

**LEE COUNTY**

SOUTHWEST FLORIDA

PLANNING DIVISION

M E M O R A N D U M

to: Board of County Commissioners

from: *Paul C. Connor* Gov
Paul C. Connor, AICP, Director, Division of Planning

subject: Lee County's 2000/2001 Regular Comprehensive Plan Amendment Cycle

date: December 21, 2001

Attached are the agenda and a portion of the staff reports for the public hearing to be held beginning at 9:30 A.M. on Thursday, January 10th, 2001. This is an adoption hearing for the 2000/2001 Comprehensive Plan Amendment Cycle. The Board of County Commissioners transmitted the 2000/2001 Lee Plan amendments to the State for review on September 12, 2001. The Department of Community Affairs (DCA) issued its Objections, Recommendations and Comments (ORC) Report on November 21, 2001. The DCA did not pose any objections, recommendations, or comments on 22 of the 24 transmitted amendments. The two amendments that were objected to were PAM 98-06 and CPA2000-02.

The DCA offered objections to PAM 98-06, which is a privately-initiated request to amend the Future Land Use Map series for a portion of a specified parcel of land located in Section 20, Township 46 South, Range 25 East to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Outlying Suburban," and also, to amend Lee Plan Policy 1.1.6 and Table 1(a), Note 6. This amendment has been placed on the Administrative Agenda. Staff is still working with the applicant in their efforts to respond to the objections of DCA, although staff has not received any new information as of this writing that would change the original staff recommendation. The staff report and applicant's response to the objections of the DCA will be provided to the BoCC under a separate cover next week.

The DCA also offered an objection to CPA2000-00002, which is a privately-initiated amendment to amend Goal 15, Gasparilla Island, to limit commercial and industrial uses within those portions of the Boca Bay Community that contain the Port District zoning designation. Staff is currently working with representatives from DCA and the applicant to resolve this issue, and anticipates that the outstanding issues will be resolved to the satisfaction of the DCA. The staff report and response to DCA's objections will be provided to the BoCC under a separate cover next week.

Three other amendments have been revised to reflect recent updates that have occurred since the transmittal hearing. One of these, CPA2000-00019, is the amendment addressing the Estero Community Planning Effort. Representatives of the Estero Community Planning Panel submitted several proposed modifications to the transmittal language on December 21, 2001. Staff is still reviewing these modifications and will provide recommendations on them as part of the adoption staff report. The staff report for this amendment will be provided to the BoCC under a separate cover next week.

Another amendment that will require modification between the transmittal hearing and the adoption hearing is CPA2000-00027, which proposes to update the Capital Improvements Program (CIP) in

the Lee Plan. Planning staff will be receiving the latest CIP from Budget Services staff, and will incorporate this document into the Lee Plan. The staff report for this amendment will be provided to the BoCC under a separate cover next week.

The final amendment that might require modification from the transmittal stage is CPA2000-00015, which proposes to modify setbacks for golf course maintenance facilities from public roadways and adjacent residential properties in the Density Reduction/Groundwater Resource areas. Staff is still finalizing its recommendation on this amendment. The staff report and final recommendation will be provided to the BoCC under a separate cover next week.

Other than these 5 amendments that will require modifications as noted above, the remaining documents were simply updated to reflect that there were no objections, recommendations, or comments by the DCA. As stated previously, the staff reports and other background materials for these 5 amendments will be provided to the Board next week, and should be added to the materials received with this correspondence.

If you have any questions regarding the adoption hearing, do not hesitate to call me at 479-8309.

cc: *Donald Stilwell, County Administrator*
 Mary Gibbs, Director, Department of Community Development
 Minutes
 Lee Cares
 Tim Jones, Assistant County Attorney
 Janet Watermeier, Director, Economic Development
 Dave Loveland, DOT
 Diana Parker, County Hearing Examiner

**CPA2000-06
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Public Hearing Document
for the
January 10th Adoption Hearing

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

November 21, 2001

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2000-06**

☒

Text Amendment

☒

Map Amendment

<input checked="" type="checkbox"/>	This Document Contains the Following Reviews:
<input checked="" type="checkbox"/>	Staff Review
<input checked="" type="checkbox"/>	Local Planning Agency Review and Recommendation
<input checked="" type="checkbox"/>	Board of County Commissioners Hearing for Transmittal
<input checked="" type="checkbox"/>	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. APPLICANT:

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

2. REQUEST:

Review, and amend if necessary, Map 1 of the Future Land Use Map series for land near Eagle Road, Section 24, Township 43S, Range 23E, from Open Lands to Rural.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. REVISED RECOMMENDATION: Planning staff recommends that Map 1, the Future Land Use Map, be amended to change the future land use designation of this area from the "Open Lands" future land use category to the "Rural" future land use category. In addition, staff recommends adding a Footnote to Table 1 (a) clarifying the exceptions of the Rural category for the area. Planning staff recommends that the Board of County Commissioners transmit the proposed amendment as provided under Part IV.D., the Transmittal Hearing portion of this report.

2. ORIGINAL RECOMMENDATION: Planning staff recommends that Map 1, the Future Land Use Map, be amended to change the future land use designation of this area from the "Open Lands" future land use category to the "Rural" future land use category.

3. BASIS AND RECOMMENDED FINDINGS OF FACT: See the various conclusions contained in the Staff Analysis. These include the following:

- The proposed amendment is consistent with Policy 1.4.1, the Rural future land use descriptor policy of the Lee Plan.
- The area is surrounded by lands designated Outlying Suburban to the south, east, and west.
- Staff believes that the Rural category is a more suitable designation for the site than the Open Lands category given the existing density of residential uses and the character of the area.
- The standards for commercial and industrial uses permitted are the same in both the Open Lands and Rural categories. The area will remain designated as a non-urban area without increases in the allowable commercial and industrial intensities.
- This amendment, could result in an increase in the population accommodation capacity of the Future Land Use Map (FLUM) by 716 persons (343 du's X 2.09 persons per unit). Staff concludes, using this worst case analysis, that this increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.
- The proposed land use change will not cause future road network plan changes. The requested land use change will have a minimal impact on public safety service providers.

C. BACKGROUND INFORMATION

1. EXISTING CONDITIONS

SIZE OF PROPERTY: 413.86 ACRES

PROPERTY LOCATION: The subject area is bordered on the west by Juanita Boulevard, the east by Andalusia Boulevard, the south by Jacaranda Parkway, and the north by Gator Slough.

EXISTING USE OF LAND: The existing uses in the area are single family dwelling units and the majority of the remainder is currently vacant.

CURRENT ZONING: AG-2

CURRENT FUTURE LAND USE CLASSIFICATIONS: Open Lands and Wetlands

2. INFRASTRUCTURE AND SERVICES

WATER & SEWER: The area is not located within Lee County Utilities Future Water or Sewer Service areas for potable water service and sanitary sewer service. Currently there are no facilities in the area and there are no plans to install infrastructure. The area's utility needs are currently served through wells and septic systems.

FIRE: The property is located in the Burnt Store Fire Control District.

TRANSPORTATION: The subject area abuts Juanita Boulevard to the west and Andalusia Boulevard to the east. Jacaranda Parkway East runs along the southern portion of the area. All surrounding roadways are collector roads maintained by the City of Cape Coral.

SOLID WASTE FRANCHISE: Service will be provided by Florida Recycling, Inc.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

The proposed amendment would change the land use designation on the Future Land Use Map from "Open Lands" to "Rural" for an approximate 413.86 acre area of land located in the southern portion of Section 24, Township 43 South, Range 23 East which is divided by the Gator Slough canal. The site is surrounded by the City of Cape Coral limits on the south, east, and west. Gator Slough canal, within unincorporated Lee County bounds the area to the north. The current Future Land Use classifications of the area are Open Lands and Wetlands. Approximately 73.68 acres of the area are designated as Wetlands and would remain unchanged. If the amendment is approved the allowable density would change from an Open Lands density of 1du/10 acres or 1 du/5 acres in conjunction with a Planned Development, to a Rural density of 1 du/acre.

The proposed amendment stems from an appeal of an administrative interpretation of the single family residence provisions of the Lee Plan. The subject parcel, which is located within the boundaries of the proposed amendment, comprises approximately 3.27 acres of land within the Open Lands future land use category. The parcel remains zoned AG-2 as it did at the time of its administrative interpretation. The maximum density allowed in the Open lands category is 1du/10 acres for conventionally zoned land. Under the findings of fact in the interpretation dated April 27, 2000 it is noted that the property was created as a separate parcel in 1991. Therefore the parcel was created after the density reduction provisions in the settlement agreement between Lee County and the Department of Community Affairs in September 1990.

The Lee Plan requires that parcels created after December 21, 1984 be lawfully created and comply with the Lee Plan as it existed at that time. The administrative interpretation concluded that the applicant failed to demonstrate that the single family residence provisions of the Lee Plan applied to the subject property. At this time the applicant appealed the interpretation to the Board of County Commissioners where the Board conducted a review and reversed the determination. It was at this public hearing held on August 1, 2000 that the Board suggested staff review the area of the subject neighborhood and determine the feasibility of a map amendment to the subject area. The Board officially initiated the proposed amendment on September 19, 2000.

SUMMARY

The subject 413.86 acre property is a combination of single family dwelling units and vacant parcels. There is a total of 113 parcels in the area and 33 are currently vacant. A map depicting these vacant lots can be seen as Attachment 1. The parcels within the subject area range in size from approximately 1 to 20 acres with an average parcel area calculation of 3.66 acres. As shown in Table 1 below, there are

currently nineteen parcels 5 acres or more in size, seven of which range from 10 to 20 acres with the possibility of dividing under the existing density standards. Attachment 2 is a map depicting the information shown in Table 1. Currently only four acres are actively agricultural.

Table 1

Acreage Range	Number of Lots
0 - 4.99	94
5 - 9.99	12
10 - 14.99	5
15 - 19.99	2

COMPREHENSIVE PLAN BACKGROUND

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. At that time the subject area had a future land use designation of Rural. In 1989 this maximum density was challenged by the Department of Community Affairs (DCA) under the findings that the density encouraged urban sprawl. A settlement agreement later in the year provided that Lee County would amend the Future Land Use Map lowering the maximum density to 1 du/10 acres with a new "Water Resources" category. In 1990 Lee County complied with the agreement and created the new category, the Density Reduction/Groundwater Resource (DRGR) areas. The placement of the new category throughout the county was based on several ongoing investigative studies at the time. Staff's review of the studies noted that areas important for recharge and potential future water withdrawals included the non-urbanized areas north of the Caloosahatchee River near the Charlotte County line. Lee County included the subject area within the new future land use category designation. In response to the new designation many landowners throughout the county filed requests to redesignate their properties.

During the 1993 Evaluation and Appraisal Report (EAR) the county hired Henigar & Ray, Inc. to conduct a study determining the maximum densities that could be permitted in the DRGR without jeopardizing water supplies. Based on the findings of the study and other planning factors, staff made recommendations allowing higher densities for specific areas of the existing DRGR. As a result staff recommended that the area between Burnt Store Road and U.S. 41 north of Cape Coral, the Yucca Pen area, be placed in a new "Open Lands" future land use category with a maximum density of 1 du/5 acres if done as a Planned Development. This future land use designation remains the current category for the subject area today.

ADJACENT ZONING AND USES

The subject area is currently zoned AG-2 as well as the properties to the north located on the northern side of Gator Slough. As noted above, the area is surrounded on three sides by the City of Cape Coral with the city's R1B zoning to the east and west. To the south properties are zoned RDW and R1B. All of which are residential zoning districts. Land to the north of the Gator Slough canal is currently vacant. The surrounding approximate quarter acre lots within the city are primarily vacant also.

POPULATION ACCOMMODATION CAPACITY DISCUSSION

Lee County has had a long standing issue with the Department of Community Affairs (DCA) in regards to the Population Accommodation Capacity of the Lee County Future Land Use Map (FLUM). DCA has opined in the past that the accommodation capacity of the FLUM exceeds the population projections of the planning horizon. Currently the area is composed of 113 lots of which there are 80 occupied by single family dwelling units. Due to these existing homes staff would anticipate that the maximum density under the proposed amendment would most likely never be achieved on those occupied lots. Staff has conducted a population accommodation analysis. Currently, the Open Lands standard density permits up to 1 du/5 acres and the Wetlands standard density permits 1 du/20 acres. This means that 71 dwelling units could be constructed in the area under the current designations. This could result in an increase in the population accommodation capacity of the map by 148 persons (71 du's X 2.09 persons per unit). The Rural category standard density permits up to 1 du/acre. This means that 343 dwelling units could be constructed in the area under the Rural and Wetlands designation. This could result in an increase in the population accommodation capacity of the map by 716 persons (343 du's X 2.09 persons per unit). Staff notes that this scenario is unlikely due to the fact that there are already 80 dwelling units existing today. Staff concludes, using this worst case analysis, that this increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.

Once again staff notes that there are approximately 80 units existing on individual parcels and there are 33 vacant parcels which could foreseeably be divided into 1 acre tracts if the proposed amendment is approved. Even further, today there are 23 vacant parcels of 2 acres or more that would meet the 1 du/acre standard density requirements of the Rural future land use category.

CONSISTENCY WITH THE "RURAL" LAND USE CATEGORY

The amendment proposes that the property's future land use designation be amended from Open Lands to Rural. The Open Lands areas are described by Policy 1.4.4 and the Rural areas are described by Policy 1.4.1. Both of the policies are reproduced below:

***POLICY 1.4.4:** Open Lands are upland areas that are located north of Rural and/or sparsely developed areas in Township 43 South. These areas are extremely remote from public services and are characterized by agricultural and low-density residential uses. Commercial and industrial uses are permitted in this category in accordance with the standards in the Rural category. The maximum density in this category is one dwelling unit per ten acres (1 du/10 acres); except that a maximum density of one dwelling unit per five acres (1 du/5 acres) is permitted if the planned development process is used to prevent adverse impacts on environmentally sensitive lands (as defined in Policy 77.1.1.4)*

***POLICY 1.4.1:** The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre). (Amended by Ordinance No. 98-09)*

The proposed amendment is consistent with the Rural designation for the following reasons: the area was denser than its current underlying future land use category through unrecorded lot splits prior to the 1989 settlement agreement; the area did not meet the characteristics of the DR/GR and Open Lands categories at the time it was placed under such designations; it is located adjacent to the Cape Coral city limits with an underlying future land use category of Outlying Suburban where the current platted lots average 4 du's/acre; the area is located between a designated future urban area and a future non-urban area; the area

will remain designated as a non-urban area without increases in the allowable commercial and industrial intensities; and, as noted below, the proposed amendment is consistent with Lee Plan Standards 11.1 and 11.2, Water and Sewer, which states any new residential development density above 2.5 dwelling units per acre is required to connect to adequate infrastructure. The existing density of the area today as well as the density associated with the proposed amendment are under the threshold of this requirement. Standards 11.1 and 11.2 are reproduced below:

STANDARD 11.1: WATER

1. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, F.A.C.).*

STANDARD 11.2: SEWER

1. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*

MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)

The proposal is currently inconsistent with the provisions of Lee Plan Table 1(b). This table and the "Planning Communities" map (Map 16) replaced the functions of the Year 2010 Overlay.

The area is located within the Burnt Store Planning Community and in this community there are 431 acres allocated for residential uses in the Rural land use category. The support documentation indicates that 247 acres of Rural land within this community are currently developed with residential uses, leaving a surplus of 184 acres that could be developed with residential uses in the Rural portions of this community before the year 2020.

The proposed plan amendment would place 340 acres within the Rural future land use category creating an increase of 156 acres above the current acreage allocations that could be developed with residential uses. Planning staff has concluded that this proposed amendment does require an amendment to Table 1(b) as the proposal is not, as the current data indicates, consistent with the table. Planning staff proposes that the additional 156 acres be removed from the Open Lands allocations in the Burnt Store Community and be placed in the Rural allocations of the Burnt Store Community. Such a replacement can be justified by the fact that these residential acreages are existing as of today and have already been accounted for in the Open Lands allocations.

During the current 2000/2001 plan amendment cycle, plan amendment PAT 99-20 conducts a review of the Planning Community Year 2020 Allocations and the proposed future land use map change will be considered in that evaluation.

TRANSPORTATION ISSUES

The property is located between Juanita Boulevard and Andalusia Boulevard, north of Jacaranda Parkway East. The Gator Slough Canal intersects the entire section of land to the north of the subject area.

The Lee County Department of Transportation has reviewed the request and has provided Planning staff written comments dated May 25, 2001 (see Attachment 3). The Department of Transportation has concluded that a 272-unit increase on this property will not alter the future road network plans." DOT staff re-ran the long range transportation model with the worst case scenario that could result from the new land use category on the subject area to arrive at this conclusion.

Planning staff notes that a traffic analysis is required by the County's local development approval process. This analysis determines the need for any site-related improvements such as turn lanes on the adjacent roadways and roadway improvements within the residential area itself.

PUBLIC SAFETY ISSUES

Emergency Management - Hurricane Evacuation/Shelter Impacts

Lee County Emergency Management (EM) staff have reviewed the proposal and provided written comments dated May 24, 2001 (see Attachment 4). EM staff provides that "it is unlikely that the change will have a measurable impact on hurricane evacuation routes or hurricane shelters because the area is located in category 4/5 storm surge zone." The memo provides that dwelling units in this area are not subject to the hurricane impact mitigation requirements set forth in the Lee County Land development Code.

SCHOOL IMPACTS

Staff of the School District of Lee County has reviewed the proposal and provided written comments dated May 25, 2001 (see Attachment 5). District staff state that "the proposed unit increase would generate approximately 107 students, creating an impact of approximately five new classrooms along with additional staff and core facilities." District staff provided the following:

"This letter is in response to your request for a determination of adequacy from the Lee County School District on a future land use plan map amendment you have initiated. According to your request, the proposed changes in land use could create up to 343 new residential dwelling units using the worst case scenario. Based on an estimated student generation rate of .31 per dwelling unit, the proposed unit increase would generate approximately 107 students, creating an impact of approximately five (5) new classrooms along with additional staff and core facilities."

"According to the FY 00-01 District budget, operating expenditures per Full Time Equivalent (FTE) student are \$5,907, so the proposed plan amendment could create a financial impact of up to \$2,026,101 to the District. In addition, the five classrooms would cost an estimated \$605,800 in capital costs, for a total of \$2,631, 901."

SOILS

The 1984 U.S. Department of Agriculture Soil Survey of Lee County classified the following soil types present on the property - 6 Hallandale fine sand; 13 Boca fine sand; 39 Isles fine sand, depressional; 42 Wabasso sand, limestone substratum; 74 Boca fine sand, slough; and 77 Pineda fine sand, limestone substratum.

UTILITIES

Staff from the Utilities Division have indicated, regarding sanitary sewer and potable water service, that the property is not located within either of the Lee County Utilities Franchise areas, or future service areas

as defined in the Lee Plan. Therefore, Lee County Utilities currently has no facilities or plans to construct infrastructure within the area.

COASTAL ISSUES

The 1991 "Hurricane Storm Tide Atlas for Lee County," prepared by the Southwest Florida Regional Planning Council (SWFRPC), shows that the property is located within the Category 4/5 storm surge zone. Additionally, the property is located in the SWFRPC Category 4/5 evacuation zone.

B. CONCLUSIONS

The proposed amendment is consistent with Policy 1.4.1, the Rural future land use descriptor policy. Staff finds that the Rural category is a suitable designation for the site. All of the land area surrounding the subject area to the west, south, and east is designated as a future urban area within the city of Cape Coral with the Outlying Suburban designation. Staff also finds that the Rural category is an appropriate designation for the area given the existing adjacent future urban area designation and the existing character of the neighborhood. The area will remain designated as a non-urban area without increases in the allowable commercial and industrial intensities. Additionally the area will be within the infrastructure requirements of Standards 11.1 and 11.2 of the Lee Plan discussed earlier in staff's analysis. The request will have a minimal impact on public service providers.

C. STAFF RECOMMENDATION

Planning staff recommends that Map 1, the Future Land Use Map, be amended to re-designate the subject property from "Open Lands" to "Rural." This recommendation is based upon the previously discussed issues and conclusions of this analysis. In addition, staff recommends adding a Footnote to Table 1 (a) clarifying the exceptions of the Rural category for the area as provided under Part IV.D., the Transmittal Hearing portion of this report.

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

DATE OF PUBLIC HEARING: June 25, 2001

A. LOCAL PLANNING AGENCY REVIEW

Staff gave a brief presentation on the proposed amendment. The LPA provided no discussion concerning the proposed amendment.

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

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit this amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by the staff.

C. VOTE:

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

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

DATE OF TRANSMITTAL HEARING: August 29, 2001

A. BOARD REVIEW: Staff presented the proposed amendment before the Board on August 29, 2001. Several residents of the area were also present and placed their objections to the proposed Rural density of 1 dwelling unit per acre. In addition staff received two letters, shown as Attachments 6 and 7, from residents of the area objecting to the proposed density. The residents of the area have expressed concerns, through the letters and participation at the public hearing, that the proposal of 1 dwelling unit per acre is too dense and not compatible with their equestrian community. The residents have expressed that a maximum density of 2.5 dwelling units per acre is more appropriate for the neighborhood, given the existing character of the area.

One member of the Board had concerns with regulating density in the area, due to the many lot splits that have occurred after the imposition of the Density Reduction Groundwater Resources and Open Lands density restrictions in this area. Staff explained that many of the lots in the area were already below density with the previous adoption of the DR/GR category for the area. Staff also noted that the acreage of many of the smaller existing lots are slightly below the 2.5 acre threshold and recommended that a 10% adjustment above or below the threshold should be considered.

After discussion the Board made the final recommendation to transmit the proposed amendment as proposed under the Rural future land use category with an exception to the subject area within this category where the maximum density/minimum lot size is 1 dwelling unit per 2.5 acres. In addition the board recommended this density would allow a flexible density range from 2.25 to 2.75 acres. Staff has added a footnote to Table 1(a) excepting this area from the standard range. See the proposed language below.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed plan amendment with the additional changes noted above.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact advanced by staff and the LPA.

C. VOTE:

JOHN ALBION	_____ AYE
ANDREW COY	_____ AYE
BOB JANES	_____ AYE
RAY JUDAH	_____ AYE
DOUG ST. CERNY	_____ AYE

D. BoCC TRANSMITTED LANGUAGE:

¹¹ In the Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1 du/2.25 acres.

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

DATE OF ORC REPORT: November 21, 2001

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The DCA had no objections, recommendations, or comments concerning this amendment.

B. STAFF RECOMMENDATION

Adopt the amendment as transmitted.

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

DATE OF ADOPTION HEARING: January 10, 2002

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

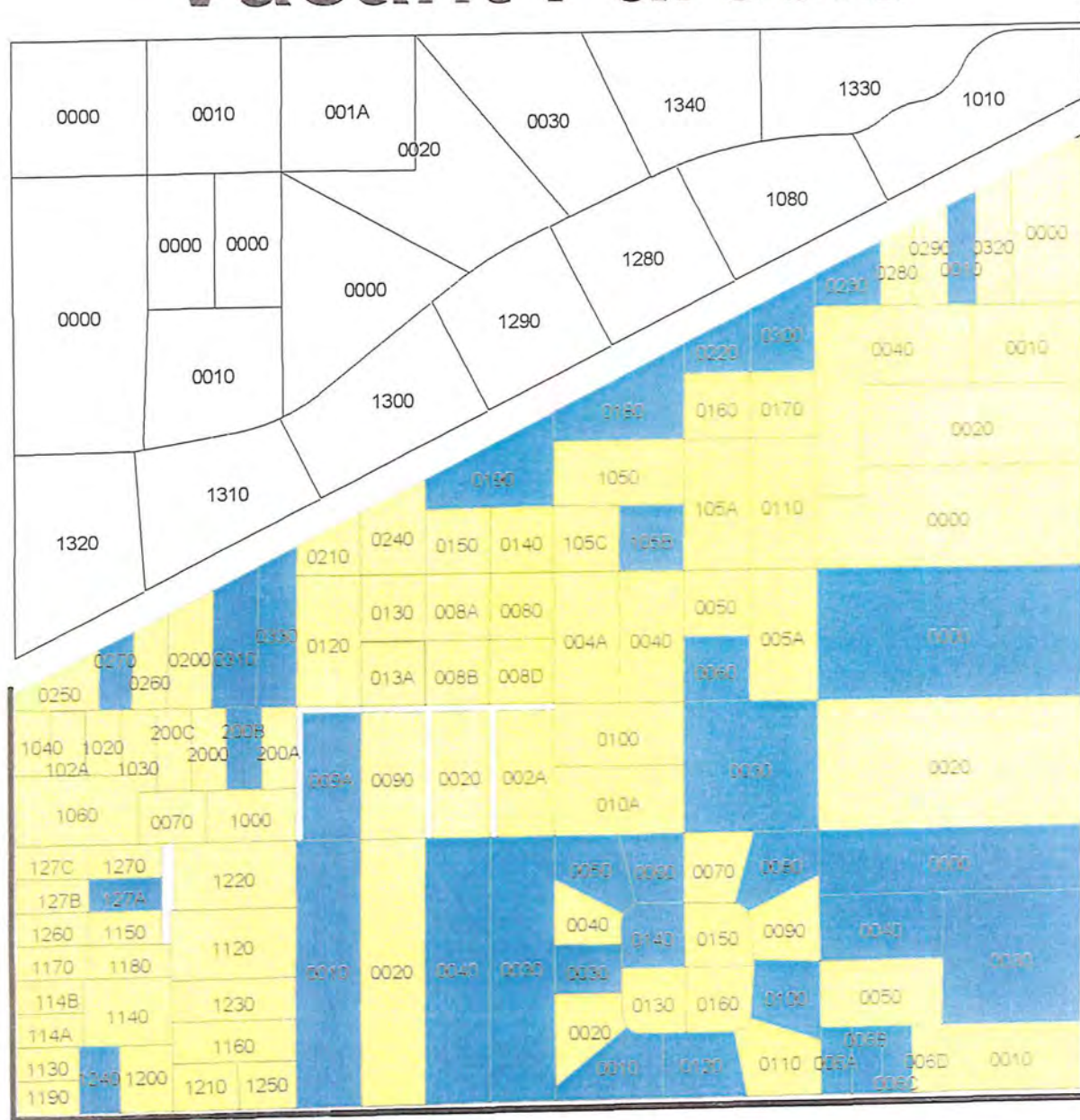
ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

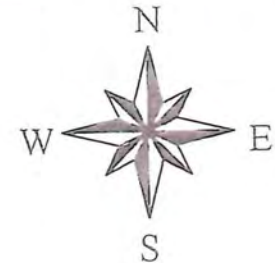
Vacant Parcels



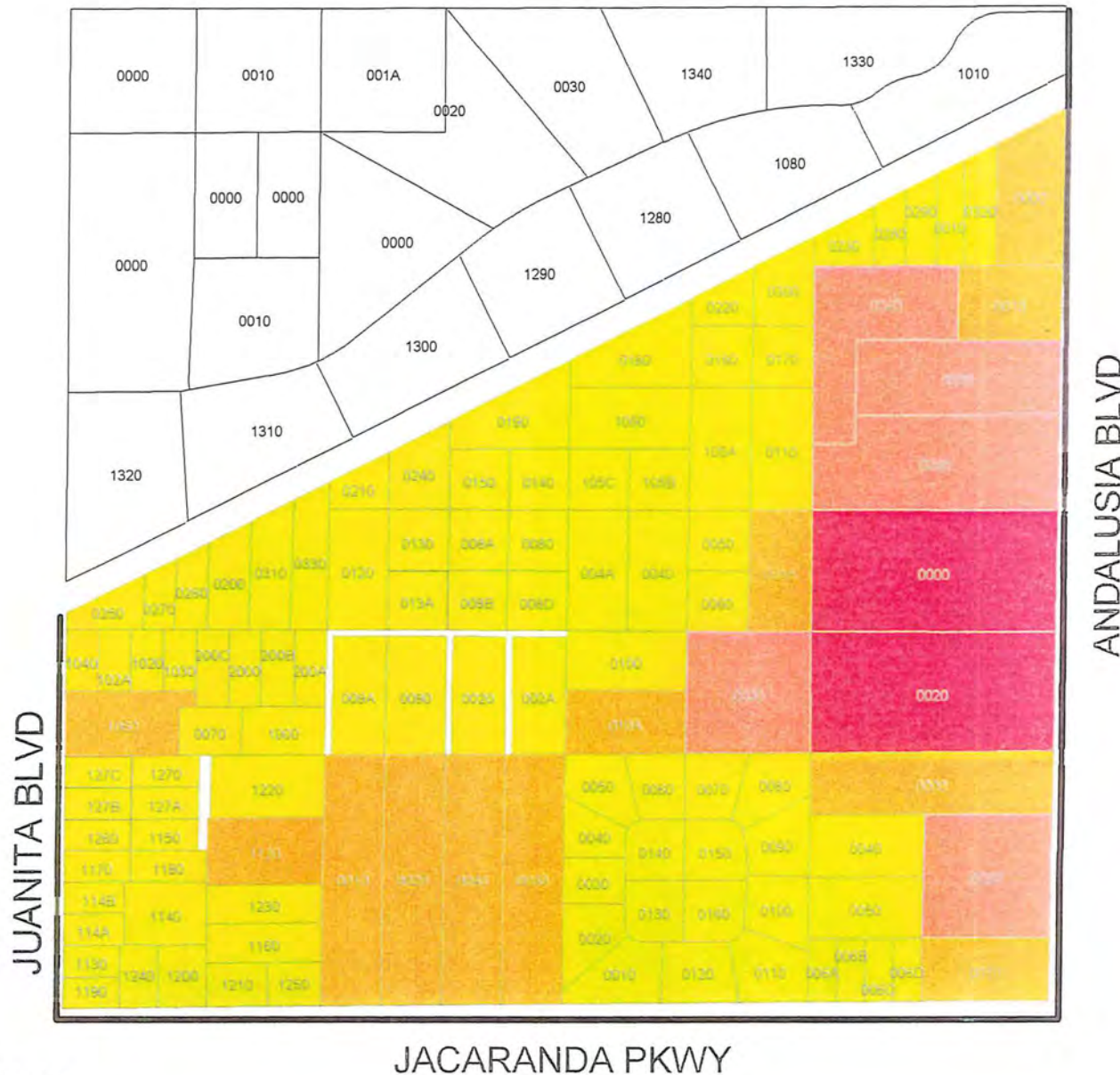
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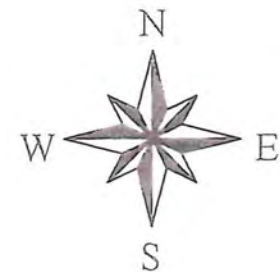
Vacant Lots
 Developed Lots
 Northern Lots



Parcel Acreages



CPA 2000-06 Acreages



Memo

To: Paul O'Connor, Division of Planning

From: David M. Loveland, Planning Program Director

Date: May 25, 2001

Subject: **CPA 2000-06 – Publicly Initiated Lee Plan
Future Land Use Map Amendment**

AC for DML

We have reviewed the above application which requests that the land use designation of approximately 340 acres be changed from the existing Open Lands to Rural. As indicated by your letter of May 18, 2001, the proposed Rural designation would allow approximately 343 dwelling units in the subject area vs. the existing designation allowing 71 dwelling units. After running the FSUTMS travel demand model for the year 2020 condition, we have determined that a 272-unit increase on this property will not alter the future road network plans.

Please let me know if you have any questions.

LW/DML/mlb

cc: Administrative File

LEE COUNTY
RECEIVED
01 MAY 30 AM 9:45
CONTR. DEV.
PUB. WORKS. CNTR.
2000-06-06

Interoffice Memo

Date: 5/24/01

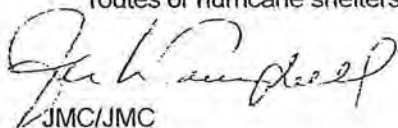
To: Paul O'Connor, Director, Division of Planning

From: John M. Campbell, Chief of Planning, Emergency Management

RE: CPA 2000-06 - Publicly Initiated Lee Plan Future Land Use Map Amendment

Priority: [Urgent]

-
1. Emergency Management has reviewed the impact of an amendment relating to the future land use map (FLUM) designation for land near Eagle Road, Section 24, Township 43S, Range 23E.
 2. This land is located in a Storm Surge Flood zone for a category 4/5 hurricane. Therefore, dwelling units in this area are not subject to the Hurricane impact mitigation requirements set forth in the Lee County Land Development Code, Ordinance 00-14, section 2-485, dated June 2000.
 3. With an occupancy rate of 2.25 persons per dwelling unit, the number of residents could potentially increase from 160 to 772 for an increase of 612. With the number of vehicles per dwelling unit being estimated at 1.1, the number of vehicles will increase from 79 to 378 for an increase of 299. However, it is unlikely that the change will have a measurable impact on hurricane evacuation routes or hurricane shelters because the area is located in category 4/5 storm surge zone.


JMC/JMC

1/5/2001

LEE COUNTY
RECEIVED
01 MAY 25 PM 1:54
DEV/PLN
PUB. WORKS CNTR.
STREET FLOOR

1

**THE SCHOOL DISTRICT OF LEE COUNTY**

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (941) 334-1102

KATHERINE BOREN
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BOARD ATTORNEY

May 25, 2001

Mr. Paul O'Connor, Director
Division of Planning
P. O. Box 398
Ft. Myers, FL 33902-0398Re: Request for Determination of Adequacy
Publicly Initiated Lee Plan Future Land Use Map Amendment, CPA 2000-06

Dear Mr. O'Connor:

This letter is in response to your request for a determination of adequacy from the Lee County School District on a future land use map plan amendment you have initiated. According to your request, the proposed changes in land use could create up to 343 new residential dwelling units using the worst case scenario. Based on an estimated student generation rate of .31 per dwelling unit, the proposed unit increase would generate approximately 107 students, creating an impact of approximately five (5) new classrooms along with additional staff and core facilities.

According to the FY 00-01 District budget, operating expenditures per Full Time Equivalent (FTE) student are \$5,907.00, so the proposed plan amendment could create a financial impact of up to \$2,026,101.00 to the District. In addition, the five classrooms would cost an estimated \$605,800.00 in capital costs, for a total of \$2,631,901.00.

If you have any further questions or comments, please give me a call.

Sincerely,

Stephanie Keyes, AICP, Facilities Planner
Construction Services

cc: Tyler F. Patak, NCARB, Director

LEE COUNTY
RECEIVED
01 MAY 30 AM 9:44
COUNTY DEV/
PUB. WORKS CNTR.
OFFICE PLDR

CPA2000-06.doc

ENSURE STUDENT SUCCESS
AFFIRMATIVE ACTION / EQUAL OPPORTUNITY EMPLOYER

Lenora E. Doak
12571 Country Eagle Rd.
Cape Coral, FL 33909

August 28, 2001

Paul O'Conner, Planning Director

Subject: CPA 2000-06 Proposal to Redesignate to Rural Land Use

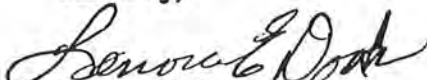
It was brought to my attention this week that there was to be a meeting with a proposal to change the land density from 10-acre spacing/home site to a 1-acre home site.

I recently purchased in this area of The Woods because of the country setting and the large lots of several acres and moved from my home in Oklahoma. I really do not want to see the area changing to look like all of the other neighborhoods in Cape Coral. 1 acre spacing would be too drastic and would change the entire appearance of our neighborhood. The other concern is that there needs to be large acreages in here in order for the water to drain after large rains.

I would like to request that you recommend and support a density spacing of not less than 2½ acres.

Thank you very much.

Sincerely,


Lenora E. Doak

W. D. & Vivian Miller
17580 Eagle View Ln.
Cape Coral, FL 33909

August 27, 2001

Paul O'Conner, Planning Director

Subject: CPA 2000-06 Proposal to Redesignate to Rural Land Use

Per our conversation today on the redesignation of the land use in the Woods to 'rural land use' I would like to request that consideration be made to require a minimum of 2 ½ acres per unit and not 1 acre per unit for building.

This is a very nice subdivision with the average homesite of approx. 3+ acres. Changing the density to 1 acre parcels would affect the character of the neighborhood (the reason that we chose this area) and would totally change the country setting with all the trees. A number of the properties also have their own ponds to address the water issues when there is excessive rain. We also feel that not only would the appearance and the original intent of the subdivision be altered but that there would also be a water/drainage problem with homes on that close of spacing. Our property, for example, is bordered by a ten-acre parcel on one side (undeveloped) and we would not like to suddenly see multiple houses in that area which would also cause a water runoff/flooding problem.

Please take this request into consideration and limited density to 2 ½ -3 acre spacing.
Thank you very much.

Sincerely,

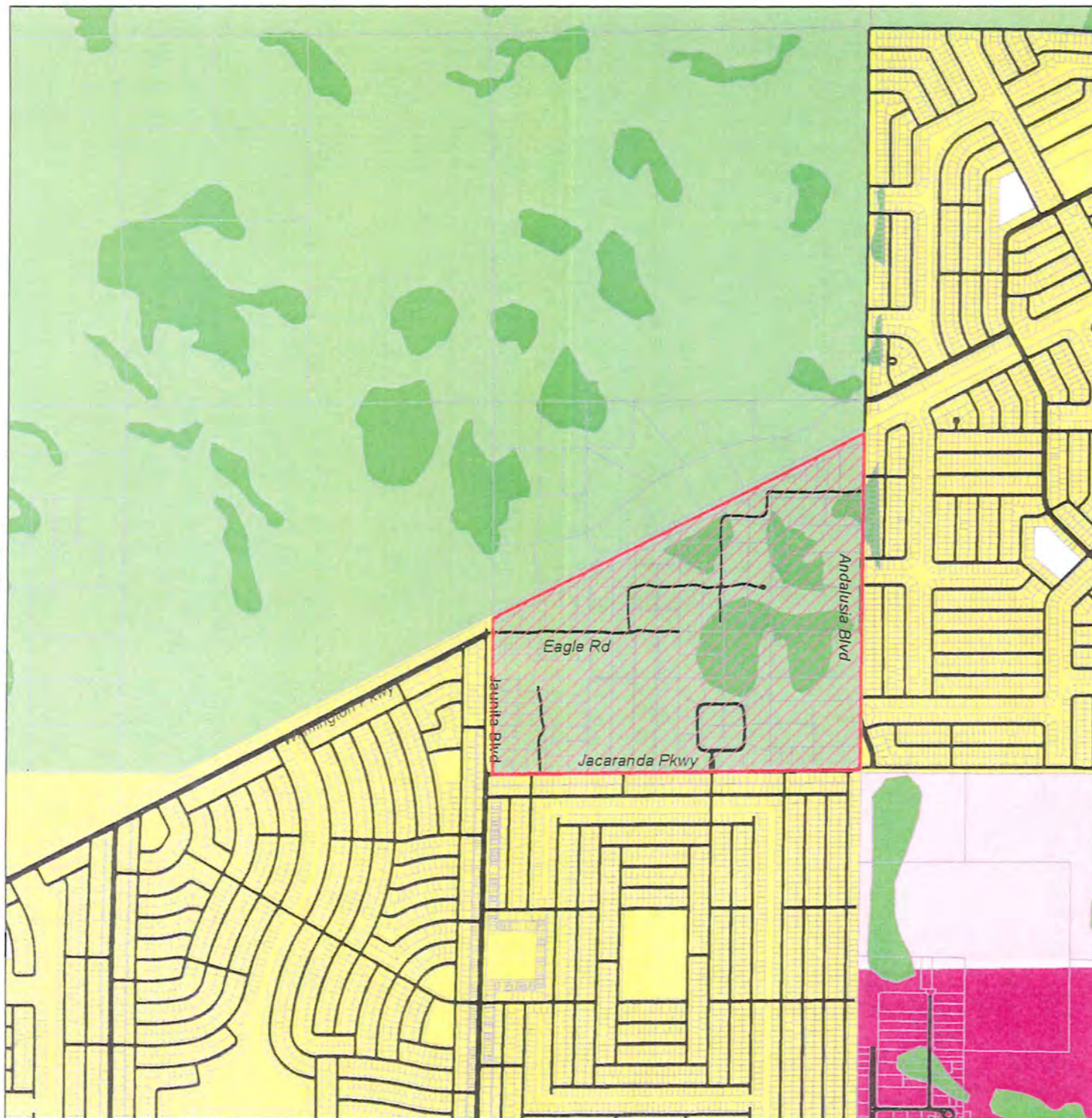
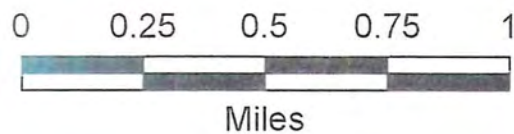


W. D. & Vivian Miller

CPA 2000-0006
Existing Future
Land Use Map

Future Land Use Categories

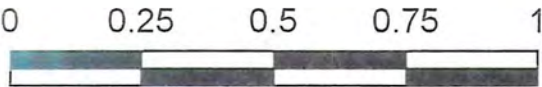
-  Intensive Development
-  Outlying Suburban
-  Industrial
-  Public Facilities
-  Rural
-  Open Lands
-  Wetlands
-  Subject Area



CPA 2000-0006
Proposed Future
Land Use Map

Future Land Use Categories

- Intensive Development
- Outlying Suburban
- Industrial
- Public Facilities
- Rural
- Open Lands
- Wetlands
- Subject Area



Miles



Map created: 9-5-01

