

**PAM/T 96-14  
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 96-14**

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

ORIGINAL STAFF REPORT PREPARATION DATE: July 21, 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 Future Land Use Map Series, Map 1, the Future Land Use Map, to update the mapped Public Facilities Future land use category by adding and/or removing lands to more accurately identify publicly owned lands.

**B. BACKGROUND INFORMATION**

This amendment was initiated by the Evaluation and Appraisal Report Addendum Report as adopted by the Board of County Commissioners on February 1, 1996. This report contained the following:

*Public Facilities - Policy 1.1.9*

*This Policy states that: "Due to the scale of mapping, only those facilities in excess of about 20 acres are so designated on the future land use map." Since the adoption of the plan in 1990, the county has implemented a new GIS system which gives staff the ability to map all publicly owned sites regardless of size.*

***Recommendation:*** Amend the Future Land Use Map, Map 1, to more accurately identify

*public facilities as part of the 1996 amendment cycle.*

## **C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

- 1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners transmit this proposed amendment to the Future Land Use Element, Map 1, The Future Land Use Map, by adding and removing specified parcels, to more completely show properties used as public facilities and amend Police 1.1.8 (as further amended by the LPA) as follows (policy number changed do to renumbering resulting from the EAR revisions):

**POLICY 1.1.8:** The Public Facilities areas include the ~~major~~ publicly owned lands within the county such as public schools, parks, airports, and other governmental facilities. ~~Due to the scale of mapping, only those facilities in excess of about 20 acres are so designated on the future land use map.~~ The allowable uses within these areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction.

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

Until 1993 the Planning Division maintained the Future Land Use Map on an AutoCAD mapping system. Since this system was based on an inch to a mile DOT base map and not parcel specific, there was no realistic way of accurately mapping public facilities under 20 acres in size. Therefore this was the criteria used when establishing the Public Facilities designation. When the maintenance of the Future Land Use Map was switched to the current GDS mapping system, the Planning Division was able to map on a parcel specific basis.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

The Public Facilities Category is intended for parcels owned by public agencies which are used as schools, parks, airports, and other governmental facilities. Due to mapping limitations, only those properties in excess of 20 acres have been included on the Future Land Use Map. This situation reduces the predictability of the map in many ways. First, the map is not visually showing all of the county's public resources (whether they are owned by the county or another agency). The ability to quickly ascertain where these uses are occurring within the county is useful to the county itself, other public agencies, future developers, and private citizens.

A second reason for more accurately designating Public Facilities on the Future Land Use Map is for the map's population accommodation capacity. By reclassifying lands owned by public agencies to Public Facilities, the Future Land Use Map Population Accommodation will be reduced by 9,677 persons. Since these lands are intended for public use it is reasonable to reclassify them to a category that better fits their intended use.

Some of the lands which meet this criteria are included in PAM/T 96-08 which is proposing to create a new Future Land Use Category "Conservation Lands". This new category will identify lands which are used for conservation purposes and are not available for urban development. Furthermore, approximately 170 parcels currently designated as Public Facilities are slated to be reclassified into the Conservation Lands category (figure one).

Specific parcels to be designated as public facilities are included on Map 1 and listed in figure two. The Division of Planning has a list of over 1500 parcels which are owned by public agencies; however, not all of these properties meet the remaining definition in Policy 1.1.8 which states the parcel should be used as a school, park, airport, or other government facility. Some of the listed parcels are currently undeveloped and may be liquidated from the land inventory of the respective agency. The Planning Division is cognizant that this situation exists and that many problems may arise if these land are designated as Public Facilities. The Public Facilities category relegates the decision of the allowable uses on a property to the entity owning the parcel and the local government having zoning and permitting jurisdiction. The purpose of this language was do to the diverse range of public uses which these lands are used for. Also, this language gives the public agency the flexibility to use its property for uses which may not have been contemplated at the time of the original writing of the policy. While this is not a major issue when the property is owned by a public agency, conflicts may arise if properties designated as Public Facilities are sold to a non-public owners. While the policy does allow the local governing agency a voice in determining the allowable uses, the Planning Division believes this is a potential conflict which should be avoided if possible. Therefore, scrutiny has been given to the list of properties which met the original criteria for selection.

The parcels to be designated as Public Facilities were selected based on ownership and use. Many properties which are currently designated as Public Facilities did not meet these criteria for one reason or another. These properties are listed in figure three. Of the parcels on this list Planning staff has identified the following parcels that should be removed from the Public Facilities (PF) land use category: 12-45-24-01-0000B.00A0, 33-46-25-00-00022.0000, 33-46-25-00-00022.0020, and 33-46-25-00022.0030. These parcels are neither owned or being utilized by a public agency as a public facility. Planning staff believes that these parcels were mapped as Public Facilities by mistake. The County's mapping system has changed since this category was mapped and one explanation is the possibility that the PF lines migrated in these cases in the change over to the new mapping system. In any case these parcels do not meet the technical requirements of Policy 1.1.8 and should not be mapped as Public Facilities.

Planning staff recommends that these parcels identified above be reclassified to the appropriate surrounding non-Public Facilities category. For the parcel in Section 12, Township 45 South, Range 24 East, the surrounding land use category is Intensive Development. For the parcels in Section 33, Township 46 South, Range 25 East, the surrounding land use category is the Outlying Suburban category. Planning staff recommends that these parcels be amended to these appropriate land use categories. Further investigation of this list will be done to determine if the Public Facilities category is the correct designation for the remainder of these parcels.

As mentioned above, the Planning Division now has the ability to map individual parcels as Public Facilities. However, the usefulness of mapping every quarter acre parcel owned by DOT for water

retention is minimal. Planning staff has identified 288 parcels equaling 104.85 acres of land which are less than one acre in size. Planning staff is in the process of reviewing these parcels to determine if they are “stand alone” sites of part of a larger collection of public lands.

The end result of the analysis is to reclassify 444 parcels of varying size located throughout the county. These parcels contain a total of 3,903.

Finally, the existing Lee Plan policy addressing the Public Facilities Category, Policy 1.1.8, includes a statement regarding the 20 acre limitation on mapping. Since this will no longer be the case, this portion of the policy needs to be removed. The revised policy should read:

**POLICY 1.1.8:** The Public Facilities areas include the major publicly owned lands within the county such as schools, parks, airports, and other governmental facilities. The allowable uses within these areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction.

No other text changes are needed to implement this amendment.

## **B. CONCLUSIONS**

Until 1993 the Planning Division maintained the Future Land Use Map on an AutoCAD mapping system. Since this system was based on an inch to a mile DOT base map and not parcel specific, there was no realistic way of accurately mapping publicly owned facilities under 20 acres in size. Therefore this was the criteria used when establishing the Public Facilities designation. When the maintenance of the Future Land Use Map was switched to the current GDS mapping system, the Planning Division was able to map on a parcel specific basis.

## **C. STAFF RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners transmit this proposed amendment to the Future Land Use Element, Map 1, The Future Land Use Map, by adding and removing specified parcels, to more completely show properties used as public facilities and amend Police 1.1.8 as follows (policy number changed do to renumbering resulting from the EAR revisions):

**POLICY 1.1.8:** The Public Facilities areas include the major publicly owned lands within the county such as schools, parks, airports, and other governmental facilities. ~~Due to the scale of mapping, only those facilities in excess of about 20 acres are so designated on the future land use map.~~ The allowable uses within these areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction.

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

DATE OF PUBLIC HEARING: JULY 24, 1997

#### **A. LOCAL PLANNING AGENCY REVIEW**

The LPA discussed this amendment following a presentation from staff. The LPA was concerned that there may be confusion in the mapping between this amendment and PAM/T 96-08, which is mapping conservation lands. Staff assured the LPA that many checks were being preformed to assure that this would not happen. The LPA also discussed the university campus site and whether it should be placed into Public Facilities. The LPA concluded that the university campus was a unique piece of land and should be in a different category than other public facilities. Staff stated that the University Community actually listed two areas the University Campus and the University Village. Therefore the campus site is already in a separate category. This is not shown on the Future Land Use Map because at the time of the creation of the Lee Plan goal for the university, the exact boundary of the campus site was not determined. The LPA was addressed by the planner from the school board who asked that there be a clarification that the term schools in the policy refers to "public" schools. The LPA agreed with this clarification. The final issue addressed by the LPA was the size of parcels being mapped and the portion of the text, which states major public lands, will be mapped. One LPA member questioned whether a site of less than an acre could be classified as a major public facility. Another LPA member questioned the logic of mapping quarter acres sites. It was concluded that the word major should be stricken from the policy and clarified that parcels under an acre in size were generally only mapped if they were adjacent to multiple sites that collectively created a significant piece of property.

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

- 1. RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit this amendment as modified.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff. In addition, the policy should differentiate between public and private schools and should no longer include the term major in the definition of the types of lands mapped.

**C. VOTE:**

<b>RICHARD DURLING</b>	<u>ABSENT</u>
<b>EARL HAMILTON</b>	<u>ABSENT</u>
<b>MITCH HUTCHCRAFT</b>	<u>ABSENT</u>
<b>RONALD INGE</b>	<u>AYE</u>
<b>BILL SPIKOWSKI</b>	<u>AYE</u>
<b>GREG STUART</b>	<u>AYE</u>
<b>MATT UHLE</b>	<u>AYE</u>

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

DATE OF TRANSMITTAL HEARING: November 5, 1997

**A. BOARD REVIEW:** There was no public testimony or board discussion on this amendment.

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

**1. BOARD ACTION:** The Board voted to transmit this amendment.

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

**C. VOTE:**

**JOHN ALBION**

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**AYE**  
\_\_\_\_\_

**ANDREW COY**

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**AYE**  
\_\_\_\_\_

**RAY JUDAH**

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**AYE**  
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**JOHN MANNING**

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**AYE**  
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**DOUG ST. CERNY**

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**AYE**  
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**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**

**3. Amendment PAM 96-14:** This is a proposal to amend the Future Land Use Map (FLUM) series, Map 1, to update the public facilities land use category by adding and/or removing lands to more accurately identify publicly owned lands.

**Objection:** The proposed revision to the Future Land Use Map to show public facilities is not included on the map for review. Rule 9J-5.006(4)8., F.A.C.

**Recommendation:** Include, with the amendment, the revised FLUM showing public facilities. This map, as well as other FLUM series, shall show the future planning horizon of the plan.

**Comment:** Although Policy 1. 1. 8 is already in the plan and not proposed to be changed, it is vague and uncertain regarding the uses allowed in the public facility category since the proposed allowable uses in this category is dependent on the entity owning each parcel. It is appropriate for the County to indicate, in the plan, the type of uses allowed within public facilities land use category.

**B. STAFF RECOMMENDATION**

Adopt the amendment as transmitted including only those parcels verified by staff.

**C. STAFF RESPONSE**

Staff has produced the map as requested. Staff is in the process of reviewing parcels owned by public agencies. Only those parcels which staff has verified as being owned by a public agency whose intention is to use the subject parcel for a public use in the future have been included. In addition, those parcels which have been included in the public facilities category are being reviewed. Those that staff has verified as not meeting the definition of the category are shown as being removed (Figure 3).

Due to time constraints, the process has not been completed for the entire county. Therefore, the completion of this process should be done in a subsequent amendment cycle. Due to the evolving nature of publicly used land, staff feels the review of this category on an annual or bi-annual basis focusing on one or more agencies at a time would be appropriate. For example, the School Board will be completing an inventory of lands under their ownership this summer and would be a logical agency to review during the next amendment cycle.

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

DATE OF ADOPTION HEARING: June 3, 1998

**A. BOARD REVIEW:** The Planning Director introduced the amendment and stated that the lands being proposed to be added to the Public Facilities category are lands which have been verified as being in public ownership and which are not conservation lands. There was no public testimony or board discussion on this amendment.

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

**1. BOARD ACTION:** The Board voted to adopt this amendment

**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>