

**PAM/T 96-19  
BoCC SPONSORED  
EAR ADDENDUM AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

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**BoCC Adoption Document**

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**June 3, 1998**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
PAM/T 96-19**

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

ORIGINAL STAFF REPORT PREPARATION DATE: October 9, 1997

**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 Lee Plan's Future Land Use Element to implement the Lehigh Acres Commercial Land Use Study (Final Report - May 1996) as follows:

- A. Add Policies 1.7a.1 (the Lehigh Commercial overlay); 1.7a.2 (the Reclaimed Strip overlay); and 1.7a.3 (the Lot Assembly overlay).
- B. Revise Policy 6.1.2 to include references to new Policies 1.7a.1, 1.7a.2, & 1.7a.3.
- C. Revise Map 16, the Commercial Site Location Standards Map, to shade the Lehigh Acres CRA area; to add a fifth note reading "Commercial development within Lehigh Acres is regulated by Policies 1.7a.1, 1.7a.2, and 1.7a.3"; to delete previously identified commercial designations within Lehigh Acres (except the one at S.R. 80 and Joel Boulevard); and to add a half-circle on the southerly half of the future intersection of S.R. 82 and Daniels Parkway.
- D. Revise Map 1, the Future Land Use Map, to reclassify 133 +/- acres in the southerly half of the future S.R. 82/Daniels Parkway intersection from "Density Reduction/Groundwater Resource" to "Central Urban" and "Wetlands."

- E. Revise Map 1, the Future Land Use Map, to incorporate the boundaries of the new overlay zones described in Policies 1.7a.1, 1.7a.2, & 1.7a.3 as illustrated on Figure 12.1 of the Lehigh Acres Commercial Land Use Study (final report dated May 1996).

- F. Revise Map 1, the Future Land Use Map, to expand the northerly boundary of the “Urban Community” category near Joel Boulevard to include the 40 +/- acres of land in the “Lehigh Commercial” category that is now designated “Rural” (all of 02-44-27 would now be “Urban Community”).
- G. Revise Map 1, the Future Land Use Map, to reclassify 55 +/- acres of land in Section 30/44/26 being given the “Lehigh Commercial” overlay from “Industrial Development” to “Central Urban.”

## **B. BACKGROUND INFORMATION**

In 1994 Lee County expanded its Community Redevelopment Agency to include Lehigh Acres. The purpose was to formulate strategies for the economic, social, and physical redevelopment of Lehigh Acres. Many of these strategies are needed to remedy deficiencies in the original platting pattern, which is creating an unbalanced community dominated by single-family lots. Insufficient land was reserved for retail and office uses; employment centers; public facilities; and future roads.

One of the eight original goals of the CRA program in Lehigh Acres was to “increase commercial zoning to provide for commercial opportunities and a long term economic stability by the development of appropriate zoning and land use relationships.” The Lehigh Acres Commercial Land Use Study was commissioned in 1995 to analyze the imbalance of commercial land and recommend community-wide solutions. Its final report was issued in May 1996 and included a broad series of recommendations to retrofit Lehigh Acres with an appropriate balance of land for retail and service uses.

The Lee Plan amendments proposed in PAM/T 96-19 are a direct outcome of that study. Minor modifications have been made to reflect changed conditions since May 1996. These include the deletion of the “Vested Community” category from the Lee Plan’s Future Land Use Map and certain changes to the proposed overlay zones as described below. Also, the 2020 transportation amendments have already been placed into the MPO plan and are reflected on the revised future transportation map series in the new Transportation Element.

The LPA reviewed these amendments in May of 1997. The LPA recommended two minor changes to the text portions, both of which have been incorporated into the staff recommendation below. The LPA also recommended four changes to the maps. These changes are described below, with a staff response to each. Attachment A shows the LPA’s proposed changes and the final staff recommendation as described below.

LPA map recommendation (a)	“Add to the <u>Lot Assembly</u> overlay the 16 acres in the entire blocks on the north side of Lee Boulevard, from Gunnery Road to the canal east of Douglas Avenue (just east of Trinity Baptist Church).”
Basis for LPA recommendation:	Evidence was submitted that many landowners along the north side of Lee Boulevard supported commercial use on the blocks in question.
Staff response:	Accepted and incorporated into the staff recommendation

LPA map recommendation (b)	“Remove from the <u>Lehigh Commercial</u> overlay 92 acres of land under contract for a residential development just south of 23rd Street SW (on both sides of the future Beth Stacey extension).”
Basis for LPA recommendation:	The current landowner, the Lehigh Corporation, stated they this property was subject to a sales contract for a residential development and they would like the commercial overlay removed.
Staff response:	The Progress Land Company of Minnesota now owns 41 of the 92 acres (having purchased the portion on the west side of the future Beth Stacey extension), and has stated that they have an option to purchase the remainder east of Beth Stacey. They are proposing a residential development around a golf course. Conventional single-family lots would not be permitted within the <u>Lehigh Commercial</u> overlay, although multifamily development would be permitted. Staff recommends that the Lehigh Commercial overlay remain in full on the property east of Beth Stacey, and remain on the property west of Beth Stacey but at a smaller size, with the new boundary following the centerline of a minor collector road in the proposed golf course subdivision (no single-family development is proposed by Progress Land Co. north of this road). This change reduces the original 41 acres of commercial to 31 acres. The combined effect of these changes would be to reduce the full 92 acres of <u>Lehigh Commercial</u> to 82 acres.

LPA map recommendation (c)	“Remove from the <u>Lehigh Commercial</u> overlay 73 acres of land on the west side of Homestead Road across from Veterans Park.”
Basis for LPA recommendation:	The current landowner, the Lehigh Corporation, stated they had now linked two pieces of their property along Homestead Road and no longer wished to pursue commercial development on any of it, preferring residential uses for the entire property.
Staff response:	Staff recommends that the Lehigh Commercial overlay remain on this property, 22 acres of which was rezoned to CPD in 1995 at the owners’ request.

LPA map recommendation (d)	“If recommendations (b) and (c) are approved, the Board of County Commissioners should look for centrally located unplatted land to replace the lost commercial acreage.”
Staff response:	Staff recommends against losing most of the acreage in (b) and (c), but the Board can replace the 10 acres lost under staff recommendation (c) by adding the 10 acres recently rezoned CPD adjoining the Admiral Lehigh Resort (zoning case 96-11-025.03Z 01.01) into the <u>Lehigh Commercial</u> overlay

(See Attachment A to this staff report for maps showing all parcels described above.)

## C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

### 1. RECOMMENDATION:

Planning staff recommends that the Lee Plan be amended to approve all amendments requested above, including Future Land Use Map changes as illustrated on Figure 12.1 of the Lehigh Acres Commercial Land Use Study (except as modified by Attachment A to this staff report), and with specific changes to the text of the Lee Plan as follows:

**OBJECTIVE 1.7: SPECIAL TREATMENT AREAS.** Designate on the Future Land Use Map, as overlays, special treatment areas that contain special restrictions or allowances in addition to all of the requirements of their underlying categories. *[no change]*

**POLICY 1.7.1:** The Airport Noise Zones ... *[no change]*

**POLICY 1.7.2:** The Development of Regional Impact overlay ... *[no change]*

**POLICY 1.7.3:** The Urban Reserve overlay ... *[no change]*

**POLICY 1.7.4:** Certain lands are designated as Future Urban Areas because of special needs for the provision of Privately Funded Infrastructure. ... *[no change]*

**POLICY 1.7.5:** The Water-Dependent overlay ... *[no change]*

**POLICY 1.7.6:** The Year 2010 Overlay ... *[no change]*

**POLICY 1.7.7:** The Public Acquisition overlay ... *[no change]*

**POLICY 1.7.8:** The Agricultural overlay ... *[no change]*

**OBJECTIVE 1.7a: LEHIGH ACRES COMMERCIAL USES.** Designate additional overlay zones on the Future Land Use Map to designate potential commercial land uses in Lehigh Acres. The distinction in Policy 6.1.2(7) between the two major types of commercial uses does not apply in Lehigh Acres.

**POLICY 1.7a.1:** Commercial uses are permitted on lands in the Lehigh Commercial overlay in accordance with existing or future zoning. Land in the Lehigh Commercial overlay may also be used for schools, parks, and other public facilities; churches and synagogues; and residential uses that provide housing alternatives to the typical ¼ to ½ acre subdivision lots. Creation of new single-family lots smaller than one acre is not permitted due to the oversupply of standard subdivision lots. If cumulative new residential development takes place on more than 1% of this land per year, Lee County shall take steps to provide additional commercial land in Lehigh Acres to offset the loss.

**POLICY 1.7a.2:** Commercial uses will also be permitted on lots in the Reclaimed Strip overlay facing S.R. 82 once a corridor access management plan is adopted by FDOT governing that portion of S.R. 82. This plan would provide for additional road connections between S.R. 82 and Meadow Road at about 1/8-mile spacing with full access median crossings at about 1/4-mile spacing. All lots would ultimately have access to S.R. 82 via Meadow Road, which would serve as a reverse frontage street. Commercial uses would also be permitted on Reclaimed Strip lots facing Gunnery Road if Lee County adopts a similar plan, with access to all lots being provided via Gretchen Avenue which would serve as the reverse frontage street. Until such plans are in place, lots in the Reclaimed Strip overlay may be used for any of the residential uses permitted in the C-2 zoning district.

**POLICY 1.7a.3:** Because of the shortage of suitable undivided tracts in Lehigh Acres (whose boundaries for the purposes of this plan are shown on Map 16), commercial uses may also be appropriate on certain other lands that might otherwise be used for residential lots.

1. Many such lands are designated with the Lot Assembly overlay. These lands are platted for single-family lots and are under multiple ownerships. Commercial uses on individual lots or small assemblies of lots would generally be intrusive to existing or emerging neighborhoods. However, assemblies of entire blocks would provide suitable commercial parcels. Major lot assemblies could qualify for commercial zoning whether assembled by government action, private sector purchases, cooperative arrangements between individual lot-owners, or similar arrangements.
2. Other tracts or combinations of platted lots in Lehigh Acres may also be considered for commercial rezoning (even if they are outside any of the three overlays) through the normal zoning processes or by requesting a new conventional commercial zoning district that may be created to address Lehigh Acres conditions. Lands suitable for such rezoning would include:
  - a. Tracts that are assembled from vacant lots at the intersection of future collector or arterial roads in sparsely developed areas where there are very limited or no suitable commercial locations in any of the commercial overlays; or
  - b. Tracts that separate existing commercial and residential land uses where some commercial uses may be appropriate if they provide a substantial buffer and reasonably protect the privacy of existing dwellings. Landowners seeking commercial zoning under this subsection should expect a minimal level of commercial uses and/or to provide extra levels of buffering.

Decisions on the suitability of any proposal shall be made by Lee County on a case-by-case basis in order to implement the intent of these regulations.

3. Commercially zoned land not placed within one of these overlays can be developed in accordance with previous regulations, but may be subject to county-initiated rezonings to restrict or eliminate future commercial uses there.

**GOAL 6: COMMERCIAL LAND USES.** To permit orderly and well-planned commercial development at appropriate locations within the county. *[no change]*

**OBJECTIVE 6.1:** All development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 11 and other provisions of this plan. *[no change]*

**POLICY 6.1.1:** All applications for commercial development shall be reviewed and evaluated as to: *[no change]*

**POLICY 6.1.2:** All commercial development shall be consistent with the location criteria in this policy, except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Policies 1.7a.1 through 1.7a.3.

1. Minor Commercial ... *[no change]*
2. Neighborhood Commercial ... *[no change]*
3. Community Commercial ... *[no change]*
4. Regional Commercial ... *[no change]*
5. Commercial development "at the intersection" ... *[no change]*
6. Any contiguous property under one ownership ... *[no change]*
7. The location standards specified in Subsections 1-4 shall apply to the following commercial developments: shopping centers; free-standing retail or service establishments; restaurants; convenience food stores; automobile dealerships; post offices; gas stations; car washes; and other commercial development generating large volumes of traffic. These location standards shall not apply to the following: banks and savings and loan establishments without drive-in facilities; hotels or motels; marinas; general, medical, or professional offices; industrial, warehouse, or wholesale development; clubs, as defined in Chapter 34 of the Land Development Code (commercial clubs excepted); and other similar development. The distinction in this subsection between these two major types of commercial uses does not apply in Lehigh Acres, where commercial uses are permitted in accordance with Policies 1.7a.1 through 1.7a.3.
8. The standards specified in Subsections 1-4 for location and site area ... *[no change]*
9. The location standards in this policy are not applicable in the Interchange land use category, or in Lehigh Acres where commercial uses are permitted in accordance with Policies 1.7a.1 through 1.7a.3.
10. The Board of County Commissioners may approve applications for minor commercial centers ... *[no change]*

11. Uses that must comply with Subsections 1-4 may occur at the outside of a T-intersection ... *[no change]*
12. Map 19 illustrates the existing Lee County intersections that are deemed to be consistent with the standards in subsections 2 and 3. Neighborhood and community commercial centers must be located at one of the designated intersections, at another intersection determined to be consistent with the definition of "arterial" and "collector" road in Rule 9J-5.003, ~~or~~ in accordance with one of the exceptions under Goal 6, or in Lehigh Acres in accordance with Policies 1.7a.1 through 1.7a.3.

The map shows some intersections with half-circles and others with full circles. Half circles indicate that only the two intersection quadrants shown on the map are deemed to be consistent with the standards. All of the quadrants of intersections designated with full circles are deemed to be consistent with the standards. Proposed neighborhood and community commercial centers that are located at the designated intersections are subject to all of the other Goals, Objectives and Policies of this Plan.

Functional classifications of new or improved streets shall be established in accordance with the definitions of "arterial" and "collector" roads in Rule 9J-5.003. The map shall be revised annually during the county's regular plan amendment cycle.

## **2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

The data and analysis for these amendments are provided in the Lehigh Acres Commercial Land Use Study (Final Report - May 1996) as amended herein. Planning staff recommends acceptance of the findings contained in that study.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION AND CONCLUSIONS:**

The imbalance of land uses in Lehigh Acres will be profound if actions aren't taken to remedy the clearly identified deficiencies. The amendments proposed here are important first steps toward informing the community of the pending imbalance, encouraging landowners to reserve appropriate locations for future commercial centers, and avoiding the creation of additional single-family subdivision lots at those locations.

Only 2% of the land in Lehigh Acres currently has commercial zoning, far less than the typical 5% commercial allocation for an entire community. Even if all of this zoned land were actually available and usable for commercial development, it would provide only enough space for about 38% of the build-out population of Lehigh Acres. An even greater problem, though, is that much of the remaining commercially zoned land suffers from serious flaws. Two of these flaws are:

- C Premature platting of excellent commercial sites into single-family lots, which were sold off to individual buyers, many with deed restrictions against commercial uses.

- C Provision of commercial land as shallow commercial strips, sold off into individual parcels in the same manner as single-family lots.

The specific plan amendments proposed at this time were developed through a series of priorities established early in the Commercial Land Use Study (following an evaluation of the magnitude of the shortfall of commercial land). These priorities take advantage of the simplest solutions first, such as modifying regulations, and then progressing to the more complex solutions as far as needed to provide a reasonable balance of commercial land:

— *Priority #1: Modify Unneeded Regulatory Constraints*

Today's Lee Plan standards for commercial growth are the same in Lehigh Acres as throughout Lee County. Given the pre-platted situation in Lehigh Acres, the current standards are needlessly restrictive. Regulations are easier to change than fragmented ownership, unsuitable soils, or an inadequate road network.

— *Priority #2: Give Priority to Parcels Under Unified Ownership*

Any remaining unplatted tracts, or platted tracts whose lots have never been sold off, must be recognized as valuable resources. These tracts can provide a relatively simple means of retrofitting Lehigh Acres for its shortage of commercial land (as well as for future schools, parks, and multifamily housing).

— *Priority #3: Reconfigure Existing Commercial Strips*

Some of the existing commercial strips are of little real value, but others are in prime locations for actual commercial uses. Many have lots that are deep enough for at least some commercial uses. Positive attributes for commercial strips include: near an existing or future major intersection; lot depths of 175 feet or more; and ownership that is not fragmented. At the best locations, the strips can be deepened further to provide shopping center sites.

— *Priority #4: Enable Neighborhood-Scale Commercial Uses*

A small-scale commercial alternative could be officially sanctioned in county regulations to allow limited commercial uses in neighborhoods throughout Lehigh Acres. This could be done through a Lee Plan policy followed by either a special zoning district or a redevelopment overlay district.

— *Priority #5: Fill Remaining Gaps Through Lot Assembly*

After experimenting with the higher priorities above, and after taking into account the usefulness of the off-site options (e.g., Daniels, Commerce Lakes, Colonial intersections with S.R. 82), some gaps may still remain where there are insufficient commercial alternatives. To fill these gaps, the difficult task of lot assembly may be required. Private land assembly should be encouraged, and the very best remaining locations should be considered for governmental assembly. The use of the CRA's powers of eminent domain would be required in most cases, and acquisition costs may be high. Alternative cooperative arrangements should be considered prior to the use of eminent domain, such as voluntary purchases, lot swaps, or development agreements with existing owners or participating developers.

Additional steps will be required to remedy other land-use deficiencies in Lehigh Acres. The first phase of the Commercial Land Use Study was directed primarily at retail and service deficiencies. A second phase of planning is now underway to identify additional land in and near Lehigh Acres that could be made available for employment centers for the future population (which could exceed 300,000 people). Recommendations from that study will be presented later and will include Lee Plan amendments as appropriate.

**B. STAFF RECOMMENDATION**

Planning staff recommends that the Lee Plan be amended to approve all amendments as detailed above and as shown as staff recommendations on Attachment A.

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

DATE OF PUBLIC HEARING: May 6, 1997

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

**1. RECOMMENDATIONS:**

- (a) Add to the Lot Assembly overlay the 16 acres in the entire blocks on the north side of Lee Boulevard, from Gunnery Road to the canal east of Douglas Avenue (just east of Trinity Baptist Church).
- (b) Remove from the Lehigh Commercial overlay 92 acres of land under contract for a residential development just south of 23rd Street SW (on both sides of Beth Stacey).
- (c) Remove from the Lehigh Commercial overlay 73 acres of land on the west side of Homestead Road across from Veterans Park.
- (d) If recommendations (b.) and (c.) are approved, the Board of County Commissioners should look for centrally located unplatted land to replace the lost commercial acreage.
- (e) Place the three new overlay policies under a new objective.
- (f) Modify policy 1.7a.3 to make clear that it could apply to a landowner who had not assembled lots.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- (a) Evidence was submitted that many landowners along the north side of Lee Boulevard supported commercial use on the blocks in question.
- (b) The current landowner, the Lehigh Corporation, stated they this property was subject to a sales contract for a residential development and they would like the commercial overlay removed.
- (c) he current landowner, the Lehigh Corporation, stated they had now linked two pieces of their property along Homestead Road and no longer wished to pursue commercial development on any of it, preferring a residential use for the entire property.
- (d) The LPA wished to retain the amount of commercially designated land by replacing the land lost through recommendations (b.) and (c.).
- (e) Adding a new objective over the three overlay policies would increase clarity.
- (f) Policy 1.7a.3 wasn't sufficiently clear that it could be used for parcels that did not require lot assembly.

**B. VOTE:**

<b>CARRON DAY</b>	<b>ABSENT</b>
<b>RICHARD DURLING</b>	<b>ABSENT</b>
<b>EARL HAMILTON</b>	<b>AYE</b>
<b>RONALD INGE</b>	<b>AYE</b>
<b>BILL SPIKOWSKI</b>	<b>ABSTAINED</b>
<b>GREG STUART</b>	<b>AYE</b>
<b>MATT UHLE</b>	<b>AYE</b>

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

**DATE OF TRANSMITTAL HEARING:** November 5, 1997

**A. BOARD REVIEW AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

- (a) Accepted the LPA and staff recommendation to add to the *Lot Assembly* overlay the 16 acres in the entire blocks on the north side of Lee Boulevard, from Gunnery Road to the canal east of Douglas Avenue (just east of Trinity Baptist Church).
- (b) Altered the LPA's recommendation to remove from the *Lehigh Commercial* overlay 92 acres of land under contract for a residential development just south of 23rd Street SW (on both sides of Beth Stacey); in its place, the prohibition on single-family development will be eliminated for this property (see new footnote below to be placed under Policy 1.7a.1).
- (c) Altered the LPA's recommendation to remove from the *Lehigh Commercial* overlay 73 acres of land on the west side of Homestead Road across from Veterans Park; in its place, the prohibition on single-family development will be eliminated for this property (see new footnote below to be placed under Policy 1.7a.1).
- (d) Took no action on the LPA and staff recommendation concerning finding centrally located unplatted land to replace the lost commercial acreage from LPA recommendations (b) and (c).
- (e) Accepted the LPA and staff recommendation to place the three new overlay policies under a new objective (with language as shown in the staff report).
- (f) Accepted the LPA and staff recommendation to modify policy 1.7a.3 to make clear that it could apply to a landowner who had not assembled lots (with language as shown in the staff report).
- (g) Took no action on a request by Barry Gionfriddo to allow commercial development on eight more lots in the southeast quadrant of Lee Boulevard and Gunnery Road; this matter and other adjustments will be considered at the final adoption hearing.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- (a) Evidence was submitted that many landowners along the north side of Lee Boulevard supported commercial use on the blocks in question.
- (b) The Lehigh Corporation stated they have sold part of this property for a golf-course residential development but they still hold the mortgage; they requested the removal of the commercial overlay. The new owner, Progress Land Company, also requested the removal of the commercial overlay.

The Board chose an alternate method of allowing single-family development that keeps this land in the *Lehigh Commercial* overlay (see new footnote below to be placed under Policy 1.7a.1).

- (c) The current landowner, the Lehigh Corporation, stated they had now linked two pieces of their property along Homestead Road and no longer wished to pursue commercial development on any of it, preferring a residential use for the entire property; they requested the removal of the commercial overlay. The Board chose an alternate method of allowing single-family development that keeps this land in the *Lehigh Commercial* overlay (see new footnote below to be placed under Policy 1.7a.1).
- (d) The Board made no findings in response to this request.
- (e) The Board concurred that adding a new objective over the three overlay policies would increase clarity.
- (f) The Board concurred that Policy 1.7a.3 hadn't been sufficiently clear that it could be used for parcels that did not require lot assembly.
- (g) The Board will make a decision on the request by Barry Gionfriddo at the final adoption hearing.

## **B. BOARD REVISIONS TO POLICY 1.7a.1:**

**POLICY 1.7a.1:** Commercial uses are permitted on lands in the *Lehigh Commercial* overlay in accordance with existing or future zoning. Land in the *Lehigh Commercial* overlay may also be used for schools, parks, and other public facilities; churches and synagogues; and residential uses that provide housing alternatives to the typical ¼ to ½ acre subdivision lots. Creation of new single-family lots smaller than one acre is not permitted due to the oversupply of standard subdivision lots.<sup>1</sup> If cumulative new residential development takes place on more than 1% of this land per year, Lee County shall take steps to provide additional commercial land in Lehigh Acres to offset the loss.

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<sup>1</sup>The prohibition on single-family development does not apply in the following portions of the Lehigh Commercial overlay: (1) that portion of Section 6, Township 45S, Range 27E lying south of 23<sup>rd</sup> Street Southwest and its easterly extension beyond Beth Stacey Boulevard, containing about 92 acres; and (2) those portions of Section 5, Township 45S, Range 27E described as follows: (a) that part of the southwest quarter of the northeast quarter lying southwest of Homestead Road, containing 22.12 acres, and (b) the west 364 feet of the north half of the southeast quarter, containing 11.00 acres, and (c) the southwest quarter of the southeast quarter less the south 175 feet of the east 125 feet, containing 39.50 acres.

**C. BOARD VOTE:**

<b>JOHN ALBION</b>	<b>AYE</b>
<b>ANDREW COY</b>	<b>AYE</b>
<b>RAY JUDAH</b>	<b>NAY</b>
<b>JOHN MANNING</b>	<b>AYE</b>
<b>DOUG ST. CERNY</b>	<b>AYE</b>

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

DATE OF ORC REPORT: February 5, 1998

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

**5. Amendment PAM/T 96-19: (Lehigh Acres):** This is proposal to amend the plan to include additional objectives and policies for the location of commercial uses in the Lehigh Acres. The amendment will also reclassify 133 acres in the southerly half of the future S.R. 82/Daniels parkway intersection from Density Reduction/Groundwater Recharge to Central Urban. The Department strongly supports the planning effort to better balance land use allocations in Lehigh Acres. However, allowable commercial uses are not properly defined.

**Objection:** Proposed Policy 1.7a.1 states that "commercial uses are permitted on land in Lehigh commercial overlay in accordance with existing or future zoning". This policy is inadequate because it defers to the land development regulations the identification of allowable commercial uses within the Lehigh Commercial Overlay instead specifying them in the plan. Also, Policy 1.7a.3 defers to the zoning code certain provisions. In addition, these policies do not establish the intensity of commercial use (e.g., in the form of floor area ratio) to be allowed in the Commercial Overlay. Rule 9J-5.003(95), 9J-5.005(6) and 9J-5.006(3)(c)1., 7., F.A.C.

**Recommendation:** Revise these policies to delete deference to the land development regulations and specify, in the plan, the allowable commercial uses in the Lehigh Commercial Overlay.

Establish in the policy the intensity of commercial use to be allowed pursuant to the Commercial Overlay.

**B. STAFF RECOMMENDATION**

Revise the element as necessary to address the objections and adopt the amendment as revised (see section D. below for specific recommendation).

**C. STAFF RESPONSE TO ORC REPORT**

There is nothing improper about deferring certain detailed matters to the land development regulations; in fact, it is a fundamental premise of state law that land development regulations will be used to implement comprehensive plans. Lee County should not specify all allowable commercial uses for every parcel in the comprehensive plan, because the zoning process is designed to distinguish between parcels suitable for a 400,000-square-foot power center at a major intersection or for only a quiet shop in a residential neighborhood. This plan would be doomed to failure if it attempted to make all such distinctions for every commercial parcel in Lehigh Acres. Further, the county is reluctant to limit commercial floor areas across the board when the fundamental objective of this amendment is to make the best possible use of very limited commercial lands in Lehigh Acres.

However, in the interest of resolving these matters, staff recommends the following changes:

- # Modify Policy 1.7a.1 to clarify that commercial zoning must be in accordance with this comprehensive plan.
- # Modify Policy 1.7a.1 to indicate that if average floor-area ratios exceed a figure established in the plan, then a re-examination of the land-use allocations would be triggered to avoid over-designating commercial land.

In addition, staff recommends an additional change in Policy 1.7a.2 which governs the existing (but now vacant) commercial strips along S.R. 82 and Gunnery Road. The current language says commercial uses will be allowed “once a corridor access management plan is adopted by FDOT.” Although staff stands behind this concept, no progress has been made to date by FDOT or others to complete such a corridor plan (which would identify the new access points between the arterial and the rear access road). To avoid a situation where lack of action by others could preclude any reasonable use of land, staff recommends modifying Policy 1.7a.2 to maintain the previous allowances for commercial development in these areas on an interim basis, and allowing commercial uses on the remainder of these lots once corridor access management plans are completed.

#### D. STAFF RECOMMENDATION - REVISED LANGUAGE

Revise new Policies 1.7a.1, 2, and 3 using the following language, adopting these policies and all other map and text changes as they were transmitted to DCA in November 1997:

POLICY 1.7a.1: Commercial uses are permitted on lands in the **Lehigh Commercial** overlay once commercial zoning has been approved in accordance with this plan existing or future zoning. Land in the **Lehigh Commercial** overlay may also be used for schools, parks, and other public facilities; churches and synagogues; and residential uses that provide housing alternatives to the typical ¼ to ½ acre subdivision lots. Creation of new single-family lots smaller than one acre is not permitted due to the oversupply of standard subdivision lots.<sup>1</sup> If cumulative new residential development takes place on more than 1% of this land per year, Lee County shall take steps to provide additional commercial land in Lehigh Acres to offset the loss. Lee County shall take steps to reduce any emerging surplus of commercial land in Lehigh Acres if cumulative new commercial development exceeds an average floor-area ratio of 1.0 (the ratio of interior floor space to total lot area).

POLICY 1.7a.2: Commercial uses will also be permitted on all lots in the **Reclaimed Strip** overlay facing S.R. 82 once a corridor access management plan is adopted by FDOT governing that portion of S.R. 82. This plan would provide for additional road connections between S.R. 82 and Meadow Road at about 1/8-mile spacing with full access median crossings at about 1/4-mile spacing. All lots would ultimately have access to S.R. 82 via Meadow Road, which would serve as a reverse frontage street. Commercial uses would also be permitted on all **Reclaimed Strip** lots facing Gunnery Road if Lee County adopts a similar plan, with access to all lots being provided via Gretchen Avenue which would serve as the reverse frontage street. Until such plans are

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<sup>1</sup>The prohibition on single-family development does not apply in the following portions of the **Lehigh Commercial** overlay: (1) that portion of Section 6, Township 45S, Range 27E lying south of 23<sup>rd</sup> Street Southwest and its easterly extension beyond Beth Stacey Boulevard, containing about 92 acres; and (2) those portions of Section 5, Township 45S, Range 27E described as follows: (a) that part of the southwest quarter of the northeast quarter lying southwest of Homestead Road, containing 22.12 acres, and (b) the west 364 feet of the north half of the southeast quarter, containing 11.00 acres, and (c) the southwest quarter of the southeast quarter less the south 175 feet of the east 125 feet, containing 39.50 acres.

in place, those lots in the *Reclaimed Strip* overlay that do not qualify for commercial development under the location standards of Policy 6.1.2 may be used only for ~~any~~ of the residential uses permitted in the C-2 zoning district.

POLICY 1.7a.3: Because of the shortage of suitable undivided tracts in Lehigh Acres (whose boundaries for the purposes of this plan are shown on Map 16), commercial uses may also be appropriate on certain other lands that might otherwise be used for residential lots.

1. Many such lands are designated with the *Lot Assembly* overlay. These lands are platted for single-family lots and are under multiple ownerships. Commercial uses on individual lots or small assemblies of lots would generally be intrusive to existing or emerging neighborhoods. However, assemblies of entire blocks would provide suitable commercial parcels. Major lot assemblies could qualify for commercial zoning whether assembled by government action, private sector purchases, cooperative arrangements between individual lot-owners, or similar arrangements.
2. Other tracts or combinations of platted lots in Lehigh Acres may also be considered for commercial rezoning (even if they are outside any of the three overlays) through the normal zoning processes or by requesting a new conventional commercial zoning district that may be created to address Lehigh Acres conditions. Lands suitable for such rezoning would include:
  - a. Tracts that are assembled from vacant lots at the intersection of future collector or arterial roads in sparsely developed areas where there are very limited or no suitable commercial locations in any of the commercial overlays; or
  - b. Tracts that separate existing commercial and residential land uses where some commercial uses may be appropriate if they provide a substantial buffer and reasonably protect the privacy of existing dwellings. Landowners seeking commercial zoning under this subsection should expect a minimal level of commercial uses and/or to provide extra levels of buffering.Decisions on the suitability of any proposal shall be made by Lee County on a case-by-case basis in order to implement the intent of these regulations.
3. Commercially zoned land not placed within one of these overlays can be developed in accordance with previous regulations, but may be subject to county-initiated rezonings to restrict or eliminate future commercial uses there.

At the transmittal hearing on November 5, 1997, the Board deferred action on a landowner's request for an additional change to the new Future Land Use Map. Mr. Barry Gionfriddo had appeared and requested commercial development on eight more lots in the southeast quadrant of Lee Boulevard and Gunnery Road (Lots 4-7 and 21-24 of Block 71). These lots are directly east of four lots at this corner that were recently rezoned from RS-1 to CPD for a convenience store (case #97-08-230.02Z 01.01). Staff has no objection to the inclusion of these eight additional lots into the "Lot Assembly" overlay provided that Lot 3 is also included (see map below).

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

DATE OF ADOPTION HEARING: May 27, 1998

**A. BOARD REVIEW:** One member of the Board questioned a rezoning of ten acres of land near the Admiral Lehigh Resort from residential to commercial, which the board approved, and now the resort is coming back wanting to remove lands that are in the commercial overlay. This member also stated that he does not believe the amendment was fully discussed and voted on by the Lehigh Acres CRA. The consultant responded that the ten acres rezoned near the resort was requested by the resort, not by the Lehigh Corporation. They are now separate operations. The consultant concluded on this topic by stating that "You are correct that the Lehigh Corporation at the previous hearing did request allowance to have residential or commercial on two of their large parcels and the board accepted that, so we weren't reopening that issue today. The consultant added that last Wednesday night the Lehigh Acres CRA committee held a special meeting which purpose was to review the overlay; and they did vote to endorse the direction the commission is going. The consultant stated that there are two issues that the Board needs to address specifically. One is a request held over from the previous transmittal hearing, where Barry Gionfriddo requested seven additional lots into the lot assembly overlay. The other issue is contained in a letter from John Morgan asking that two additional parcels be included in the commercial overlay, one on Beth Stacy near the Kennilworth subdivision, about a 6.9 acre parcel, another on Bell Boulevard. The consultant stated that the Morgan parcels had been reviewed and that they were not recommended for inclusion in the overlay. The Chairman asked if this is a recent request. The consultant stated "this past Thursday." The Board expressed concern that these last parcels should "go through the process" and not be added "at the last minute." One commissioner suggested that Mr. Morgan should go through the fall regular amendment cycle. This item was approved on the administrative agenda.

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

1. **BOARD ACTION:** The Board voted to adopt this amendment as recommended by staff including the addition of eight additional lots into the "Lot Assembly" overlay (Lots 3-7 and 21-24 of Block 71, southeast quadrant of Lee Boulevard and Gunnery Road).
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff.

**C. VOTE:**

<b>JOHN ALBION</b>	<b>AYE</b>
<b>ANDREW COY</b>	<b>AYE</b>
<b>RAY JUDAH</b>	<b>AYE</b>
<b>JOHN MANNING</b>	<b>AYE</b>
<b>DOUG ST. CERNY</b>	<b>ABSENT</b>

