

**PAM 96-07
PRIVATELY SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

Non-Transmittal Document

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October 27, 1997

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
PAM 96-07**

✓	This Document Contains the Following Reviews:
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal

STAFF REPORT PREPARATION DATE: June 19, 1997

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

JEFFREY B. FREEMAN, TRUSTEE
REPRESENTED BY MR. CARLETON RYFFEL.

2. REQUEST:

Amend the Future Land Use Map Series, Map 1, the Future Land Use Map and the Airport Noise Zone Overlay, and Map 17, the Year 2010 Overlay Map, to redesignate a specified 424" acre parcel of land located in Section 34, Township 45 South, Range 25 East from the Rural and Wetlands Land Use Categories to the Suburban and Wetlands Land Use Categories, remove the Airport Noise Zones from the proposed upland portions of the property, and transfer 207 acres of residential allocation from Outlying Suburban to Suburban in Year 2010 Overlay sub-district 711. The subject parcel is located to the east of Fiddlesticks subdivision and west of I-75.

B. BACKGROUND INFORMATION

1. EXISTING CONDITIONS

SIZE OF PROPERTY: 424 ± acres

PROPERTY LOCATION: The subject property is generally located 1.5 miles south of Daniels Parkway, 1 mile north of Alico Road, and adjacent to the western edge of the I-75 right-of-way. The property is adjacent to the eastern edge of the Fiddlesticks subdivision and the southern edge of Old Hickory subdivision.

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

CURRENT ZONING: AG-2

CURRENT FUTURE LAND USE CLASSIFICATION: Rural and Wetlands

2. INFRASTRUCTURE AND SERVICES

TRANSPORTATION: The subject property is located on the west side of I-75 1.5 miles south of Daniels Parkway. Access to the site will be via Fiddlesticks Blvd. north to Daniels Parkway.

WATER AND SEWER: The subject property is located in the Lee County Utilities franchise area.

FIRE: The subject property is located in the South Trail Fire Protection & Rescue Service District.

SOLID WASTE FRANCHISE: The property is served by the County's waste-to-energy facility and by the Gulf Coast Landfill operated by Gulf Disposal, Inc.

C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Planning staff respectfully disagrees with the recommendation of the Local Planning Agency regarding this proposed amendment and recommends that the Board of County Commissioners **not transmit** this proposed amendment to the Future Land Use Map, Map 17- 711 the "Year 2010 Overlay", and the Airport Noise Zone 3 Overlay.

In addition to the reasons for denial of this request spelled out in the staff report, planning staff is very concerned with the arbitrary reclassification of the Airport Noise Zone over the subject property. The noise zones were adopted following a professional and scientific study. No scientific evidence has been submitted to justify the reclassification of the subject property from zone 3 to zone 2. Without such evidence planning staff believes this reclassification should not be approved.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

Request One -- Removal of Airport Noise Zone 3 Overlay --Planning staff believes that the existence of the scientifically derived Noise Zone Overlay is essential to the continued effective operation of the Southwest Florida International Airport. The removal of the Noise Zone 3 Overlay would not eliminate the property owners requirement to be consistent with Policy 5.1.2. Port Authority staff recommends against any decrease in the Airport Noise Zone Overlay.

Request Two -- Reallocation of residential acreage within subdistrict 17-711. This request is only viable if request one (removal of the Airport Noise Zone Overlay) and request three (Re-designation of the subject property from Wetlands and Rural to Wetlands and Suburban) are approved. Staff recommends against the approval of requests one and three; therefore, staff also recommends against the approval of request two.

Request Three -- Re-designation of the property from Wetlands and Rural to Wetlands and Suburban FLUM classifications -- The applicant has not addressed or shown that there is a need for more urban land within Lee County. Sufficient data and analysis indicating that existing undeveloped urban lands can not accommodate the proposed use has not been provided. Staff believes that there is an adequate amount of urban land in Lee County and the re-designation of rural to suburban would result in "leap frog" development (a characteristic of urban sprawl). Staff recommends against the approval of request three.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

PROJECT SUMMARY: The applicant is proposing to reclassify 424± acres from Rural and Wetlands to Suburban and Wetlands. The applicant is proposing to reconfigure the wetlands/uplands on the subject property. The applicant claims that this reconfiguration will help restore historical flowways on the subject property. The applicant is also proposing to remove the Airport Nose 3 from the reconfigured upland portions of the subject property. The final request of this application is to re-allocate 207 residential acres within Subdistrict 17-711 from Outlying Suburban to Suburban.

The original submitted Comprehensive Plan Amendment Application, Staff Correspondence, and Applicant Responses are incorporated as Attachment 1.

These amendments to the Lee Plan Future Land Use Map Series, Maps 1 and 17 would allow the applicants proposed residential golf course community to be consistent with this map series in the Lee Plan. The applicant has proposed a 783 unit residential golf course community with 175 single-family units and 608 multi-family units.

SURROUNDING FUTURE LAND USE, ZONING, AND EXISTING LAND USE: The Future Land Use designations to the north of the subject property are Outlying Suburban, Rural, and Wetlands. The Outlying Suburban portion of the property to the north is zoned RPD and is the Old Hickory Subdivision, a residential subdivision. The Rural portion to the north is currently vacant and zoned AG-2. This rural property is currently the subject to another Future Land Use Map plan amendment (PAM 96-10) with a requested re-designation to Industrial Development.

To the east of the subject property the land is designated Airport Commerce. This property is also vacant and zoned AG-2 and separated from the subject property by I-75.

The land to the south of the subject property is designated Industrial Development, is vacant and is

also zoned AG-2.

West of the Subject Property is the Fiddlesticks subdivision, which is designated Rural and zoned PUD. Also northwest of the subject property, north of Fiddlesticks, west of Old Hickory, is another developing residential community, Kings Wood.

The proposed development at 3.78 units per acre, is higher in density than the neighboring residential communities. Both Old Hickory and the recently approved golf course community are under 3 units per acre and Fiddlesticks is approved at a density of 1.1 units per acre. The proposed Future Land Use designation allows a density of 6 units and allows the transfer of units from the wetland areas to the upland portions of the property. Based on the upland/wetland split this would equate to an overall maximum density on the upland portions of the subject property of 8 units per acre. Planning staff believes that if properly buffered through the planned development process, the proposed development potential would not be incompatible with the residential uses to the north and west.

The proposed uses of the subject parcel may not be compatible with the Future Land Use Designations on the properties to the South and East. These properties are designated as Airport Commerce and Industrial Interchange. Since these areas are presently vacant, their future uses can only be estimated based on the uses allowed in their respective Future Land Use Categories. Likewise, if the property to the north, which is the subject of PAM 96-10, is reclassified to Industrial Development, these same compatibility issues will be present. The descriptions of these categories are as follows:

***POLICY 1.1.7:** The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach. Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land uses, the Industrial Development area is to be reserved mainly for industrial activities per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research, properly buffered recreational uses (except where precluded by airport hazard zone regulations), and office complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. Ancillary minor retail commercial uses designed to support the surrounding industrial land uses may be allowed at a ratio of 1 square foot of commercial uses to 20 square feet of industrial use in association with an Industrial Planned Development. Ancillary minor retail commercial uses not part of an Industrial Planned Development may not exceed 30,000 square feet. Residential uses are not permitted in this category except to the extent provided in Chapter*

XIII of the Plan. (Amended by Ordinance No. 94-30)

POLICY 1.2.2: *The Airport Commerce areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year 2020. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; offices; ground transportation and airport- related terminals or transfer facilities; and hotels/motels, meeting facilities, and other hospitality services. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Retail commercial uses in this category are only permitted within hotels and motels. Property in Section 1 and the east 1/2 of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. Residential uses are only permitted in this category to the extent described in Chapter XIII. (Amended by Ordinance No. 94-30)*

Both of these categories have a unique place in the make up of Lee County's economy. As stated in the policy, the Industrial Development areas are where the county is looking to diversify the area economy and provide a larger variety of jobs. The Alico Corridor has an added uniqueness in its close proximity to the Southwest International Airport and Florida Gulf Coast University. The Airport Commerce areas have been so designated due to the adjacent location to the airport and are expected to provide the needed ancillary airport uses and to provide locations for light industry which requires such a location. Impairing the future development of these Future Land Use areas, by creating new compatibility issues with residential uses could have detrimental impacts on Lee County's economic future.

The subject property is located less than a mile from the existing Southwest International Airport property. This location places it along one of the airports primary arrival/departure corridors. The parcel is almost entirely located within the Airport Noise Zone 3 Overlay. The applicant is proposing to delete this overlay from the upland portions of this property (see request one). However, as stated below, this noise zone is based on a scientific Part 150 study which estimates average annual noise contours from the airport's air traffic.

REQUEST ONE - Removal of Airport Noise Zone 3 Overlay. The applicant has requested that the Airport Noise Zone 3 Overlay be removed from the upland portions of the proposed wetland/upland configuration. This amendment is an integral part of the applicants proposal. With out the removal of this overlay, the applicant will be restricted to locating the proposed residential units in the northwest corner of the subject property which is not currently within the Airport Noise Zone 3 Overlay.

The applicant asserts that since the subject property is not within the 65 db contour, it should not be included in the Noise Zone 3 Overlay. Although this is the criteria listed in the Land Development Code (LDC) for the Noise Zone 3, the Lee Plan Policy 1.7.1 does not specify the db levels within each noise zone.

***POLICY 1.7.1:** The Airport Noise Zones cover areas subject to varying levels of airport- related noise. In addition to meeting the requirements of the underlying Future Land Use Map categories, Airport Noise Zone 2 does not permit mobile homes; and Airport Noise Zone 3 does not permit any residential units, churches, libraries, schools, hospitals, correctional institutions, or nursing homes. Prior to the issuance of all building permits and development orders in both zones, noise and avigation easements must be dedicated to Lee County.*

The Lee Plan is a document of higher authority than the LDC and is therefore the controlling document and has placed the subject property in the Noise Zone 3 Overlay. The existing zones are based on the original Federal Aviation Regulation Part 150 noise study for the Southwest Florida International Airport and are unchanged by the 1995 study update. The Lee County Port Authority has provided comments on the proposed removal of the noise zone from portions of the subject property (attachment 2). The Lee County Port Authority requests that the proposed removal of the Noise Zone 3 overlay from the subject property be denied. Planning Staff feels that the existence of the scientifically derived Noise Zone Overlay is essential to the continued operation of the Southwest International Airport.

The applicant makes no claims, nor provides any data that supports the assumption that the subject property is not impacted by air traffic noise. Since the Part 150 study is based on average annual noise, it is expected that noise greater than those projected by the Part 150 study will occur outside of the mapped noise contours. The existence of aircraft noise impacting areas outside of the 65db and 60db contour areas is supported by the fact that the airport receives noise complaints from this property's adjacent neighbors, Fiddlesticks and Old Hickory, neither of which are in the Airport Noise Zone 3 and only the southern portion of the Fiddlesticks subdivision is in the Noise Zone 2 Overlay. Therefore, these developments are not restricted from having residential uses and only the portions of Fiddlesticks located within the Noise Zone 2 Overlay are required to comply with the avigation easement requirements of Policy 1.7.1. Also, the subject property is located at the southwest end of the runway and backup/takeoff noise is expected to be significant. The fact that these hazards exist would cause a residential community at this location to be inconsistent with Policy 5.1.2, which states:

***POLICY 5.1.2:** Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.*

This policy is applicable to any site affected by aircraft noise, not exclusively those properties included in the Airport Noise Zone 3 Overlay.

REQUEST TWO - Reallocation of residential acreage within subdistrict 17- 711. The applicant has proposed to reclassify 207 residential acres from Outlying Suburban to Suburban. The applicant has calculated that the proposed change to the 2010 Overlay would increase the 2010 Overlay allocated population accommodation by 399 persons.

The applicant has slightly miscalculated this figure. For the purposes of determining the population accommodation of the Future Land Use Map, the Lee Plan makes a number of assumptions including the average density of each category, the percent of each category that will develop residentially, and the county wide persons per unit estimate. The Year 2010 Overlay allocates acreage for land uses including residential uses. These allocations include the percent residential assumption for each land use category. The applicant is including the Lee Plan assumption that 89% of the land within the Outlying Suburban land use category will be used for residential uses. Therefore, this request would increase the accommodation of the 2010 overlay by 433 people. This increase in the 2010 Overlay accommodation is based on the Lee Plan density assumptions of 2.5 units per acre for Outlying Suburban and 3.5 units per acre for Suburban. The entire county has a 2.09 persons per unit assumption. In order to maintain the existing residential accommodation of the Year 2010 Overlay and achieve a Suburban residential allocation of 207 acres, 289.8 residential acres should be transferred from Outlying Suburban.

In this amendment cycle, there is also a proposed amendment to replace the Year 2010 Overlay with a new Year 2020 Overlay. The Year 2020 Overlay will allocate land use acreages by 20 new community based districts. The subject property is within the Daniels Parkway planning community. Since no Suburban future land use designations exist in this community, the creation of a Suburban residential acreage allocation will still be required to provide a 2020 allocation to accommodate the proposed development.

Planning staff concludes that the amendment to the 2010/2020 overlay is only appropriate if requests one and three are approved. If the land use change is approved and the Noise Zone 3 Overlay is removed from the proposed upland portions of the site, the overlay amendment should be adjusted in insure there is no increase in the overlay population accommodation. If the land use change is approved and the Noise Zone 3 Overlay is not removed the overlay amendment should be changed to reflect only the amount of acreage outside of the Noise Zone 3 Overlay which could be used for residential development.

REQUEST THREE - Re-designate the subject property from Wetlands and Rural to Wetlands and Suburban. All amendments to the Lee Plan Future Land Use Map are required to consider the following:

TRANSPORTATION: The subject property is located on the west side of I-75 1.5 miles south of Daniels Parkway. Access to the site will be via Fiddlesticks Blvd. north to Daniels Parkway which is classified on the Functional Classification List as collector road. The application incorrectly lists the functional classification of Fiddlesticks Blvd. as an arterial road

in the application. The backup material however correctly identify the facility as a collector road.

The Division of Transportation has reviewed the application and determined that the proposed Future Land Use change will not alter the future road network plans for Lee County. Additional issues have been included in the memo from the Division of Transportation regarding the planned Three Oaks Extension (see attachment 3).

WATER AND SEWER: The subject property is located in the Lee County Utilities franchise area. Based on information provided by the applicant, the development to the north, Old Hickory, has existing sewer service from Lee County Utilities. The City of Fort Myers South Drive Sewage Treatment Plant provides treatment for this system. This plant is projected to be operating at 70% to 85% of its current capacity of 12 MGD in 1997. Planning staff notes that Standards 11.1 and 11.2 provide for mandatory connections when certain thresholds are achieved. While there are no sewer lines adjacent to the subject property, there is an 8" sewer forcemain located on the west side of Fiddlesticks Blvd. 3,480 feet north of the subject property shown on the Lee County Property Appraiser's GIS.

The applicant also, states that water service is provided to both of the neighboring residential developments by Lee County Utilities via the Corkscrew Water Treatment Plant. This plant is projected to be operating at 85% to 88% of its 10-MGD capacity in 1997.

The CIP includes improvements to the Corkscrew Water Treatment Plant. The applicant states that this amendment will require no revisions to the potable water sub-element, the sanitary sewer sub-element, or the CIE.

No confirmation has been provided from Lee County Utilities to verify the applicant's claim that adequate capacity exists today and in the future to service the increased development potential provided by this proposal.

DRAINAGE/SURFACE WATER: The subject property is located within the Six Mile Cypress drainage basin. The applicant states:

"The subject property is located within the Six Mile Cypress (South Daniels Area) drainage basin. It is located within an area, in which the basin study has addressed, the incorporation of floodways and preservation of "core wetlands". The development of this site, regardless of the land use designation, is obligated and will provide for the goals of the basin study.

According to the Lee County Concurrency Inventory, all new developments which receive approval from the SFWMD and comply with standards in Chapters 62-3, 62-40, and 62-302 of the Florida Statutes, and Rule 40E-4 of the Florida Administrative Code will be deemed concurrent with the level of service standards set forth in the Lee Plan.

The project if developed to its maximum potential under either the existing "rural" land use or to the proposed "suburban or urban community" land use would therefore, upon receiving approval from the SEWMD in accordance with the referenced statutes and codes, meet the level of service standard set forth in the Lee Plan."

The applicant states that this amendment will require no revisions to the surface water sub-element or the CIE.

No confirmation has been provided from South Florida Water Management District to verify the applicant's claim that adequate capacity exists today and in the future to service the increased development potential provided by this proposal.

SOLID WASTE FRANCHISE: The property is served by the County's waste-to-energy facility and by the Gulf Coast Landfill operated by Gulf Disposal, Inc. The applicant states

"The current and projected levels of service are for solid waste for the entire county for 2020 and will be consistent with the level of service in Policy 70.1.3 regardless of the FLUM designation for this parcel. No revisions to the CIE will be necessary at the result of this proposed amendment."

No confirmation has been provided from Gulf Disposal, Inc or Lee County Solid Waste to verify the applicants claim that adequate capacity exists today and in the future to service the increased development potential provided by this proposal.

PARKS, RECREATION AND OPEN SPACE: The subject property is located in Park District #3. Based on the applicant's provided information, the current level of service of this park district is twice the level of service required by the Lee Plan. The applicant states that although there no planned additional park acreage included in the 5 year CIP or the 6-10 year CIP for Park District #3, however there are facility improvements planned within the district. The applicant states that this amendment will require no revisions to the Parks, Recreation and Open Space Element or the CIE.

Planning staff has been reviewing the Parks and Recreation LOS's for each Park District and concurs with the applicant's statements regarding Park District 3.

MASS TRANSIT: The subject property is not currently serviced by mass transit and Lee Tran would not request any transit amenities be provided by a development at this location at this time.

A letter from Lee Tran (Attachment 4) verifies this information.

FIRE: The property is located in the South Trail Fire Protection & Rescue Service District. The applicant has included a letter from the South Trail Fire Protection and Rescue Service

District (attachment 5) which concludes that, in their opinion, “the impacts caused by this development will be adequately offset by the imposition of the Lee County Fire Impact Fee Ordinance, as well as fire inspection fees.”

EMS: The applicant has not provided a letter from the Lee County Emergency Medical Services regarding the proposed amendment.

LAW ENFORCEMENT: The applicant has not provided a letter from the Lee County Sheriffs Office regarding the proposed amendment.

SCHOOLS: The applicant has provided a letter from The School District of Lee County. This letter states that the proposed development will have a fiscal impact on the District. The applicant has not provided a response to this letter (attachment 6).

ENVIRONMENTAL AND HISTORIC RESOURCES IMPACTS: Pursuant to Objective 84.1 Wetlands include all of those land that are identified as wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended by F.S 373.4211. The applicant has submitted a revised wetland map based on South Florida Water Management’s wetland determination. The South Florida Water Management District has accepted this determination on the subject property as the official jurisdictional wetland lines. Until such time that the South Florida Water Management District accepts the applicants reconfigured wetland/upland lines, the Future Land Use Map designations for wetlands on this property can not be redone to follow these lines. It should be noted that the existing wetland lines on the Future Land Use Map do not represent the jurisdictional wetland lines. The applicant has stated that the area is heavily impacted by exotics. Planning Staff has confirmed this information. The applicant has referred to an intended mitigation plan to re-establish historical flow patterns on the subject property, however, no mitigation/drainage plan has been approved by the South Florida Water Management District and/or the Corps of Engineers.

The applicant has provided a list of Potential Listed Species by Habitat Type. Planning staff has completed a field inspection of the site their conclusions are included in attachment 7.

The applicant has not discussed the impacts on historical resources. Planning Staff has reviewed the subject property and found the site to be in the Lee County Archeological Sensitivity Area 2. This will trigger a survey of the site for archeological resources at the time of Development Order applications. There are no known archeological or historical resources on the subject property today.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Effect on countywide population projections/accommodations. The first goal in the Lee Plan relates to the Future Land Use Map.

GOAL 1: FUTURE LAND USE MAP. *To maintain and enforce a Future*

Land Use Map showing the proposed distribution, location, and extent of future land uses by type, density, and intensity in order to protect natural and man-made resources, provide essential services in a cost-effective manner, and discourage urban sprawl. (Amended by Ordinance No. 94-30)

One of the purposes of this map is to reflect where the county's growth will occur throughout the life of the plan. In 1989, a study was included in the Lee Plan documentation that indicated that the Future Land Use Map could accommodate the expected population growth for the next 70 years, approximately through the year 2059. Since the remainder of the plan centered around a 20 year planning horizon, Lee County created the Year 2010 Overlay to allocate only the necessary acreage needed to accommodate the expected population growth through the Year 2010. Had Lee County not implemented the Year 2010 Overlay, it would have been required to reduce the allowable densities of the Future Land Use Categories or remove land from the urban areas on the Future Land Use Map (FLUM).

Since the onset of the Year 2010 Overlay, its administration has been problematic at best. Therefore, the County has made a conscientious effort to eliminate the overlay from the Lee Plan. The first attempt to eliminate the 2010 overlay was done through the 1993 Evaluation and Appraisal Report (EAR). Unlike the 1989 methodology the EAR population accommodation study removed the cities and their expected population growth from the Lee Plan FLUM accommodation equation. The county also reviewed the FLUM to determine any areas where the map designation projected a higher density than was actually being developed. The EAR also proposed a Vested Community designation for the Lehigh Acres Community to control the growth of this pre-platted community. The county also felt that a certain amount of flexibility should be built into the map to allow for changes in the population trends. The goal set for this flexibility factor was for the map to accommodate the projected population plus and additional 25%. This is in line with accommodation studies used elsewhere in the State of Florida. Using this methodology, the Future Land Use Map included in the EAR now accommodates less than 130% of the projected 2020 population. Lee County felt the EAR Future Land Use Map adequately projected the future land uses through the year 2020 and proposed to eliminate the Year 2010 Overlay from the Lee Plan. The Department of Community Affairs (DCA) objected to the deletion of the Year 2010 Overlay from the Lee Plan. After going through the Administrative Hearing Process with the State of Florida, the Year 2010 Overlay was ultimately retained in the Lee Plan.

In order to reduce the administrative problems of the overlay and to facilitate its usefulness as a planning tool, during the 1996 EAR Amendment Cycle, the County is redesigning the overlay to be a Year 2020 Overlay which will also create a time horizon consistent with the rest of the Lee Plan. This proposed amendment proposes to reduce the number of sub-districts from 115 to a more manageable number of 20 community based districts. However, it is still the County's goal to eliminate the overlay, in any form, from the Lee Plan. Therefore, the county needs to be careful to not approve any Future Land Use Map changes that would in any way further increase the carrying capacity of the map without the

demonstration of a clearly supportable need. However, as the following discussion shows this proposed amendment would increase the carrying capacity of the map.

The submitted application does not address the issue of the overall Future Land Use Map population accommodation. The applicant has only addressed the effects of the changes to the Year 2010 Overlay. The analysis provided by the applicant on the Year 2010 Overlay change was discussed under the heading Request One.

Based on the accommodation study assumptions, the subject parcel, with wetland modifications from Corps approved wetland lines, would have a projected dwelling unit count of 31 and a resident population of 65. Based on the maximum allowable density of the two land use categories currently on the property, the site could have 104 units. This maximum projection is based on the Rural category which allows 1 unit per acre and the Wetlands category which allows 1 unit per 20 acres. The resident accommodation on the subject site under this scenario, based on the county assumption of 2.09 persons per unit, is 217 people.

The subject parcel, with the proposed Lee Plan Future Land Use Map designation, and Lee Plan population accommodation study assumptions, along with the wetland modifications proposed by the applicant, would have a projected dwelling unit count of 645 and a resident population of 1,348. Using the maximum allowable density of the proposed land use categories, the subject property could have 1,656 units. This maximum projection is based on the Suburban category which allows 6 units per acre and the transfer of units from wetlands not to exceed 2 units per upland acre. The resident accommodation on the subject site under this scenario, based on the county assumption of 2.09 persons per unit, is 3,461 people.

The proposed amendment will increase the Future Land Use Map (FLUM) Population Accommodation by 0.16% and the percent of the projected population accommodated by the FLUM by 0.2%. While these numbers appear to be insignificant, it is important to remember that the entire subject property is only 0.1% of the entire unincorporated county. Planning staff feels that increasing the Future Land Use Map accommodation capacity at any location should be carefully scrutinized. Any amendment to the Lee Plan Future Land Use Map which increases the amount of lands designated for urban uses will have a negative effect on the county's goal to eliminate the overlay. One basis for increasing the amount of urban land on the Future Land Use Map might be to create more areas for urban uses based on the fact that all other land in the area has been developed. As the applicant points out in the following section, this is not the case in the Daniels Parkway corridor. Within Subdistrict 711, there currently exists approximately 1,800 acres of land designated as Outlying Suburban. The uses listed for this category are much like those in the Suburban category only with a lower residential density threshold. Currently, only 365.49 acres of Outlying Suburban lands within Subdistrict 711 have been developed with residential uses. This is considerably less than the assumed build out figure of approximately 1,600 acres (1,800 x 89%). It is also substantially less than the Year 2010 Overlay allocation of 1,020.4. This clearly demonstrates that not only is there no need for converting non-urban

lands into additional urban land county wide, that also within the immediate area surrounding the subject parcel there remains sufficient vacant land designated uses similar to those proposed by the applicant. Therefore, the planning division concludes that there is no substantiated need for more urban land in this area of the county.

Effects on Map 17 “the Year 2010 Overlay”. Re-designating the subject property to Suburban will require an amendment to the Year 2010 Overlay to provide residential acreage for this category. This amendment is included in this request and discussed under the heading Request Two. The applicant is proposing to re-designated 207 acres, approximately 15% of the current Outlying Suburban allocation, from Outlying Suburban to Suburban. This amendment will greatly impact the Year 2010 Overlay in Subdistrict 711. The current 2010 allocations provide for 76.5% of the land designated as Outlying Suburban to be developed residentially by the year 2010. Since the Lee Plan assumes only 89% of the lands designated as Outlying Suburban will be developed with residential uses, the allocation is in reality 86% of the assumed residential lands within this subdistrict. The proposed allocation change would reduce the projected developed Outlying Suburban acreage to 1,178.89 acres, 65% of the total Outlying suburban and 73% of that which is assumed to be developed residentially within this subdistrict. Subdistrict 711 is located south of Daniels Parkway, between I-75 and the Six Mile Cypress Slough, and one mile north of Alico Road. The primary transportation corridor servicing this subdistrict is Daniels Parkway. Although there is a proposed extension of Three Oaks Parkway through the subject property connecting with Fiddlesticks Drive, this facility does not exist today. Therefore, the re-allocation of acreage from Outlying Suburban to Suburban would force properties closer to the existing infrastructure to remain vacant to allow a more remote location to be developed. Much of the currently vacant properties have already been approved for development. The affect of this amendment could force previously approved developments which have access to existing urban services/facilities, which currently have capacity available, to remain vacant while allowing this more distant property to be developed. Since the subject property would be the only property designated Suburban in the existing subdistrict and the proposed Planning Community, this allocation would essentially be reserved for this project leaving no room for the market to determine the most suitable locations for residential development in this area. This is a classic textbook example of “Leap Frog” development which is one of the characteristics of Urban Sprawl.

Relationship to other Lee Plan Policies. The applicant has included a list of Lee Plan policies that have been determined to be compatible with the proposed land use change (see Attachment 1).

Planning staff has concluded after completing it review of the proposed project that the land use map change is not compatible with the Lee Plan in the following areas.

POLICY 1.1.5: The Suburban areas are or will be **predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential**

neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed. (Amended by Ordinance No. 94-30) (emphasis added by writer)

POLICY 5.1.2: *Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.*

The subject parcel does not meet the criteria outlined in Policy 1.1.5. The parcel is not on the fringe of Central Urban or Urban Community areas nor is it adjacent to other Suburban areas. On the contrary, the subject parcel is located on the fringe of Outlying Suburban, Rural, both lower density categories, and Industrial Development with its existing access being through the Outlying Suburban and Rural areas. The subject property is also heavily impacted by airport/aircraft noises from the Southwest International Airport. Removal of the Airport Noise Zone 3 Overlay will not remove these impacts from the subject property. Policy 5.1.2 prohibits residential development from areas with such impacts while Policy 1.1.5 states the Suburban areas will be predominantly residential in nature.

B. CONCLUSIONS:

REQUEST ONE

The applicant has not provided proof that air traffic noise does not impact the subject property. Planning staff concurs with Port Authority staff that the existence of the scientifically derived Noise Zone Overlay is essential to the continued effective operation of the Southwest International Airport.

REQUEST TWO

Planning Staff concludes that the amendment to the 2010/2020 overlay is only appropriate if requests one and three are approved. If the land use change is approved and the Noise Zone 3 Overlay is removed from the proposed upland portions of the site, the overlay amendment should be adjusted to insure there is no increase in the overlay population accommodation. If the land use change is approved and the Noise Zone 3 Overlay is not removed the overlay amendment should be changed to reflect only the amount of acreage outside of the Noise Zone 3 Overlay which could be used for residential development.

The affect of this amendment could force previously approved developments which have access to existing urban services/facilities, which currently have capacity available, to remain vacant while allowing this more distant property to be developed. Since the subject property would be the only property designated Suburban in the existing subdistrict and the proposed Planning Community, this allocation would essentially be reserved for this project leaving no room for

the market to determine the most suitable locations for residential development in this area. This is a classic textbook example of “Leap Frog” development, which is one of the characteristics of Urban Sprawl.

REQUEST THREE

The subject parcel does not meet the criteria outlined in Policy 1.1.5. The parcel is not on the fringe of Central Urban or Urban Community areas nor is it adjacent to other Suburban areas. On the contrary, the subject parcel is located on the fringe of Outlying Suburban, Rural, and Industrial Development with its existing access being through the Outlying Suburban and Rural areas both lower density categories.

The subject property is also heavily impacted by airport/aircraft noises from the Southwest International Airport. Removal of the Airport Noise Zone 3 Overlay will not remove these impacts from the subject property. Policy 5.1.2 prohibits residential development from areas with such impacts while Policy 1.1.5 states the Suburban areas will be predominantly residential in nature.

The applicant claims this property should be reclassified to an urban category; however, the applicant has not addressed/shown that there is a need for more urban land within Lee County or the surrounding area.

- C. STAFF RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners not transmit this proposed amendment to the Future Land Use Map, Map 17-711 the “Year 2010 Overlay”, and the Airport Noise Zone 3 Overlay.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF LPA HEARING: June 26, 1997

A. LOCAL PLANNING AGENCY REVIEW

The applicant made a presentation following staff's introduction. The applicant made the argument that his client's property was outside the 65-decibel contour line and is therefore incorrectly placed in the airport noise zone 3. The applicant then addressed the Future Land Use Designation issue stating that the subject property was a transition piece between the Industrial Development land use category to the south, Interstate-75 and the Airport Commerce land use category to the east and the Outlying Suburban land use category to the north and the Rural land use category to the west.

The LPA discussed the proposed land use classification. At issue were the increase in urban lands and their ultimate population accommodation and the re-allocation of residential acreages within the Year 2010 Overlay Subdistrict. The consensus of the LPA, with the agreement of the applicant, was that the Outlying Suburban future land use map classification is the appropriate designation for the subject property. The LPA found that this designation was consistent with surrounding developments and would eliminate the need for the amendment to the Year 2010 Overlay. Furthermore, it was concluded that the allowable density in the Outlying Suburban category was consistent to the proposal of the applicant. The LPA also discussed the issue of the Wetlands mapping on the property. This discussion concluded that the mapping of wetlands was more an administrative function based on lines established and approved by the Water Management District.

The LPA also discussed the issue of the Airport Noise Overlay. The primary issue was the fact that a portion of the property is currently within zone 3 of the overlay. One LPA member stated a concern that allowing additional resident uses around the existing airport may effect the continued operation of the airport. The LPA's consensus on this issue is to replace the existing zone 3 designation on this property with zone 2.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit this amendment with the following modifications: reclassify the uplands of the subject property to Outlying Suburban rather than Suburban; make no amendment to Map 17 the 2010 Overlay; make no amendment to the wetland land use line; and, replace the airport noise zone 3 over the subject property with noise zone 2.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA found that the current land use designation did not provide a reasonable use. That the Outlying Suburban designation would provide the landowner with a use compatible and consistent with the existing development in the area. The official Wetland Future Land Use line is based on the state definition of jurisdictional wetlands. Changing the Future Land Use Map lines to reflect the jurisdictional wetlands is an administrative process and does not require a plan amendment.

The airport noise zone 3 designation is erroneously placed on the property which is outside of the 65 db contour. Placing the property in the Airport Noise Zone 2 removes the prohibition on residential units while still placing future residents on notice that a noise hazard exists. Redesignating the subject property to Outlying Suburban removes the need for a Map 17 or Year 2010 Overlay amendment.

C. VOTE:

CARRON DAY	ABSENT
RICHARD DURLING	A YE
EARL HAMILTON	ABSENT
RONALD INGE	A YE
BILL SPIKOWSKI	ABSENT
GREG STUART	A YE
MATT UHLE	A YE

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

DATE OF TRANSMITTAL HEARING: November 5, 1997

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: Motion not to transmit.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: As per the Staff report.

C. VOTE:

JOHN ALBION

AYE

ANDREW COY

AYE

RAY JUDAH

AYE

JOHN MANNING

AYE

DOUG ST. CERNY

AYE
