

**PAT 96-33  
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  
PAT 96-33**

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

ORIGINAL STAFF REPORT PREPARATION DATE: June 5, 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 Capital Improvements Element (Tables 3& 3A) to reflect the latest adopted Capital Improvement Program.

**B. BACKGROUND INFORMATION**

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

*The Capital Improvements Element is required by Florida Statute 163.3177(3)(b) to be annually reviewed and the identified modifications be incorporated into the element. The Board of County Commissioners adopted a new Capital Improvement program (CIP) on September 11, 1995. The Capital Improvements Element should be amended to reflect this new CIP. In addition, this new CIP acknowledges that the availability of revenues for capital improvements and follow-on maintenance and operation costs is diminishing. The newly adopted CIP reflects the affects of these costs and the "core services" concept in providing services to the taxpayers of Lee County.*

**Recommendation:** Amend the Capital Improvements Element (Table 3 & 3A) to reflect the latest adopted Capital Improvement Program.

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

### **1. RECOMMENDATION:**

Planning staff recommends that Lee Plan Tables 3 and 3A be replaced to reflect the projects as they are in the latest adopted Capital Improvement Program.

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

Lee Plan Policy 70.1.1 requires a Capital Improvements Program to be prepared and adopted on an annual basis. Florida Statute 163.3177(3)(b) requires that the Capital Improvements Element of the comprehensive plan be amended to reflect the modifications of the adopted Capital Improvement Program (CIP). This amendment incorporates the most recently adopted CIP in the Capital Improvements Element.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

Lee Plan Policy 70.1.1 requires a Capital Improvements Program to be prepared and adopted on an annual basis. Florida Statute 163.3177(3)(b) requires that the Capital Improvements Element of the comprehensive plan be amended to reflect the modifications of the adopted Capital Improvement Program (CIP). The latest adopted CIP covers fiscal years 1997 to 2001. The Lee Plan, to remain timely, should be amended to reflect these revisions.

In order to keep the Lee Plan up-to-date with the County's latest plans, revised Tables 3 and 3A have been prepared and are attached to this report. Revised Table 3 is a direct reproduction of relevant sections of the CIP. Revised Table 3A addresses the relation of individual capital projects with the Lee Plan. Approval of this amendment will bring the Lee Plan into compliance with the annual CIP. For a full description of each project, please refer to the annual CIP publication.

### **B. CONCLUSIONS**

Lee Plan Policy 70.1.1 requires a Capital Improvements Program to be prepared and adopted on an annual basis. Florida Statute 163.3177(3)(b) requires that the Capital Improvements Element of the comprehensive plan be amended to reflect the modifications of the adopted Capital Improvement Program (CIP). This amendment incorporates the most recently adopted CIP in the Capital Improvements Element.

### **C. STAFF RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners Transmit the attached revised Tables 3 and 3A to reflect the latest adopted CIP.



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

DATE OF PUBLIC HEARING: June 12, 1997

**A. LOCAL PLANNING AGENCY REVIEW**

One LPA member expressed concern over the lack of library projects, specifically for Cape Coral, in the CIP. Planning staff responded that this concern would be better expressed on the agenda item relating to the proposed CIP and not on this past adopted CIP.

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

- 1. RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the amendment.
  
- 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>	<u>ABSENT</u>
<b>RICHARD DURLING</b>	<u>ABSENT</u>
<b>EARL HAMILTON</b>	<u>AYE</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:** 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 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:**

<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**

**8. Amendment PAT 96-33; (Five-Year Schedule of Capital Improvements Update):** This is a proposal to revise the Capital Improvements Element to update the Five-Year Schedule of Capital Improvements.

**Objections:** The Five-Year Schedule is not supported by projected costs and revenue sources by type in order to demonstrate its financial feasibility. Furthermore, there is no analysis of the relationship of the proposed Five-Year Schedule of Capital Improvements to the deficiencies identified in other elements of the comprehensive plan. Rule 9J-5.016(4)1., & 2., F.A.C.

**Recommendation:** Include, with the Five-Year Schedule of Capital Improvements, projected revenues which demonstrate financial feasibility. Discuss the relationship of the proposed Five-Year Schedule of Capital Improvements to the deficiencies identified in other elements of the comprehensive plan.

**B. STAFF RECOMMENDATION**

Adopt the revised amendment which will incorporate Table 3, the latest adopted Capital Improvements Program for FY98-02. To address the DCA objections and to comply with Rule 9J-5, adopt a new Table 4 which demonstrates a balance between identified revenues and programmed expenditures.

**C. STAFF RESPONSE**

The DCA objection was a valid criticism of the transmittal document. Staff inadvertently did not include information that demonstrated a balance between identified revenues and programmed expenditures. Planning staff notes that historically the Lee Plan contained a table, Table 4, which provided this balance. The 1994 EAR combined this information into Table 3. Planning staff believes, for the sake of clarity and ease of use, that this information should be portrayed in two separate tables.

Subsequent to the transmission of this amendment, a new Capital Improvement Program (CIP) was adopted by the Board of County Commissioners. This CIP covers fiscal years 1998 through 2002. The tables associated with this amendment, PAT 96-33, have been revised to reflect the adopted 1998-2002 CIP. Planning staff has also condensed and reformatted the information contained in previously transmitted Tables 3 and 3A. This information, the summary of departmental requests and the capital improvements referenced to the Lee Plan, has been included in the new attached Table 3. Table 4 demonstrates the financial feasibility of the adopted 1998-2002 CIP.

The Fiscal Year 1998-2002 CIP contains a table entitled CIP Major Revenues Summary on page 11 (see Attachment 1). This summary reflects anticipated revenues from major revenue sources for each of the five years. Bond proceeds are included in the total. Fund Balance is not included.

Page 21, of the FY98-02 CIP, includes a summary by fifteen categories of all project requests (expenditures) for each of the five years and a summary for years 6 to 10. The details that support each of those categories can be found between pages 83 and 250.

The project detail includes a detailed analysis of each project including "**CIP Funding Sources and Amounts**" and **Comprehensive Plan Reference** (when applicable). In the "CIP Funding Sources and Amounts" section, each funding source is indicated and the year when funds will be necessary. All needed funding amounts are combined to equal the totals per project category. The funding can include unspent proceeds from other completed projects and any revenues from projects that have been altered or canceled as well as anticipated revenues to be received. Therefore, the projected expenditures on page 21 are greater than the new revenues listed on page 11, but only for fiscal years 1998 and 1999. The FY98-02 CIP does demonstrate its financial feasibility. Planning staff recommends that a copy of the FY98-02 CIP document be included as background data and be a part of the adoption package that is transmitted to the DCA.

The "Comprehensive Plan Reference" sets forth the specific references in the Lee Plan to which every capital project applies. Each year planning staff reviews the proposed CIP projects. This review includes the establishment of the "Comprehensive Plan Reference" and the priority number pursuant to Lee Plan Policy 70.1.1.b.

This amendment seeks to update the Lee Plan's CIP Tables, Tables 3 and 4, with the latest information from the currently adopted FY98-02 CIP. The amendment does not propose changing the process by which the CIP is prepared. Lee Plan Policy 70.1.1.a provides the policy governing the development of the CIP:

a. Preparation of the CIP:

1. Each county department having responsibility for public facilities for which levels of service have been set under this plan shall annually review existing facilities, level-of-service standards, and current and projected deficiencies using the level-of-service standards contained in this plan, the established minimum geographic units for each facility, and the latest population projections from the Planning Division. Based on identified current and projected deficiencies, each department shall prepare a capital improvements program based on facilities needed to meet these deficiencies.
2. Staff and members of the Board of County Commissioners will communicate with the general public in this process to ascertain the perceived need for each kind of public facility in each commission district and planning district.

3. A proposed CIP shall be presented by the County Administrator in conjunction with the presentation of the proposed annual operating budget. The proposed CIP shall be "balanced" (i.e., proposed expenditures shall not be greater than the amount of revenues available to fund the expenditures, on a fund-by-fund basis). Attached to the proposed balanced CIP shall be a report of the projects designated as needed, but which cannot be funded.
4. The proposed CIP shall be reviewed by the Local Planning Agency (LPA), which shall consider the consistency of the proposal with the Comprehensive Plan and the effect of the CIP on the growth management objectives of the county.
5. The proposed CIP, along with the report of the Local Planning Agency, shall be reviewed by the Board of County Commissioners. The Board of County Commissioners shall by resolution adopt a CIP at approximately the same time as the adoption of the annual operating budget. The annual operating budget shall be consistent with the first year of the adopted CIP.
6. The adopted CIP will be reviewed by the Board of County Commissioners during periodic meetings, to be held at least quarterly, called to discuss the status of CIP projects. Staff will be required to provide the Board with a status report on all ongoing CIP projects prior to these meetings. The Board may amend the CIP at these meetings by resolution after making findings of fact that the amendment is consistent with the priorities in this policy and with the Lee Plan in general. Where an amendment to the CIP affects the first year, the annual operating budget shall also be amended so as to remain consistent with the CIP.
7. All estimates of facility or service demand used to develop specific facility plans or any annual update of the capital improvements program shall be based on the specific volume and location of demand represented by developments for which local and DRI Development Orders were issued prior to the effective date of this plan, as well as more general estimates of population and land use intensity.

As this policy states, each County department reviews proposed projects against existing facilities, level-of-service standards, and current and projected deficiencies. Based on this review, each department prepares its requests to meet identified deficiencies. This amendment is not changing this process. The above CIP preparation Policy also requires that "the proposed CIP shall be 'balanced' (i.e., proposed expenditures shall not be greater than the amount of revenues available to fund the expenditures, on a fund-by fund basis). Thus the Lee Plan requires that a "balanced" CIP be produced based on identified, current and projected deficiencies.

**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 stated staff now has the Table (Table 4) from Budget Services which shows the balance between revenues and expenditures and he believes this will address DCA's concern. The Board provided no discussion on this amendment and there was no public input. This item was approved on the administrative agenda.

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

- 1. BOARD ACTION:** The Board voted to adopt this amendment, as revised.
- 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>ABSENT</b>
<b>DOUG ST. CERNY</b>	<b>AYE</b>