

**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

**CPA 2000-08
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
CPA2000-08**

☐ 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: February 19, 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:

Amend the Future Land Use Map (FLUM) series, Map 1, to more closely reflect the Town of Fort Myers Beach adopted Future Land Use Map.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Planning staff recommends that the Board of County Commissioners transmit this proposed amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The designations used on the Lee County FLUM do not accurately reflect the future land use goals of the Town's residents.

- The categories used in the Fort Myers Beach Future Land Use Map are intended for different purposes than the Lee County Future Land Use categories. The Town's categories are targeted specifically for conditions on Estero Island, whereas the County categories were created for use in the entire County and have to address a broader range of conditions. As such, there are no exact matches between the two. Some Fort Myers Beach Categories such as Boulevard and Pedestrian Commercial have only approximate matches with Lee County FLUM categories.
- The two sets of categories do not completely match each other spatially. There is a need to adjust the boundaries of the Lee County FLUM categories to more closely match the Fort Myers Beach categories.

C. BACKGROUND INFORMATION

In 1990, the Department of Community Affairs (DCA) required Lee County to modify its' future land use map designations within the cities of Fort Myers and Cape Coral to more closely correspond with their adopted future land use maps. The County FLUM already corresponded to the City of Sanibel FLUM. The Town of Fort Myers Beach subsequently incorporated and on January 1, 1999 a new Future Land Use Map for the Town of Fort Myers Beach became effective. Staff compared the Lee County FLUM with the Town of Fort Myers Beach FLUM and found significant variations between them. In order to remain consistent with the requirements of the DCA and to make the Lee County FLUM a more accurate representation of its' municipalities' FLUMs, the Board of County Commissioners initiated this amendment on September 19, 2000.

In 1984 Lee County adopted its' first Future Land Use Map. On this map, all of Estero Island was designated Urban Community.

In 1989, citizens of Estero Island expressed concern for the levels of development on the island and formed the Fort Myers Beach Land Use Committee to address their concerns. The committee believed that too much commercial development and overly dense residential development threatened the distinctive quality of life for the island residents. In September of 1990, The Beach Plan, a future land use study for San Carlos and Estero Islands, was submitted to staff as a proposed Lee Plan amendment.

The eventual outcomes of this plan were the adoption of Goal 18 in the Lee Plan and changes to the Lee Plan FLUM. Goal 18 addressed quality of life concerns as well as natural resources, future land uses, transportation, recreation and beautification among other concerns. Natural resource policies addressed beach renourishment, water quality, fishing restrictions, and dredging. Transportation policies addressed pedestrian access, public transit, traffic circulation, and parking facilities. Recreation and beautification policies addressed trash and debris removal, beach access, natural preservation and conservation, landscaping, historic preservation, and impervious surfaces. Community facility policies addressed wastewater treatment and potable water delivery.

This new goal addressed the FLUM designations on Estero Island and justified the categories chosen. The intent of the future land use objective was to limit both commercial development and residential densities. Areas designated Suburban would not receive any new commercial development and would be limited to 6 dwelling units per acre. The intent of the Urban

Community designation was to allow commercial development to occur but to prevent it from intruding upon existing residential areas. Toward this end all areas zoned for commercial use were designated Urban Community while residential neighborhoods were designated Suburban. Subsequent to the adoption of this objective, a large part of the Matanzas Pass Preserve was redesignated Conservation Lands as part of Lee Plan Amendment PAM/T 96-08.

The Town FLUM uses a different set of future land use categories than Map 1 of the Lee County FLUM. The Lee County FLUM series currently shows five categories within the municipal limits of the Town of Fort Myers Beach (Table 1). These are: Urban Community, Suburban, Public Facilities, Wetlands, and Conservation Lands. The Outlying Suburban and Central Urban categories are included on the table for later reference. A significant difference between Urban Community and Suburban is that the former allows greater commercial development. The main difference between Suburban and Outlying Suburban is the permitted residential density. The Conservation Lands category is subdivided into the Uplands and Wetlands sub-categories. The Central Urban and Urban Community categories are similar in nature, the former is intended to reflect the "urban core" areas of the County and allows greater residential density.

Table 1. Lee County FLUM Categories on Estero Island		
FLUM Category	Maximum Density	Notes
Central Urban*	10 units per acre	No bonus density on the islands
Urban Community	6 units per acre	No bonus density on the islands
Suburban	6 units per acre	No bonus density
Public Facility	0	
Wetlands	1 unit per 20 Acres	No bonus density
Conservation Lands	0	
Outlying Suburban*	3 units per acre	No bonus density

* *Proposed for inclusion on Estero Island.*

The eight FLUM categories adopted by the Town of Fort Myers Beach are:

Low Density

Applied to existing subdivisions with an established low-density character (primarily single-family homes). The only commercial uses allowed are home occupations.

Mixed Residential

Applied to older subdivisions with mixed housing types on smaller lots, and to newer high-rise buildings. Commercial activities are limited to lower impact uses such as offices and motels.

Boulevard

A mixed-use district along portions of Estero Boulevard, including less-intense commercial areas and mixed housing types.

Pedestrian Commercial

A primarily commercial district applied to the intense activity centers of Times Square (including Old San Carlos and nearby portions of Estero Boulevard) and the area around the Villa Santini Plaza.

Marina

Water access services, primarily for pleasure boating, including related accessory uses provided they don't displace marina services. Cruise ships and similar uses that draw large amounts of vehicular traffic are not permitted in this category

Recreation

Applied to public parks, public swimming pools, elementary schools, undevelopable portions of the Bay Beach golf course, and Gulf beaches (those portions seaward of the 1978 coastal construction control line).

Wetlands

A conservation district applied to all remaining wetlands.

Tidal Water

Applied to all saltwater canals and all waters surrounding Estero Island that lie within the municipal boundary (out 1,000 feet from the shoreline).

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The first step in this analysis was to compare the different classification systems for compatibility. The stated intent of each category was considered, as were the types of permitted development and housing density. Also considered was each categories' ability to reflect the intent of The Beach Plan. The next step was to compare the geographic similarity of the two classification systems and find locations on the Fort Myers Beach FLUM that used different boundary lines than the Lee County FLUM. It should be noted that on the Town FLUM, the canals and waterways are designated Tidal Water whereas on the County FLUM the canals are given the same designation as the land on either side. If there are different categories on either side, the boundary is drawn down the middle of the canal. This is the same practice used on the rest of the County FLUM. The Town's FLUM is attached to this document for comparison (Attachment 2).

Table 2. Fort Myers Beach FLUM categories		
FLUM Category	Maximum Density	Notes
Low Density	4 units per acre	
Mixed Residential	6 units per acre	10 units per acre in platted overlays
Boulevard	6 units per acre	10 units per acre in platted overlays
Pedestrian Commercial	6 units per acre	10 units per acre in platted overlays
Marina	0	
Recreation	1 unit per 20 acres	No new residential
Wetlands	1 unit per 20 acres	
Tidal Water	0 units per acre	

Residential density was a problem because the two classification systems use somewhat different limits. The Town allows 4 units per acre in low density areas, 6 in other categories, and 10 units per acre in special platted overlays (table 2). This does not exactly match the Lee County system, which allows 3 units per acre in Outlying Suburban, 6 units per acre in Suburban, and 6 units per acre in Urban Community that can be increased to 10 units with bonus density (table 1). This bonus density, however, is not allowed on islands as specified in LDC section 34-1511. However, staff believes that the Outlying Suburban designation better reflects the intent of the Low Density category used by the Town FLUM. Likewise, the County Suburban designation best suits the Towns' Mixed Residential category.

The Town has designated four different areas as Boulevard. The Boulevard category is intended to have commercial activity so Suburban and Outlying Suburban are not appropriate. But, the commercial intensity is supposed to be low, so the Central Urban category is too intense. Urban Community is intended to have residential and commercial activity and falls between Central Urban and Suburban. Therefore, the best match for Boulevard in the County classification system is Urban Community.

The Towns' Pedestrian Commercial category is best matched by Central Urban on the County FLUM. Although the permitted densities and uses vary between the two categories, the Central Urban designation best reflects the Town's desire to keep the most intense development within the two commercial nodes at each end of the island. The northern area of the island surrounding Times Square is intended to be the Towns' "urban core." The Central Urban FLUM category is intended to reflect urban core areas.

There are two areas that the Town has designated Marina. Due to the commercial nature of these areas, the Urban Community category is the best match on the County FLUM. The marinas are not residential so Suburban and Outlying Suburban are not appropriate. The commercial intensity that the Town desires for these areas, however, is not enough to rate the Central Urban category.

The Recreation category used by the Town is more difficult to match for two reasons. First, it covers a wide range of uses. Second, there is no criterion in the Beach Plan that a property be publicly owned to receive the Recreation designation. The public beaches on the gulf side of the island are shown as Recreation on the Towns' FLUM but as Public Facility on the County FLUM. The Town uses the coastal control line created by the Department of Environmental Protection as the landward boundary for this category. Therefore, the Public Facilities designation on the gulf-side beaches is proposed to also follow this line. In addition, the Town FLUM more accurately reflects the outcome of past beach erosion, accretion, and renourishment. Staff recommends that the County FLUM do the same. The Town also designated the upland portions of Matanzas Pass Preserve as Recreation. However, on the County FLUM, these were designated Upland Conservation Lands by Lee Plan amendment PAM/T 96-08. Staff proposes that these areas remain in that category. Bay Beach Golf Course is also designated Recreation on the Town FLUM. However, since it is not a publicly owned parcel, it does not meet the criteria for the County designation of Public Facility. Therefore, staff proposes the golf course parcel remain in the Suburban category on the County FLUM. Likewise, parcel 24-46-23-W3-0050B.0100, at 815 Estero Boulevard just northeast of Lynn Hall Memorial Park is privately owned but listed as Recreation by the Town FLUM. It is vacant as of this report. Staff also proposes to keep this parcel in the Suburban category.

The island also contains several areas listed as wetlands on the Towns' FLUM. The wetlands in the Matanzas Pass Preserve are Designated Wetland Conservation Lands on the County FLUM and staff believes they should stay that way. Except for areas mentioned below, the Towns' FLUM depicts wetlands more accurately than the County FLUM. Staff proposes that the areas designated Wetland on the Town FLUM be designated as Wetlands on the County FLUM.

There are several locations where conditions are unusual and further explanation is helpful. Staff has prepared a series of maps to illustrate the difference between the existing and proposed FLUM designations. Maps 1a and 1b show all of Estero Island with specific areas outlined and the extent of the larger-scale maps shown. Map 1a shows the current FLUM designations and map 1b shows the proposed designations. Maps 2a and 3a are more detailed maps showing the current FLUM designations of the areas proposed for amendment. Maps 2b and 3b show the proposed FLUM designations of those same areas.

Area 1

This area is in a bayside lagoon between Widgeon Terrace and Bay Village Drive, parcel 33-46-24-W2-00001.0000. The area also cuts across parcel lines around the end of Indian Bayou Drive. The Lee County FLUM shows this as Suburban (see map 3a). The Fort Myers Beach Map designates it Wetland (see Attachment 2). The Towns' designation is more accurate. There are other wetlands east of Widgeon Terrace that are listed as suburban on the County FLUM. However,

there are land use cases pending in that area. That and some inaccuracy in both the Town and County FLUMs makes further FLUM amendments inadvisable for this area.

Area 2

The second location is the Mound House at 451 Connecticut Street, parcel 29-46-24-W2-00146.0010. This is now owned by The Town of Fort Myers Beach and is designated Recreation on their FLUM (see Attachment 2). It is shown as Suburban on the Lee County FLUM (see map 2a). The primary incentive for purchasing the property was to preserve the site and use the house as a museum as well as for hosting special functions. The Conservation Lands category, as expressed in Lee Plan Policy 1.4.6. is meant to be applied to properties that the public intends to preserve for historic and cultural preservation. Therefore, Upland Conservation Lands would more closely match the Town's intended future use for the land.

Area 3

This area is between Tropical Shores Way and the canal to the east. There is a small area shown as wetlands on the Lee County FLUM that is mostly surrounded by Suburban (see map 2a). On the Fort Myers Beach FLUM, all of the land area is designated Mixed Residential (see Attachment 2). Also, this land area is already built up with residential uses. The wetlands may have been dredged and filled subsequent to their classification. Changing this Wetland area to Suburban would better reflect reality as well as the Towns' intent.

Area 4

The fourth area lies generally between Mango Street and the canal to the east, overlapping Mango Street and cutting across parcel lines at the southern edge. It is shown in the Lee County FLUM as Wetland and is surrounded by Suburban (see map 2a). The Fort Myers Beach FLUM limits the Wetland designation to four parcels between Mango Street and the canal and stops the Wetland designation at the southern parcel lines (see Attachment 2). Aerial photographs support the Towns' designation. It would better reflect the Towns' intent and the existing conditions to alter the Lee County Wetland lines to match the boundaries of the Fort Myers Beach FLUM.

B. CONCLUSIONS

There is an approximately matching category on the Lee County FLUM for every category on the Town of Fort Myers Beach FLUM. Suburban and Outlying Suburban are the best possible matches for the Towns' Mixed Residential and Low Density categories. The Urban Community and Central Urban categories help reflect the higher intensity land use areas designated Boulevard and Pedestrian Commercial. The Public Facility category reflects the Towns' intent for the beaches and other public properties. The Town FLUM more accurately maps the wetland category and the County FLUM should be revised to match the spatial limits of this designation. Although the permitted uses and densities vary between the two systems, it is still possible to reflect the general intent and pattern of the Fort Myers Beach FLUM using the County FLUM categories.

C. STAFF RECOMMENDATION

Planning staff recommends the Board of County Commissioners transmit this proposed amendment.

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

DATE OF PUBLIC LPA HEARING: February 26, 2001

A. LOCAL PLANNING AGENCY REVIEW

One LPA member expressed concern that the County map should be congruent with the Fort Myers Beach map. Staff responded that the towns' planning consultant, Mr. Spikowski, reviewed the amendment and concurs with the changes.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The LPA recommend that the Board of County Commissioners transmit this document to amend the Future Land Use Map series, Map 1, to more closely reflect the Town of Fort Myers Beach adopted Future Land Use Map.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The LPA accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	<u>Aye</u>
SUSAN BROOKMAN	<u>Aye</u>
BARRY ERNST	<u>Aye</u>
RONALD INGE	<u>Aye</u>
GORDON REIGELMAN	<u>Aye</u>
VIRGINIA SPLITT	<u>Aye</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: The Board of County Commissioners provided no discussion concerning the proposed plan amendment. This item was approved on the consent agenda.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

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

C. VOTE:

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>

**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 RESPONSE

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

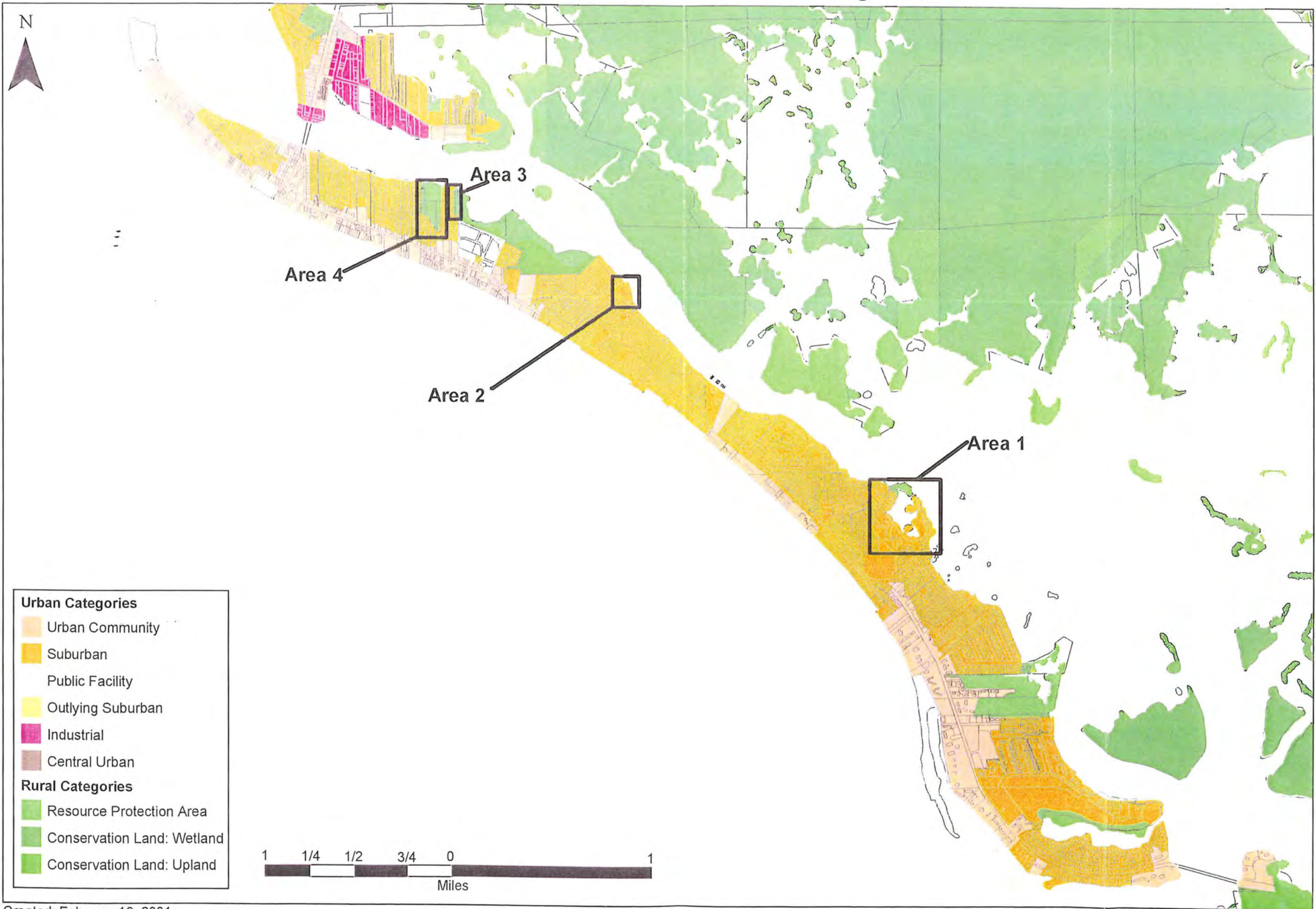
ANDREW COY

RAY JUDAH

BOB JANES

DOUG ST. CERNY

Current Lee County FLUM Designations

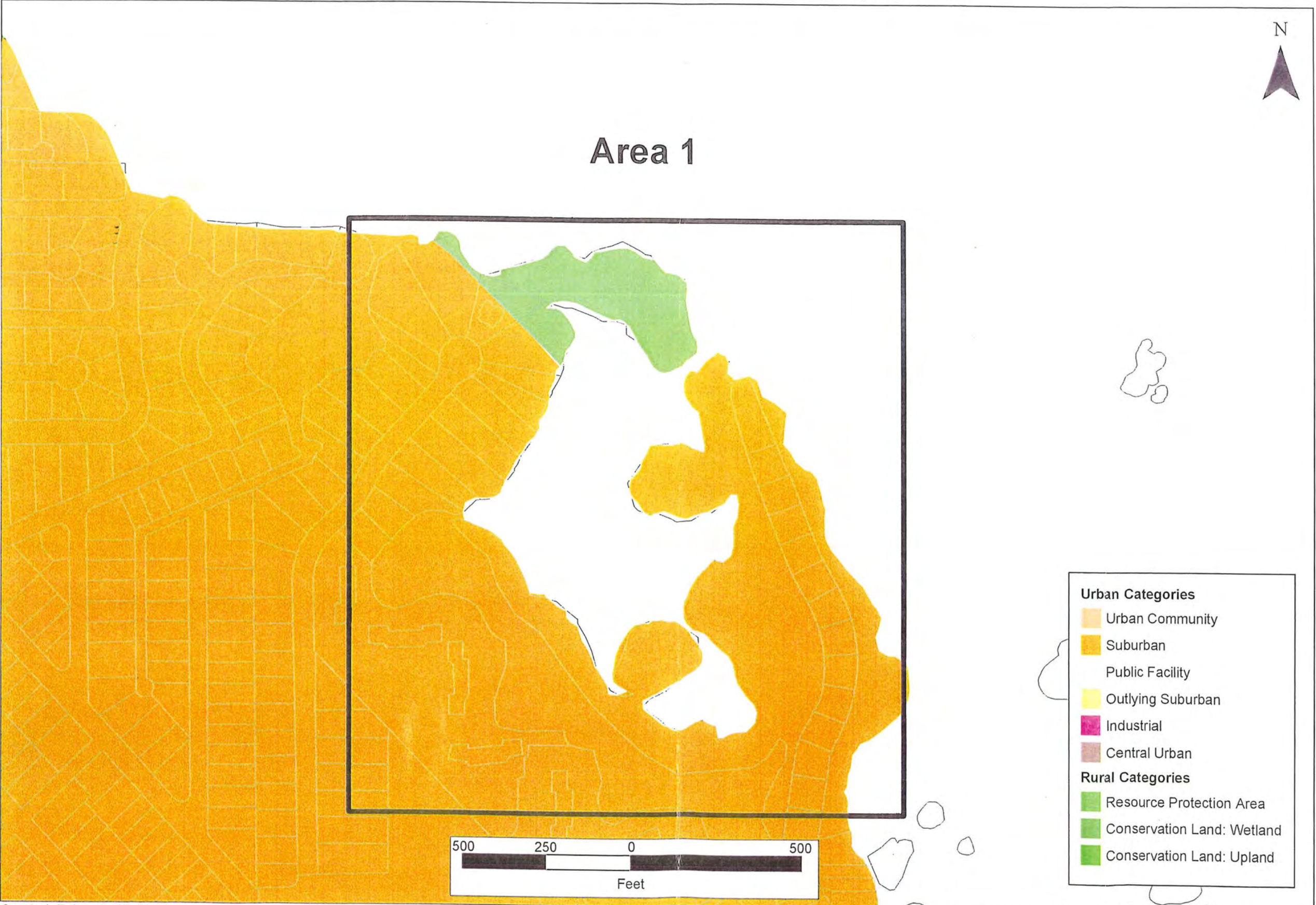


Created: February 19, 2001

Map 1A

Created by: Lee County Division of Planning

Current Lee County FLUM Designations

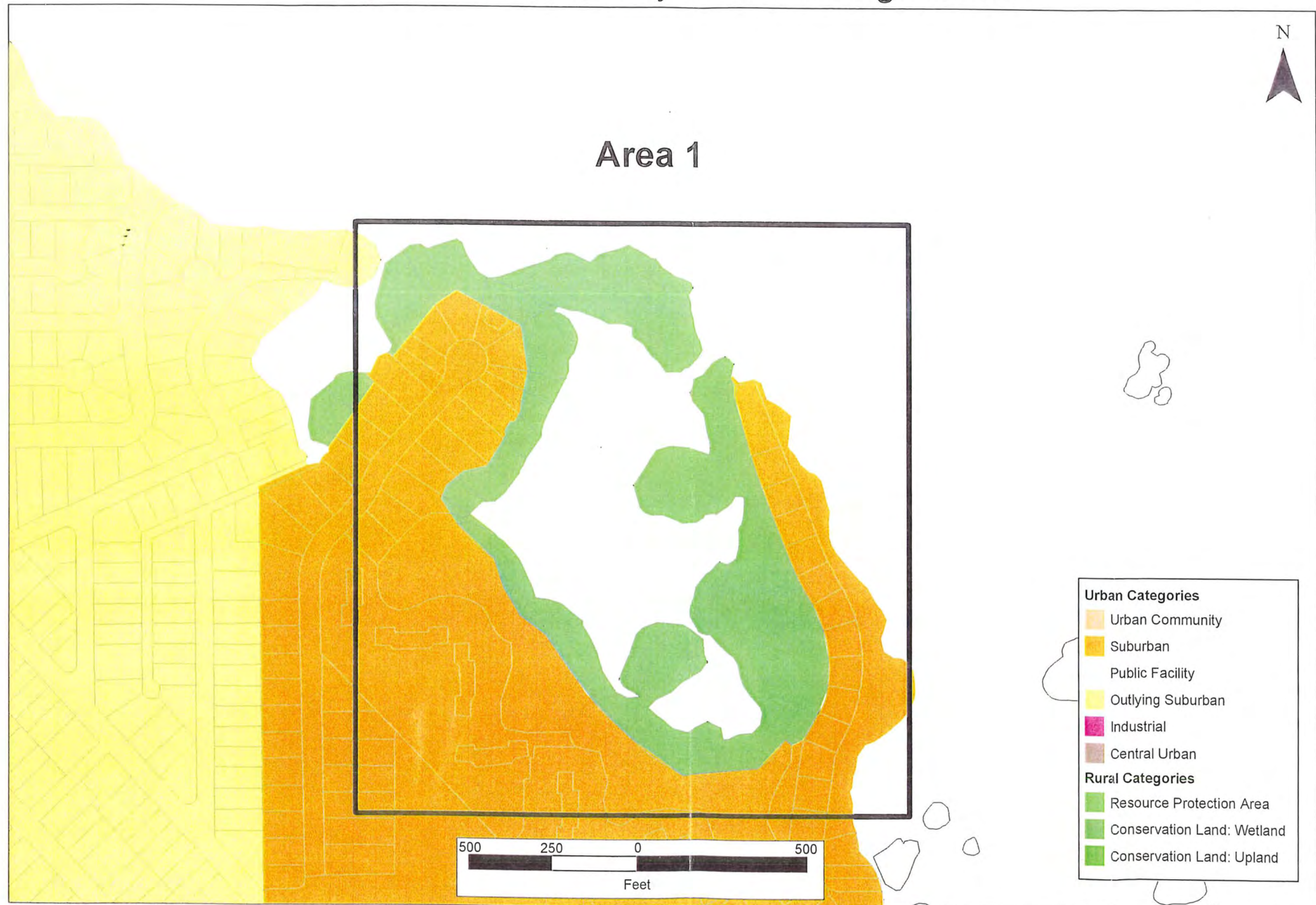


Created: February 19, 2001

Map 2A

Created by: Lee County Division of Planning

Proposed Lee County FLUM Designations

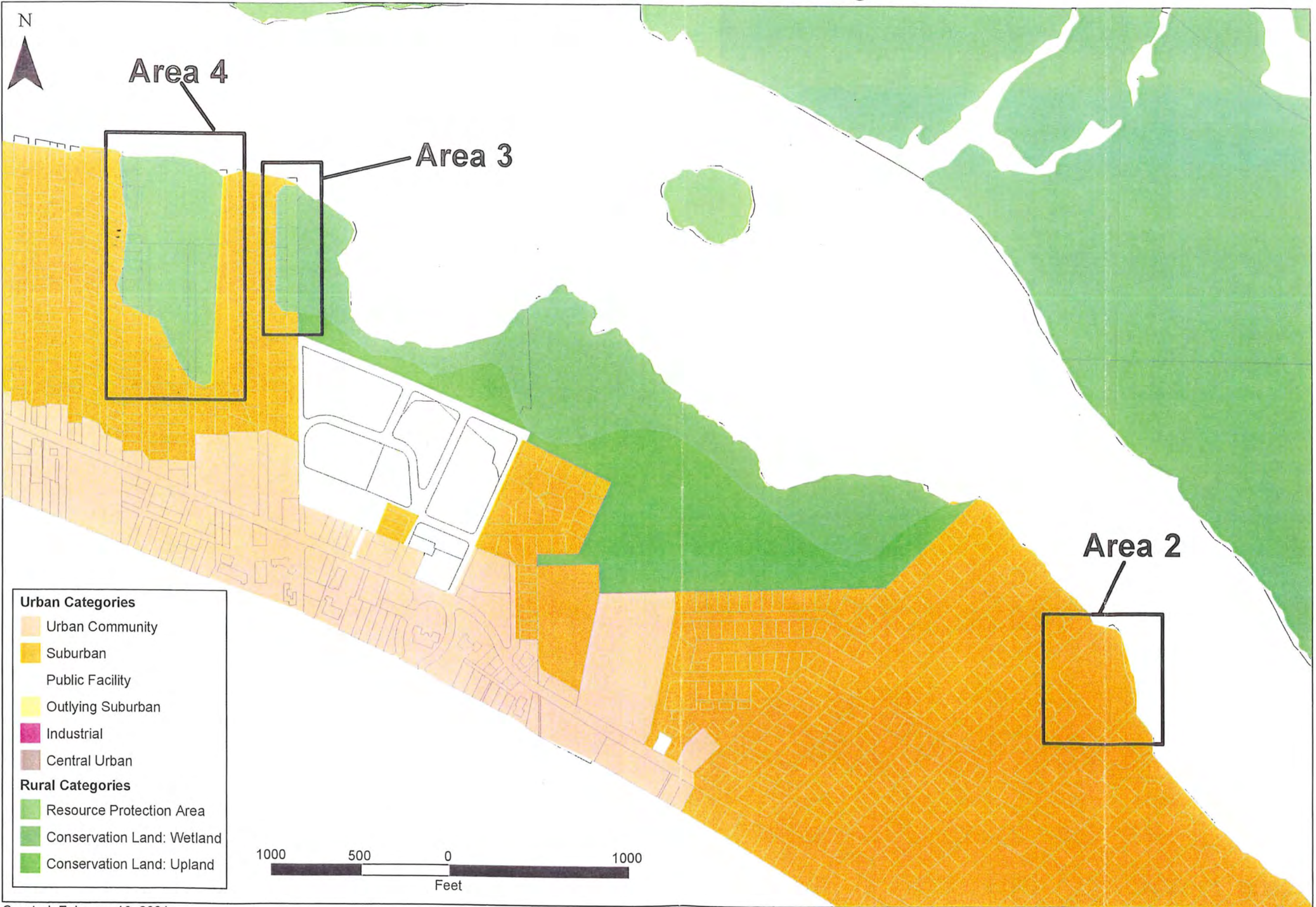


Created: February 19, 2001

Map 2B

Created by: Lee County Division of Planning

Current Lee County FLUM Designations

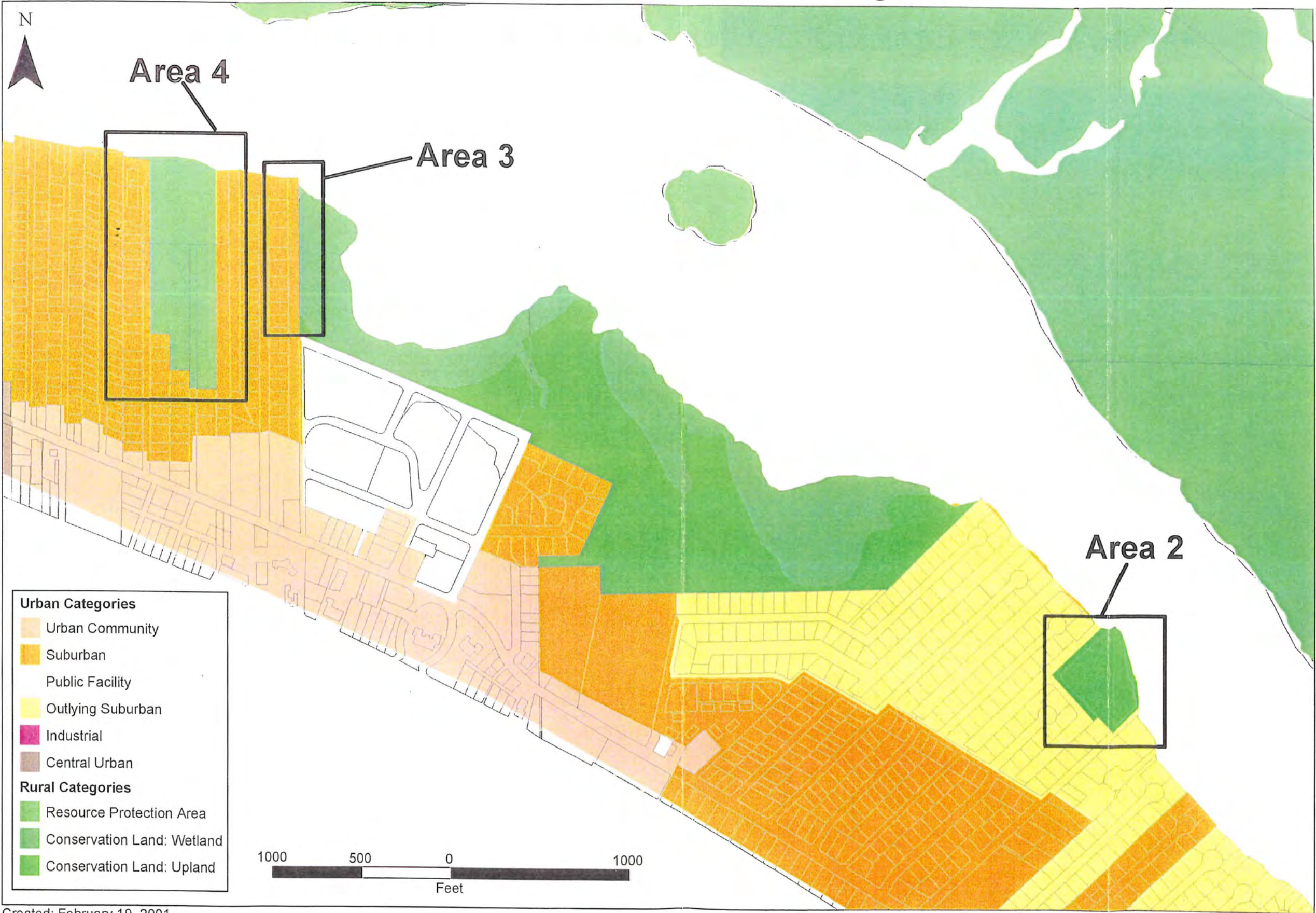


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Map 3A

Created by: Lee County Division of Planning

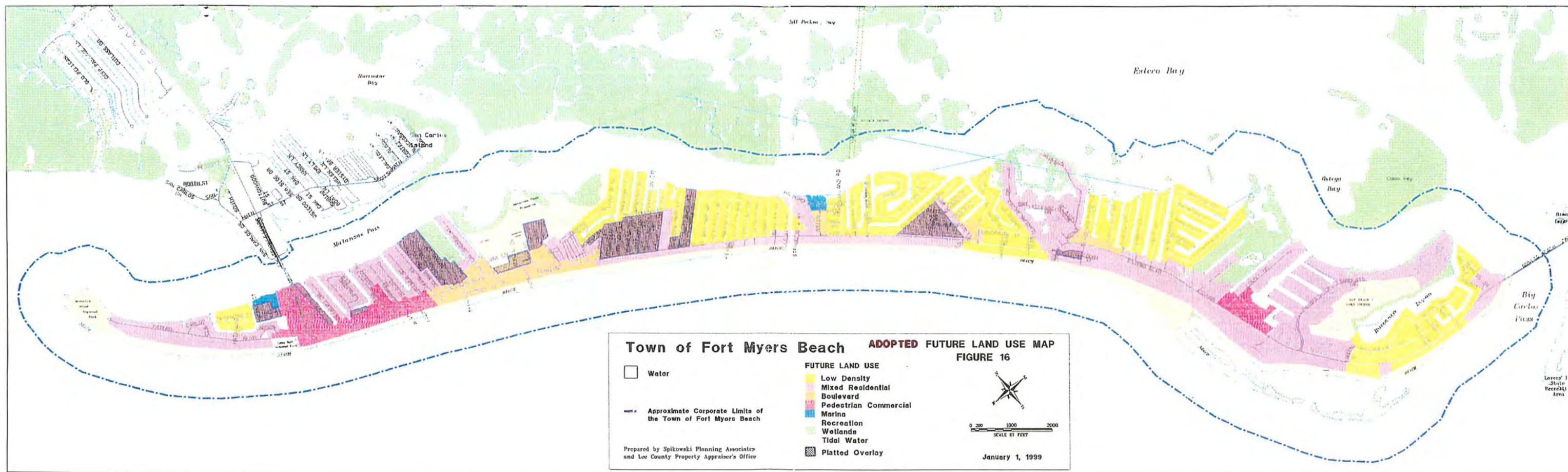
Proposed Lee County FLUM Designations



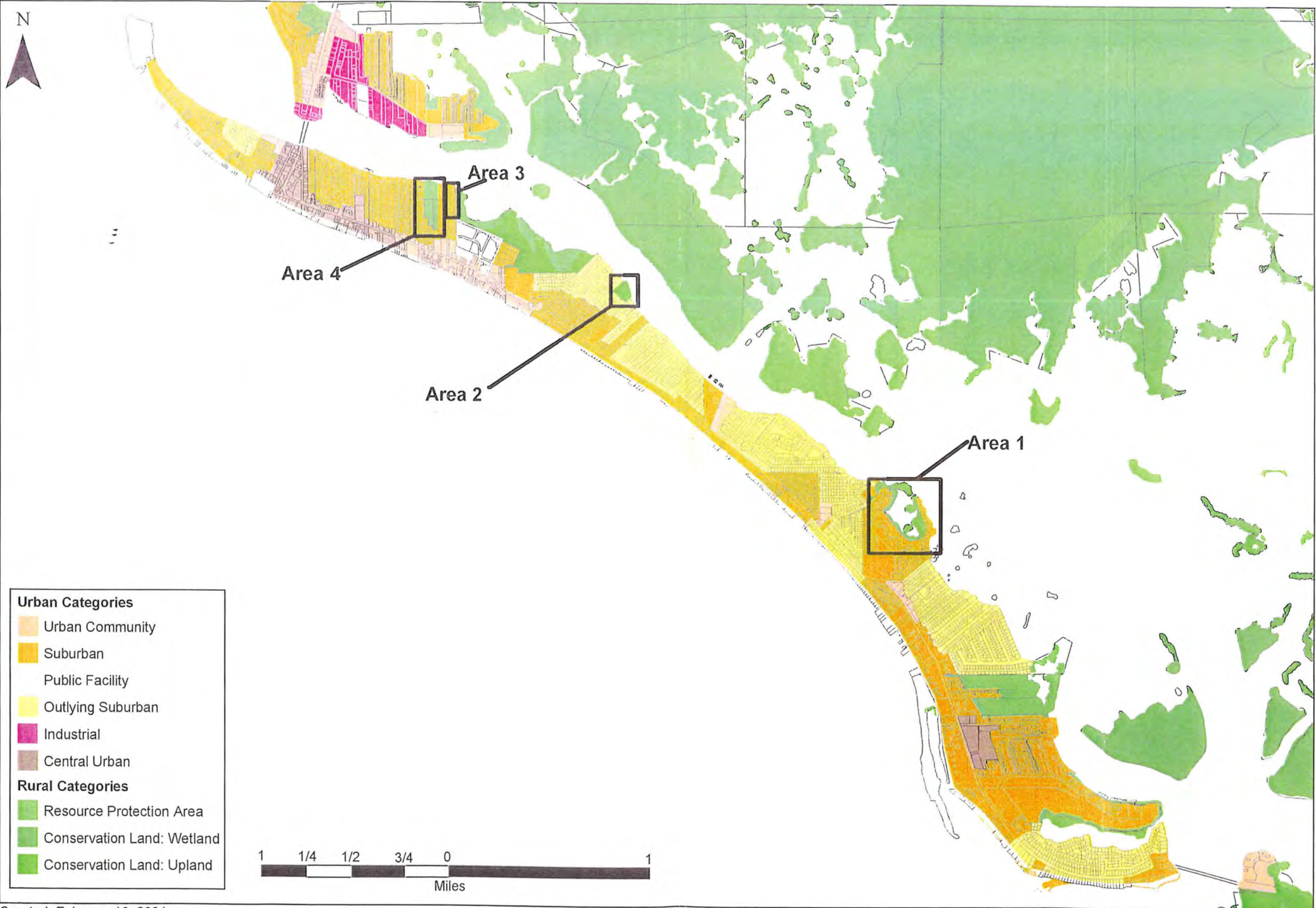
Created: February 19, 2001

Map 3B

Created by: Lee County Division of Planning



Proposed Lee County FLUM Designations



Created: February 19, 2001

Map 1B

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