

**PAT 96-21  
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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*Lee County Planning Division  
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**June 3, 1998**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
PAT 96-21**

<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>

STAFF REPORT PREPARATION DATE: April 29, 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 Element by deleting Objective 1.8: PLANNED DEVELOPMENT DISTRICT OPTION (PDDO) and all attendant Policies.

**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:

*Planned Development District Option - Objective 1.8*

*The Planned Development District Option (PDDO) has been included in the Lee Plan for over 11 years. To date, the PDDO has not been utilized. Staff believes that the PDDO should be re-evaluated for its effectiveness and applicability.*

**Recommendation:** *During the 1996 amendment cycle, re-evaluate Objective 1.8 and its subsequent policies (the PDDO) to determine whether the objective is still effective and applicable.*

The Board of County Commissioners adopted (July 7, 1994) Evaluation and Appraisal Report (EAR) contained the following discussion:

*Lee County has never approved a PDDO in the ten years these policies have been in the Plan. The PDDO's attractiveness to applicants has been limited due to the availability of other mechanisms to increase density (regular map amendments and the New Community land use category) and because of the cumbersome approval process. This floating category is inconsistent with the county's urban services strategy, so the failure of the Development community to use it should not be viewed with any great alarm. In light of the 1992 amendments to F.S. 163.3177 and a recent draft of Rule 9j-5.0061, however, it would be inappropriate to eliminate a device that could be used to increase rural densities in very limited circumstances.*

Staff notes that currently there are two applications utilizing the PDDO on file with the division, Estero River Bay, PDDO and The Brooks of Bonita Springs, PDDO. These applications will, of course, be permitted to move forward independent of any action taken in association with this amendment.

## C. ORIGINAL 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 deleting Objective 1.8 and all attendant Policies:

~~**OBJECTIVE 1.8: PLANNED DEVELOPMENT DISTRICT OPTION.** *Provide an option to landowners outside the Future Urban Areas to increase allowable densities for Development that will be totally independent of county-subsidized facilities and services.*~~

~~**POLICY 1.8.1: PURPOSE.** *The Planned Development District Option is presented as a mechanism for adding flexibility to this plan; it provides a means by which increased residential density and ancillary Development may take place in certain land use areas outside the Future Urban Areas. That Development must be totally independent of county-subsidized facilities and services and shall not result in harmful environmental/natural resource, economic, fiscal, infrastructure/ services, or public safety impacts. The rationale for the Planned Development District Option is that the county is attempting to direct urban services within the Future Urban Areas; outside, urban-level county facilities and services are not expected to be available, yet the county is responsible for orderly land use and for ensuring against impacts harmful to the public health, safety, or welfare. (Amended by Ordinance No. 94-30)*~~

~~**POLICY 1.8.2: CONCEPT.** *This "floating" performance standard-based district can be requested by a property owner or developer seeking permission to develop outside the Future Urban Areas at densities higher than those permitted by right in the Rural or Outer Islands categories. Requests will be granted only after comprehensive reviews, including professional impact analyses provided by the applicant, and demonstration that the project will be self-sufficient. If standards and requirements are met, then the density may be increased up to the Urban Community density range (without bonuses).*~~

~~**POLICY 1.8.3: PERFORMANCE STANDARDS.**~~

~~1. **SELF-SUFFICIENCY: CAPITAL COSTS.** *All internal improvements (water, sewer, roads, water management, recreation) must be installed to county standards at the developer's expense and the developer must provide the*~~

*capital costs of all off-site improvements and services required by the project (e.g. arterial streets, transit service extensions, solid waste disposal, public protection).*

- ~~2. *SELF-SUFFICIENCY: OPERATING COSTS. The developer must demonstrate that the operating and maintenance costs of the project will not be borne by the county, through establishment of a homeowner's association, Municipal Services Taxing or Benefit Unit (MSTU/MSBU), or other legally responsible organization or arrangement (e.g., contracts with public or private service providers).*~~
- ~~3. *IMPACT ANALYSIS: ENVIRONMENTAL. The developer must provide an analysis of environmental impacts of the project, conducted by professional engineers, hydrologists, biologists, landscape architects, and/or planners, including:*~~
  - ~~a. *Hydrologic - Modeling of surface water quality and quantity impacts within the drainage basin(s) and environmental systems affected. Modeling of groundwater drawdown. Description of mitigation of impacts.*~~
  - ~~b. *Vegetation - Mapping of vegetation within project area. Description of mitigation of impacts.*~~
  - ~~c. *Wildlife - Mapping of habitats. Mitigation measures.*~~
  - ~~d. *Soils - Description of anticipated erosion and sedimentation impacts. Mitigation measures.*~~
  - ~~e. *Wetlands - Description of impacts on wetlands. Mitigation measures.*~~
  - ~~f. *Floodplains or Riverine Areas - Description of impacts on floodplains or riverine areas. Mitigation measures.*~~
- ~~4. *IMPACT ANALYSIS: FISCAL & ECONOMIC. The developer must provide an analysis of fiscal and economic impacts of the project, for each phase of the Development, including:*~~
  - ~~a. *Estimated annual average ad valorem tax yield from the Development during each phase;*~~
  - ~~b. *Estimated capital costs of the Development and the funding source for all public facilities and services required by the Development, on-site and off-site, during each phase of the Development through its projected buildout and through the five-year period following the projected buildout date;*~~
  - ~~c. *Estimated average annual operating and maintenance costs of the Development and the funding source for all public facilities and services required by the Development during each phase of the Development through its projected buildout and through the five-year period following the projected buildout date, including water supply, wastewater disposal, solid waste disposal, surface water management, recreation, roads, and public protection (such as EMS, hospitals, police, and fire protection);*~~
  - ~~d. *Balanced impact statement which clearly demonstrates that estimated capital, operating, and maintenance costs will be fully compensated for by identified funding sources without negative fiscal impacts, or in the alternative, a fiscal mitigation plan which fully compensates for any and all negative fiscal impacts;*~~
  - ~~e. *Estimated expenditures for Development during each phase;*~~
  - ~~f. *Impacts of displaced activities including agriculture or other previous land uses; and,*~~
  - ~~g. *Market feasibility of the Development.*~~
- ~~5. *IMPACT ANALYSIS: SOCIAL. The developer must provide an analysis of the social impacts of the project, including:*~~

- ~~a. *Impact on adjacent neighborhoods* during each phase of the Development, including traffic generation, noise, runoff, etc.;~~
- ~~b. *Impact on housing supply* - including the number of low/moderate income dwelling units provided, the total units, and the proposed sales price or rental range (by type) of unit;~~
- ~~c. *Public safety impact* - for police and fire protection and land uses in hazard areas, such as floodplains, and measures for hurricane evacuation and/or sheltering;~~
- ~~d. *Educational impact* - including estimates of average annual school-age children and contributions to school site or construction needs and any special needs of the population; and,~~
- ~~e. *Health impact* - including travel time to health and medical facilities and provisions for any special health needs of the population.~~

~~**POLICY 1.8.4: PROCEDURE.** The application for the Planned Development District Option will proceed through the following steps:~~

- ~~1. Preliminary consultation with county staff;~~
- ~~2. Submission of proposed plan and impact analyses, with required fee;~~
- ~~3. Determination by county staff of adequacy of information and proposals with respect to standards and requirements;~~
- ~~4. Revision of plan and analyses as necessary;~~
- ~~5. Public hearings as provided in the Lee County zoning regulations; (Amended by Ordinance No. 94-30)~~
- ~~6. Approval/disapproval of proposal;~~
- ~~7. Completion of necessary agreements and funding arrangements;~~
- ~~8. Issuance of local Development orders which must contain conditions addressing the fiscal impacts of the Development and, where appropriate, a fiscal mitigation plan addressing any negative fiscal impacts. Compliance with these conditions or this fiscal mitigation plan shall be a binding condition of the local Development order;~~
- ~~9. Submission of construction plans for building permit approval; and,~~
- ~~10. Issuance of building permits.~~

~~**POLICY 1.8.5: APPLICABILITY.** The Planned Development District Option is only available for properties located in the Rural and Outer Islands categories as depicted on the Future Land Use Map. The option may not be pursued for land in any other land use category.~~

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

The PDDO approval process is cumbersome, somewhat subjective, and burdensome on both staff and the applicant. Self-sufficiency is potentially open to endless debate. The appropriate process for granting increased densities and intensities is the Future Land Use Map amendment process. The area that could utilize the PDDO mechanism is extremely limited given the characteristics of the remaining Rural designated areas.

## D. REVISED 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 deleting Objective 1.8 and all attendant Policies, and cross-referencing language in Policies 1.4.1, 1.4.2, and 6.1.8:

***POLICY 1.4.1:** The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre), ~~except as may be permitted under the Planned Development District Option.~~*

***POLICY 1.4.2:** The Outer Islands are sparsely settled, have minimal existing or planned infrastructure, and are very distant from major shopping and employment centers. They are not expected to be programmed to receive urban-type capital improvements in the time frame of this plan, and as such can anticipate a continued level of public services below that of other land use categories. The continuation of the Outer Islands essentially in their present character is intended to provide for a rural character and lifestyle, and conserve open space and important natural upland resources. Maximum density is one dwelling unit per acre (1 du/acre); ~~except as may be permitted under the Planned Development District Option.~~*

***OBJECTIVE 1.8: PLANNED DEVELOPMENT DISTRICT OPTION.** Provide an option to landowners outside the Future Urban Areas to increase allowable densities for Development that will be totally independent of county-subsidized facilities and services.*

~~— **POLICY 1.8.1: PURPOSE.** The Planned Development District Option is presented as a mechanism for adding flexibility to this plan; it provides a means by which increased residential density and ancillary Development may take place in certain land use areas outside the Future Urban Areas. That Development must be totally independent of county-subsidized facilities and services and shall not result in harmful environmental/natural resource, economic, fiscal, infrastructure/ services, or public safety impacts. The rationale for the Planned Development District Option is that the county is attempting to direct urban services within the Future Urban Areas; outside, urban-level county facilities and services are not expected to be available, yet the county is responsible for orderly land use and for ensuring against impacts harmful to the public health, safety, or welfare. (Amended by Ordinance No. 94-30)~~

~~— **POLICY 1.8.2: CONCEPT.** This "floating" performance standard based district can be requested by a property owner or developer seeking permission to develop outside the Future Urban Areas at densities higher than those permitted by right in the Rural or Outer Islands categories. Requests will be granted only after comprehensive reviews, including professional impact analyses provided by the applicant, and demonstration that the project will be self-sufficient. If standards and requirements are met, then the density may be increased up to the Urban Community density range (without bonuses):~~

~~— **POLICY 1.8.3: PERFORMANCE STANDARDS.**~~

- ~~1. **SELF-SUFFICIENCY: CAPITAL COSTS.** All internal improvements (water, sewer, roads, water management, recreation) must be installed to county standards at the developer's expense and the developer must provide the capital costs of all off-site improvements and services required by the project (e.g. arterial streets, transit service extensions, solid waste disposal, public protection):~~
- ~~2. **SELF-SUFFICIENCY: OPERATING COSTS.** The developer must demonstrate that the operating and maintenance costs of the project will not be borne by the county, through establishment of a homeowner's association, Municipal Services Taxing or Benefit Unit (MSTU/MSBU), or other legally responsible organization or arrangement (e.g., contracts with public or private service providers):~~

- ~~3. IMPACT ANALYSIS: ENVIRONMENTAL. The developer must provide an analysis of environmental impacts of the project, conducted by professional engineers, hydrologists, biologists, landscape architects, and/or planners, including:~~
- ~~a. Hydrologic - Modeling of surface water quality and quantity impacts within the drainage basin(s) and environmental systems affected. Modeling of groundwater drawdown. Description of mitigation of impacts.~~
  - ~~b. Vegetation - Mapping of vegetation within project area. Description of mitigation of impacts.~~
  - ~~c. Wildlife - Mapping of habitats. Mitigation measures.~~
  - ~~d. Soils - Description of anticipated erosion and sedimentation impacts. Mitigation measures.~~
  - ~~e. Wetlands - Description of impacts on wetlands. Mitigation measures.~~
  - ~~f. Floodplains or Riverine Areas - Description of impacts on floodplains or riverine areas. Mitigation measures.~~
- ~~4. IMPACT ANALYSIS: FISCAL & ECONOMIC. The developer must provide an analysis of fiscal and economic impacts of the project, for each phase of the Development, including:~~
- ~~a. Estimated annual average ad valorem tax yield from the Development during each phase;~~
  - ~~b. Estimated capital costs of the Development and the funding source for all public facilities and services required by the Development, on-site and off-site, during each phase of the Development through its projected buildout and through the five-year period following the projected buildout date;~~
  - ~~c. Estimated average annual operating and maintenance costs of the Development and the funding source for all public facilities and services required by the Development during each phase of the Development through its projected buildout and through the five-year period following the projected buildout date, including water supply, wastewater disposal, solid waste disposal, surface water management, recreation, roads, and public protection (such as EMS, hospitals, police, and fire protection);~~
  - ~~d. Balanced impact statement which clearly demonstrates that estimated capital, operating, and maintenance costs will be fully compensated for by identified funding sources without negative fiscal impacts, or in the alternative, a fiscal mitigation plan which fully compensates for any and all negative fiscal impacts;~~
  - ~~e. Estimated expenditures for Development during each phase;~~
  - ~~f. Impacts of displaced activities including agriculture or other previous land uses; and,~~
  - ~~g. Market feasibility of the Development.~~
- ~~5. IMPACT ANALYSIS: SOCIAL. The developer must provide an analysis of the social impacts of the project, including:~~
- ~~a. Impact on adjacent neighborhoods during each phase of the Development, including traffic generation, noise, runoff, etc.;~~
  - ~~b. Impact on housing supply including the number of low/moderate income dwelling units provided, the total units, and the proposed sales price or rental range (by type) of unit;~~
  - ~~c. Public safety impact for police and fire protection and land uses in hazard areas, such as floodplains, and measures for hurricane evacuation and/or sheltering;~~

~~d. *Educational impact* - including estimates of average annual school-age children and contributions to school site or construction needs and any special needs of the population; and,~~

~~e. *Health impact* - including travel time to health and medical facilities and provisions for any special health needs of the population.~~

~~**POLICY 1.8.4: PROCEDURE.** The application for the Planned Development District Option will proceed through the following steps:~~

~~1. Preliminary consultation with county staff;~~

~~2. Submission of proposed plan and impact analyses, with required fee;~~

~~3. Determination by county staff of adequacy of information and proposals with respect to standards and requirements;~~

~~4. Revision of plan and analyses as necessary;~~

~~5. Public hearings as provided in the Lee County zoning regulations; (Amended by Ordinance No. 94-30)~~

~~6. Approval/disapproval of proposal;~~

~~7. Completion of necessary agreements and funding arrangements;~~

~~8. Issuance of local Development orders which must contain conditions addressing the fiscal impacts of the Development and, where appropriate, a fiscal mitigation plan addressing any negative fiscal impacts. Compliance with these conditions or this fiscal mitigation plan shall be a binding condition of the local Development order;~~

~~9. Submission of construction plans for building permit approval; and,~~

~~10. Issuance of building permits.~~

~~**POLICY 1.8.5: APPLICABILITY.** The Planned Development District Option is only available for properties located in the Rural and Outer Islands categories as depicted on the Future Land Use Map. The option may not be pursued for land in any other land use category.~~

~~**POLICY 6.1.8:** Commercial development may take place, when properly zoned and when meeting the standards in Policy 6.1.2, within the Future Urban Areas or under the Planned Development District Option. Minor or rural commercial uses which serve rural residents or marine traffic, neighborhood commercial uses which serve major non-commercial public attractions (e.g. Lee County Civic Center), limited agricultural - commercial uses which serve rural areas and agriculturally related needs, and limited commercial marinas (not including heavy marine commercial, such as extensive storage and hull, engine, and electronic repairs) may be permitted in non-urban areas.~~

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

The PDDO approval process is cumbersome, somewhat subjective, and burdensome on both staff and the applicant. Self-sufficiency is potentially open to endless debate. The appropriate process for granting increased densities and intensities is the Future Land Use Map amendment process. The area that could utilize the PDDO mechanism is extremely limited given the characteristics of the remaining Rural designated areas.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

The PDDO was originally placed in the plan to provide additional flexibility for property owners located in rural areas of the County. The stated appropriateness “test” is that the Development must be “totally independent of county-subsidized facilities and services and shall not result in harmful environmental/natural resource, economic, fiscal, infrastructure/services, or public safety impacts.” Policy 1.8.2 provides that “Requests will be granted only after comprehensive reviews, including professional impact analyses provided by the applicant, and demonstration that the project will be self-sufficient.”

Until recently this option has not been utilized. Staff notes that currently there are two applications utilizing the PDDO on file with the division, Estero River Bay, PDDO and The Brooks of Bonita Springs, PDDO. These applications will, of course, be permitted to move forward independent of any action taken in association with this amendment to the Lee Plan. Planning staff also notes that staff experience with these two applications reinforces the cumbersome and somewhat subjective nature in determining self-sufficiency.

Through the PDDO process an applicant is required to provide “professional impact analyses” that must demonstrate “that the project will be self-sufficient.” A clear demonstration that a proposal is “self-sufficient” is open to almost endless debate. The specific variables that goes into such an analysis are, at best, difficult to identify. Assumptions concerning the demographic characteristics of a proposed development or choosing to limit the impact of a proposal on specific services can skew the results of such an economic analysis. For example, an applicant could assert that the proposed development will have a retirement/snow bird orientation, thereby limiting the need for school/educational services. Further, an applicant potentially can simply propose future property values that are sufficiently high to demonstrate that the revenues assumed for the development are more than the required governmental expenditures that are resultant from the project.

In addition, market conditions will vary over time, making what appears today to be a valid assumption invalid in the future. Thus, if only lower priced units are those that sell in the early years of the project, then a negative net fiscal impact could result. The result is that potentially cumbersome conditions need to be applied to the approval, such as fiscal monitoring, to assure that the assumptions remain valid throughout the Development phase and the required 5 year post development phase to assure that negative fiscal impacts to the county do not occur.

The PDDO methodology as it currently exists does not take into account the effect of inflation. Inflation typically increases costs, as well as revenues, over time. The methodology should also take into account the effect of depreciation of buildings. Some structures included in the fiscal analysis will begin to depreciate prior to the extent of the required analysis time frame of 5 years past buildout.

The PDDO methodology also does not acknowledge the “lag time” that results between a structure’s occupation to when taxes on that structure are first collected. The period before taxes are available to local government can be as long as 18 months. This could result in short term impacts that are not mitigated by tax revenues.

Another serious issue is impacts that necessitate large public expenditures. These types of impacts usually occur as certain thresholds are achieved. Level-of-service is measured in increments which may have a considerable range before the next threshold is tripped. For example, a development may be able to utilize excess capacity in a public school. However, when the number of students (demand) exceeds the capacity of the school a new facility may be needed. The additional demand created by the increased density of the PDDO may not trigger the need immediately, yet over time the need will arrive. Therefore, assessing the true impact and associated costs is, at best, difficult.

The applicant, through the PDDO approval process, is not required to provide the same level of information addressing overall planning issues, such as urban sprawl or the need for additional urban land uses that an applicant for a Future Land Use Map (FLUM) amendment is required to under Florida Statutes and the Florida Administrative Code (FAC). Applicants for FLUM amendments are required to supply data and analysis specifically addressing the urban sprawl criteria listed in Rule 9J-5.006(5)(g), (h), (I) and (j), FAC.

The PDDO Methodology does not require an analysis of the proposed land uses to determine the availability of irrigation and domestic water sources. Water sources do not have to be currently permitted and available, but they should be reasonably capable of being permitted. The PDDO does not require that an applicant present data and analysis that the proposed land uses will not cause any significant harm to present and future public water resources.

Planning staff does not believe the concern about deleting the PDDO that was stated in the Evaluation and Appraisal Report is still valid. The referenced draft of Rule 9J-5.0061 never became effective. Planning staff believes that the following section from F.S. 163.3177 was also referenced:

*(b) It is the intent of the Legislature that the local government comprehensive plans and plan amendments adopted pursuant to the provisions of this part provide for a planning process which allows for land use efficiencies within existing urban areas and **which also allows for the conversion of rural lands to other uses**, where appropriate and consistent with the other provisions of this part and the affected local comprehensive plans, through the application of innovative and flexible planning and Development strategies and creative land use planning techniques, which may include, but not be limited to, urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, mixed-use Development, and sector planning (bolding added for emphasis).*

Planning staff believes that this provision of the Florida Statutes does not mandate that Lee County maintain the PDDO. There are other avenues currently permitted by approved Lee County regulations that are available to rural property owners, allowing for the conversion of rural lands to other uses. For example, the Lee Plan, in Policy 2.4.1, provides that “the county will accept applications from private landowners or non-profit community organizations to modify the boundaries as shown on the Future Land Use Map.”

Further the Lee Plan, through Objective 1.6 New Community, has a future land use category that is designed for “the Development of large-scale multi-use communities developed pursuant to an overall master plan.” This category is considered by the plan to be a Future Urban Area and has a requirement that these areas “will not impose negative fiscal impacts on the county.” Policy 1.6.1 provides the following further restrictions:

*New Communities shall not exceed a residential density of six dwelling units per gross acre and shall have at least the following characteristics:*

- 1. The land will be developed under a well-conceived overall master plan;*
- 2. The land can be served with all necessary facilities and services at no expense to the county. Uniform Community Development Districts and special taxing districts may be utilized toward achieving this objective;*
- 3. Population, recreation, open space, educational, office, and research facilities are distributed in an orderly and attractive manner;*
- 4. The land shall be developed in such a manner as to protect environmentally sensitive areas;*
- 5. The land shall be developed as a free-standing community offering a complete range of land uses (e.g. a full mix of housing types for a range of household incomes, industrial and office employment centers, and community facilities such as fire departments, schools, law enforcement offices, public recreational areas, health care facilities, and community commercial areas);*
- 6. Off-site impacts shall be mitigated; and,*
- 7. On-site levels of service shall meet the county-wide standards contained in this plan.*

Further, staff encourages innovative and creative planning techniques such as clustering, neo-traditional planning, and sector planning. In fact several sector plans, such as for Bonita Springs, Greater Pine Island, Gasparilla Island, Fort Myers Beach, and Buckingham, have been incorporated into the Lee Plan.

Planning staff notes that, keeping in mind the two current PDDO applications, there is not much rural designated land left on the Future Land Use Map. The remaining Rural designated areas are concentrated in the following areas: the northeast part of the county, along the Caloosahatchee River stretching from North Fort Myers to Alva and north of Lehigh Acres; the Briarcliff subdivision area; on Pine Island; and, San Carlos Estates subdivision area. Staff maintains the PDDO would be an inappropriate mechanism to be utilized on Pine Island given the island's acknowledged hurricane evacuation problem and limited road network. The PDDO would also be an inappropriate mechanism in the Briarcliff and San Carlos Estates subdivisions given the existing development that exists in both of these subdivisions.

## **B. CONCLUSIONS**

The PDDO approval process is cumbersome, somewhat subjective, and burdensome on both staff and the applicant. Self-sufficiency is potentially open to endless debate. The appropriate process for granting increased densities and intensities is the Future Land Use Map amendment process. The area that could utilize the PDDO mechanism is extremely limited given the characteristics of the remaining Rural designated areas.

## **C. STAFF RECOMMENDATION**

Planning staff recommends that the PDDO Objective and subsequent policies be deleted from the Lee Plan.

## **D. REVISED STAFF RECOMMENDATION**

Subsequent to the Local Planning Agency (LPA) Public Hearing, planning staff have identified four policies that contain a cross-reference to the PDDO. This cross-reference occurs in Policy 1.4.1, the Rural category descriptor policy, Policy 1.4.2, the Outer Islands category descriptor policy, Policy 6.1.8, and in Policy 25.1.6. Staff is recommending that this cross-reference to the PDDO in Policy 25.1.6 be deleted as part of the new Transportation Element. The cross-references in Policies 1.4.1, 1.4.2, and in 6.1.8 should be deleted in association with this amendment to delete the PDDO Objective and subsequent policies.

Planning staff recommends that the PDDO Objective and subsequent policies be deleted from the Lee Plan and that cross-references to the PDDO in Policies 1.4.1, 1.4.2, and 6.1.8 be deleted as well.

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

DATE OF LPA HEARING: May 6, 1997

**A. LOCAL PLANNING AGENCY REVIEW**

One member of the LPA questioned the recent utilization of the option. Another LPA member responded the reason is the recognition of our problems with the Department of Community Affairs (DCA) concerning map amendments. One LPA member stated that he agrees with staff about the limited places that the option could be utilized and the recognized flaws with the methodology. This member further stated that the DCA represented in the DOH hearings that they have a concern with it, as their experts testified that all of Lee County's rural areas should be counted as six units an acre because of the PDDO. This same member also stated that the premise behind keeping the option as articulated in the 1994 EAR document does not exist anymore.

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

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

**C. VOTE:**

<b>CARRON DAY</b>	<b>ABSENT</b>
<b>RICHARD DURLING</b>	<b>AYE</b>
<b>EARL HAMILTON</b>	<b>ABSENT</b>
<b>RONALD INGE</b>	<b>AYE</b>
<b>BILL SPIKOWSKI</b>	<b>AYE</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:** One member of the Board asked the Assistant County Attorney if the elimination of the PDDO weakens our legal position. The Assistant County Attorney responded that he did not believe that eliminating the PDDO is going to create liability.

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

1. **BOARD ACTION:** The Board voted to transmit this amendment deleting the PDDO.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff and the LPA.

**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>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**

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

**B. STAFF RECOMMENDATION**

Adopt the amendment as transmitted.

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

DATE OF ADOPTION HEARING: May 27, 1998

**A. BOARD REVIEW:** The Board provided no discussion on this amendment. This item was approved on the consent agenda.

**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>