z-89-97	12/11/1989	84-1-18-DCI(b)								
	Z-88-292	11/14/1988	84-1-18-DCI(a)								
	ZAB-84-18	2/20/1984	84-1-18-DCI								

Estero Community Plan Research

Project Name	Resolution #	Hearing Date	Case Number	Total Comm. sq. ft.	Retail sq. ft.	Office sq. ft.	Residential acre	Residential Units	Notes	Strap Number
University Lake Village / fka Cortico Villages	PD-98-062	9/3/1998	98-06-003.13A03.01	240,000	100,000	140,000	0.00	508		23-46-25
	PD-98-043	6/18/1998	98-06-003.13A02.01							23-46-25
	PD-98-041	6/23/1998	98-06-003.13A 01.01							23-46-25
	Z-93-13	5/3/1993	86-10-07-DCI (b)							23-46-25
	Z-90-07	2/26/1990	86-10-07(a) DCI							23-46-25
	Z-86-169	11/24/1986	86-10-07-DCI							23-46-25
	PD-98-062	9/3/1998	98-06-003.13A 03.01							23-46-25
Villages at Country Creek (aka River's Reach) RPD	PD-94-029	10/20/1994	86-2-13 DCI(g)				283.00	985		27-46-25
	PD-94-008	4/22/1994	86-2-13 DCI(f)							27-46-25
	PD-93-024	11/19/1993	86-2-13 DCI(e)							27-46-25
	Z-89-95	12/11/1989	86-2-13-DCI(b)							27-46-25
	Z-88-67	4/11/1988	86-2-13-DCI(a)							27-46-25
	ZAB-86-34	4/21/1986	86-2-13 DCI							27-46-25
	Z-97-039	9/15/1997	96-06-251.03Z 01.01	140,000	80,000	60,000	0.00	613		22-46-25
Weeks CPD	Z-94-066	4/18/1994	94-03-01-DCI-01						Note: 4.54 Commercial ac.	07-47-25
West Bay Club (fka Estero Pointe RPD)	FPA-98-088		95-06-148.04 02.01		2,500		197.90	1,121		05-47-25
	FPA-98-087	12/30/1998	95-06-148.04 01.01							
	PD-98-003	4/10/1998	95-06-148.13A 01.01							
	Z-96-005	3/18/1996	95-06-148.03Z							
Williams Place Commercial Center CPD	Z-97-026	6/2/1997	96-10-300.03Z 01.01						Note: Have copy of resolution, no info.	04-47-25
Woodside Lakes RPD	Z-90-48	7/23/1990	86-12-14-DCI(a)				59.92	265		09-47-25
	Z-86-215	3/9/1987	86-12-14 DCI							09-47-25
Totals				3,947,500	1,512,526	1,411,299	2,090.98	18,933		

PowerPoint 8/15/00

1 Estero Community Plan

South County Regional Library

August 15, 2000

Prepared by:

Vanasse & Daylor, LLP.

2 Estero Community Plan

South County Regional Library

August 15, 2000

Prepared by:

Vanasse & Daylor, LLP.

3 Project Goals

- ◆ To Assist the Community Establish a Vision for the Future of Estero through the preparation of a Community Plan.
- ◆ Process a Comprehensive Plan Amendment to Facilitate the Vision
- ◆ Develop Land Development Code Provisions to Implement the Vision.
- ◆ Create a Community Participation Process that involves the Community in the Review of Projects within the Community.

4 Description

- ◆ This "Community Plan" is a result of a grass-roots effort to guide the future development of the Community.
- ◆ The development of the "Community Plan" will begin with the adoption of very broad Goals, Objectives and Policies into the Lee Plan.
- ◆ Future "Community Plan" Steps include additions to the Land Development Code, and master planning efforts.

5 Procedures

- ◆ Community Visioning (two workshops)
- ◆ Lee County Identify the Community Plan as a "County Initiated Amendment"
- ◆ Submit Draft Approach for LPA inclusion in list of County Initiated Amendments (August 20)
- ◆ Submit Lee Plan Text Amendment (Sept. 29)
- ◆ Initiate Land Development Code Amendments
- ◆ Prepare Modifications to Regulations

6 Team/Resources

- ◆ The Preparation of the Community Plan will incorporate the input and resources of the following parties:

- Community Master Plan Committee Representatives:
 - Estero Chamber of Commerce - Represented by Meg Venceller
 - ECCO - Represented by Neale Nothlick
 - Development Community - Represented by David Graham
- Vanasse & Daylor, LLP - Mitch Hutchcraft, ASLA, AICP
 - Planning
 - Landscape Architecture
 - Engineering
 - Computer Graphics
- Lee County Department of Community Development

7 Where do we begin?

We have a lot of work to do.....

In order to help achieve our Goals, the committee has identified 6 key issues to pursue in this initial Amendment process.

- Project Boundaries
- Community Character
- Protection of Natural Resources
- Land Use - Commercial

- Land Use - Residential Uses
- Development Approval Process

We welcome input on other issues, but want to let you know that perhaps they will need to be addressed in future phases of this project.

8 Key Issues:

◆ Project Boundary

- What are the areas that have synergy with the Estero Community?
 - Florida Gulf Coast University
 - San Carlos Park
 - Bonita Springs
- What are the limits of the Estero Community?
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 - Community Planning Boundaries
- What are the areas that we want to initially focus on?
 - US 41 Corridor
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9 Community Boundaries:

10 Recommended Focus Area:

11 Recommended Focus Area:

12

13

14 Recommended Focus Area:

15 Key Issues:

◆ Community Character:

- Develop a set of standards to guide development within the Estero Community to ensure enhancement of the Vision. These standards may address the following:
 - Landscaping
 - Signage
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16 Community Character:

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◆ Protection of Natural Resources:

- Identify significant natural resources needed to protect the quality of life as well as water management and wildlife areas within the Community.
 - Encourage Protection
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18 Undeveloped Land:

• Estero Bay and Watershed Assessment, Prepared by PBS&J and SFWMD

19 ☐ Priority Wetlands:

• Estero Bay and Watershed Assessment, Prepared by PBS&J and SFWMD

20 ☐ Conservation Strategy Map:

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22 ☐ Key Issues:

◆ Land Use - Commercial Zones:

– Identify areas appropriate for significant retail zones, "neighborhood" retail villages, and retail free corridors.

- Consider Existing Land Use Map
- Consider Existing Commercial Approvals

• Consider Community Character

23 Future Land Use Map – Estero Area

Lee County Future Land Use Map

24 Identified Commercial Nodes

Intersections Meeting Neighborhood or Community Commercial Intersection Criteria

Lee Plan –
Map 19 – Commercial Site Location Standards

25

26

27 Key Issues, Continued

◆ Residential Zones:

- Identify areas suitable for increased density, as well as areas requiring reduced densities due to their proximity to lower intensity uses or environmentally sensitive areas.

28 Residential Zones:

What Form? What Density?

29

30

31 Developments of Regional Impact:

Estero Bay and Watershed
Assessment, Prepared by
PDS&J and SPW&D

32 ☐ Key Issues, Continued

◆ Community Involvement:

- Work with the County to establish a mechanism that provides for and encourages greater public involvement in the formative stages of a Planned Development. This may include the following:
 - Public Workshops prior to the Hearing Examiner
 - Earlier public notification of proposed developments
 - Community Design Review Committee

33 ☐ Technology

◆ This project will incorporate the latest planning data and technology available to ensure an Innovative, Creative and enforceable approach to guiding development within this community.

- USGS and DOT aerials
- Available GIS Planning Tools
- Estero Bay and Watershed Assessment
- Draft Environmental Impact Study
- Current Planning Approvals
- Demographic Analysis
- Lee Plan and Zoning Regulations

34 ☐ Current Status

◆ Comprehensive Plan Amendment

- Complete workshop on 8/15/2000
- LPA Accepts County Initiated Amendments on 8/21/2000
- Complete Recommendations by 9/9/2000
- Review with Committee the week of 9/11/2000
- Present to Community the week of 9/18/2000
- Submit to Lee County 9/29/2000

◆ Initiate Land Development Code Amendments – 10/2/2000

35 ☐ Related Documents

◆ Landscape Guidelines:

- For key corridors, intersections and buffers

◆ Signage:

- Establish guidelines which encourage creative design, while reducing overall size and height.

◆ Lighting/Street Furniture

- Provide guidelines consistent with preferred Community Character.

◆ Additional Design Refinements:

- May include detailed landscaping or site design.

36 ☐ Public Comment and Questions:



Estero Community Plan

South County Regional Library

August 15, 2000

Agenda:

6:30 - Welcome and Introduction

6:45 - Power Point Presentation

7:30 - Public Input & Questions

Prepared by:

Vanasse & Daylor, LLP.

Estero Community Plan

South County Regional Library

August 15, 2000

THANKS TO THE CHAMBER
ECCO

LEE COUNTY

MOST IMPORTANTLY — RESIDENTS

Community Visioning Workshop:

Where Do We Go From Here?

- BRIEF BACKGROUND ON APPROACH
- OVERVIEW OF ISSUES
- TIME FOR Q/A & COMMENTS

Prepared by:

Vanasse & Daylor, LLP.



Project Goals

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TEAM APPROACH
→ PARTICIPATE THROUGH FORUMS QUESTIONNAIRES
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FOR MORE INFO

Please Contact Diane Wakeman, Vanasse & Daylor, LLP.

Phone Number: 437-4601




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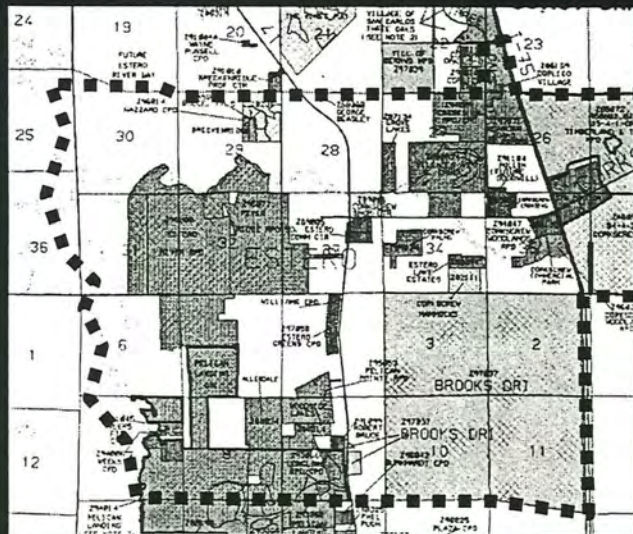


Key Issues:

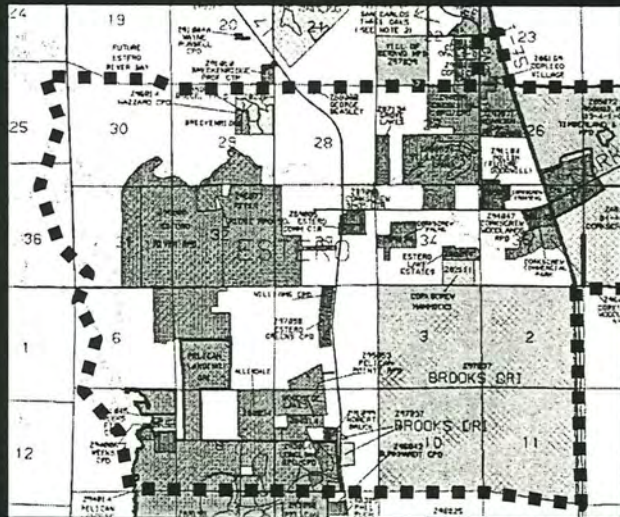
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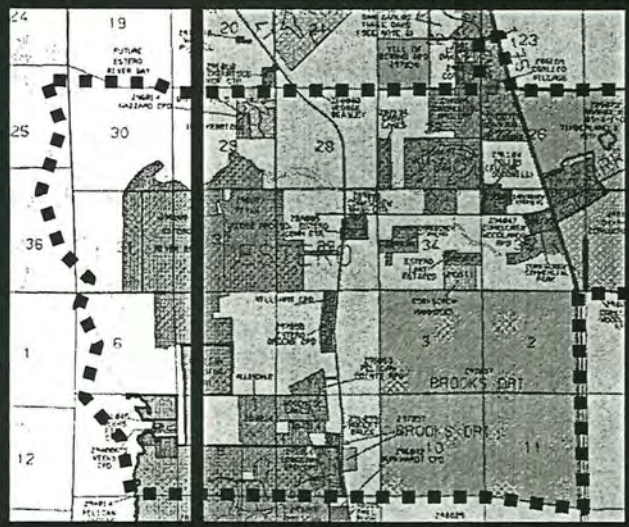
Recommended Focus Area



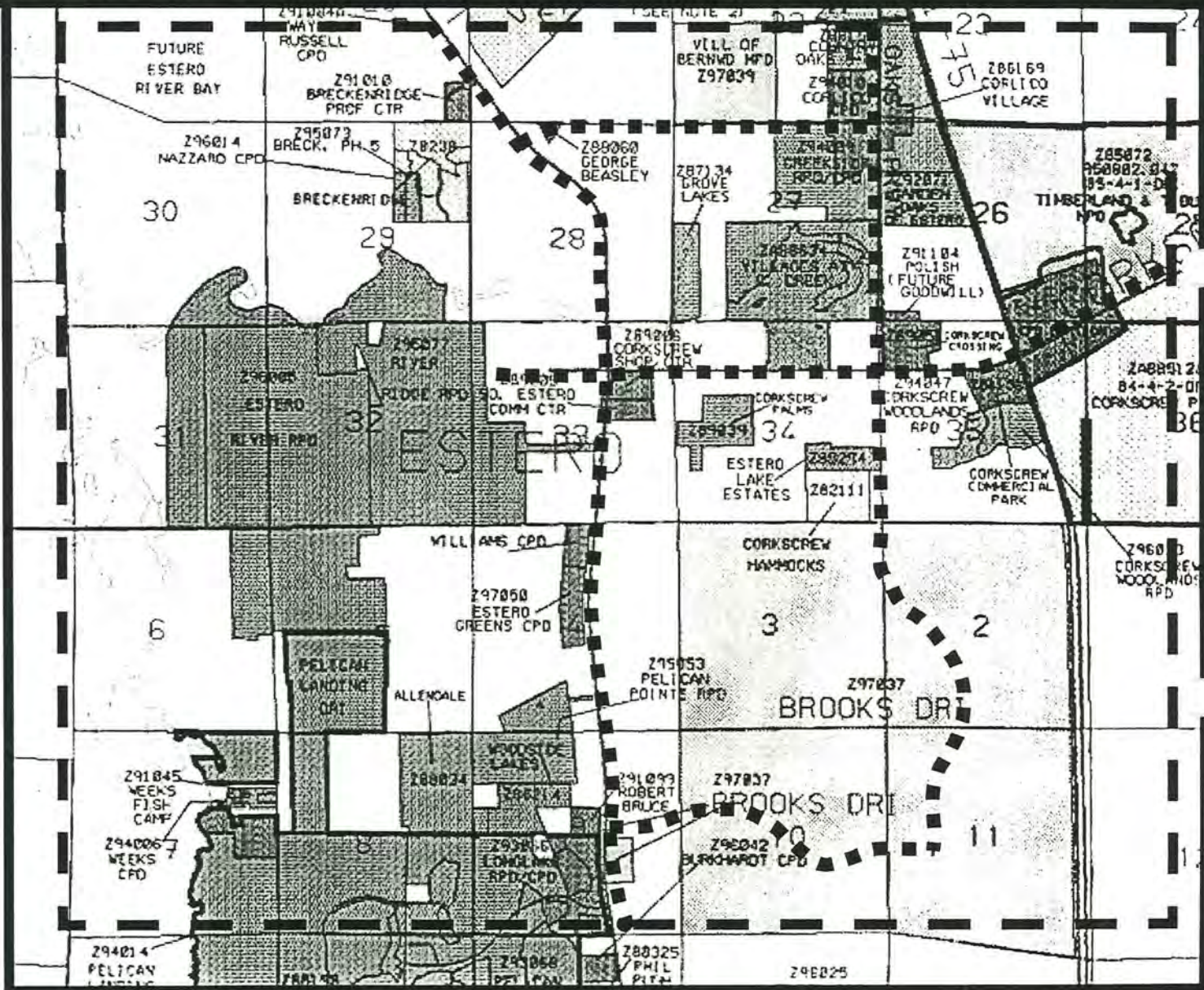
Recommended Focus Area



Recommended Focus Area:



Recommended Focus Area:



Planned Development Map

Recommended Focus Area:



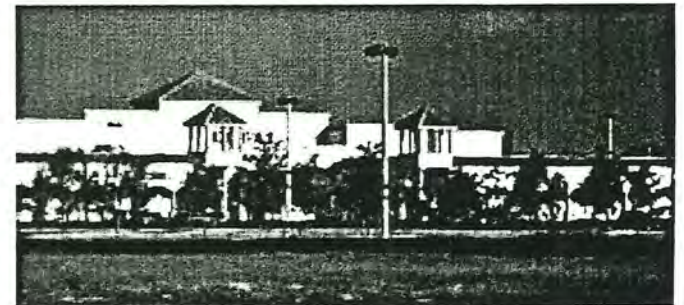
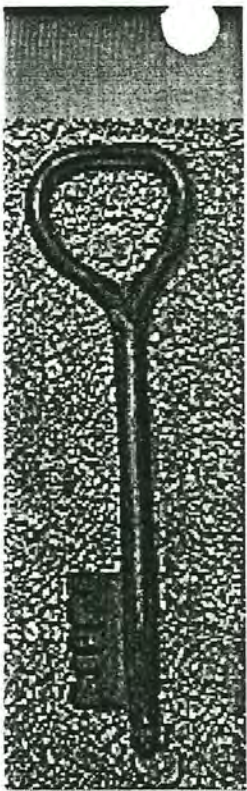


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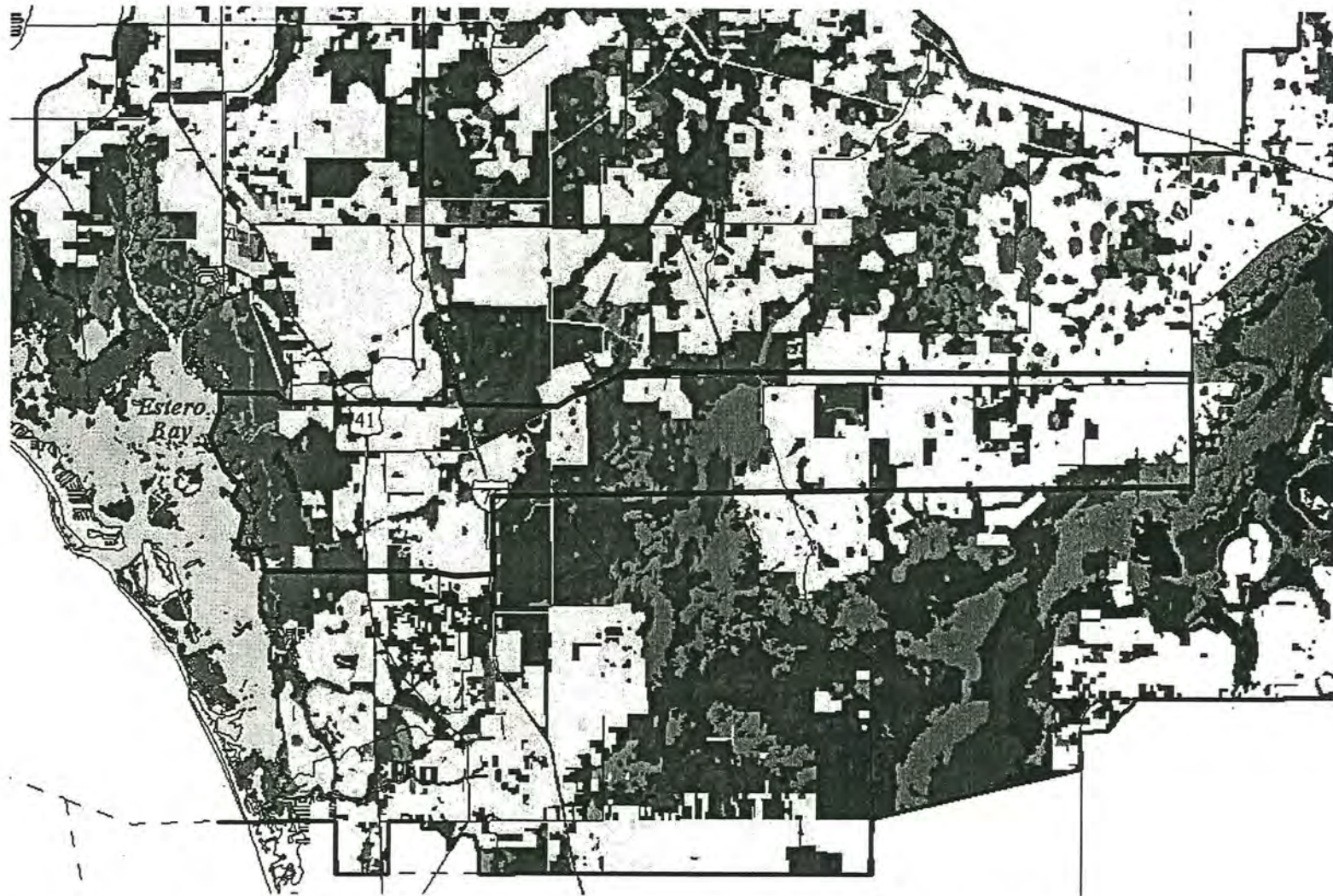


Key Issues:

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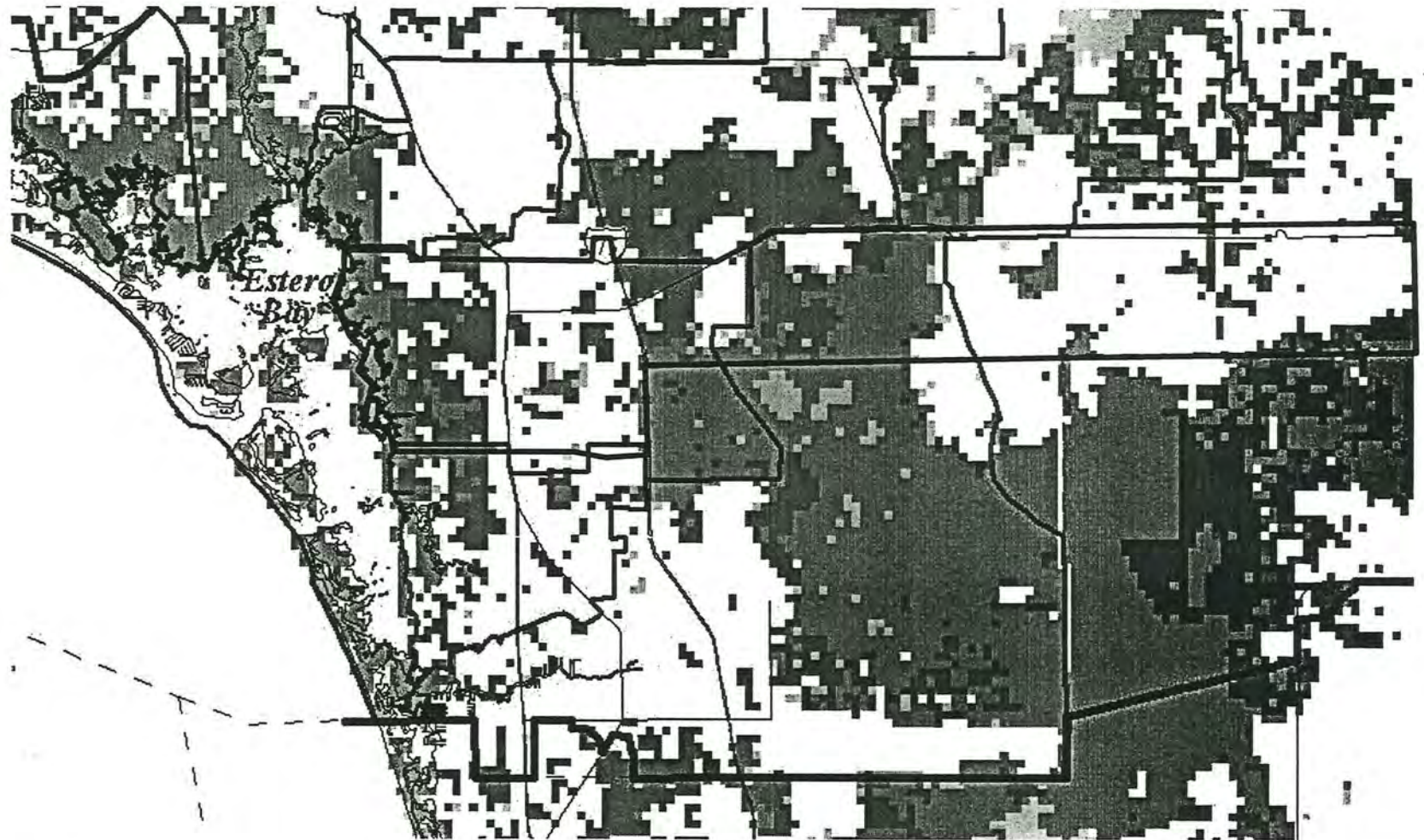
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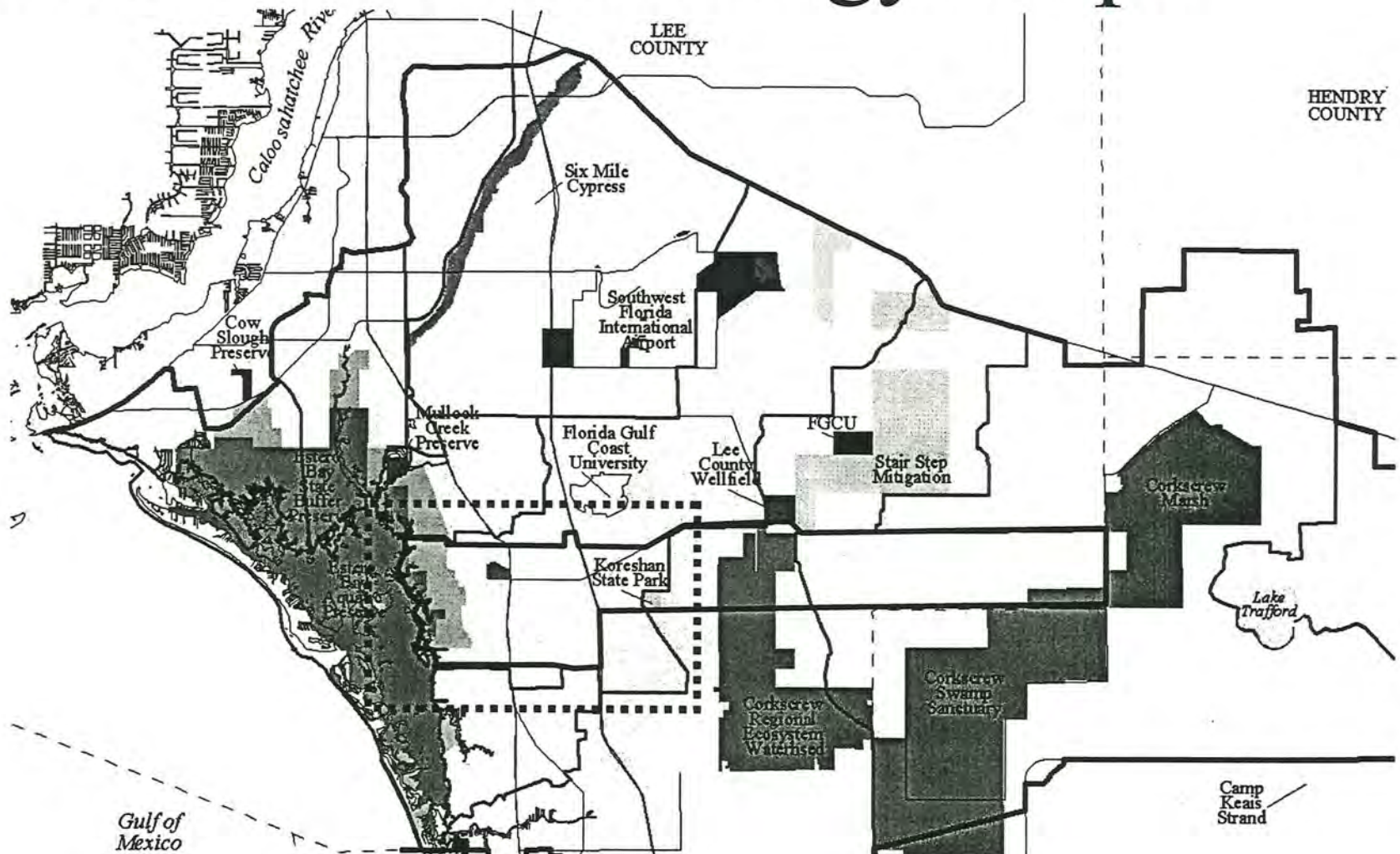
◆ Estero Bay and Watershed Assessment, Prepared by PBS&J and SFWMD

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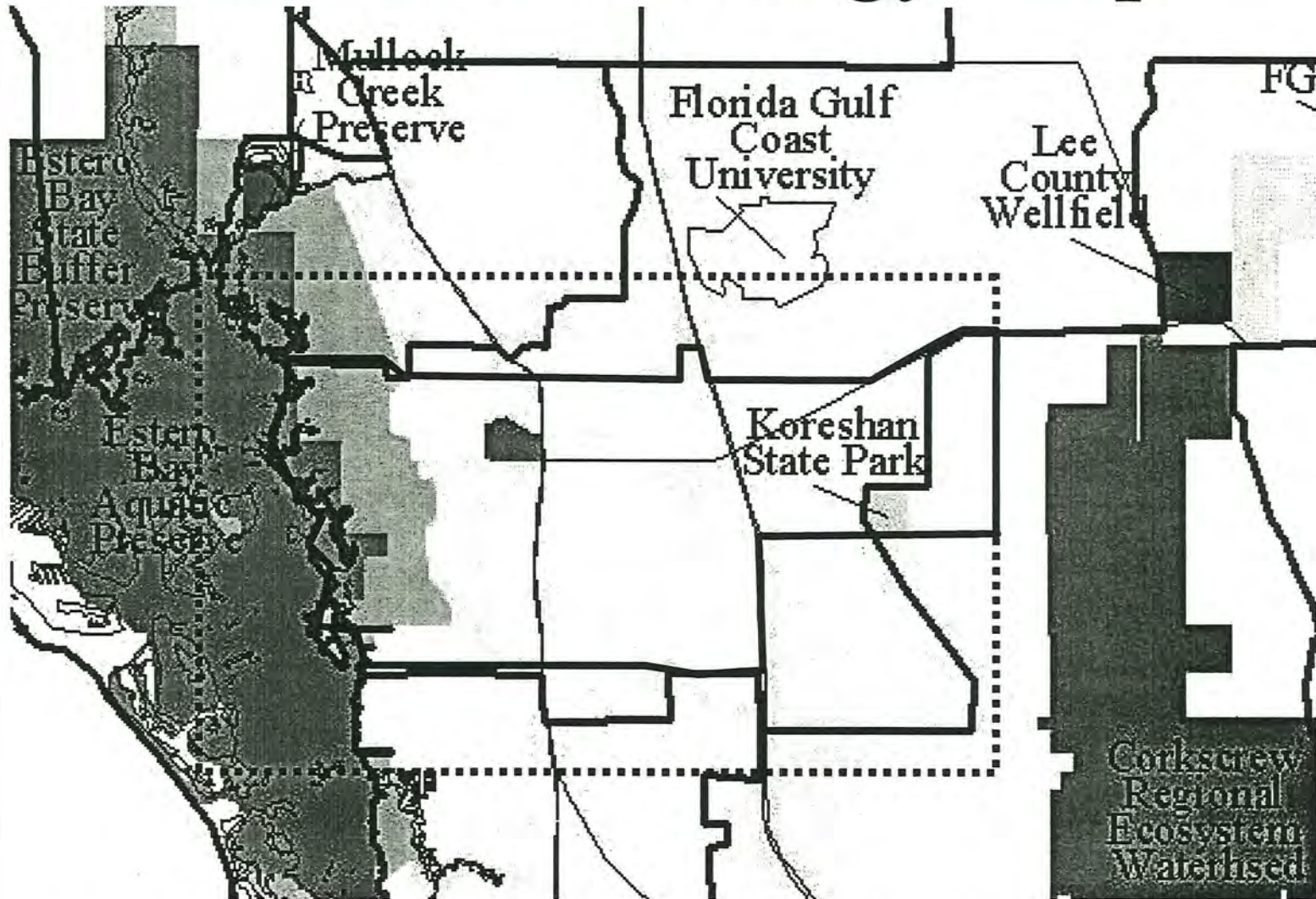
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Conservation Strategy Map:



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Conservation Strategy Map:



- ◆ Esteros Bay and Watershed Assessment, Prepared by PBS&J and SFWMD

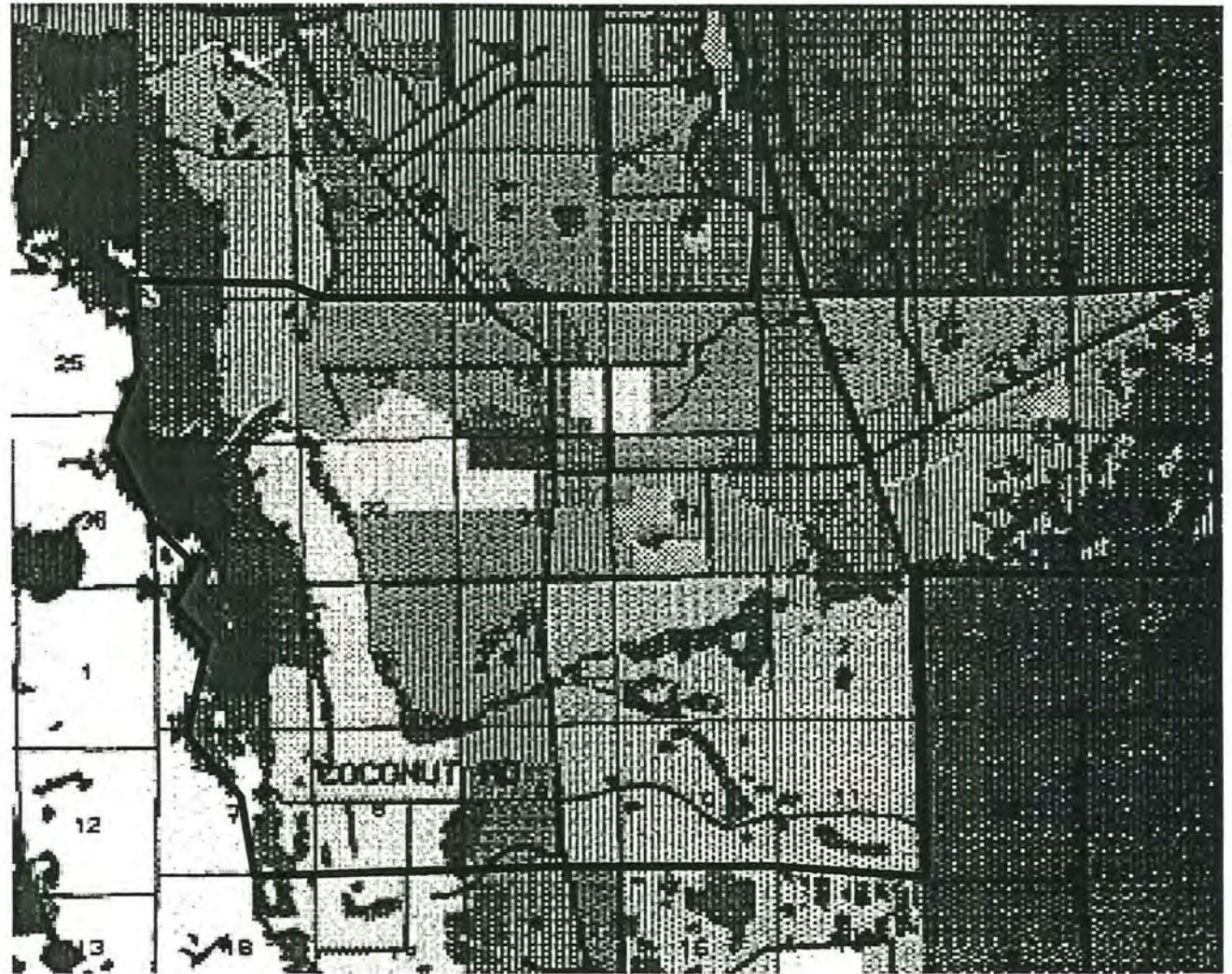


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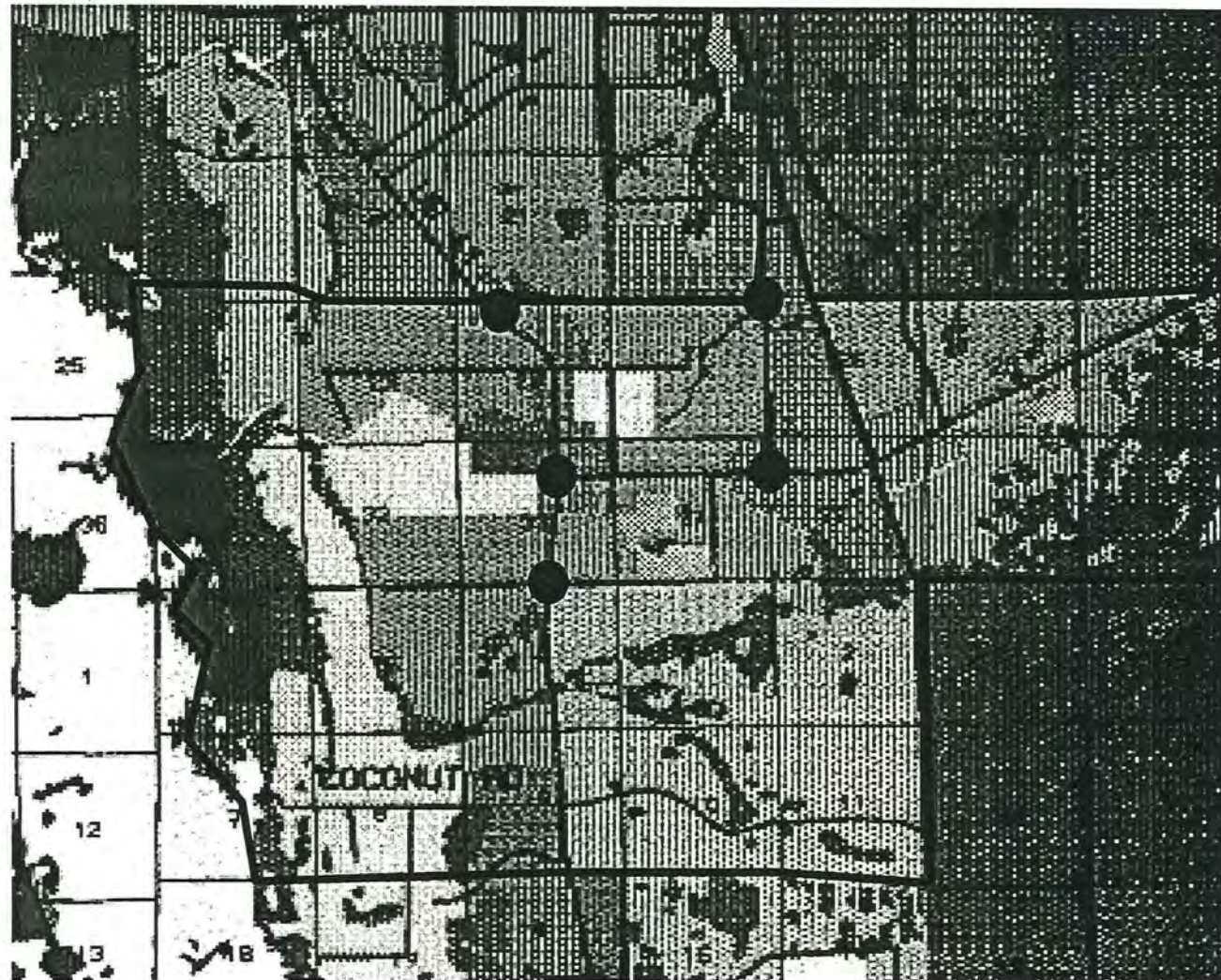
Future Land Use Map – Estero Area



Lee County Future
Land Use Map

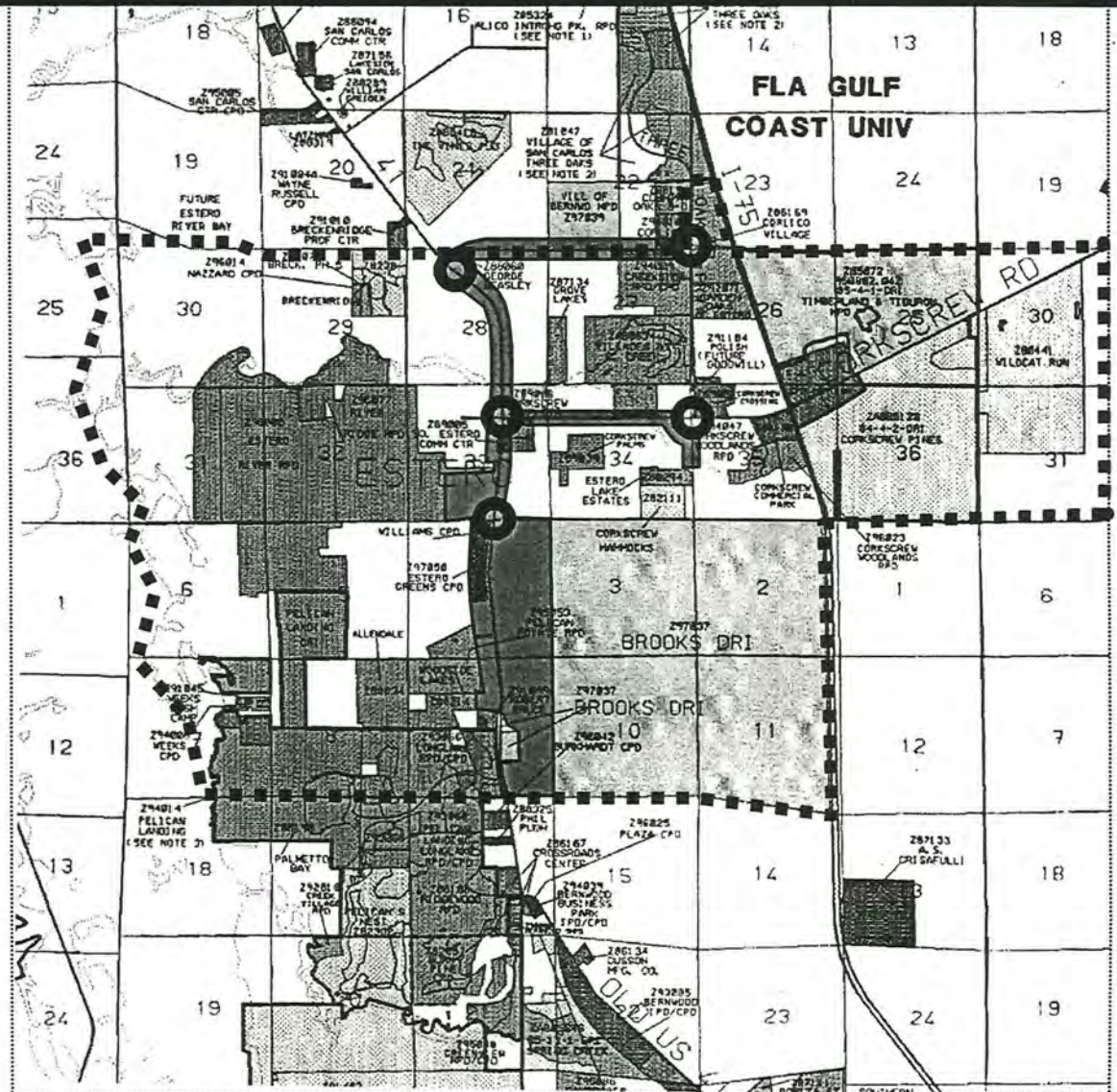
Identified Commercial Nodes

- Intersections Meeting Neighborhood or Community Commercial Intersection Criteria



Commercial/Residential Interface

Zone:



Lee County Planned Development Map, 1998



Key Issues, Continued

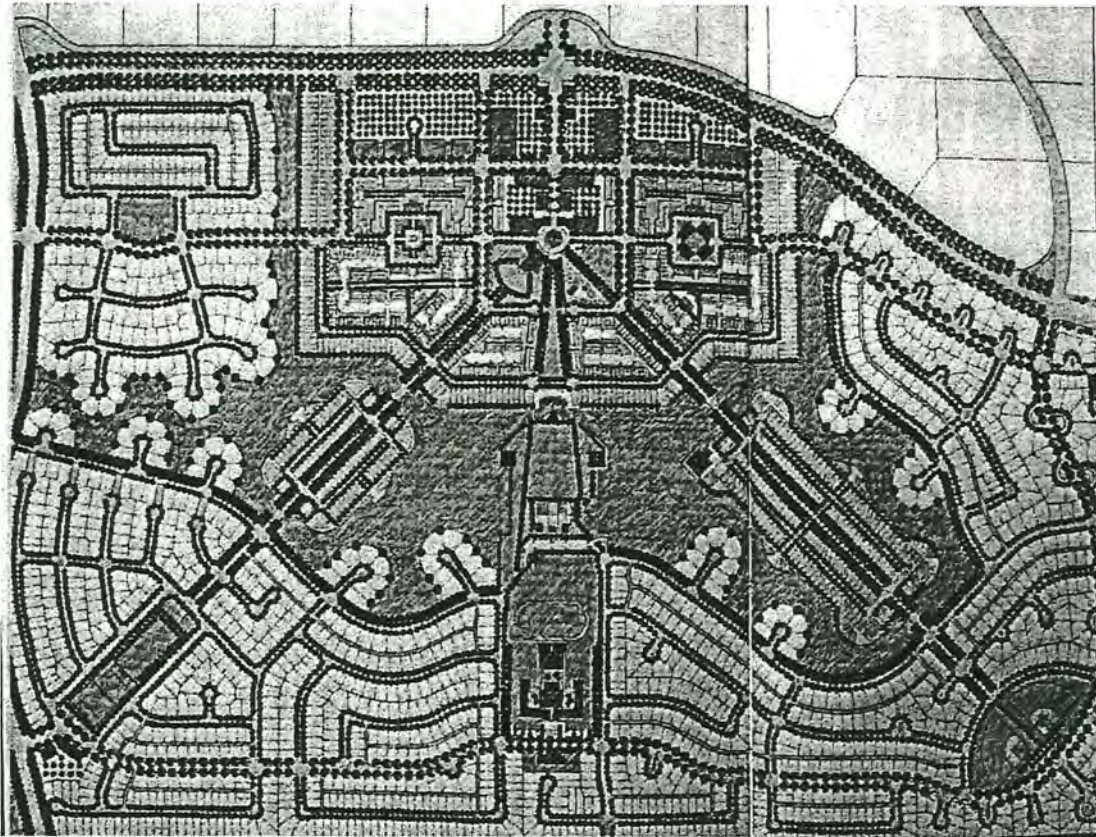
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- Identify areas suitable for increased density, as well as areas requiring reduced densities due to their proximity to lower intensity uses or environmentally sensitive areas.

Community Visioning

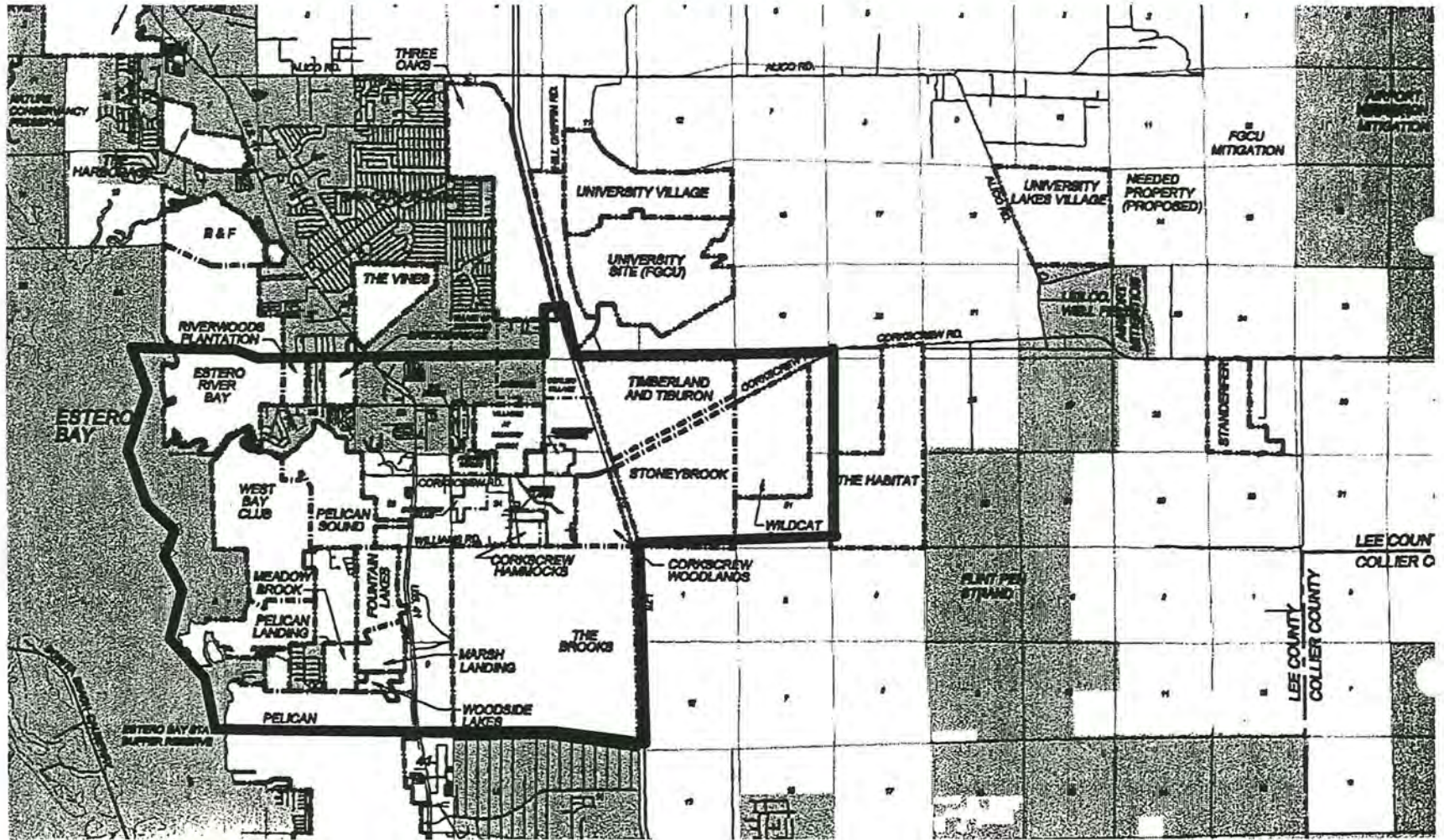
These Key Issues are provided to guide discussion during the Visioning process, not to preclude other appropriate topics.

Residential Zones:



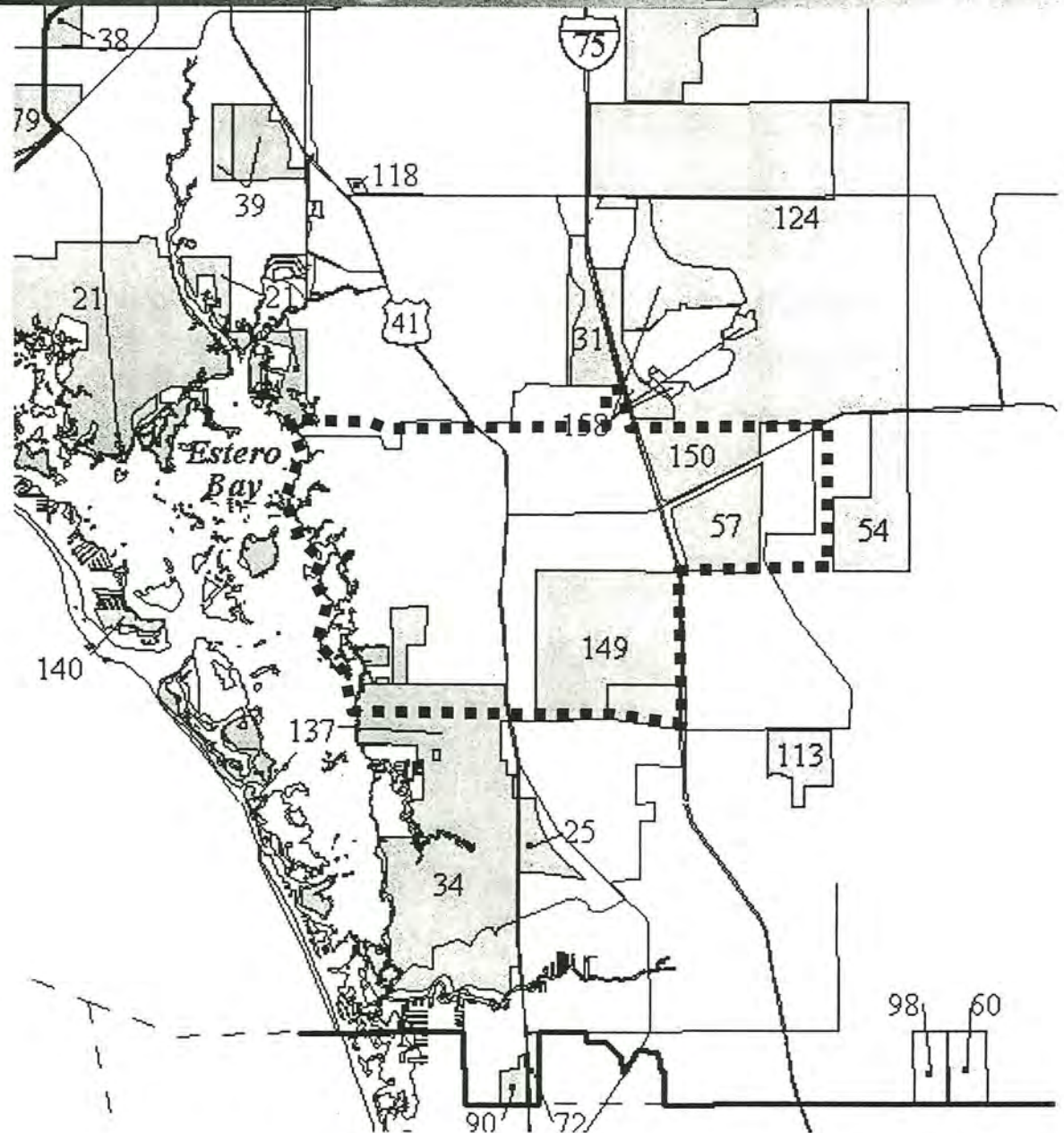
What Form?
What
Density?

Existing Estero Development Pattern:



Lee County Planned Development Map, 1998

Developments of Regional Impact:



Estero Bay and Watershed
Assessment, Prepared by
PBS&J and SFWMD



Key Issues, Continued

◆ Community Involvement:

- Work with the County to establish a mechanism that provides for and encourages greater public involvement in the formative stages of a Planned Development. This may include the following:
 - Public Workshops prior to the Hearing Examiner
 - Earlier public notification of proposed developments
 - Community Design Review Committee

Community Vision

The Goal is to further the Community Vision through public participation, while encouraging development consistent with the “Vision”.



Technology

- ◆ This project will incorporate the latest planning data and technology available to ensure an Innovative, Creative and enforceable approach to guiding development within this community.
 - USGS and DOT aerials
 - Available GIS Planning Tools
 - Estero Bay and Watershed Assessment
 - Draft Environmental Impact Study
 - Current Planning Approvals
 - Demographic Analysis
 - Lee Plan and Zoning Regulations



Current Status

◆ Comprehensive Plan Amendment

- Complete workshop on 8/15/2000
- LPA Accepts County Initiated Amendments on 8/21/2000
- Complete Recommendations by 9/9/2000
- Review with Committee the week of 9/11/2000
- Present to Community the week of 9/18/2000
- Submit to Lee County 9/29/2000

◆ Initiate Land Development Code Amendments – 10/2/2000



Related Documents

- ◆ Landscape Guidelines:
 - For key corridors, intersections and buffers
- ◆ Signage:
 - Establish guidelines which encourage creative design, while reducing overall size and height.
- ◆ Lighting/Street Furniture
 - Provide guidelines consistent with preferred Community Character.
- ◆ Additional Design Refinements:
 - May include detailed landscaping or site design.

Public Comment and Questions:



PowerPoint 9/19/00

Estero Community Plan

South County Regional Library

September 19, 2000

Agenda:

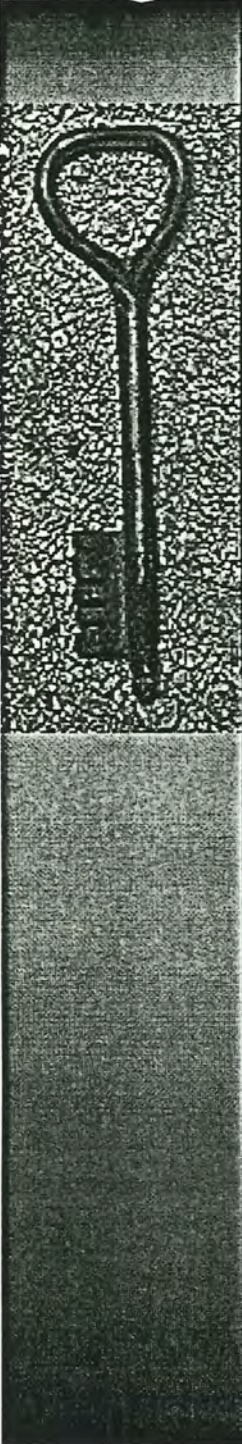
6:30 - Welcome and Introduction

6:45 - Discussion of Findings

7:30 - Public Input & Questions

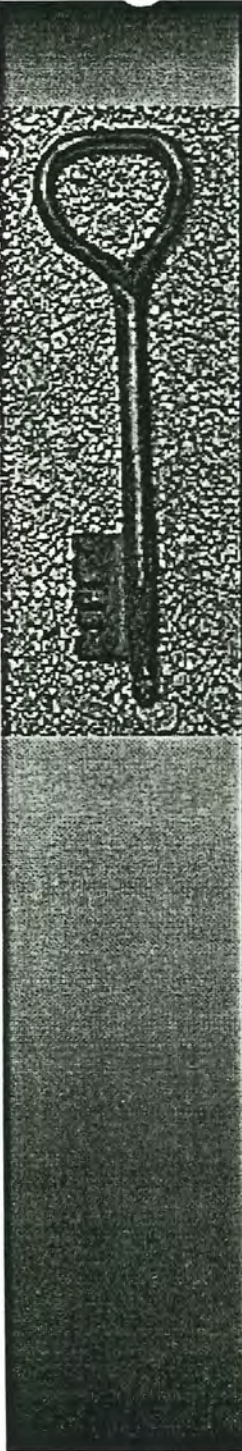
Prepared by:

Vanasse & Daylor, LLP.



Meeting Objectives:

- ◆ Review the findings of the Community Input
- ◆ Review Community Boundary Recommendations
- ◆ Review Community Vision
- ◆ Present Consultant Recommendations



Community Input:

- ◆ As part of the Estero Community Plan Community Input, over 500 questionnaires were distributed to the Community.
- ◆ As of September 11, Vanasse & Daylor has received and reviewed over 120 Community Responses:
- ◆ Vanasse & Daylor has also logged additional written input, as well as verbal input from residents and land owners within the Community.



Community Input:

- ◆ Based on this input, the following issues were identified as the most important to the Community.
 - Groundwater Protection/Natural Resources
 - Community Appearance (Landscaping & Signage)
 - Enhance Control on Commercial Development
 - Maintaining a Small Town Feel
 - Improving Public Participation Opportunities
 - Enhancing Community Facilities

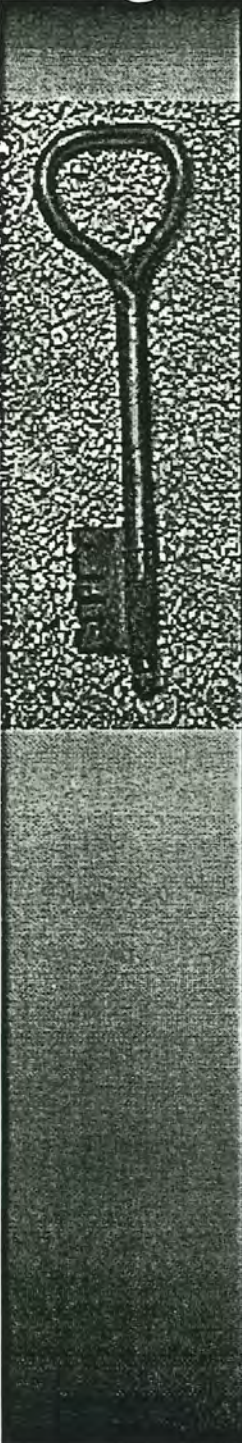
Community Input:

FACILITIES AND SERVICES

The question read:

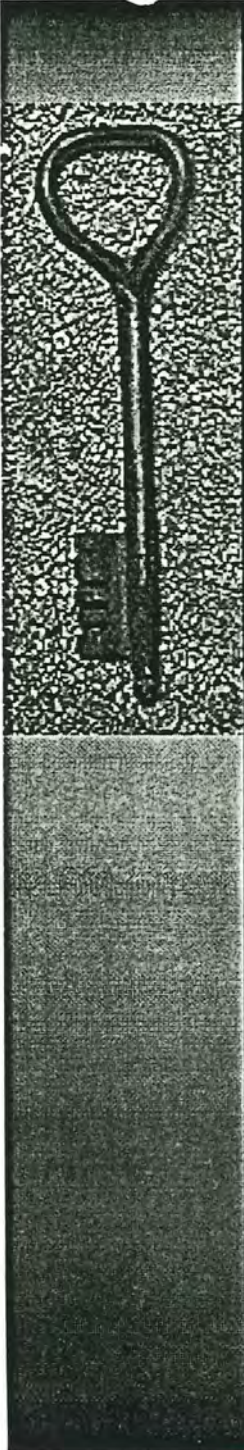
Please rank the following public facilities and services based on your perception of the relative need for improvement.

RANKING	No Answer	No														TOTALS
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	
2	16	40	16	10	9	7	3	6	3	6	3	2	3	1		125
11	19	5	2	4	6	4	7	10	10	5	8	8	15	17	5	125
1	19	58	22	8	5	2	5	2	1		1		1		1	125
3	19	17	28	15	10	10	3	6	5	4	3	3	1		1	125
8	22	8	5	18	4	11	10	10	7	10	9	4	4	2	1	125
9	22	7	4	5	6	14	7	11	13	12	7	8	4	5		125
4	23	10	11	19	12	14	10	6	5	5	2	2	2		4	125
10	29	3	1	3	3	9	2	8	11	8	13	10	11	9	5	125
6	23	10	6	8	12	11	13	9	8	6	6	7	2	4		125
12	22	4	3	4	5	12	5	8	6	8	14	15	14	5		125
13	29	1	1		8		2	4	6	5	12	13	16	20	8	125
5	23	9	11	8	16	13	16	11	4	5	5	1	1	1	1	125
7	22	8	3	8	9	13	10	10	12	7	12	5	2	3	1	125
TOTALS		288	180	113	110	105	120	93	101	91	81	95	78	76	67	27



Community Input:

- ◆ Some of the significant responses to the Questionnaire are summarized on the following slides.
- ◆ Question 2:
 - What character do you want your community to have in 2010?
 - 46% said Mid-sized City
 - 27% said Small town



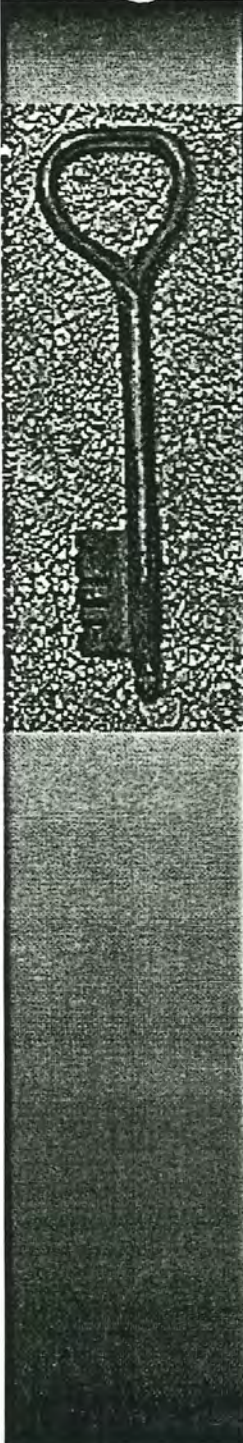
Community Input:

◆ Question 4:

- Would you support changes to the signage regulations:
 - 75% said yes – to limit size and color and eliminate billboards

◆ Question 5:

- Would you support changes to the landscape regulations:
 - 82% said yes – to require more buffering and street landscaping



Community Input:

◆ Question 6:

- Would you support changes to the architectural requirements:
 - 90% said yes – limit big box, minimize heights, establish appropriate colors.

◆ Question 11:

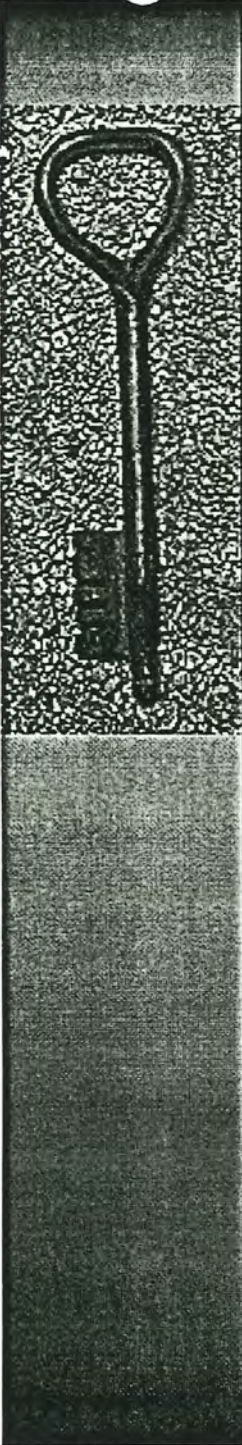
- Are there any commercial uses you would encourage?
 - 42% of those saying yes said – small shops
 - 25% of those saying yes said - restaurants



Community Input:

◆ Question 11:

- Are there any commercial uses you would discourage?
 - 21% of those saying yes said – car dealerships
 - 17% of those saying yes said – bars/liquor stores
 - 17% of those saying yes said – strip malls
 - 16% of those saying yes said – regional mall
 - 9% of those saying yes said – fast food restaurants



Community Input:

◆ Question 16:

- What issues do you feel are important to future growth?
 - 34% said – land planning
 - 19% said – water issues
 - 10% said – preservation of history



Population:

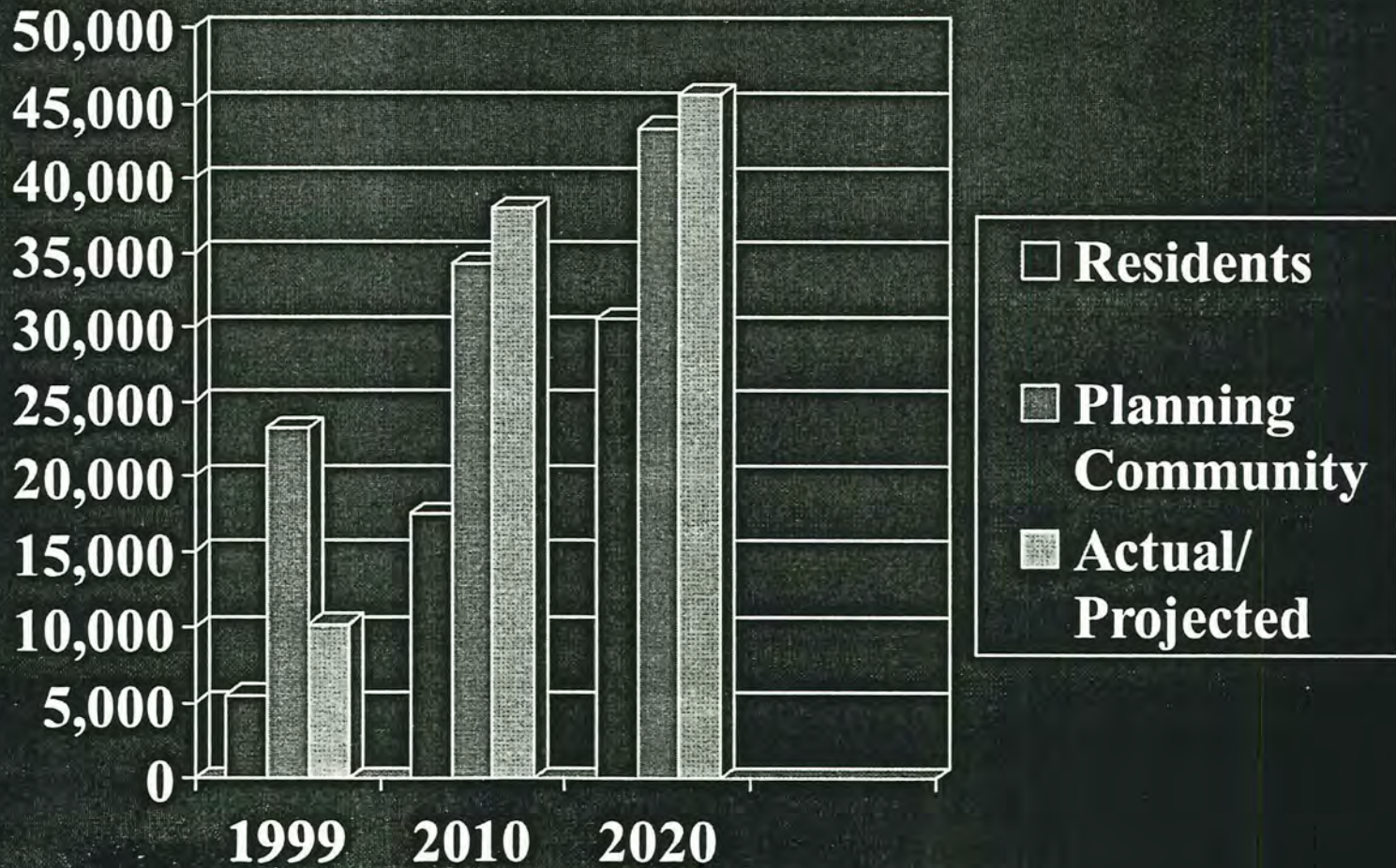
- ◆ Based on a survey of existing units, conducted in December of 1999, Estero has 7,089 dwelling units, for an estimated population of 14,178
- ◆ Based on an analysis of approved units within the Core Community Area, it is anticipated that there will be 25,700 dwelling units, and an anticipated population of 38,250 by the year 2010.



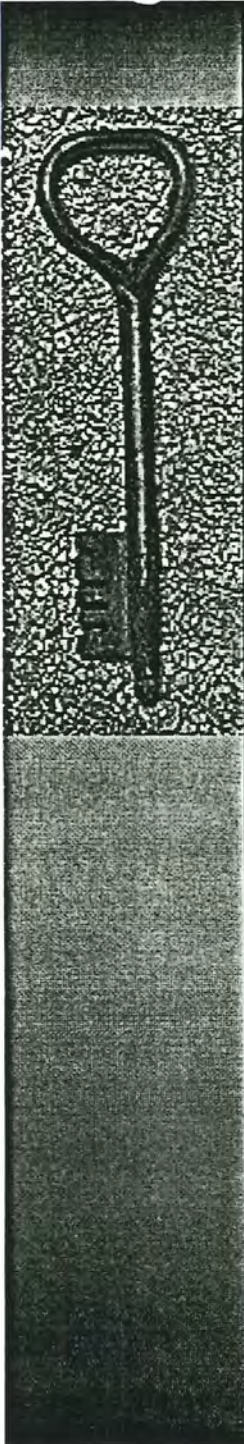
Population:

- ◆ Based on the responses provided by the residents, the average population anticipated by the Community in the year 2020 is 30,540 – well below the projected peak season population for the year 2010.

Population Comparison:



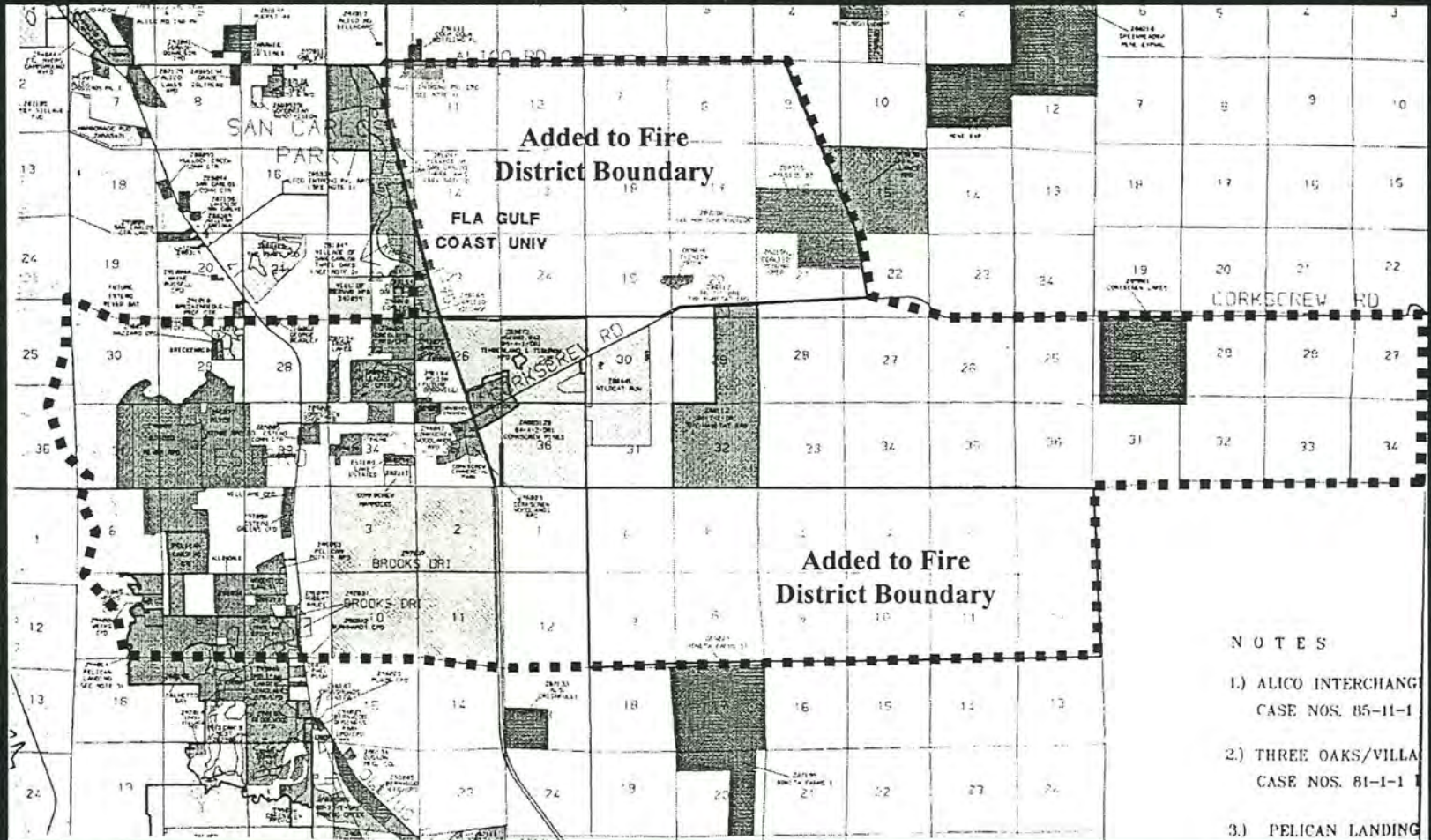
NOTE: Planning Community totals include both Estero and San Carlos.



Community Boundaries:

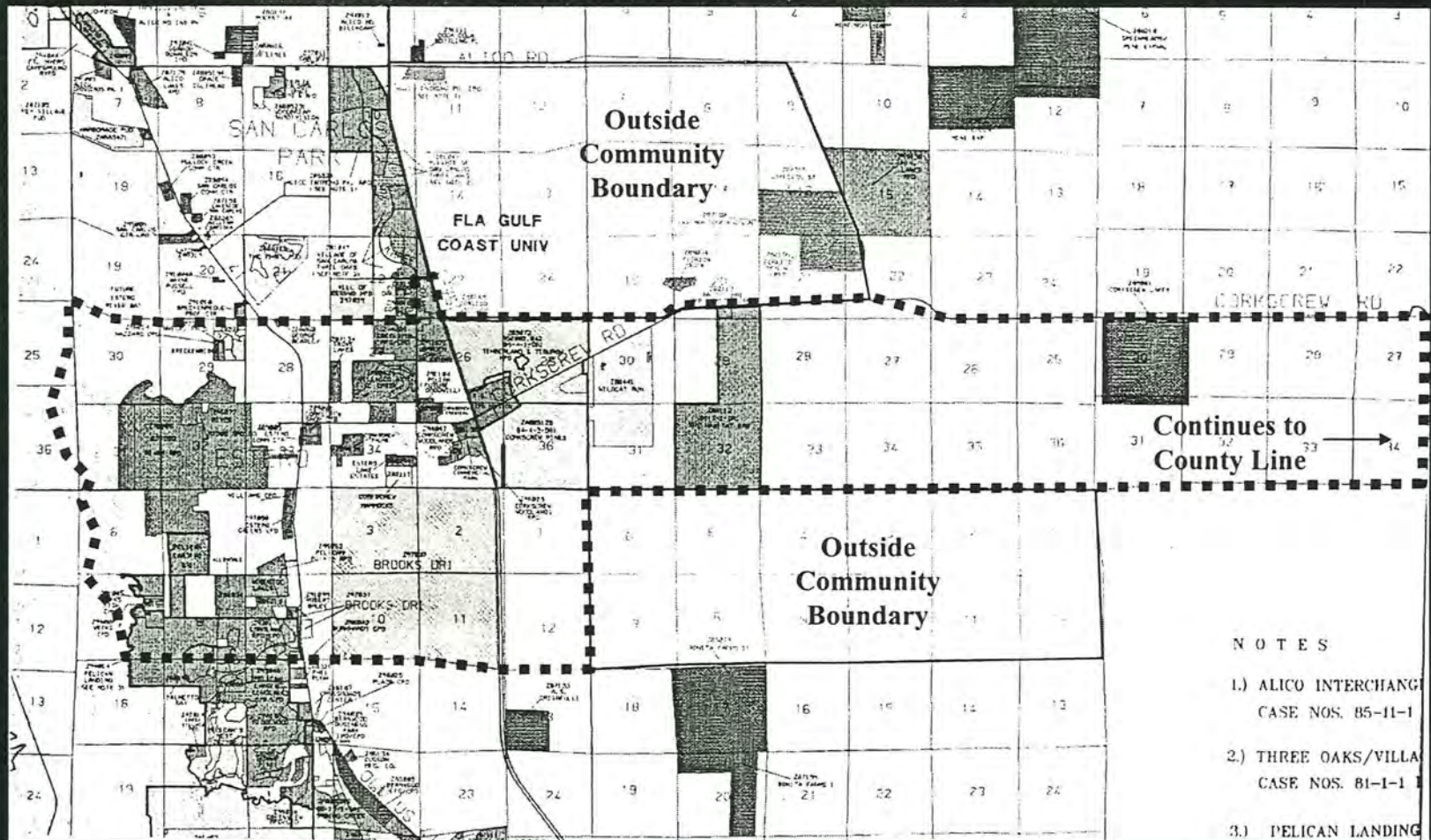
- ◆ In order to accurately evaluate the needs associated with the community, specific boundaries were established:
 - Study Area
 - Community Boundary
 - “Core Development” - This area has been identified to reflect the areas that are the primary focus of this initial Lee Plan Amendment.

Study Area:



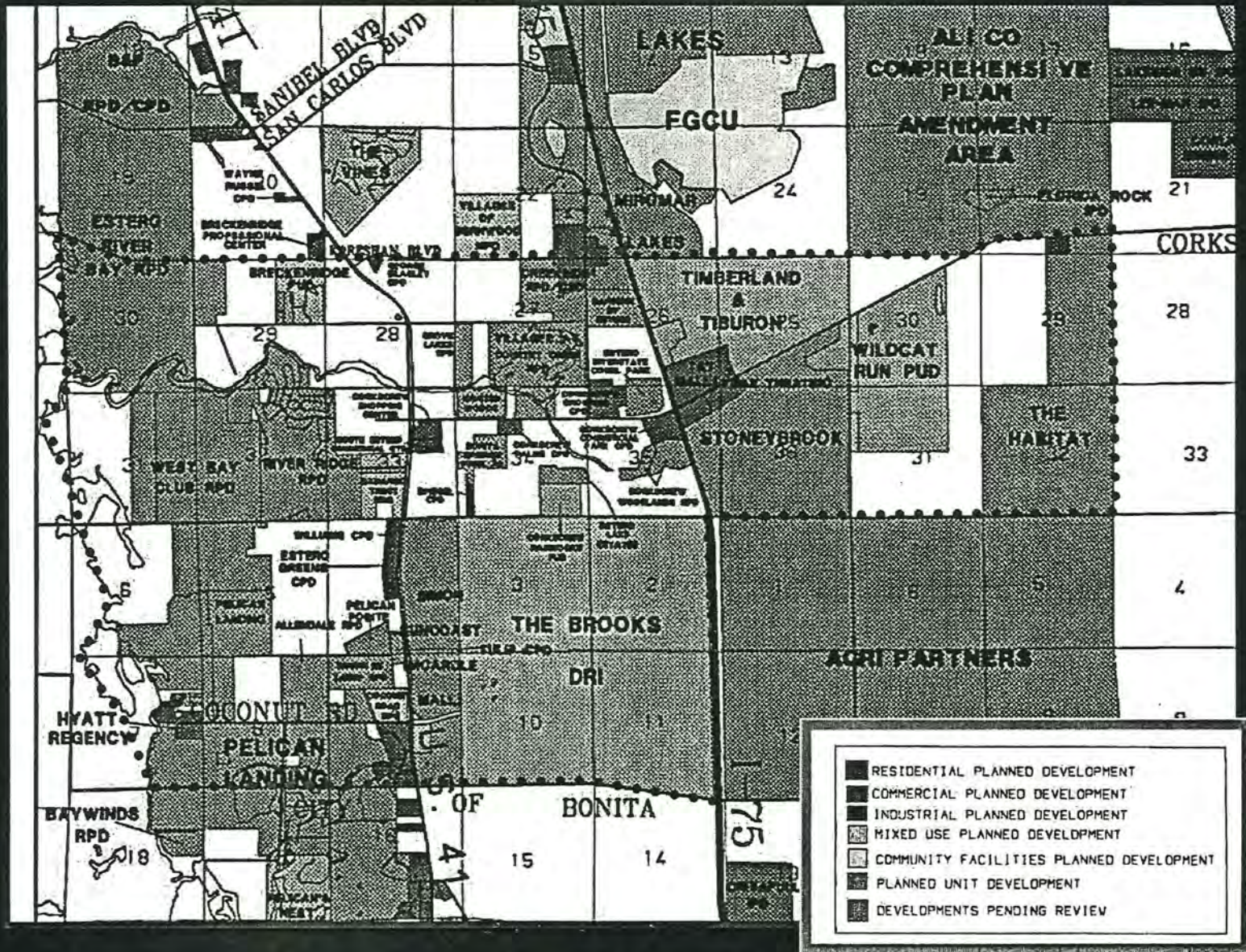
Based on a Modified Estero Fire District Boundaries

Community Boundary:



Based on The Estero Fire District Boundaries

Core Development Area:



Recommended Focus Area:





Vision Statement:

“To establish a community that embraces its historic heritage, while carefully planning for future growth...Esteros growth will be planned as a village, establishing defined areas for tasteful shopping, service and entertainment, while protecting and encouraging residential neighborhoods that encourage a sense of belonging...”



Vision Statement:

“Weaving the community together will be carefully crafted limitations on strip commercial uses, inappropriate signage and certain undesired commercial uses. Additional design guidelines will be established to ensure attractive landscaping, street scaping, architectural standards and unified access points...”

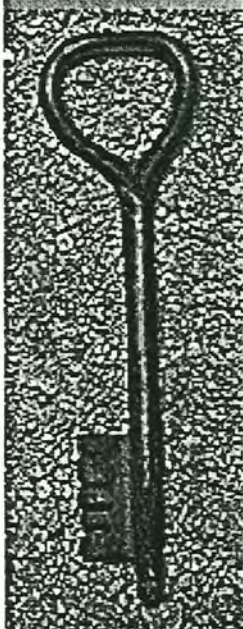


Key Recommendations:

◆ Community Character:

- The Community expressed a strong desire to control the appearance of their community through control of landscaping, signage, architecture and commercial development.
 - Landscaping – enhanced streetscaping, buffers
 - Signage – reduced size, height and no billboards
 - Pedestrian Access – enhance along main roads
 - Architecture – control styles, heights and colors
 - Lighting/Street Furniture – establish a style

Community Character:



Community Character:



Community Character:





Key Recommendations:

◆ Commercial Uses:

– Protect Corkscrew Road

- No Tourist Oriented Uses outside of designated nodes
- Encourage Mixed Use
- Improve Landscaping

– Protect Three Oaks

- Prohibit retail outside of designated nodes

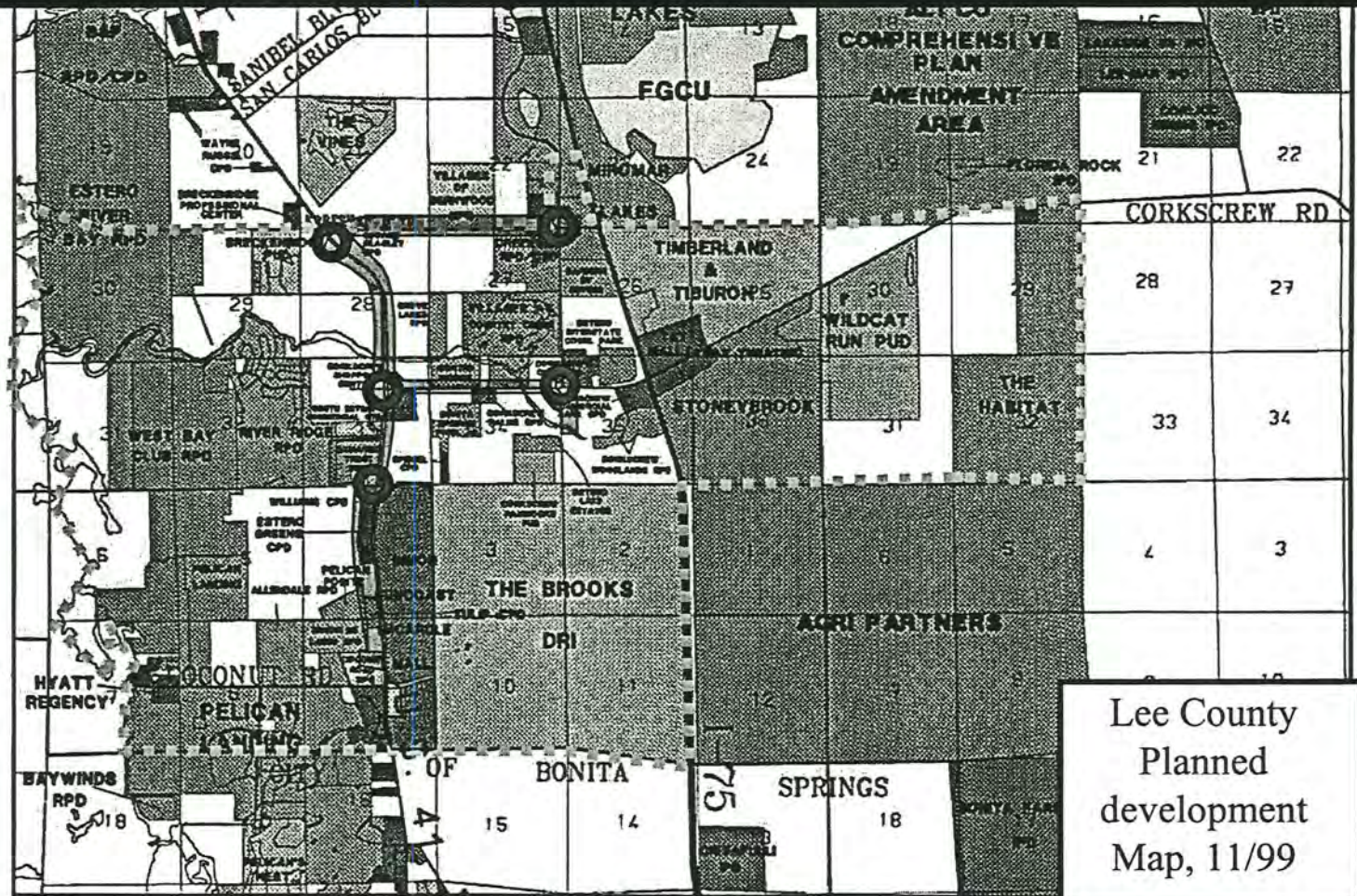
– Restrict Uses

- Prohibit tourist oriented uses, detrimental uses and high intensity uses along designated corridors and adjacent to residential.

– Require Planned Development Approval

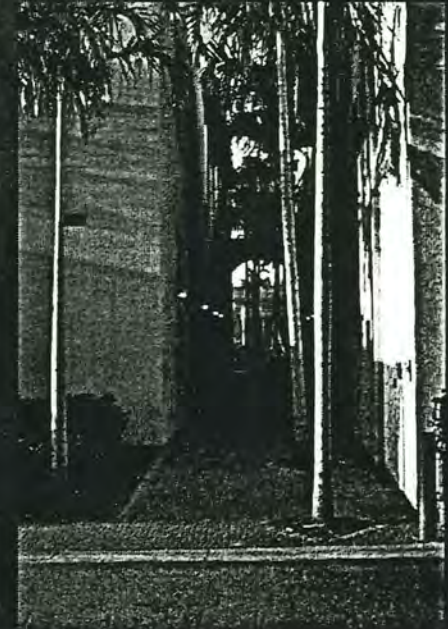
- Require CPD approvals for all commercial projects
- Require that all Vacated Plan Developments comply with the Estero Community Plan in order to extend or vest the Master Concept Plan.

Commercial Approvals/Corridors:

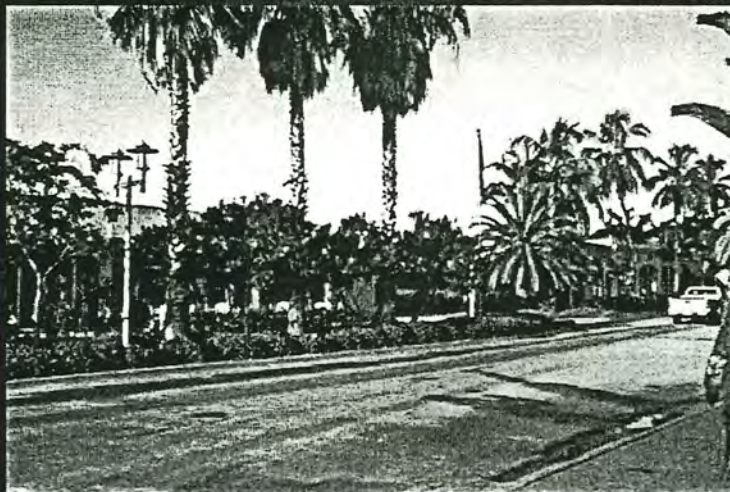


DEVELOPMENT IN THE ESTERO AREA

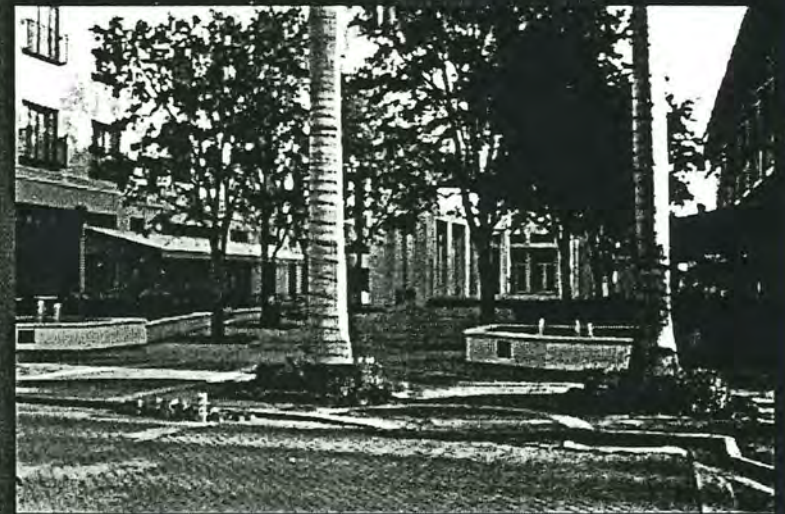
Commercial Uses:



Commercial Uses:



Commercial Uses:



Commercial – Mixed Use:





Key Recommendations:

◆ Residential Uses:

- Provide for protection of established communities
 - Distance prohibitions for certain uses
 - Protection of Historic Communities
 - Enhanced Buffering
- Allow for Higher Density at the Appropriate Locations
 - Areas near the University – Primarily on North Three Oaks and Koreshan. Some mixed use residential areas may be permitted along Corkscrew.

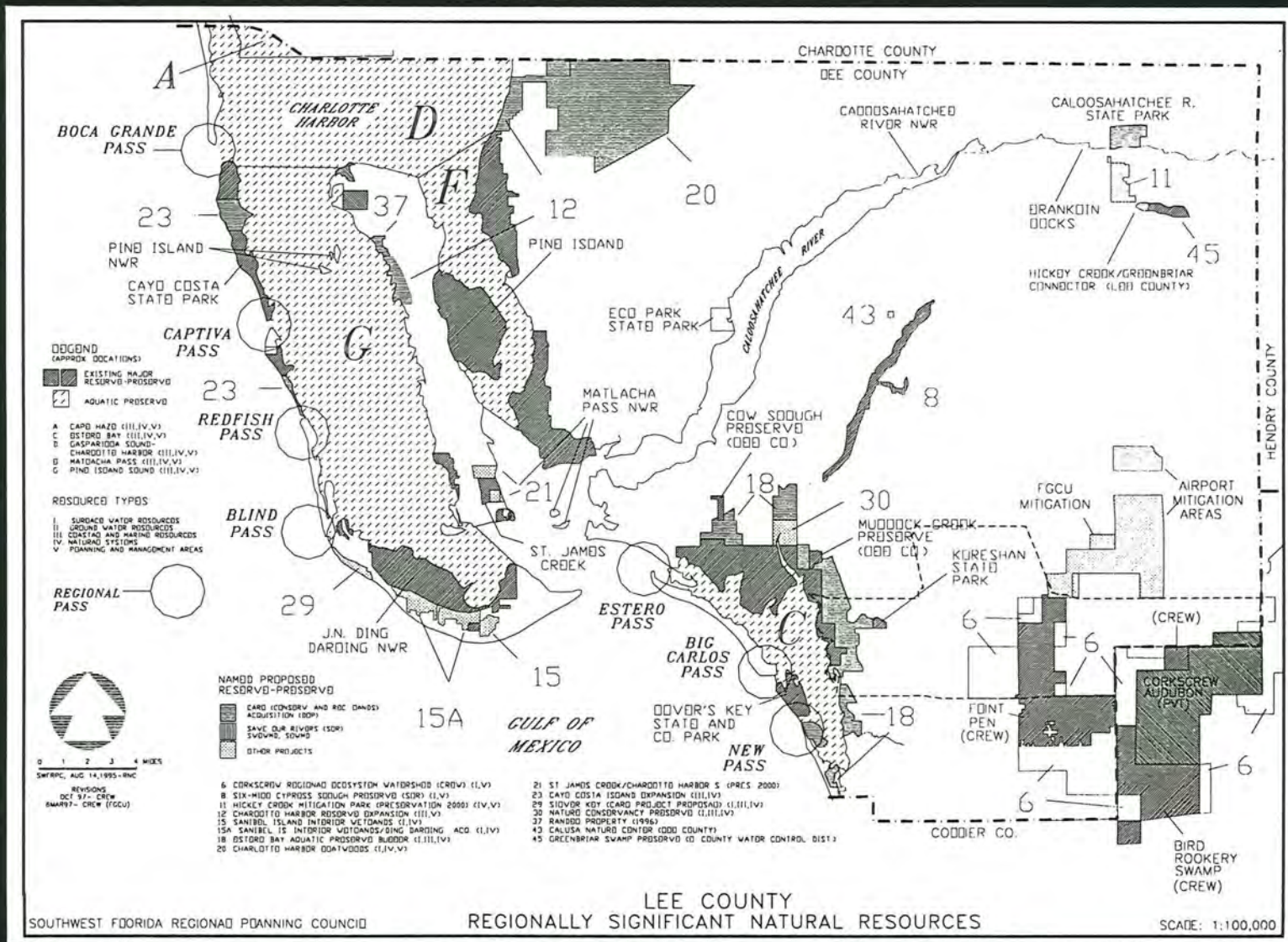


Key Recommendations:

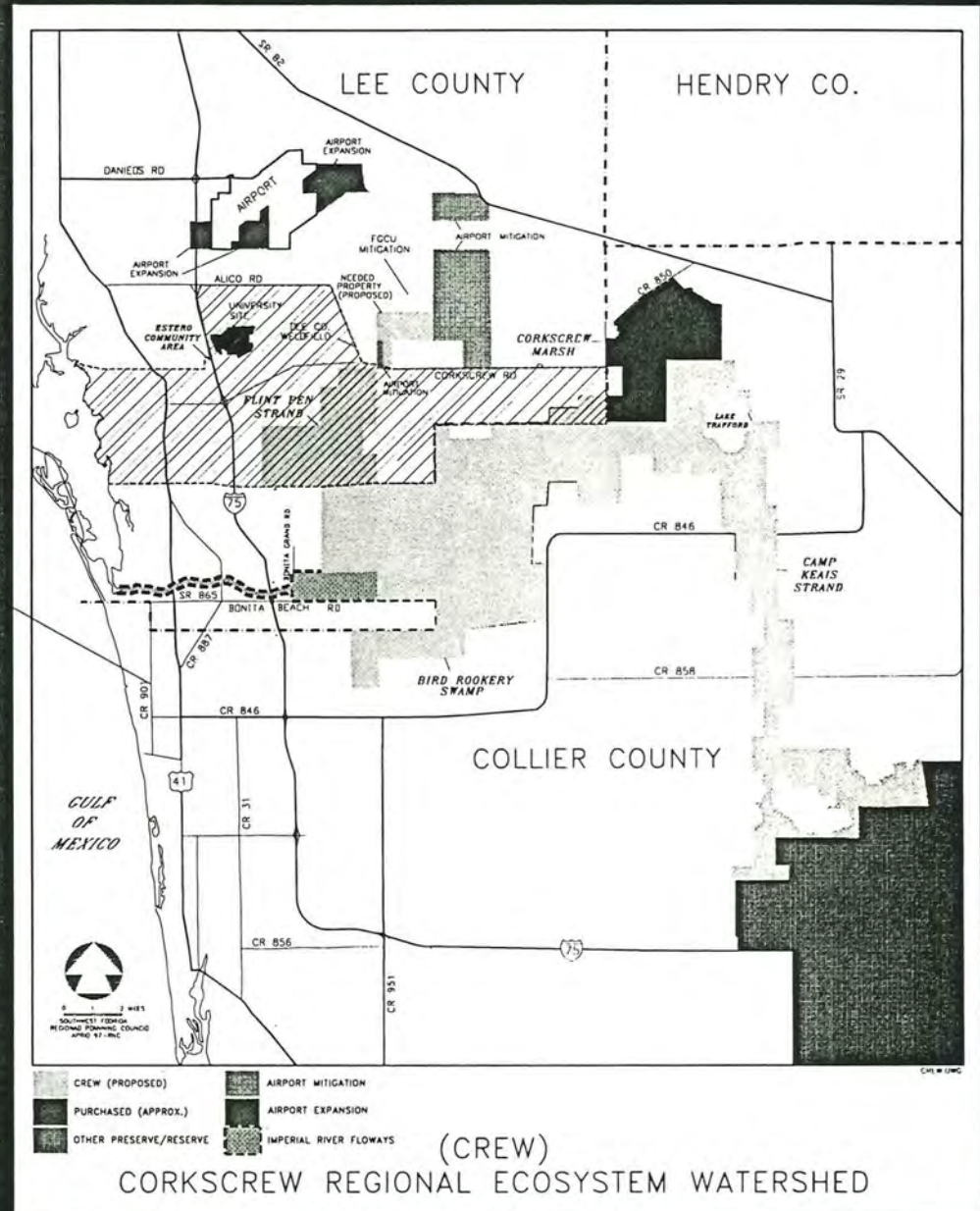
◆ Natural Resources:

- Provide enhanced protection for Estero River headwaters.
 - Require floodplain protection plans
 - Increase natural water body buffer requirements
 - Require mitigation within the Estero Community
 - Continue enforcement of Wellfield Protection Ordinance, LCWSA guidelines
- Encourage informational program
 - Encourage Lee County to provide an informational program about the surface and groundwater protection measures that are underway.
- Encourage Acquisition, Preservation and Incentives
 - Encourage Lee County to focus acquisition, preservation and incentive programs in the Estero Bay Drainage Basin.

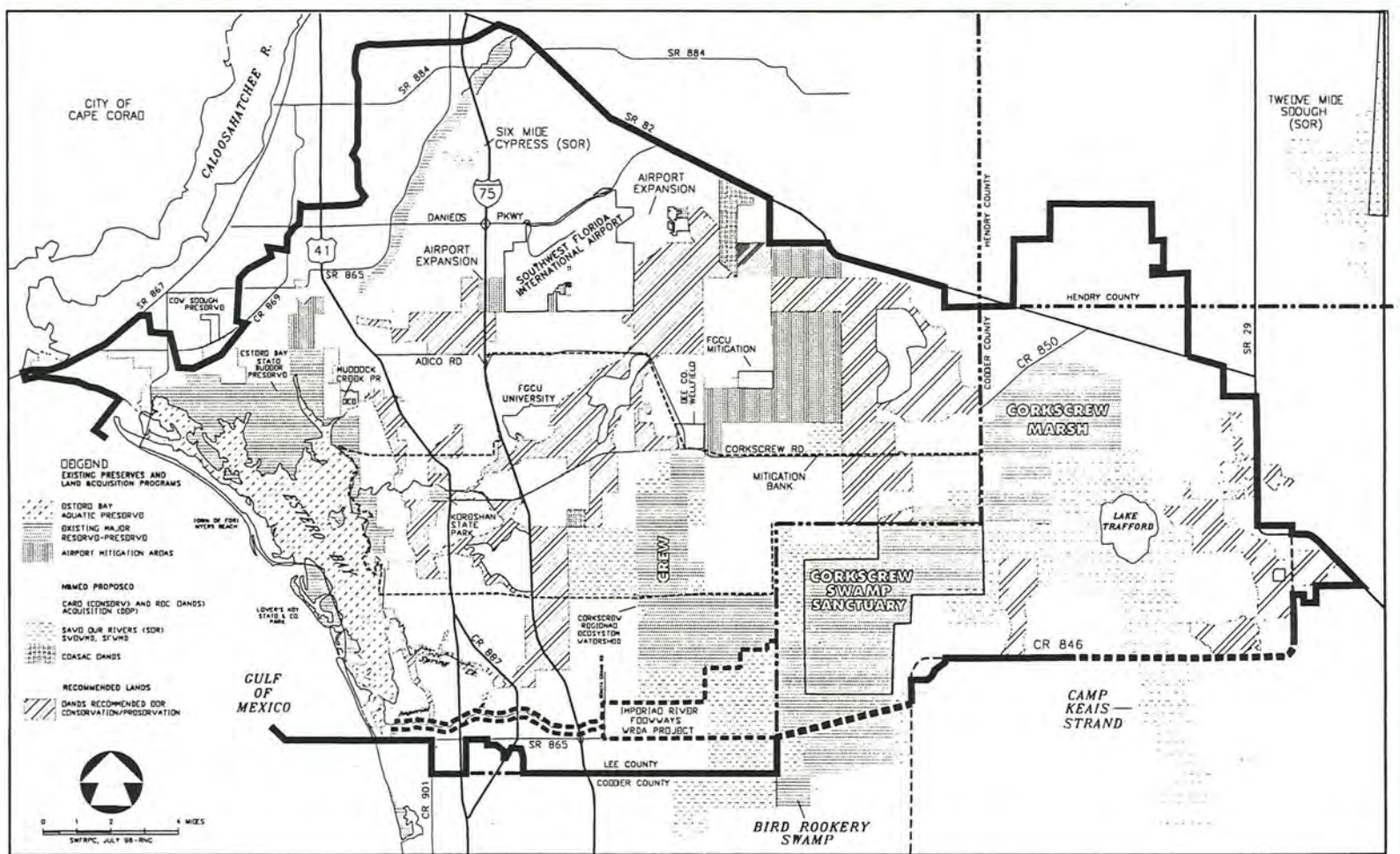
Key Recommendations:



Key Recommendations: Natural Resources



Key Recommendations:



ADOPTED JULY 13, 1998 BY THE ESTERO BAY AGENCY ON BAY MANAGEMENT

ESTERO BAY WATERSHED LAND CONSERVATION/PRESERVATION STRATEGY MAP



Key Recommendations:

◆ Public Participation:

- Establish Registered Groups to receive public notification.
 - Allows for interested groups and residents to obtain information on any project being evaluated within the Estero Community.
 - Establish an expedited notification process for all projects within the Estero Community.
- Establish a Document “Clearing House”
 - Establish a location in the community where submittals, recommendations and correspondence can be made available during the project evaluation process.
- Encourage Community Workshops
 - Encourage applicants to conduct Community Workshops to present project information to the community prior to the Hearing Examiner process. Workshops or informational packages must be provided at least two weeks prior to the Hearing.



Key Recommendations:

◆ Community Facilities:

– Historic Preservation:

- Encourage cooperation with Koreshan State Park to provide a community gateway and pedestrian access.
- Establish a Historic Development Area in the “Highlands Ave. Community.”

– Recreational Opportunities:

- Cooperate with Lee County in the development of the Estero Bonita Springs Community Park.
- Cooperate with the State of Florida to obtain “passive recreational” uses within the Sahdev Property.

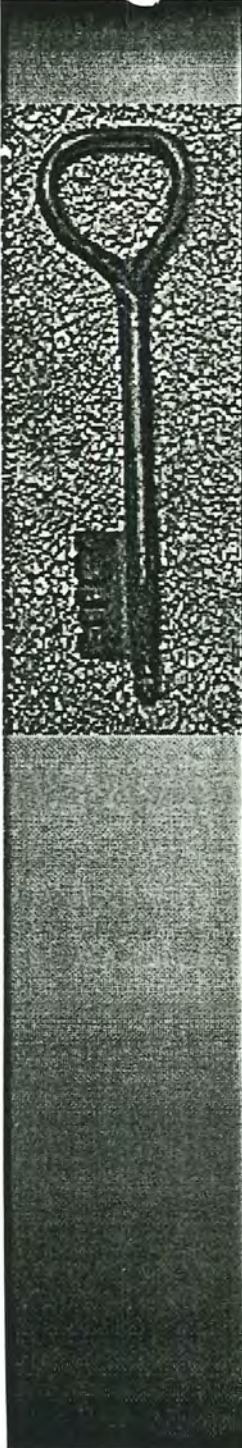
– Community Infrastructure:

- Work with the appropriate entity to attract branch services (post office, tax collector) to the community, as well as encourage the location of additional medical facilities.
- Prepare a Master Plan to identify opportunities for a “Community Green” or town square that connects the park, Corkscrew Road corridor, and other community resources.



Additional Recommendations:

- ◆ **Landscape Guidelines:**
 - For key corridors, intersections and buffers
- ◆ **Signage:**
 - Establish guidelines which encourage creative design, while reducing overall size and height.
- ◆ **Lighting/Street Furniture**
 - Provide guidelines consistent with preferred Community Character.
- ◆ **Additional Design Refinements:**
 - Evaluate detailed landscaping and site design for Key Areas (Koreshan State Park, Village Green)
 - **Historic Development Area Regulations.**



Current Status

◆ Comprehensive Plan Amendment

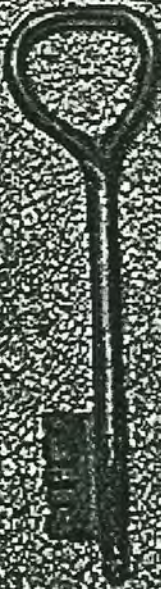
- Initial Community Workshop Conducted on 8/15/2000
- LPA Approved County Initiated Amendment on 8/28/2000
- Reviewed Draft Recommendations with Committee on 9/13/2000
- Draft Recommendations Presented to Community 9/19/2000
- Submit Draft Community Plan to the Estero Library on 9/20/2000
- Recommendations Scheduled for Submittal to Lee County on 9/29/2000

◆ Initiate Land Development Code Amendments – 10/2/2000

Public Comment and Questions:



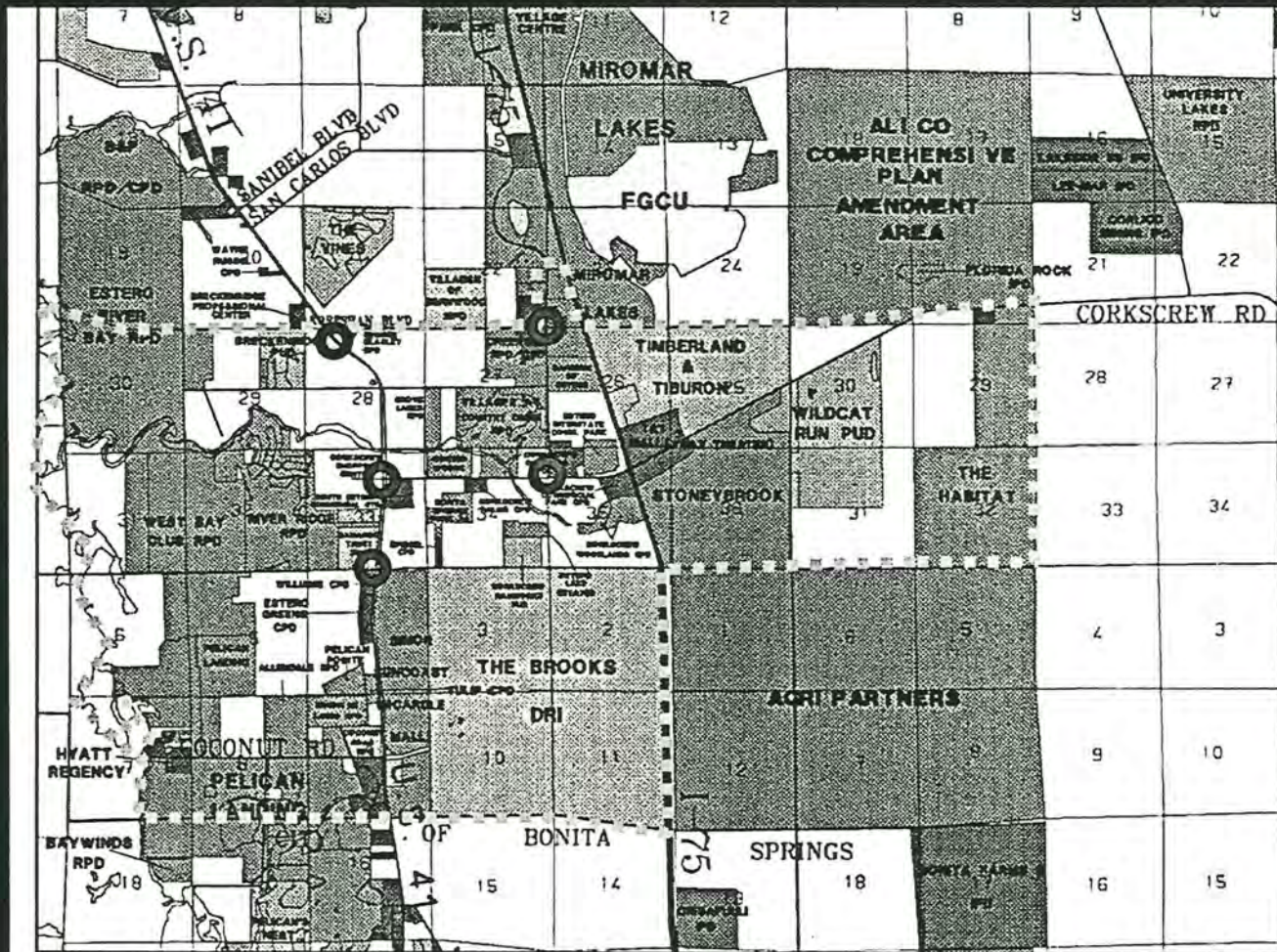
Identified Commercial Nodes



- Intersections Meeting Neighborhood or Community Commercial Intersection Criteria



Existing Commercial Planned Developments & Commercial Nodes:



DEVELOPMENT IN THE ESTERO AREA

Lee County
Planned
Development
Map, 11/99

Media Clippings

EDITORIAL

Openness called for in sector plans

Accountability rules need to be followed

Land planner Greg Stuart, who heads one of Lee County's most important land use advisory committees, has made a proposal that is so perfectly reasonable that it is hard to imagine why it has become controversial — unless there is some kind of chicanery going on.

Stuart is chairman of the Local Planning Agency, whose members are appointed by Lee County commissioners. The agency reviews land use planning proposals and issues and makes recommendations to the county commissioners about these issues before the commissioners vote on them.

For example, all proposed changes to Lee County's Comprehensive Land Use Plan must be reviewed first by the Local Planning Agency.

One of the big trends that have emerged recently is that several communities are increasingly dissatisfied with the county's handling of land use issues and they want to develop their own "sector plans," in other words, their own visions for the future land use in their communities.

Pine Island worked a year to develop a sector plan, Estero and Buckingham are working on one and Captiva Island is likely to start forming its own community vision.

These plans are complex to form and will have legal standing as additions to the Lee County comprehensive plan. To put one forward successfully, a community needs both professional planning guidance and the input of all interests in the community. The county commissioners can dedicate public money to pay for some of the costs of preparing such a sector plan.

Stuart, who represents development clients in Estero, became concerned when he realized that there are no rules for these sector planning community groups to follow with regard to disclosure of financial interests

or clients of the individuals involved, no rules about meeting notification and no processes to ensure accountability of the public money spent on these plans.

He expressed these concerns to Lee County planning director Paul O'Connor and the pot of controversy boiled over. Some citizens involved in the Estero sector plan roared that Stuart was simply trying to "derail" the sector plan for the benefit of his own clients.

County Commissioner Ray Judah hotly demanded that the county attorney's office launch an investigation of Stuart.

Stuart admits he has a dog in this fight; he represents the Koreshan Unity Foundation, which wants to develop its property in

Estero. He also publicly disclosed all of his clients in Estero.

All he is asking is that the others involved in the sector

plan disclose theirs, since their actions stand to significantly financially benefit some landowners.

What's wrong with that?

This sector planning process, which will be aided by taxpayer dollars, should have the same accountability that we demand in other areas.

The Local Planning Agency is meeting today and plans to discuss these issues.

We strongly urge members to recommend that sector planning be governed by rules of public accountability.

That includes, at a minimum:

- Public meetings and workshops that are properly noticed.

- All records and correspondence should be kept in a public file, open for inspection.

- Minutes of all meetings and workshops must be kept.

- Identify the lead planner and subcontractors, steering committee members and others in key leadership roles. Insist on client disclosure for professional firms involved and others who may have financial interests affected by the plan.

- File financial statements that show how much public money was received and spent.

AGENDA 2000



Your right to know

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Estero Book

OPINION

The News-Press editorials are unsigned. They reflect the opinion of the editorial board.

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8B WEDNESDAY, SEPTEMBER 27, 2000 ***

A GANNETT NEWSPAPER

EDITORIAL

Koreshan plans look to future

Residents must take strong stand, support foundation

Some old-timers in Estero remember when U.S. 41 was a dirt trail, a swing bridge carried travelers across the Estero River and all was quiet except for the drone of mosquitoes.

Today, U.S. 41 is a bustling four-lane (soon to be six-lane) highway. About all that remains of Florida is lense pine, and palm oasis that is the Koreshan Unity Foundation property at the northeast corner of 41 and Corkscrew Road.

Within 10 years, this community of 9,200 will have 50,000 residents. It is unreasonable to hope that the Koreshan property would remain untouched as much as the residents might wish it would.

The foundation's 50 acres are under intense development pressure; the land is worth millions and millions of dollars. At the same time, the foundation is under pressure to find a way to keep the Koreshan legacy alive for generations to come who want to learn about these interesting people, pioneers of Estero, all dead now.

The foundation has unveiled a plan to itself develop this unique property into a conference and retreat center in a way that will provide cash flow and preserve the natural and historic treasures on the site.

Nearly half the land will be conservation area. Development will include

the College of Life and associated lodging, shops, a marina for paddle craft and electric boats only and a restaurant.

The foundation even has abandoned its former — and highly unpopular — idea of a pedestrian bridge with pilings in favor of a suspension footbridge.

Architecture will be pioneer "cracker" style.

This plan represents Estero's best hope for keeping this lovely parcel as the shady retreat it has been for 100 years.

Therefore, the plan deserves the residents' support. At the same time, residents need to remain vigilant to ensure that control of the project remains in the hands of the foundation, whose respect for the integrity of the land is shown in the plans.

Community watchdogs need to pledge to monitor the project every step of the way during its expected 10 years-plus buildout; that is the only way to make sure that "Riverplace" takes shape as intended.

This property is the heart of Estero. Properly done, it will set the tone of the community and its unique heritage and set it apart from the often interchangeable and banal communities of Florida.

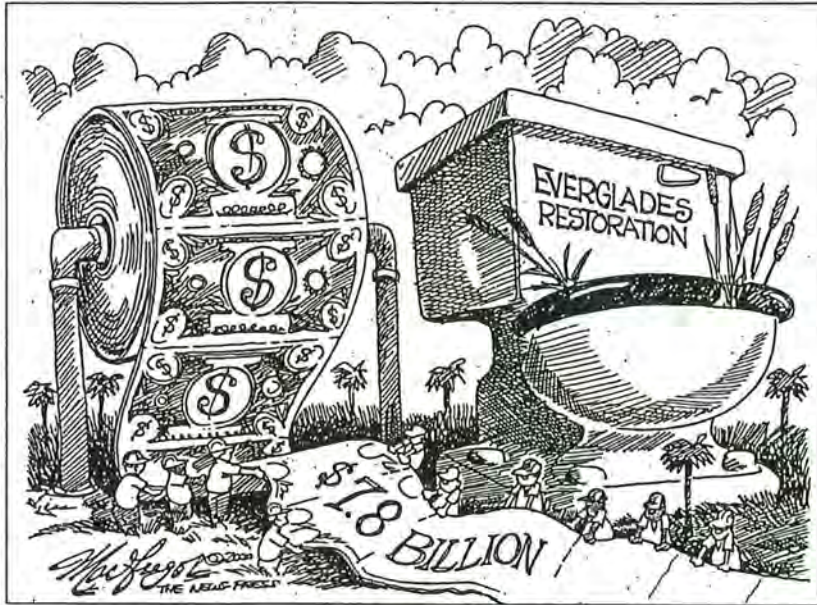
Residents need to get involved and stay involved. Drop by the Koreshan Museum off Corkscrew Road to see the plans. Ask questions.

The plans' supporters envision the property as the Central Park of Estero. Done right and maintained, it could be just that.

AGENDA 2000



A voice for communities



MAILBAG

Remember to vote in Oct. 3 runoff

Let me tell you up front that my wife is Marilyn Stout. She is running for the Florida House of Representatives, District 74. She is an able, caring public servant and will be your best choice for that position on the ballot Tuesday. Of course, I hope you will vote for her.

More than that, I greatly hope you will vote. When you feel that your vote doesn't count or that you are too busy to vote, remember that some serviceman on some battlefield gave his life to secure your right to vote. That is our heritage. Will you give it up so easily?

You may think that politicians are crooked. Then, study the candidates and vote for the honest ones. You may think that politics is dirty. Then, watch their campaigns and vote for those who don't indulge in dirty tricks.

ANTHONY STOUT
Cape Coral

Education crucial

On the issue I tell my kids is the most important, education, Jeff Kottkamp, candidate for the Florida House of Representatives District 74, outruns his opponent. Mr. Kottkamp attended the local schools my kids and I attended. But more important he attended college and earned his degree, and then went on and also earned a law degree.

As a concerned citizen, I think it's important that elected officials are well-educated and finish what they start. As a concerned parent I know it's important to show our kids that a good education is essential and should be rewarded. I commend everyone who is willing to hold themselves out for election to a public office, but our issues have become

WRITE US

Please limit your letters to 200 words and print your name, address and daytime phone number. You may include a photograph for publication.

Send letters or guest cartoons to:

Mailbag
P.O. Box 10
Fort Myers, FL 33902
Fax: 334-0708

They have referred to his helping them when they visited the office. It is with utmost confidence that I recommend your voting for "Skip" Hooker for tax collector.

FRANK BRYAN M.D.
Fort Myers

Qualified and dedicated

In the recent runoff election for county tax collector, Cathy Curtis garnered the highest number of votes among the four candidates. There is a reason for this: Cathy is a highly qualified candidate, having held public positions requiring expertise in the financial workings of government.

Cathy is dedicated. Since her announcement to seek the office of Lee County tax collector, she has systematically reached out to the large community in an effort to know the residents. She has walked door to door, introduced herself and answered the concerns of voters. If she hasn't gotten to your house yet, know that she is still walking door to door, trying to reach all in the voting area. This has been accomplished on her own time so that the quality of her work in Fort Myers is not compromised.

Cathy Curtis has my vote. I hope she will have yours.

JOHN HALL
Fort Myers

Bob Janes a listener

I hope you will all join me in voting for Bob Janes as our county commissioner for District 1.

He is ethical and honest. In his three terms as mayor of Sanibel, he has developed a reputation for listening to the citizens. This is evidenced by his attendance at Cape Coral political forums. (His opponent frequently

county commissioners to bring a commissioner meeting to Cape Coral at least quarterly.

GEORGE KELLER
Cape Coral

Committed to community

It was an honor to participate in this year's county commission District 1 race. Encouragement to participate came from many longtime friends and leaders in the community. I was fortunate to garner a large amount of support from the community and I am proud of that vote of confidence. I am passionate about Lee County and its constituency, as I am passionate about the success of our community.

I would like to thank all those who supported and helped me in the September primary. Without your loyalty and your friendship I would not have participated in this honorable process.

Now, it is time to look forward, to put the past where it belongs. I would ask that those constituents who supported my campaign, please redirect that energy, that vote, that commitment to my friend Mayor Roger Buder for the county commission District 1 seat.

Mayor Butler has demonstrated commitment to the community. He's a seasoned legislator with proven leadership skills in a large municipality of over 100,000 residents. I encourage you to support him.

BERNIE BRADEN
Cape Coral

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Riverplace of Estero

A site plan for the new Koreshan development



Estero residents coming together on changes to development code

By CHAD GILLIS
Staff Writer

The rapid-fire path to a community plan for Estero climaxed Tuesday night with the unveiling of a draft plan before more than 100 people who turned out for a final meeting to offer their input.

Mitch Hutchcraft, a private planner hired by the Estero Chamber of Commerce to spearhead a community plan, presented his draft, which he must submit to Lee County officials by Sept. 29 if it is to be voted on by county commissioners next year.

The meeting was the second of the summer conducted by Hutchcraft. An initial community plan meeting held in August drew 125 people.

Hutchcraft outlined the main concerns residents expressed at the previous meeting and through questionnaires distributed in August.

The top issue was protecting groundwater supplies and natural resources. Estero's aesthetic appearance was second, followed by controlling community development and maintaining a small-town atmosphere.

Hutchcraft said of the more than 120 questionnaires that were returned in time for the draft, residents who wanted to see at least some commercial development said they'd prefer small shops over strip malls.

The general consensus of the community also, according to the returned questionnaires, centered around prohibiting commercial uses such as car lots and bars.

Overall, Hutchcraft said, Estero residents want to be able to influence a community many think has had little successful guidance in the past.

"There seems to be an impression that the community has just leap-frogged with no planned direction," Hutchcraft said.

An objective highlighted in Hutchcraft's presentation was increased public participation in county government.

He included a handful of policies in the first phase of the community plan aimed at integrating residents with the development approval process. The policy included mandating that the county notify groups within Estero of pending ordinance reviews, development code amendments or development approvals.

It also suggests the county establish a document clearing-

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house in Estero where copies of planning staff and hearing examiner reports would be available for public inspection.

Prior to the meeting, participants received a summary of Hutchcraft's initial community plan draft that highlighted several sections in the plan, including preserving the historical facets of the community and protecting existing residential areas from intense commercial uses. His outline included defining the Estero community as a goal within the Lee Plan, which is a comprehensive blueprint

for the entire county.

After Hutchcraft's presentation, several residents asked him how the community could best preserve resources such as the area's future drinking water supply.

Ellen Peterson, a local environmentalist, gave a bleak forecast for the community's main water bodies.

"I think you're sort of being a little over optimistic to think you're going to protect the Estero River," Peterson said.

Peterson said the community should be concerned about wa-

ter retention, adding that communities near the river send their overflow down the river and into the bay.

"The wells are going dry and they're going dry because the water doesn't get a chance to percolate down," she said.

Arnold Rosenthal told Hutchcraft during the meeting that he'd like to see more emphasis placed on parking lot setbacks and requirements. He said he was satisfied with Hutchcraft's work to this point.

"It's a good first draft given the time that he had," Rosenthal said. "I think we're on the right track."

If the Sept. 29 deadline is met, the county could hold Local Planning Agency hearings before Christmas. Such a timeline would bring any comprehensive plan considerations in front of county commissioners sometime in January.

After that, the plan would be reviewed by the state before a final vote by commissioners in spring 2001.

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Draft of Estero community plan unveiled; residents want more local control

Wednesday, September 20, 2000

By CHAD GILLIS, Staff Writer

ESTERO —The rapid-fire path to a community plan for Estero climaxed Tuesday night with the unveiling of a draft plan before more than 100 people who turned out for a final meeting to offer their input.

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
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Estero residents get glimpse of community plan

By MARK S. KRZOS
The News-Press

ESTERO — Estero residents finally got a glimpse of the layer of protection they hope will stop developments they feel do not belong in their community.

More than 150 residents came to hear what their community plan will entail Tuesday night at the Corkscrew Woodlands Clubhouse.

A community plan is a way for residents to determine what their community will look like in the future. In Estero residents have been upset with recent development approvals such as a proposed Sam Galloway car dealership and the county's use of "bubble plans" that allow a wide variety of commercial uses.

Mitch Hutchcraft, the consultant hired by the Estero Chamber of Commerce to craft the community's vision, said the plan's preliminary draft incorporated the responses of more than 150 questionnaires handed out to Estero residents.

Hutchcraft said the first task in developing the plan was writing a vision statement for Estero. The statement calls for embracing Estero's historic heritage, carefully planning for future growth as a village and establishing defined areas for tasteful shopping, service and entertainment.

Hutchcraft said once Estero's vision statement was developed, key community issues became the focus of the plan. They were:

- Community character — proactively address appearance, landscaping, signage and the location and type of certain

land uses.

- Residential land uses — maintain a "small town" feel and avoid high-rise residential uses while protecting existing neighborhoods from encroachment.

- Commercial land uses — limit tourist-oriented uses, detrimental uses such as adult entertainment, free-standing bars and liquor stores, and limit high intensity uses along specific corridors.

- Natural resources — protect groundwater resources and wetlands.

- Public participation — become more involved in the development approval process.

Hutchcraft also said beginning today, a draft of the plan will be available for all Estero residents to read through at the South County Regional Library on Three Oaks Parkway.

Most residents attending the meeting were pleased with what they heard.

"I don't think we need a city status to achieve the goals everyone is talking about," said resident Jan Schneider.

Resident Doyle Moeller, 55, said he thinks the community plan will allow residents to keep Estero the way it is.

"It's a nice, clean community and I'd like to see it stay that way," Moeller said. "That the reason I moved here."

The recommendations and plan will be submitted to the county Sept. 29 for inclusion in the Lee Plan's amendment cycle.

— Contact Mark S. Krzos at mkrzos@news-press.com or 992-1345.

Man gets

Prosecutor says cases difficult because of 'witness problems'

By PETER FRANCESCHINA
The News-Press

A 24-year-old Fort Myers man was sentenced to 15 years in prison Tuesday for two killings in two drug deals gone bad.

Henry Florence accepted a plea agreement in the two cases rife with prosecution problems. He pleaded no contest to manslaughter for hitting a North Fort Myers man in the head with a wrench. He also pleaded no contest to second-degree murder for shooting an east Fort Myers man.

SOUTHWEST FLORIDA DIGEST

ADMINISTRATOR NAMED: Florida Gulf Coast University has named Jetta Glover its minority business enterprise coordinator.

She will be responsible for the FGCU program that encourages the purchase of goods and services from small and minority-owned businesses.

Glover, a lifelong Fort Myers resident, earned a bachelor's degree in business administration from the University of South Florida and a master's degree in education from Florida Atlantic University.

— The News-Press



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Estero residents race to complete community development plan

Sunday, September 10, 2000

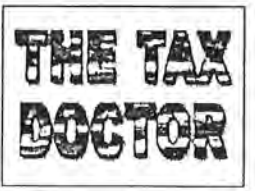
By CHAD GILLIS, Staff Writer

ESTERO – With less than three weeks before the deadline for Estero residents to submit a community development plan, interest in defining what Estero will look like when it grows up has never been higher.

Estero is racing the clock to beat a Sept. 29 deadline for proposed changes to the county's growth-management plan. Estero residents want to create a set of development guidelines unique to their community, one of the fastest-growing areas in Southwest Florida.

This week promises to be particularly busy, with several community associations holding a variety of meetings aimed at meeting that deadline.

- On Tuesday, the Estero Citizens Community Organization is meeting with Lee County Community Development officials to go over the inner working of a community plan and how the plan, if eventually approved by commissioners, will guide future development. The meeting will be at 1 p.m. at Riverwoods Plantation.
- On Thursday morning, Mitch Hutchcraft, a planner hired by the Estero Chamber of Commerce to spearhead a community plan, is meeting with an advisory committee made of various Estero residents to discuss a draft form of the plan Hutchcraft plans to submit to the public at a Sept. 19 meeting.
- On Thursday afternoon, the Estero Historical Society is hosting a



lecture of sorts at the South County Regional Library at 2:30 p.m. with two professors from Florida Gulf Coast University discussing community development.

The issue of controlling growth has taken a front seat in the Estero community over the last six months or so. Residents from various neighborhoods have continually expressed a desire to better manage a development boom in Estero that some say is threatening their tranquil lifestyle in a community that consists mostly of retirees and winter residents.

Hutchcraft said as the pending deadline approaches, a more well-rounded cross section of the community is giving input on how Estero should grow.

He said Estero will definitely submit a community plan to the county by the Sept. 29 deadline and continue working on a more specific plan during the upcoming year.

"I think the big goal is to identify the main key issues we can get a consensus on," Hutchcraft said. "There's a lot of issues that we can't get a consensus on and we'll have to wait on those."

One problem, he said, could be unrealistic expectations by some Estero residents who either want to stop growth altogether or adopt a community plan that will address all facets of development by the end of this month.

Barbara Akins, spokesperson for the Estero Citizens Community Organization, agreed with Hutchcraft that more and more people throughout the community are becoming intrigued with the idea of giving Estero its own unique development guidelines.

She said the main focus between now and the Sept. 29 deadline, and for next year's phase of the community plan as well, is getting useful information out to the community.

"We're doing an education process as we go through this so we totally understand how the process (of a community plan) works," Akins said. "We are excited that people want to be more involved in the process because the more input you have the better representation you have."

The newest organization to get involved in planning for the future of Estero is the historical society.



FGCU professor Victoria Dimidjian is scheduled to talk to members of the Estero Historical Society and others at a Thursday afternoon meeting on community development. The meeting is open to the public.

Society president Mimi Straub said the discussion will focus on melding a community that has roots extending more than 100 years with modern growth.


"We need to take a look at what good is happening in this community but also safeguard against what is bad," Straub said.


Straub said Estero is desperately in need of its own identity, a viewpoint shared by many in the community. She said she has been surprised that more residents haven't gotten involved in the community planning process.


"You must be interested in your community and show up at these community development meetings and participate," she said.


If Estero meets the Sept. 29 deadline, the county could hold Local Planning Agency hearings before Christmas. Such a timeline would bring any comprehensive plan considerations in front of county commissioners sometime in January.

After that, the plan would be reviewed by the state before being adopted by the county during the spring of 2001.

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Few residents return growth questionnaires

Consultant preparing vision of the future for Estero planning

By MARK S. KAZOS
The News-Press

ESTERO — Buildings are coming up quickly in Estero, but residents aren't acting as fast to voice their opinions on development.

The deadline was Wednesday for questionnaires that will help a consultant formulate the community's vision and implement a community plan. So far, only 58 have been submitted.

Residents have been upset with recent development approvals, such as a proposed Galloway car dealership that was later withdrawn after residents protested, and the county's use of "bubble plans" to allow a wide variety of commercial uses. They claim they have little say about the appearance of their community and decided the best way to get unlimited development is drafting their own community plan.

Lee County has agreed to help fund Estero's community plan. The county agreed to spend \$6,250 for the first phase and match funds up to \$25,000 for the second phase of the plan. Mitch Hutchcraft, the consultant hired by the Estero Chamber of Commerce to craft the community's vision, said the questionnaires have been coming in slowly.

"We probably got 40 responses — we were hoping for a lot more than that," Hutchcraft said Wednesday morning. By late afternoon, other 18 completed questionnaires were turned in.

During the past two weeks, many organizations and residents have been handing out a question form seeking opinions on what Estero residents

INFORMATION

■ Estero residents should mail their completed questionnaires as soon as possible.

■ Mail them to Diane Wakeman, administrative coordinator, Vanessa Daylor, CLP, 12730 New Brittany Blvd., Suite 600, Fort Myers, FL 33907.

■ For more information on the questionnaires, call 437-4801.

want the community to look like in 20 years. The form also includes questions about the community's character, residential and commercial development and the ranking of services in greatest need of improvement.

The questionnaires were first circulated Aug. 15 during a public meeting discussing the community plan. The turnaround time on the questionnaires is so short because Hutchcraft has to incorporate the thoughts of the residents into the plan by Sept. 29 for inclusion in the Lee growth plan.

"We handed out 150 that night and made another 150," a disappointed Hutchcraft said. "We'll still accept more — the cutoff was to encourage people to get them to us quickly."

Hutchcraft said late submissions will be included in the plan provided they're in by late next week.

Of the responses turned in so far, Hutchcraft said opinions are all over the board.

"There's a bunch of people with strong opinions in a whole bunch of different directions," Hutchcraft said.

Hutchcraft said retail-commercial development seems to

See SECTOR / 4

LEARNING ANOTHER LANGUAGE



TERRY ALLEN WILLIAMS/TH

Anastasia Zhilko, 18, who is from Russia, studies English with the help of a computer and headphones morning while engaged in the English Immersion program at International College in Naples.

Classes draw attendees from around the globe

International College teaches English course

By JENNIFER BOOTH REED
The News-Press

NAPLES — For the past 15 weeks, International College has played host to a Slovakian government official, a German concertmaster, a Cuban banker and a Colombian dentist who came to Naples to study English.

Twenty adults, from Europe, Asia and South America, arrived almost four months ago for an intensive language program at the private college's American English Center. They studied six hours a day, four days a week. Today, they will receive certificates of completion.

"I need English because it's very important for my job," said Liz Carolina Sarcos, a Venezuelan electrical engineer. "I work with

INFORMATION

Call International College at 774-7700.

American people all the time. We do big projects for oil companies. They need to speak to me, and they don't speak Spanish."

Students, ranging in age from their 20s to 60s, come from an array of backgrounds and professions. Maria Castano, 36, is a Colombian dentist Anton Sikuta, 50, is a German violinist who moved to Naples with his American wife a year ago. Soo Hak Lee, 25, is a Korean architect who wants to continue his studies in an American university. Peter Baco, 55, is a Slovakian parliament member and former minister of agriculture who needs English for his government work.

"Slovakia is in the middle of

Europe and wants to be of the European Union. councils are all in English. Baco, who returned Wednesday, "I have a dependent of my translation."

Baco learned of International College's program from who moved to Naples ago. Other students learn it through the Internet guides.

The American English Center was established six years ago because officials saw the international population growing.

"This is the only program like this between Miami and Naples," said Roy Lash, who runs the program. "With Naples as an international city, we need a need."

The program is now in its second round. During the four-year enrollment doubles to 100.

See C0.

Bus cameras proposed to monitor Collier students' behavior

Fort Myers campus. College officials said the American English Center will become more accessible to Lee County foreign visitors and residents when the Naples campus moves to Immokalee Road in North Naples next month.

Students said the class was tough, although many of them had climbed from its lowest level to its

with native speakers were still difficult.

"I don't understand well out on the street. It is hard," Sarcos said.

"The work was worth it," they said.

"It's becoming a global language," said Lee, the architect.

— Contact Jennifer Booth Reed at jreed@news-press.com or 992-1345.

were upset about skyrocketing health insurance rates. Although school district employees get full coverage, they need to pay for family members. In some cases, teachers will pay an additional \$2,000 a year for their family's health care. Rates jumped this year

tract also finalizes a new teacher assessment system that will require teachers to show improvement in 12 areas and keep portfolios of their work.

— Contact Jennifer Booth Reed at jreed@news-press.com or 992-1345.

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SECTOR: Response small

From Page 1

the greatest concern among Estero residents.

"It's perceived to have the biggest impact on people's lifestyles," Hutchcraft said. "The goal is to make retail more appropriately located. We don't want a big strip of typical convenience retail up and down Corkscrew Road. We want to direct retail to a more central location."

Meg Venceller, chairwoman of the Estero Civic Association, agrees.

As far as retail development goes, Venceller, who turned in her questionnaire, said residents support retail that will benefit the Estero community, such as a bakery, beauty salon or gourmet coffee or flower shop. "Residents would support certain types of retail provided that it meets the community's needs," she said.

Bob Kinney, 75, a Corkscrew Woodlands resident who also turned in his questionnaire, said Estero needs more services that will benefit the residents.

"A lot of people I know don't want to see more fast-food restaurants," Kinney said. "The things people want are the things they need, like dentists and health centers — things that they now have to go up to Fort Myers to get."

Hutchcraft said the vision of the

community also varies. "It ranges from a sleepy residential community to a true village," he said.

Frank Weed, president of the West Bay Club and also a resident, said he has yet to fill out his questionnaire, but did say the plan is controlled growth.

"We really have an opportunity to create a secret garden and create something special," Weed said. "The issue is to control growth for all — and see it done responsibly."

Venceller expects the result of the questionnaires will reflect what the residents envision for their community.

"I hope the response is very large," said Neal Noethlich, chairman of the Estero Concerned Citizens Organization. "We gave out a lot of questionnaires — our group has circulated a number of them."

Noethlich, who submitted his questionnaire, said he also hopes there is a wide cross-section of views.

"If people sat down and thought about what they want Estero to be like, look like and feel like — that's the most we can hope for," Noethlich said.

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Bonita & Collier

THURSDAY, AUGUST 31, 2000

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Estero standards outlined

Residents' group details growth plan

By MARK S. KRZOS
The News-Press

ESTERO — A group called the Estero Concerned Citizens Organization has outlined what they think Estero should look like in the future.

They want standards for signs, architecture and landscape. They also want commercial corridors separated from parks and residential areas.

Such standards, said the

group's chairman, Neal Noethlich, will ensure that Estero maintains its residential feel.

The idea to create a community plan came after some Estero residents were angered at developments approved by county commissioners.

Residents have been upset with recent development approvals such as a proposed car dealership and the county's use of "bubble plans" that allow a wide variety of commercial uses. They claim they have little say about the appearance of their community and decid-

ed the best way to fight unlimited development is by drafting their own community plan.

The plan would enable residents to decide what their community looks like.

But not all residents or developers in the community of 5,532 agree with the group's wish list.

Frank Weed, president of the West Bay Club, said while he thinks the group is responsible and agreed with some of what it wants, he is concerned about several items on the wish list.

Weed said he took particular interest in items that

dealt with the development approval process and architectural standards.

"What we're hoping for is that these ideas will permeate the (community) plan and the Land Development Code," Noethlich said of his group's ideas. "We're proud of this document and we don't consider it to be knee-jerk — some people might."

Weed said the group's recommendation to have the applicant provide specific intended land use for a project — getting rid of bubble plans — and the intended



CLINT KRAUSE/The News-Press

COLORFUL PLACE: Iguana Mia general manager Todd Harrison in front of a colorful wall at the Bonita restaurant. Such vibrant colors might not be acceptable in Estero's future building plans.

See PLAN / 4

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Estero residents offer input on plan for controlling community's growth

Wednesday, August 16, 2000

By CHAD GILLIS, Staff Writer

ESTERO — More than 100 Estero residents gathered Tuesday night to offer their input on how the community can control and plan for growth in the face of mounting development pressures.

The meeting, at the South County Regional Library on Three Oaks Parkway, was the first of two scheduled by private planner Mitch Hutchcraft. Hutchcraft was hired by the Estero Civic Association and Estero Chamber of Commerce to help residents draft a community development plan that could be implemented by Lee County commissioners within the next year.

Hutchcraft outlined key issues, such as identifying the community's boundaries and where commercial and residential development should be located, to a crowd with varied and often clashing opinions.

He also said Estero residents could hold public workshops prior to hearing examiner meetings to offer input to developers wanting to build in the area.

"I think they're tired of being subjected to 4 1/2 blind men ... When do the citizens really get to input?"

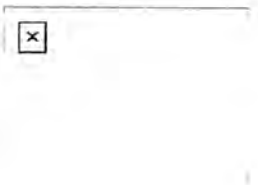
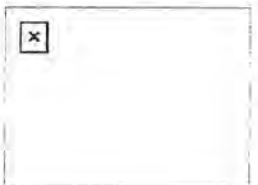
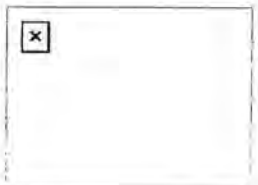
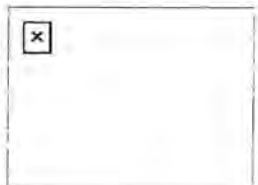
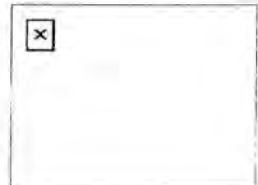
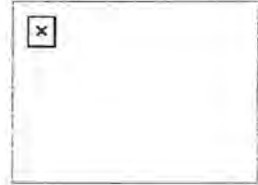
— Norm Lukes

In the past, rezoning cases have disturbed many residents to the point they began considering annexing into Bonita Springs or incorporating.

The latest momentum for the community has been to form a community plan.

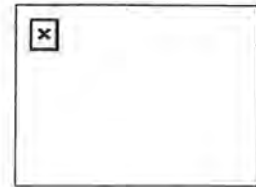
Hutchcraft estimated the community plan project would take between 18 and 24 months to complete.

Several residents were thrilled about the idea of forming a unique development plan for a community that is expected to go from about

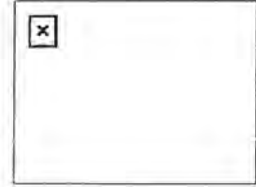


9,000 residents to 40,000 or more within the next decade.

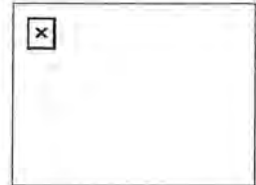
"This is probably the most exciting thing that's happened since the Koreshans came to town," said Estero resident Cas Obie. He added that he thinks residents should work with developers to identify areas targeted for high and low density.



Other residents, feeling Hutchcraft was siding with the development community, pleaded with the planner to come up with more effective means of dealing with county government.

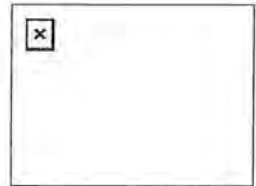


"I think they're tired of being subjected to 4 1/2 blind men," said Norm Lukes referring to the half as Lee County Commissioner Ray Judah, who is often the lone dissenting voice during controversial rezoning cases. "... When do the citizens really get to input?"

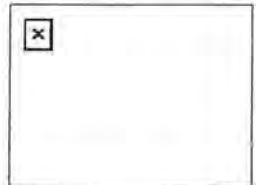


Lukes said Estero is a community with its own mind and that it needs no direction from government officials in Fort Myers.

Still other residents disagreed on where to put commercial developments.




Those who live along Three Oaks Parkway said Corkscrew Road should be a commercial corridor, while residents on Corkscrew said high-density development should go on Three Oaks.





Some residents said a moratorium is the only way to effectively slow growth enough to get a handle on the community.

Hutchcraft responded to many of the disagreements by saying residents, as well as local developers, need to work together if a community plan is going to get the thumbs up from Lee County commissioners.

Next on Hutchcraft's agenda is to submit a draft of the community plan to the Local Planning Agency near the end of the month. After that a second public meeting will be held for further input in mid September before the plan is submitted to the county on or before Sept. 29.

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Session to tackle controlling Estero growth

Input being sought at Aug. 15 meeting

By MARK S. KRZOS
The News-Press

ESTERO — Estero community leaders are beginning to form a plan to control development.

At 6:30 p.m. on Aug. 15 in the South County Regional Library, Estero residents will have a chance to help create a vision for their community's development.

Residents will be joined by the Estero Chamber of Commerce, the Estero Civic Association, area planners, developers and environmentalists to establish a community vision.

The intent of the workshop is to solicit input, identify key community issues and develop a consensus on implementing the community's vision.

A consultant already has been hired by the Chamber, and officials hope the county will pay for the first phase

of the study. "We're in an area with a lot of undeveloped land, so we have a wonderful opportunity to set the standards," said Meg Venceller, chairman of the chamber and the civic association.

Frank Weed, president of the West Bay Club, agreed. "The key area we're interested in is that the remainder of this area is done in a high-quality manner," he said. "We don't want (Estero) to be honky-tonk"

Weed said his vision for

Estero is something between Tampa's Hyde Park and Naples' Fifth Avenue.

"No one wants to see gas station after gas station on the roadway," he said. "We don't want to see excessive development."

Venceller said in developing a community plan, residents can dictate future architectural and landscaping requirements for all new developments.

See SECTOR / 3

SECTOR: Deadline looms

From Page 1

"We have a vision of Estero," Venceller said. "We want people to know they're in Estero, that it is an aesthetically pleasing place, that we do have standards."

There is a problem, though.

Venceller said the master plan must be completed before Sept. 29 — the deadline for submitting amendments to the Lee County Comprehensive Land Use Plan.

To meet that deadline, Venceller said after the Aug. 15 meeting, planning firm Vanasse & Daylor will compile resident comments, begin working with county officials and prepare the language for the amendment to the Lee Plan.

Another public meeting will be in September, before the deadline.

"In September, we'll say, 'This is what we're going to present,'" Venceller said.

David Graham, vice president of planning and development for Bonita Bay Properties, said he views the plan as benefitting everyone in the Estero area.

"To me, it's the reason most areas incorporate — to control their own process," he said.

Paul O'Connor, the county's director of planning, said community plans have to incorporate all of the residents' concerns.

"If you have a one-sided plan, there's no way it'll get county approval," O'Connor said.

Neal Noethlich, chairman of the Estero Concerned Citizens Organization, agreed.

"It has to be a broad-based formation," he said. "We're eager and willing to do that."

O'Connor said Alva tried to have a community plan approved,

but because it failed to address the concerns of people with development potential "it died on the vine."

Funding for the creation of the Estero plan could come from the county. Venceller wrote to Lee County Commission Chairman John Albion on July 26 asking the county to pay for the first phase of the Estero plan.

Albion said he supports county involvement in the plan and hopes commissioners approve the \$6,250 cost to have Vanasse & Daylor complete the plan by the deadline date.

"In the past, the county has provided some seed money for developing sector plans," said Mary Gibbs, the county's community development director.

Gibbs said the county has provided funds for the development of sector plans for Pine Island and Fort Myers Beach.

O'Connor said the county will discuss its policy toward planning studies Monday at its next management meeting.

"We'll look at funding and personnel," O'Connor said. "Things like how much is being spent? Is it being spent properly? I need direction to the board."

Venceller said phase two of the Estero plan, where certain development criteria are targeted and included in the plan, is expected to cost between \$10,000 and \$15,000. "The chamber would pay a portion of that as well as the county," she said.

— Contact Mark S. Krzos at mkrzos@news-press.com or 992-1345.

South Lee mall race has third contender

By LAURA RUANE
The News-Press

The owner of Fort Myers' Edison Mall officially has entered the race to build a new mall in Estero.

Indianapolis-based Simon Property Group Inc. filed a proposal this week with the Southwest Florida Regional Planning Council to build a regional mall at the corner of U.S. 41 and Coconut Road.

Simon Suncoast actually would be a mixed-use development, including 1.8 million square feet for retailing, 300,000 square feet of office space, and up to 600 hotel rooms, 500 apartments, 500 condominiums and 200 assisted-living units.

The McArdle family owns the 483-acre site, which is bounded by The Brooks residential development, U.S. 41, Williams Road and Bonita Springs Industrial Park.

It will take more than a year for the mall proposal to clear all the governmental hurdles, said Dan Trescott, chief reviewer of major projects for the planning council.

Two other contenders are further along the paperwork trail:

■ The Rouse Co. of Columbia, Md., which recently won Lee County clearance to build a regional mall at the southwest corner of Alico Road and Three Oaks Parkway.

■ The Richard E. Jacobs Group of Cleveland, which is awaiting word from a county hearing examiner on its proposal to build Gulf Coast Towne Centre mall near the southeast corner of Interstate 75 and Alico Road.

"I think one of these sites will make it," Trescott said.

"We have the best location, dead-center on the retail spine of Southwest Florida," said Thomas Schneider, senior vice president of Simon Property Group.

— Laura Ruane can be reached at 335-0392.

sterling award competition teams are from Shell Point Pavilion; the Ritz-Carlton, Naples; East Point/Gulf Coast Hospital; Gulf Coast Center; Southwest Florida Regional Medical Center; Shaw Aero; Lee Memorial Hospital; and the Florida Department of Children and Families.

Tickets, \$75 for an individual, may be purchased at the door from 8 to 9 a.m. For more information, call 278-4001.

Hendry County tops in citrus trees per acre

Hendry County continues to lead the state in commercial citrus trees, but the region dipped slightly in both trees and planted citrus acreage, according to a recently released federal survey.

Florida's biennial Commercial Citrus Inventory showed 832,275 acres planted in citrus as of January. That's a net decrease of 12,985 acres statewide over the past two years.

In citrus acreage, Polk County led with 101,484 — followed by Hendry County with 99,437 and St. Lucie County with 98,899. These three counties comprise more than one-third of the citrus acreage in the state.

In trees, Hendry was tops, averaging 154 per acre, 20 percent above the state average.

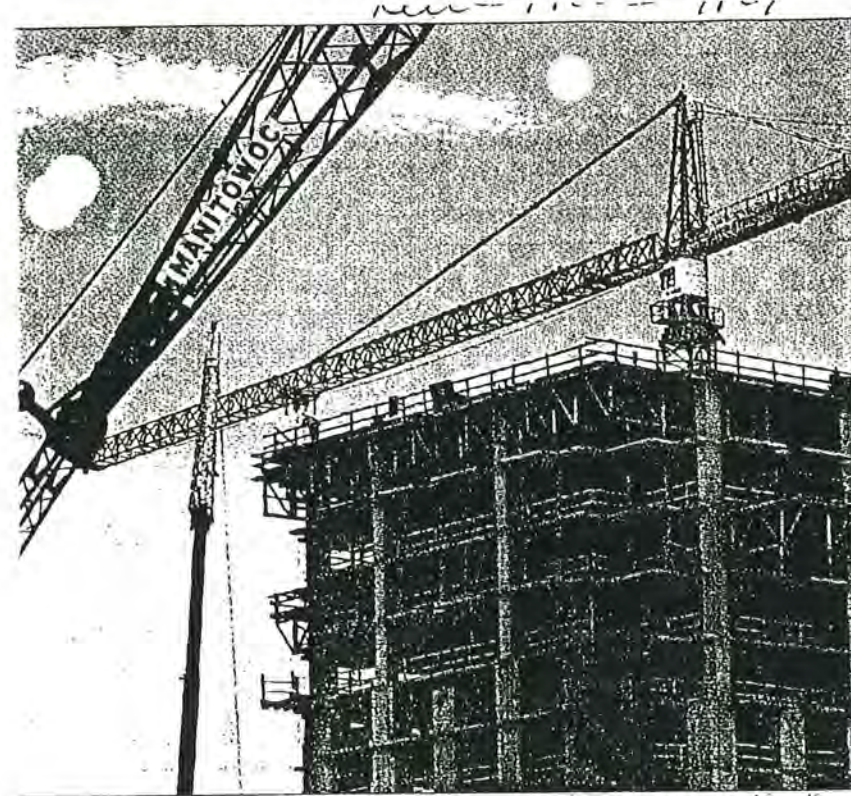
The Gulf Citrus area of Charlotte, Collier, Glades, Hendry and Lee counties saw planted acreage decline by 1,353 acres since the 1998 census, to 178,595 acres.

Much of the loss resulted from removal of grapefruit trees due to the crop's volatile prices and from some properties' exposure to citrus canker, said Ron Hamel, an executive with the Gulf Citrus Growers Association.

TECO plans to sell debt securities

TECO Energy Inc. filed with the Securities and Exchange Commission to sell as much as \$350 million of debt securities.

The Tampa electric and gas utility holding company will use the proceeds for general corporate purposes, according to a shelf registration filed



CLINT KRAUSE/The News-Press

by cranes Thursday, the Hyatt Regency Hotel takes shape on Coconut Road west of completed in October 2001.

Industry briefed on environmental limits

control development wetlands.

at are we buying?" and rhetorically at the "In the Trenches of Development" conference presented by the Building Industry Association at the Bonita Club house in Bonita

he had kind words for the corps as well, noting the latest revision of agency's proposed environmental Impact Statement, released Aug. 2, better than the original

use of response to the development industry, he said, he pulled back from it egregiously of their that limit how or can occur, the environmentally sensitive eastern of south Lee and counties.

EIS affects 1,556

square miles. Corps officials have been studying environmental issues there — including the status of the endangered Florida panther — for four years as part of a process spurred



ASMUS

by the creation of Florida Gulf Coast University in the headwaters of the Estero River. Dealing with environmental regulations of growth was the theme of the conference, and speakers said developers are facing the same issues all over the country.

The corps EIS "is not likely to be the end for you," the builders were told by Susan Asmus, who develops and manages the regulatory policies of the

Washington, D.C.-based National Association of Home Builders.

There's a trend for lawsuits and initiatives on the state and regional levels to restrict growth nationwide, she said.

She pointed to a proposal to preserve 20 percent of the remaining land in the Chesapeake Bay watershed bordered by Pennsylvania, Maryland, Virginia and Washington, D.C.

Local developers should look for sections of the EIS that lend themselves to accommodation, she said.

Another speaker, Orlando attorney Ted Brown, focused on the limits to development posed by the federal Endangered Species Act of 1973, which aims to prevent species from going extinct.

That's been interpreted to mean that subspecies or

See TRENCHES / 20

Somebody these employees and every comes up, it be finished before the tion, she said. "There's things left for now, it's all things."

Mayor Br is up for re- comment T Riccobono's along with V might mean.

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But in a reorganization Grady added p cation and la Waite's and ment's duties.

See R11

CORRECTIO

Gene Craver station manager for WGCU-FM 90.1. His last nar was misspelled a story in Friday local section.

did not have probable cause. Hornsby, the granddaughter of prominent Fort My businessman George Sanders, had nothing to do with the murders.

The Lee County Sheriff's Office issued a prepared statement saying McDougall will appeal the decision to the Second District Court of Appeal and "is confident the original suspension will be upheld."

"The sheriff asserts that, as a matter of law, Mr. Van House was not denied due process during the appeal hearing on his suspension," the statement said. "The record supports this claim."

Van House did not return a call placed to him at work.

McDougall took the action against Van House, Sgt. Augustin Malagon and Agent Matthew LeClair after reviewing the results of his department's two-week internal investigation into Hornsby's complaint.

Van House, a 14-year member of the department assigned to a joint narcotics task force with the federal Drug Enforcement

Estero growth standards outlined by citizen group

By MARK S. KRZOS
The News-Press

ESTERO — A group called the Estero Concerned Citizens Organization has outlined what they think Estero should look like in the future.

They want standards for signs, architecture and landscape. They also want commercial corridors separated from parks and residential areas.

Such standards, said the group's chairman, Neal Noethlich, will ensure that Estero maintains its residential feel.

The idea to create a community plan came after some Estero residents were angered at developments approved by county commissioners.

Residents have been upset with recent development approvals such as a proposed car dealership and the county's use of "bubble plans" that allow a wide variety of commercial uses. They claim they have little say about the appearance of their community and decided the best way to fight unlimited development is by drafting their own community plan.

The plan would enable residents to decide what their community looks like.

But not all residents or develop-

suit against McDougall and the civil service board. McIver's ruling pertains only to him.

The investigation found that Malagon and LeClair detained and handcuffed Hornsby despite the fact Van House told them it didn't appear she was connected to the search for the three murder suspects. Van House was negligent for not stopping the other two deputies when they detained and handcuffed her, the findings state.

"The errors made in this case are the product of officers making decisions based on speculation rather than fact," an investigator wrote. "Sergeant Malagon and agent LeClair demonstrated a careless disregard for Mrs. Hornsby's rights."

The sheriff's office press release goes on to say that, "It wasn't until after (Van House) lost did he begin to complain about the hearing process."

—Contact Sharon Turco at sturco@news-press.com or at 335-0439.

ers in the community of 5,532 agree with the group's wish list.

Frank Weed, president of the West Bay Club, said while he thinks the group is responsible and agreed with some of what it wants, he is concerned about several items on the wish list.

Weed said he took particular interest in items that dealt with the development approval process and architectural standards.

"What we're hoping for is that these ideas will permeate the (community) plan and the Land Development Code," Noethlich said of his group's ideas. "We're proud of this document and we don't consider it to be knee-jerk — some people might."

Weed said the group's recommendation to have the applicant provide specific intended land use for a project — getting rid of bubble plans — and the intended time frame for completing development would also be difficult. He said what may work in a certain location today may not be viable for a developer in a few months.

"You need flexibility to deal with the marketplace," Weed said.

— Contact Mark S. Krzos at mkrzos@news-press.com or 992-1345.

SE... ut... great job," she...
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Editorial: Aggressive protection needed now

Manage growth more intelligently in booming Estero

Poorly managed growth has people upset in Estero and the environment hurting in Estero Bay. Maybe Lee County will wake up to a recent convergence of complaints and fears and start trying to better serve the booming community and its environment.

An Estero Bay advisory group may ask for a moratorium on new state permits that add to the alarming increase in pollution in the system, where rapid growth is degrading one of the state's great coastal ecosystems.

This would hardly mean an end to growth in south Lee County. Significant additional development has already been approved. But the moratorium idea is well worth a look, especially if it gives planners time to revise Estero's portion of the county plan.

What's happening in the bay is the downstream effect of the same growth that drew a standing-room crowd to the South County Regional Library recently to talk about developing a plan to shape the growth of the community over the next 20 years.

This was what comprehensive planning was supposed to have been accomplishing for decades. But people in Estero know it has not worked. Permissive development standards threaten to swamp their cherished way of life. They're up in arms.

The county seems to be trying to answer Estero's demands for better planning. If it fails, and this community follows Fort Myers Beach and Bonita Springs into municipal incorporation to control its future, the county will drop another notch toward irrelevancy.

On the environmental front, the Estero Bay Agency on Bay Management wants to give the Estero Bay system some breathing space while water managers and local planners get a grip on the subtle problem of "non-point source" pollution. That contamination comes not from specific points like sewer plants, which are usually relatively easy to deal with, but from widespread rain runoff from streets, parking lots, farms, fertilized lawns and other sources.

That pollution is very hard to control, but until we at least know how much there is and what it is doing to Estero Bay and its tributaries, it makes sense not to add to it.

The bay management board represents a variety of agencies whose officials may not be sympathetic to a moratorium on permits, even a short one. The board will wait to hear from them before voting on whether to call officially for a moratorium.

But seven years of official study show the bay is suffering from the classic symptoms, declining oxygen and increasing phosphorus.

John Cassani, a scientist who drafted a letter to the South Florida Water Management District and the Florida Department of Environmental Protection calling for the moratorium, says, "I think we need to make a stand, and I think now is the time to do it."

We need better, more aggressive management of future growth, to protect what we have in the environment and to preserve the quality of life we all

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That mission requires careful development, the lowest density over what is consistent with property rights and much more care for the cumulative impact of growth on the natural resources that lie at the base of it all.

That's why the U.S. Army Corps of Engineers has gotten involved in growth issues in Lee County.

People who don't like that intrusion from Washington have a chance in the case of Estero to show that we can manage our own growth intelligently.

Newcomers Guide



Your guide to Southwest Florida



Technology news
and information

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Estero to map its vision

Lee commissioners
to vote on giving
matching funds

By MARK S. KRZOS
The News-Press

FORT MYERS — Lee County commissioners are set to approve matching funds of up to \$25,000 for Estero and other communities that want to develop their own community plans.

Commissioner Ray Judah said Monday during a management and planning meeting he would bring the topic up for a vote during today's meeting.

Estero residents, upset with the continuous construction and having little say about the appearance of their community, decided the best way to fight unlimited development is by drafting their own community plan.

Once completed, Estero's plan will be included in Lee County's Comprehensive Land Use Plan.

Judah said while the county does not have the resources to develop community plans, areas such as Estero are encouraged to shape their own vision.

"This is really something the Estero area needs," said Meg Venceller, chairwoman of the Estero Chamber of Commerce.

The county will provide \$6,250 for the first phase of the community plan. The Estero Chamber of Commerce will then send out letters to members asking for donations to complete the plan in phase two, Venceller said.

"If we raise \$5,000, then we'll be able to go back to the county and ask them for matching funds," Venceller said.

"This gives them the seed money they need to develop their own vision for their community," said Mitch Hutchcraft, the consultant hired by the Estero Chamber of Commerce to craft the community's vision for inclusion in the Lee Plan.

Paul O'Connor, Lee County's director of planning, said several areas within unincorporated Lee County have been seeking to develop community plans.

"Do we want to support them? Do we want to sup-

port them monetarily? And if so, how much?" O'Connor said.

Communities seeking county funding to develop plans similar to Estero's will have to meet a set of criteria, O'Connor said.

"That can be put together in a week — week and a half," O'Connor said. "I'm committed to bring the Estero issue back up in a month or so."

Venceller wrote to Lee County Commission Chairman John Albion on July 26 asking the county to pay for the first phase of the Estero plan. She had hoped commissioners would approve the \$6,250 cost to have Hutchcraft complete the plan by Sept. 29 — the deadline for submitting amendments to the Lee County Comprehensive Land Use Plan.

O'Connor said he was confident Estero can have the first phase of the plan ready by the deadline.

Venceller said phase two of the Estero plan, where certain development criteria are targeted and included in the plan, is expected to cost between \$10,000 and \$15,000.

Venceller said Estero residents will have a chance to help create a vision for their community's development at 6:30 p.m. on Aug. 15 in the South County Regional Library.

"They'll get to say what they wish to be included in the Lee Plan such as setbacks, buffers, commercial and retail areas, community areas — so it looks like a planned community," Venceller said.

Residents will be joined by the Estero Chamber of Commerce, the Estero Civic Association, area planners, developers and environmentalists to establish a community vision.

The intent of the workshop is to solicit input, identify key community issues and develop a consensus on implementing the community's vision.

Another public meeting will be in September, before the deadline.

In other discussions Monday, commissioners told staff to come up with a report on how to limit truck use on Corkscrew Road.

— Contact Mark S. Krzos at mkrzos@news-press.com or 992-1345.

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Estero residents meet tonight on development proposal

Tuesday, August 15, 2000

By CHARLIE WHITEHEAD, Staff Writer

The future begins tonight for the community of Estero.

With an eye toward seizing control of the community's future, residents will gather at South County Regional Library on Three Oaks Parkway to begin fashioning a communitywide development plan. The plan will be an attempt to marry the desires of residents with those in the business community, allowing for the future growth of the community while protecting the residents' vision.

That is vital if the plan is to go further than the planning stage, according to Lee County Planning Director Paul O'Connor. If the community expects Lee County commissioners to approve sweeping changes in the growth management plan, the community plan will have to be one supported by more than just one group of residents or businesses.

"If the planning effort is to be successful, it has to be very broad-based," O'Connor said. "It will have to be somewhat embraced by the entire community."

O'Connor said he has encouraged the various groups that have jointly launched the effort to make a concerted effort to include every portion of the community, from the most ambitious developer to the most strident preservationist. Otherwise, he said, commissioners aren't likely to make changes that dramatically affect the area's future.

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Eileen Galvin, executive director of the Estero Chamber of Commerce, said tonight's meeting is likely to help residents of the community better understand the way the plan will be developed.

"Most of the people are not knowledgeable about how the county works, but it's up to the residents of Estero to put their input into it," Galvin said.

The community has hired local professional planner Mitch Hutchcraft to draft proposed growth plan changes specific to Estero. The county has also stepped up with funding. Commissioners agreed last week to provide as much as \$25,000 in matching funds for so-called sector plans.

O'Connor, however, prefers "community plans."


"I want to call them community plans," he said. "People want a better sense of community. People don't live in a sector. They live in a community."


In Estero, the planning effort will take place in two phases. To amend the growth plan this year, changes must be proposed by the end of September. O'Connor said the community should address the issues it considers most pressing, with an eye toward presenting another round of changes next year.


"Ideally, when you do a community plan, it would take eight to 14 months. The community felt that waiting a year was not going to work," he said.


Galvin said she was pleased Estero residents would help decide how the community will evolve in the future. "The best way is to let all the people have a voice in it," she said.

Tonight's meeting is set for 6:30 p.m.

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Bonita & Ester

WEDNESDAY, AUGUST 2, 2000

Session to tackle controlling Estero growth

Input being sought at Aug. 15 meeting

By MARK S. KRZOS
The News-Press

ESTERO — Estero community leaders are beginning to form a plan to control development.

At 6:30 p.m. on Aug. 15 in the South County Regional Library, Estero residents will have a chance to help create a vision for their community's development.

Residents will be joined by the Estero Chamber of Commerce, the Estero Civic Association, area planners, developers and environmentalists to establish a community vision.

The intent of the workshop is to solicit input, identify key community issues and develop a consensus on implementing the community's vision.

A consultant already has been hired by the Chamber, and officials hope the county will pay for the first phase

of the plan. "We're in an area with a lot of developed land, so we have a wonderful opportunity to set standards," said Venceller, chairwoman of the chamber and the association.

Frank Weed, president of the West Bay Club, agreed. "The key area we're interested in is that the remainder of this area is done in a high-quality manner," he said. "We don't want (Estero) to be honky-tonk."

Weed said his vision for

Estero is something between Tampa's Hyde Park and Naples' Fifth Avenue.

"No one wants to see gas station after gas station on the roadway," he said. "We don't want to see excessive development."

Venceller said in developing a community plan, residents can dictate future architectural and landscaping requirements for all new developments.

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FROM PAGE 1

"We have a vision of Estero," Venceller said. "We want people to know they're in Estero, that it is an aesthetically pleasing place, that we do have standards."

There is a problem, though.

Venceller said the master plan must be completed before Sept. 29 — the deadline for submitting amendments to the Lee County Comprehensive Land Use Plan.

To meet that deadline, Venceller said after the Aug. 15 meeting, planning firm Vanasse & Daylor will compile resident comments, begin working with county officials and prepare the language for the amendment to the Lee Plan.

Another public meeting will be in September, before the deadline.

"In September, we'll say, 'This is what we're going to present,'" Venceller said.

David Graham, vice president of planning and development for Bonita Bay Properties, said he views the plan as benefitting everyone in the Estero area.

"To me, it's the reason most areas incorporate — to control their own process," he said.

Paul O'Connor, the county's director of planning, said community plans have to incorporate all of the residents' concerns.

"If you have a one-sided plan, there's no way it'll get county approval," O'Connor said.

Neal Noethlich, chairman of the Estero Concerned Citizens Organization, agreed.

"It has to be a broad-based for-

der because it failed to address the concerns of people with development potential "it died on the vine."

Funding for the creation of the Estero plan could come from the county. Venceller wrote to Lee County Commission Chairman John Albion on July 26 asking the county to pay for the first phase of the Estero plan.

Albion said he supports county involvement in the plan and hopes commissioners approve the \$6,250 cost to have Vanasse & Daylor complete the plan by the deadline date.

"In the past, the county has provided some seed money for developing sector plans," said Mary Gibbs, the county's community development director.

Gibbs said the county has provided funds for the development of sector plans for Pine Island and Fort Myers Beach.

O'Connor said the county will discuss its policy toward planning studies Monday at its next management meeting.

"We'll look at funding and personnel," O'Connor said. "Things like how much is being spent? Is it being spent properly? I need direction to the board."

Venceller said phase two of the Estero plan, where certain development criteria are targeted and included in the plan, is expected to cost between \$10,000 and \$15,000. "The chamber would pay a portion of that as well as the county," she said.

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Vacant Estero property approved for development as Trailside Broadway retail center

Thursday, August 17, 2000

By CHAD GILLIS, Staff Writer

ESTERO — A long-vacant grassy parcel in the heart of Estero received approval from a county hearing examiner for 18,000 square feet of retail space Wednesday.

The project, known as Trailside Broadway, encompasses a 1.63-acre piece with four vacant lots, three single-family homes and a model home. The property, which sits on the northwest corner of the Broadway/U.S. 41 intersection, is currently zoned for single-family developments.

Dorris Bella, one of a handful of property owners involved in the case, said the development probably will consist mostly of retail stores such as a bakery, specialty clothing or a wellness center.

"We do not want a strip mall," Bella said. "We want something more Key West-style with a village-type shopping area."

Bella said she and her husband, developer Paul Bella, want to cater to residents in the Broadway area.

The first phase will consist of a spa and wellness center located in an existing model home on the northern edge of the property. Bella said the entire project, which is scheduled to be built in three phases, will house four to six retailers.

Lee County Hearing Examiner Diana Parker included a condition in her recommendation of approval to include an 8-foot-high wall along the western edge of the property to act as a buffer between the future development and existing nearby residences.

Parker added conditions to a requested restaurant, recommending the county restrict outdoor restaurant uses to 10 a.m. until 8 p.m. daily. She





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also deleted several requested uses from the recommendation, including hardware store, pet shops, indoor storage and animal clinics.

Rezoning cases generally go before Lee County commissioners for a final vote between four and six weeks after the examiner releases a recommendation.

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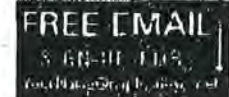
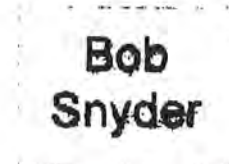
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Estero's political pendulum swings back to residents on issue of growth

Monday, June 26, 2000

By CHAD GILLIS, Staff Writer

For the last couple of years a political war of sorts has been brewing in Estero over the pace and type of development in this fast-growing community.

On one side, there are big-name developers, influential businesses and a seemingly endless supply of well-connected consultants and high-powered attorneys. On the other side is a group of local residents, most of them retired, many of them in town only a few months a year, virtually none with lobbying or political backgrounds.

If the battle seems unfair, it's not. In this clash of David vs. Goliath, David is starting to sling some really big rocks.

Estero residents have banded together in the face of increasing development pressures, forming a civic mob of sorts. They've flooded public meetings, picketed proposed developments, signed petitions, hired their own consultants.

Now they've advanced their strategy to include changing the county land development code to protect their community.

Just a few of the battles won recently in Estero include persuading Galloway Ford to drop its plans for a car lot in front of Fountain Lakes and county commissioners to change the criteria for which neighborhood developments are large enough for increased scrutiny, and supporting an increased setback for commercial developments along Corkscrew Road.

Outspoken civic leader Arnold Rosenthal said Estero residents have united in the past couple of years, and especially in the last six months, because they're worried about what their community will look like a few years from now.

"It's only lately where we've seen what's happening and that we've started asking questions," Rosenthal said. "There's a general awakening of residents, especially in Estero, that our quality of life is at risk."

Estero's next victory could be its biggest yet.

Less than two weeks ago, Development Services Director Mary Gibbs told Estero residents she planned to propose the county drop bubble plans — blueprints often used at rezoning cases that have a long list of approved uses, giving little detail to what is going to be built and where. Bubble plans are a sore point in Estero, where residents complain they give developers leeway to build almost anything.

Local developers say they'll watch any land code changes closely, saying they might have to start fighting fire with fire.

Greg Stuart, president of Stuart and Associates in Fort Myers, said he fears that if bubble plans are dropped by the county the next step could be limiting the list of approved uses within developments to only a handful — a measure most Estero residents would also favor.

"If (the county) does that I guarantee there will be a huge political uproar," Stuart said. "You would be forced to go into a planned development with a limited time frame with one or two or three uses. That strikes to the heart of fairness and equal protection."

Stuart knows the situation in Estero well. He represented the overall development on which the Galloway lot was proposed. Stuart said Estero residents show up in flocks to certain hearings while having virtually no presence in other, similar cases.

"I think what they're trying to do is a little bit of an over-reaction," Stuart said. "This is a ying-yang situation. If these people are playing politics, the real estate and development community will do the same."

Stuart suggested a balance between what Estero residents want and what is already in place.

Residents like Rosenthal and Larry Newell, a key figure in the protest of the Galloway lot, want more control over commercial developments and more specificity in zoning cases.

Newell said the bubble plans must be eliminated and he would like to see county commissioners down-zone land — changing the zoning of property to allow less intensive development — in certain areas of Estero to prevent situations like a car lot being approved in front of a residential community.

Commissioners have said in the past that down-zoning costs money because the county must by law reimburse landowners for any lost value of their property.

That response is not good enough for Newell.

"Don't hide behind the fear of having to cough up some money," Newell said, saying any funds spent to offset down-zoning would be money well spent.

Newell said Estero has few options: protesting individual developments the community doesn't like or lobbying for down-zoning or a sector plan, which would call for coming up with a zoning plan specific to the Estero area.

None of those options promises much immediate relief.

Planning Director Paul O'Connor said if Gibbs recommends the county ax bubble plans, the decision would not come before county commissioners for another six to eight months.

As for the sector plan approach, O'Connor said residents could piecemeal a plan, approaching a few major changes over the next couple of months and working on a more long-range plan to submit by the end of September 2001. Any changes suggested by residents this summer would be looked at around the same time the county would consider Gibbs' bubble plan proposal.

O'Connor wasn't optimistic about how much residents could do by this year's deadline, which falls in about 10 weeks.

"I don't see that they could get much put together in two and a half months as far as Lee plan amendments go," O'Connor said, adding that funds could become an obstacle as well.

"If this is a grass-roots approach ... there will be the issue of how much money can they raise to hire consultants."

For Rosenthal, a building moratorium in Estero is the only answer that would give residents and county government the time to pen a usable, fair sector plan that would protect the quality of life in south Lee County at the same time it promoted healthy growth. Without the growth suspension, Rosenthal said, developers would simply rush to beat an imposing sector plan.

Rosenthal described the decrease in all-ered neighborhood commercial projects as a positive start to what he hopes will be a continued pattern of development code reforms.

"It's a Band-Aid put over a gaping wound," Rosenthal said. "We want to keep that and then carry that momentum rward."

Still, he called for a further alliance among those in the unincorporated area of Lee County to evoke notable changes.

"If Estero can make this much of a difference by itself think of what ... we all could do if we pushed this quality-of-life issue," he said. "We could elect a majority of the commission that would be sympathetic to our views. And there must be people in areas other than Estero who are sick of these 4-1 votes."


Rosenthal was referring to Commissioner Ray Judah's historical track record of being the lone dissenter in various commercial rezonings. Board slots occupied by Judah and Commissioners John Manning and John Albion will be voted on this year during a November general election. Manning does not plan to run for re-election.


Rosenthal, who is on a private crusade this summer to get as many candidates as possible on the County Commission ballot for the fall election, said he would like to see more specificity put back in the land development code to help restrain commercial growth.


Newell echoes Rosenthal's concerns, saying it's county commissioners' job to repair what he said are overly developer-friendly land use codes.

"Who got us into this situation?" Newell said. "Who committed the original sin? It goes right back to the County Commission."

ommissioners will vote for a second time Tuesday night on proposed changes to the land development code that include an increased setback for commercial development along Corkscrew Road. If approved on the upcoming vote, the changes will become an official part of Lee's land development code.

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Lee Commission: Judah, Estero residents try to find common ground over zoning rules

Thursday, June 15, 2000

By CHAD GILLIS, Staff Writer

ESTERO — About 150 Estero residents met with a handful of Lee County officials Wednesday night at Riverwoods Plantation to discuss zoning regulations and how the community may be able to protect itself from large-scale commercial developments that some residents say don't fit.

Initially the meeting was centered around an information exchange between Lee Commissioner Ray Judah and residents. But it blossomed, as Judah brought representatives of the county attorney's office, community development and planning department along.

Fountain Lakes resident Larry Newell, who recently fought a proposed 10-acre Galloway car lot along with dozens of other residents from his community, opened the meeting by saying that the amount of unseemly commercial development in Estero has gone too far.



Ray Judah

Community Development Director Mary Gibbs suggested residents consider a sector plan that would allow residents and developers to tailor growth requirements for the community. The plan would, in essence, be a modification of the county's growth plan, a fine-tuning, she said.

"It's just a little mini-plan for the area," Gibbs said. "It keeps you focused on the big picture. You have to decide what you want your community to look like in 10 years."

Gibbs said a sector plan would give Estero an identity, as well as ensuring residents would not have to rally the troops and trek to Fort Myers every time a development is proposed.

County Planning Director Paul O'Connor said the planning staff will look at land development code changes and amendments for next year. He added that residents could approach the larger task of a sector plan by focusing on a few important goals this year while waiting to work out minute details in the future.

O'Connor said residents would be more likely to persuade commissioners to adopt a sector plan if the entire community was involved in the planning process, including commercial developers. He suggested residents work with developers and attorneys and not against them.

Recently, many Estero residents have been unsettled about various proposed commercial developments in the area. Others say they should have more input on zoning decisions and know about the proposed developments well in advance of public hearings.

Assistant County Attorney Tim Jones said the county should extend its notice of public hearing requirements to at least two weeks. Current regulations call for notification at least one week before hearing examiner meetings.

"I have personally felt for a long time that there's not sufficient notice," Jones said.

Jones said if residents had two weeks notice they would have enough time to schedule a meeting with developers and try to work out a compromise or get more information about what is being planned near their homes. He said if a deal could not be struck, residents would still have enough time to plan for public hearings and hire consultants if they wished.

Jones suggested residents lobby county commissioners to get the notice period extended.

Estero resident Carl Hoke criticized the county for allowing what is referred to as bubble plans — a vague list of possible uses that gives little specificity or parameters regarding what will actually be built within a development.


"You simply cannot give a two-page laundry list of uses and not expect trouble," Hoke said. "The way it is now, you're just handing out laundry lists and buying problems."


Gibbs said she plans to propose the county stop allowing bubble plans within the next year.


After the meeting, Hoke said he wasn't sure which route Estero should take to ensure acceptable future growth. He said he'd want to see the possibilities of a sector plan and the benefits of either incorporating or annexing into Bonita Springs before making a decision.

Barbara Akins, a spokesperson for the group ECCO (Estero Citizens Community Organization), said the best option for Estero is to follow O'Connor's advice and come up with a list of critical areas that need the most attention before the Sept. 30 planning staff deadline.

"I think the urgency is identifying and locating the appropriate documents that we think need to be changed," Akins said.

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Population boom inspires incorporation talk in Estero

Tuesday, November 25, 1997

Naples Daily News

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Page: D01

Byline: By KARA VICK, Staff Writer

A burgeoning population in Estero is forcing residents to consider incorporating the area into a city.

Members of the Estero Civic Association decided to form a committee to research this possibility after Mary Gibbs, director of Community Development for Lee County spoke to the group Monday about current and future development in Estero.

Gibbs said over the past several years, while the county's population growth has been at 14 percent, Estero has grown by 21 percent. With the nearby presence of Florida Gulf Coast University and 18,000 houses approved to be built in the area, Estero's population will grow from its present 4,700 to a whopping 40,000 over the next 10 years - without county seasonal residents.

"The changes that will happen in Estero are really amazing," Gibbs said.

One of the biggest developments recently approved by the Lee County Commissioners is The Brooks, a 2,500 acre development that plans for 5,200 homes and 250,000 square feet of businesses. A 700,000 square foot outlet mall is planned for the interchange at Interstate 75 and Corkscrew Road. A proposal for a 7,900 seat hockey stadium will be voted upon by the commission this week.

"It's scary," said Commissioner Ray Judah of the growth. Judah's district includes Estero and Bonita Springs.

Judah, who was also invited as a guest speaker at the association's first meeting after the summer break, said he would support the residents' attempts at incorporation.

"I'll help you with every ounce of energy I have," Judah said.

He said the county commission isn't making the best land use decisions for the area. "Politicians say they want to keep taxes down but then they approve wide scale developments," Judah said.

Judah said incorporation saved Fort Myers Beach. "It'll protect you from the county," he said to 100 people who attended the meeting.

For a community that just got its first grocery store, Estero's growing pains are evident. People are frustrated with so much development but forming a city might not solve all the problems, said Estero Civic Association Chairman Meg Venceller.

It would be expensive to create a town government complete with its own police force, Venceller said. But on the

other hand, having a city would finally give the area defining boundaries. The boundary confusion is a result of having separate fire districts and post office districts.

Venceller said at one point Estero was incorporated but she doesn't know why the city was dissolved.

As the Estero Civic Association studies the possibility of incorporation, it will continue to work as a watchdog to the county commission by reviewing proposed developments for the area, Venceller said.

"Growth is coming. We live in America. We can't stop it. We must prepare for it," Venceller said.

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Community Input



Jeb Bush
Governor

Department of Environmental Protection

Koreshan State Historic Site
PO Box 7
Estero, FL 33928
(941)992-0311

David B. Struhs
Secretary

September 25, 2000

Mr. Mitchel A. Hutchcraft
Vanasse & Daylor, LLP
12730 New Brittany Blvd. Suite 600
Fort Myers, FL 33907

Dear Mr. Hutchcraft,

I have taken the time to review the Preliminary Draft of The Estero Community Plan and have the following comments:

The state park should be referred to as Koreshan State Historic Site throughout the document.

The Koreshan Unity Settlement is a National Historic District. The portion of the Koreshan Unity Settlement Historic District found in Koreshan State Historic Site is located within a 40 acre parcel adjacent to US Highway 41. The District extends to the east, across US Highway 41 on the grounds currently managed by the Koreshan Unity Foundation. The total acreage of the state park is 192.6 acres. Mound Key State Archaeological Site a 166.6 acre parcel found on the island of Mound Key is located at the mouth of the Estero River and is also managed by staff at Koreshan S.H.S. Accessible by boat, Mound Key is a highly significant resource that should be considered in this plan as well.

Twelve historic structures, seven landscape features, extensive artifact and archival collections are maintained by the park. The Koreshan Unity Settlement is not maintained by the state as a "religious shrine". The national register nomination form prepared by the Department of State, Division of Historic Resources in 1975 described the significance of the site as follows:

"The physical remains of the Koreshan community are preserved because they represent a unique philosophical and religious movement, because they illustrate a cooperative settlement of the past era and because they are remnants of a pioneer community which, in many ways, typified life on the south Florida frontier around the turn of the twentieth century. The extant gardens are of value to tropical horticulturalists."

Accurate representation of the site is crucial to the support and success of community planning efforts.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Mitchel Hutchcraft
September 25, 2000
Page 2

Management guidelines for the park are described in Unit Management Plans for both parks. Unit plan development has directly involved input from community representation in a DEP Advisory Groups. The Advisory Group for the Koreshan State Historic Site Unit Management Plan met in March, 2000 to provide input in the development of the current plan.

Unit Plans provide a management program overview, a description of the resources as well as conceptual land use plans that guide activities associated with natural and cultural resource management and any facility development. Any needs, uses or facility development described in the community plan which directly involve the use of state lands associated with these parks should reflect the management direction described in the plan. If you would like to review a copy of the unit plan, please let me know.

Policy 19.1.5 and Policy 19.6.2 creation of a public plaza/interpretive area for vehicular access would be difficult with the congestion, noise and traffic levels that currently exist. Safety concerns at the junction of US Highway 41 and Corkscrew Road would present serious drawbacks. Pedestrian/bicycle access to the park from US Highway 41, along Corkscrew Road is currently non-existent and is desperately needed to provide resident access into the park. Any proposal to consider a change in the current park access must take into account traffic speed and flow, the size of vehicles that regularly enter the park as well as the number of vehicles that attend special events. Noise levels and traffic vibration emanating from US Highway 41 have raised concerns for the need for landscaping, fences and walls to protect the cultural resources as well as restore the tranquility of the park setting. The park is willing to work closely with the community with those goals in mind.

I appreciate the opportunity to submit comments during the process of developing this plan. Strong community support has served Koreshan State Historic Site well during my tenure as Park Manager. I look forward to creating a stronger relationship with the residents of Estero by continuing to work with them.

Sincerely



Jeanne M. Parks
Park Manager

Cc: Michael K. Murphy, Chief, Bureau of Parks, District 4
Gloria M. Sajgo, Principal Planner, Lee County
Bill Grace, President, Koreshan Unity Alliance
file

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†Board Certified Business Litigation Lawyer

September 22, 2000

Mr. Mitch Hutchcraft
Vanasse & Daylor
12730 New Brittany Blvd. Suite 600
Fort Myers, FL 33907

Re: Estero Community Plan

Dear Mitch:

Our firm represents Koreshan Unity Foundation, Inc., the owner of several parcels consisting of approximately 50 acres in an area bounded by Corkscrew Road, Sandy Lane, U.S. 41, and County Road (a local street located north of the river). One of these parcels contains historic resources; the remainder do not. KUF was and is responsible for the preservation of the culture and history of the original Koreshans; this was done, in part, through the donation of 340 acres that is now the state park. KUF is, and always will be, sensitive to the need to protect the historic character of the area.

KUF, like all non-profits, has to generate revenues to pay its bills. To that end, it has reacquired several properties that were formerly owned by the Foundation. These properties do not contain historic resources. We have been working on a very complicated zoning application over the last year that includes both the historic areas and the reacquired parcels in an effort to assist the Foundation to continue to accomplish its goals. The application will be filed September 22nd.

The application is consistent with the overall objectives of your proposed community plan in a variety of ways, including the following:

1. The application is for a mixed-use development which contains residential, commercial, and community facility uses;
2. The plan shows an Estero River Management Zone and Buffer Area with very limited permitted uses;

Mr. Mitch Hutchcraft
September 22, 2000

3. The plan contains open space in a percentage that significantly exceeds the requirements in the LDC;
4. The proposal includes a landscape betterment plan for property along Corkscrew Road, Sandy Lane and U.S. 41 with special limitations on signage;
5. The plan is consistent with your general concept of village-style development along Corkscrew Road; and
6. The plan preserves the historic character of the parcel to which you refer as the "Theater in the Woods" tract.

Unfortunately, your proposed community plan contains several policies that are inconsistent with our MCP, including the following:

1. Policy 19.1.2: This policy appears to prohibit the use of landscape betterment plans along Corkscrew Road, which is inconsistent with the County Commission's recent decision to approve them as deviations. It should be deleted.
2. Policy 19.1.6 (shown as 19.1.5): The draft plan does not contain a map showing the "Historic Area," so it is impossible for us to determine the precise impact of this policy on the KUF property. We do not know if the "Highlands Avenue/US 41 area" includes the KUF property located at the intersection of U.S. 41 and County Road. We strongly object to the policy as it is currently written and to any notion that the proposed rezoning should be delayed until a "comprehensive Historic Development Overlay can be developed." Since our MCP protects all of the historic resources on the site, there is no reason to delay the zoning case, particularly since we started working on it even before there was any discussion about a community plan. Please delete the second sentence.
3. Policy 19.2.2: As will be explained more thoroughly at next week's public showing of the Foundation Master Plan, the project hinges on a special case finding. The parcel and the plan contain numerous unusual features that justify the special case finding including, but not limited to, the protection of the "Theater in the Woods" tract from large scale commercial uses in spite of its location at the intersection of two arterials. We do not see how this policy accomplishes your objective of encouraging small-scale, attractive, village-type commercial development along Corkscrew Road. We strongly object to this policy, which should be deleted.

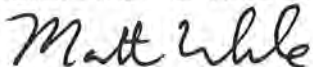
Mr. Mitch Hutchcraft
September 22, 2000

4. Policy 19.2.3: This policy should not apply to property that is in the Urban Community FLUM category. Map 19 (which, incidentally, has very limited regulatory significance) does not show a node at US 41 and Corkscrew Road, but the presence of a large shopping center at the southeast corner of that intersection makes it obvious that the subject property is suitable for commercial uses in excess of the minor commercial standard.
5. Policy 19.4.1 The policy is vague and unenforceable by Lee County in that all relevant rules are under the jurisdiction of SFWMD. As such, the policy should be deleted.
6. Policy 19.6.3: We do not intend to "convert" the historic resources on the property to other uses. We are, however, proposing a wide range of residential, commercial, and community facilities uses on the various parcels. The language in this policy is too general to permit us to draw a conclusion as to whether it is consistent with our MCP.

It is my understanding that Greg Stuart will be briefing you on the project on September 25th. We are more than willing to provide you with a copy of our zoning application if you would find it helpful in your review of these issues. We can also provide you with information about the historic resources on the property, and we can even give you a tour of the site if you like. We are concerned, however, that these policies were drafted without any detailed knowledge of the KUF property or of our plan. We do not believe that the plan should go forward with the current policies without additional data and review, along with input from the public including, but not limited to, the Koreshan Unity Foundation.

Sincerely,

HUMPHREY & KNOTT, P.A.



Matthew D. Uhle

MDU/dr

cc: Charles Dauray
Greg Stuart
Alan Fields
Paul Schryver

g:\mdu\TEMP\hutch2ltr.

80327

HUMPHREY & KNOTT

JAMES T. HUMPHREY
GEORGE H. KNOTT *†
GEORGE L. CONSOER, JR. **
MARK A. EBELINI
GAREY F. BUTLER

PROFESSIONAL ASSOCIATION
ATTORNEYS-AT-LAW
1625 HENDRY STREET (33901)
P. O. BOX 2449
FORT MYERS, FLORIDA 33902-2449

THOMAS B. HART
MARK A. HOROWITZ
MATTHEW D. UHLE
H. ANDREW SWETT

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
† Board Certified Business Litigation Lawyer

TELEPHONE (941) 334-2722

TELECOPIER (941) 334-1446

MUhle@humphreyandknott.com

DIRECTOR OF ZONING AND
LAND USE PLANNING
MICHAEL E. ROEDER, AICP

September 22, 2000

Mr. Mitch Hutchcraft
Vanasse & Daylor
12730 New Brittany Blvd. Suite 600
Fort Myers, FL 33907

RE: Estero Community Plan

Dear Mitch:

Our firm represents John Madden, Trustee, the owner of the parcel west of U.S. 41 that is commonly known as Estero Greens. The property is zoned CPD. The owner is currently seeking development order approval for an automobile dealership on a portion of the 24 acre site. As you are undoubtedly aware, the dealership was the source of considerable controversy, and the issue is in litigation.

The LDC currently provides that planned development zonings are vacated after five years unless the applicant applies for a development order for a "substantial portion" of the project within that time frame. Once the applicant has complied with that requirement, however, the zoning remains in place indefinitely so long as the developer adheres to the phasing schedule, if any, shown on the MCP. Your proposed Policy 19.2.7, however, directs the County to consider the possibility of adopting new regulations which would apparently have the effect of vacating all existing planned developments, even if they have already met all of the current vesting requirements, after five years. When read in connection with proposed Policy 19.2.6, this policy would result in the elimination of the automobile dealership use from the schedule of uses for Estero Greens, which would substantially diminish the value of the property.

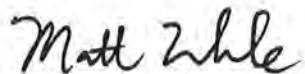
There can be no doubt that the purpose of the proposed policy is to divest projects that the County currently considers to be vested. At best, it would only address projects which are merely in the development order process; at worst, it would destroy the effectiveness, not just of vested zonings, but of outstanding development orders as well. It will have a major impact, not just on Estero Greens, but on every planned development in the Estero area. The potential Bert Harris Act liability for the County could be enormous.

Mr. Mitch Hutchcraft
September 22, 2000

The County currently has the legal ability to require projects that have been vacated to comply with its most recent regulations. We believe that is as far as the County can, or should, go.

Sincerely,

HUMPHREY & KNOTT, P.A.

A handwritten signature in black ink that reads "Matt Uhle". The signature is written in a cursive, slightly slanted style.

Matthew D. Uhle

MDU/dr

cc: Rick Marchetta
Greg Stuart
Richard Collman, Esq.
Timothy Jones, Esq.
Paul O'Connor

Bonita Bay Properties, Inc.
3451 Bonita Bay Blvd., Suite 202
Bonita Springs, Florida 34134-4395
Phone: 941-495-1000
Planning & Development Fax: 941-498-1193

FAX TRANSMISSION COVER SHEET

Date: 08/24/00
To: **Vanasse & Daylor** Fax No.: **(941) 437-4636**
Attn: **Mitch Hutchcraft**
From: **David Graham**
Subject: **ECCO**
Pages Including Cover Page: 3

(If you have difficulty receiving this transmission, please call Cindy at 390-1152).

*Version
#2*

Pls. top to Mitch.
DEG's Comments.

ESTERO CONCERNED CITIZENS ORGANIZATION (ECCO)

Doraham
8/24

INPUT TO AUGUST 15, 2000 COMMUNITY PLANNING WORKSHOP

COMMUNITY CHARACTER: Estero should feature a distinctive "Residential" appearance. Supporting businesses should fit within and enhance Estero's "Residential Character". To the extent possible Estero should develop as a town, with a town center or town commons, be citizen friendly and encourage a sense of belonging, and become a place where Holiday and "Estero Unique" traditions and celebrations can be encouraged to grow and flourish. In order to achieve and maintain this character, we recommend:

Architectural Standards for Structures

- Establish a Community Based Architectural Standards Review Board
- Define Standards Compatible with Florida Traditional Styles and Surroundings
- Include Building Height Limits
- Include Building Setback Standards
- Encourage "Subdued" Color Schemes
- Limit "box type" Structures Without Architectural Features and Trim

could be too restrictive

Landscaping Standards

- Use "Signature" Plantings of Flowering Plants and Trees
- Utilize Raised Berms
- Distinctive Street Signs, Lamps and Poles, Benches and Bus Shelters
- Place "Welcome to Estero" Signs and Landscaping at Estero Borders
- Implement Roadway Landscaping and Sidewalks/Bike Paths
- Establish Green Areas and Parks

Lighting, Signs, Utilities, Towers and Antennas

- Use Tasteful and Distinctive Lighting, with limits on brightness and coverage
- Define Standards for size, placement, lighting and height limits
- Utilize Buried Utilities along roadways and in residential areas
- Apply Landscaping/Screening Around Telephone/Utility Poles

Commercial Corridor Concepts

- Encourage Retail Concentrations at Major Intersections and in Other Clusters
- Reserve Areas along Commercial Corridors for More Residential Compatible Uses
- Encourage Small Retail Businesses, e.g. Flower Shop, Shoe Repair, Art Gallery, etc
- Define Building Setbacks in Conjunction with Rear Parking
- Landscape Areas between Roadway and Building Fronts and Parking Lots
- Landscape Roadway Medians
- Limit the Number of Roadway Median Cross Cuts and Accesses from Roadways
- Provide Deceleration and Turn Lanes for New and Existing Businesses
- Encourage Businesses to Implement Appropriate Hours of Operation
- Encourage Lee-Tran Operations within Estero
- Tighten Level of Service (LOS) Requirements for Estero

How?
What is market?

Tighter??

Commercial/Residential Borders

- Substantial Landscaping and Raised Berms Between Commercial and Residential
- Define Setback Minimums
- Require Landscape/Walled Screening of Trash and Outdoor Storage Areas

except in mixed use developments

Recreational Areas and Parks

- _ Develop Youth/Adult Recreation Centers with Active Programs
- _ Develop A Well Planned Estero/Bonita Park
- _ Make Appropriate Use of The Shadev Property *→ (see what?)*
- _ Preserve and Enhance Public Access to The Estero River
- _ Preserve and Enhance CREW Lands/Trails for Public use
- _ Identify Additional Lands for Potential Conversion to Parks/Preserves

Cultural and Historical

Who?

- _ Support The Estero Historical Society
- _ Support The Koreshan Park and Facilities Restoration
- _ Support The South County Regional Library
- _ Develop a Center for the Arts

Community Services

- _ Establish Local Governmental Offices For Essential services in Estero
- _ Establish a Sheriff's Substation in Estero
- _ Provide First rate Fire Protection and EMS/ALS Services for Estero
- _ Identify Lee County, FDOT and Community Development Liasons for Estero
- _ Identify Sites for New Schools and Community Based Educational Programs in Estero
- _ Encourage Community Based Medical/Health Services in Estero

Environmental/Protection of Natural Resources

- _ Confine Required Mitigation to Estero, whenever possible
- _ Enforce Population Density Standards
- _ Implement Setback Standards From The Estero River and Estero Bay
- _ Preserve The Watershed Areas East of I-75 *— too vague*
- _ Study Potential Effect of "Shared Adversity" by SFWMD on Estero
- _ Define and Implement Noise Standards *— meaning?*

List of Undesirable Businesses

- _ "Sin"-Related/Adult Entertainment Related Businesses or Activity
- _ Bottle Club Establishments
- _ Establishments Where the Sale of Alcoholic Beverages is Predominant
- _ Businesses which use large outdoor areas for Sales and Inventory Storage

Development Approval Process

- _ Provide Early Notification of Public via Notice Placed on Site, Notice in the Media, Notice on County Website, and Notice to Registered Organizations and Citizens of Application for Rezoning.
- _ Applicant to provide information which clearly describes specific intended land and/or building use and the intended timeframe for project implementation.
- _ Conduct all Public Workshops and Hearings Within the Estero Community.
- _ Require a Community Workshop open to the Public between the Applicant, County Staff and Community Organizations and Citizens.
- _ Distinguish between "persons being paid to influence public decisions" and "citizens and/or citizens organizations" when limiting communications with County Staff and County Commissioners regarding property and land use decisions.

Not workable

men/issue1 (15Aug00)

This is dangerous — could preclude all business people

Bonita Bay Properties, Inc.
3451 Bonita Bay Blvd., Suite 202
Bonita Springs, Florida 34134-4395
Phone: 941-495-1000
Planning & Development Fax: 941-498-1193

FAX TRANSMISSION COVER SHEET

Date: 7/3/00

To: **Vanasse & Daylor** Fax No.: (941) 437-4636

Attn: **Mitch Hutchcraft**

From: **David Graham**

Subject: **ECCO**

Pages Including Cover Page: 3

(If you have difficulty receiving this transmission, please call Cindy at 390-1152).

*Ce- ~~any~~
- Pls. for to
Mitch. ✓
DB ✓
8/21*

*cc. DEG
ME
KG
SHW
D Church
J Gleason*

August 16, 2000

TO: David Graham, (with attachment)
Eddie Perri, (with attachment)
Meg Venceller, (with attachment)
Frank Weed, (with attachment)

CC: Don Eslick (w/o attachment)
Mitch Hutchcraft (w/o attachment)

*Comments?
Need to get
feedback to
Mitch ASAP.
DB
8/20*

Dear Fellow Committee Members,

I hope each of you will be interested in the input (copy attached) provided by ECCO to the Estero Visioning and Planning Effort. This has already been provided to Mitch in both hard copy and in digital format.

Regards,

Neal
Neal Noethlich
20225 Wildcat Run Drive
Estero, Fl 33928

Tel: 495-6698
email: nen13@aol.com

- ✓ Cindy - New Files*
- 1) "Estero Community Plan" 23a*
 - 2) "East River" Community Plan 23b*

RECEIVED

BONITA BAY
PROPERTIES, INC.

ESTERO CONCERNED CITIZENS ORGANIZATION (ECCO)

INPUT TO AUGUST 15, 2000 COMMUNITY PLANNING WORKSHOP

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- Include Building Setback Standards
- Encourage "Subdued" Color Schemes
- Limit "box type" Structures Without Architectural Features and Trim

Landscaping Standards

- Use "Signature" Plantings of Flowering Plants and Trees
- Utilize Raised Berms *and landscape strips to buffer buildings & parking.*
- Distinctive Street Signs, Lamps and Poles, Benches and Bus Shelters
- Place "Welcome to Estero" Signs and Landscaping at Estero Borders
- Implement Roadway Landscaping and Sidewalks/Bike Paths
- Establish Green Areas and Parks *Consider RR corridor for future trail*

Lighting, Signs, Utilities, Towers and Antennas

- Use Tasteful and Distinctive Lighting, with limits on brightness and coverage
- Define Standards for size, placement, lighting and height limits
- Utilize Buried Utilities along roadways and in residential areas *— May be cost prohibitive along major arterials*
- Apply Landscaping/Screening Around Telephone/Utility Poles

Commercial Corridor Concepts

- Encourage Retail Concentrations at Major Intersections and in Other Clusters
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- Encourage LeeTran Operations within Estero
- Tighten Level of Service (LOS) Requirements for Estero

Commercial/Residential Borders

- Substantial Landscaping and Raised Berms Between Commercial and Residential *Integrate bicycle & pedestrian paths/trails*
- Define Setback Minimums
- Require Landscape/Walled Screening of Trash and Outdoor Storage Areas

Page 2

Recreational Areas and Parks

- _ Develop Youth/Adult Recreation Centers with Active Programs
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- _ Identify Additional Lands for Potential Conversion to Parks/Preserves

Cultural and Historical

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Plan all community facilities first w/ approval locations.

Environmental/Protection of Natural Resources

- _ Confine Required Mitigation to Estero, whenever possible
- _ Enforce Population Density Standards
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- _ Preserve The Watershed Areas East of I-75
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- _ Define and Implement Noise Standards

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nen/issuel (15Aug00)

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ESTERO COMMUNITY PLANNING MEETING COMMENT/PARTICIPATION CARD

08/15/00 MEETING AT THE LEE COUNTY SOUTH COUNTY REGIONAL LIBRARY

(Please Print Legibly)

NAME(S): MATT VALE PHONE NO: (941) 334-2722

MAILING ADDRESS: 1625 HENRY ST.

FT. MYERS FL 33902
(city) (state) (zip code)

E-MAIL ADDRESS: MVALE@HUMPHREYANDKNOTT.COM

AFFILIATION: REPRESENTING JOHN MADON, MUSEE

COMMENTS: SECTION 1 CAN MUST PROTECT VESTED COMMERCIAL
PROJECTS, SUCH AS ESTERO GREENS (OWNED BY MADON, MUSEE)

ESTERO COMMUNITY PLANNING MEETING COMMENT/PARTICIPATION CARD

08/15/00 MEETING AT THE LEE COUNTY SOUTH COUNTY REGIONAL LIBRARY

(Please Print Legibly)

NAME(S): MARILYN DONALDSON PHONE NO: 947-5635

MAILING ADDRESS: 4936 ROYAL PALM

ESTERO FL 33928
(city) (state) (zip code)

E-MAIL ADDRESS: RPLONDO@AOL.COM

AFFILIATION: CHAMBER - ECCO - CIVIC ASNS

COMMENTS: _____

ESTERO COMMUNITY PLANNING MEETING COMMENT/PARTICIPATION CARD

08/15/00 MEETING AT THE LEE COUNTY SOUTH COUNTY REGIONAL LIBRARY

(Please Print Legibly)

NAME(S): NELSON J. MONTGOMERY (JUDGE) PHONE NO: 495-2672

MAILING ADDRESS: 10770 E. 20th St. # 1113

ESTERO FL 33428
(city) (state) (zip code)

E-MAIL ADDRESS: _____

AFFILIATION: _____

COMMENTS: _____

ESTERO COMMUNITY PLANNING MEETING COMMENT/PARTICIPATION CARD

08/15/00 MEETING AT THE LEE COUNTY SOUTH COUNTY REGIONAL LIBRARY

(Please Print Legibly)

NAME(S): BARBARA AKINS PHONE NO: 948-0305

MAILING ADDRESS: 3609 GLENWATER LN

Bonita Dge FL 34134
(city) (state) (zip code)

E-MAIL ADDRESS: AKINSBS@AOL.COM

AFFILIATION: _____

COMMENTS: _____

ESTERO COMMUNITY PLANNING MEETING COMMENT/PARTICIPATION CARD

08/15/00 MEETING AT THE LEE COUNTY SOUTH COUNTY REGIONAL LIBRARY

(Please Print Legibly)

NAME(S): Toni Gaton PHONE NO: 992-8396

MAILING ADDRESS: 50131 Cobblestone Ct.

Estero FL 33928-2697
(city) (state) (zip code)

E-MAIL ADDRESS: gatonke@att.net

AFFILIATION: None

COMMENTS: _____

ESTERO COMMUNITY PLANNING MEETING COMMENT/PARTICIPATION CARD

08/15/00 MEETING AT THE LEE COUNTY SOUTH COUNTY REGIONAL LIBRARY

(Please Print Legibly)

NAME(S): ByRON M. HALLAM PHONE NO: (941) 909-4094

MAILING ADDRESS: 350 CITRUS FRUIT LN

ESTERO FL 33923
(city) (state) (zip code)

E-MAIL ADDRESS: bhallam@earth.net

AFFILIATION: None

COMMENTS: None

ESTERO COMMUNITY PLANNING MEETING COMMENT/PARTICIPATION CARD

08/15/00 MEETING AT THE LEE COUNTY SOUTH COUNTY REGIONAL LIBRARY

(Please Print Legibly)

NAME(S): FILEEN CALVIN PHONE NO: 947-4471

MAILING ADDRESS: 20954 Country Breeze Dr

Estero FL 33928
(city) (state) (zip code)

E-MAIL ADDRESS: _____

AFFILIATION: _____

COMMENTS: _____

ESTERO COMMUNITY PLANNING MEETING COMMENT/PARTICIPATION CARD

08/15/00 MEETING AT THE LEE COUNTY SOUTH COUNTY REGIONAL LIBRARY

(Please Print Legibly)

NAME(S): NEAL NOETHLICH PHONE NO: 495-6698

MAILING ADDRESS: 20225 WILDCAT RUN DRIVE

ESTERO FL 33928
(city) (state) (zip code)

E-MAIL ADDRESS: NEAL3@aol.com

AFFILIATION: ECCO, CHAMBER, CIVIC ASSN, CRSA, WILDCAT RUN

COMMENTS: _____

LEE COUNTY ORDINANCE NO. 01-__

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT THAT AMENDMENT KNOWN LOCALLY AS CPA 2000-19 APPROVED IN CONJUNCTION WITH ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO THE ADOPTED TEXT AND MAPS; PROVIDING FOR PURPOSE AND SHORT TITLE; PROVIDING FOR ADOPTION OF THE SPECIFIED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE LEGAL EFFECT OF "THE LEE PLAN"; PROVIDING FOR GEOGRAPHICAL APPLICABILITY; PROVIDING FOR 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 Plan Amendments with such frequency as may be permitted by applicable state statutes, in accordance with such administrative procedures as the Board of County Commissioners may adopt; 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 further provides an opportunity for individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (hereinafter referred to as the "LPA") held statutorily prescribed public hearings pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6 on June 25, 2001 and July 23, 2001; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 163, Part II, Florida Statutes, and Lee County Administrative Code AC-13-6, held a statutorily prescribed public hearing for the transmittal of the proposed amendments on August 29, 2001, and at that hearing approved a motion to send, and did later send, the proposed

amendments to the Florida Department of Community Affairs (hereinafter referred to as "DCA") for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and,

WHEREAS, at the August 29, 2001 meeting, pursuant to Chapter 163, Part II, Florida Statutes, the Board of County Commissioners did announce its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report," which were later received on November 21, 2001 by the Chairman of the Lee County Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners during its statutorily prescribed public hearing for the plan amendments on January 10, 2002, moved to adopt the proposed amendments as 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, has conducted a series of public hearings to review the proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt those amendments to the Lee Plan discussed at those meetings and approved by an absolute majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Plan, as hereby amended, will continue to be the "Lee Plan." This ordinance may be referred to as the "2000/2001 Regular Comprehensive Plan Amendment Cycle CPA 2000-19 Ordinance."

SECTION TWO: ADOPTION OF LEE COUNTY'S 2000/2001 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 amendments, as revised by the Board of County Commissioners on January 10, 2002, known as CPA 2000-19, which amend the text of the Lee Plan as well as the Future Land Use Map series of the Lee Plan.

In addition, the above-mentioned Staff Report and Analysis, along with all attachments for this amendment are hereby adopted as "Support Documentation" for the Lee County Comprehensive 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 shall be consistent with the Lee Plan as so 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 any 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

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 such 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 such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such 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 Administration 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 it 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 which resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

JOHN MANNING _____
DOUGLAS ST. CERNY _____
RAY JUDAH _____
ANDREW COY _____
JOHN ALBION _____

DONE AND ADOPTED this 10th day of January, 2002.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
Chairman

DATE: _____

Approved as to form by:

County Attorney's Office