

**CPA2002-02
ESTERO-60
PRIVATELY INITIATED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Sponsored Application
and Staff Analysis**

DCA Transmittal Document

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

June 25, 2003

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2002-02**

Text Amendment

Map Amendment

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

STAFF REPORT PREPARATION DATE: March 17, 2003

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

ESTERO 60 ACRE LAND TRUST
REPRESENTED: BY WAYNE ARNOLD,
Q. GRADY MINOR AND ASSOCIATES

2. REQUEST:

Amend the Future Land Use Map series for a portion of a specified parcel of land located in Section 20, Township 46 South, Range 25 East to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Outlying Suburban." Also, to amend Lee Plan Policy 1.1.6 by limiting the density in the reclassified area to 2 dwelling units per acre. Also, amend Table 1(a), Note 6 to require central sewer service for development in the subject property. The applicant proposes the following text amendment:

Policy 1.1.6: The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It

is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban Areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from 1 dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area North Fort Myers east of I-75, a portion of San Carlos Groves in San Carlos/Estero planning community, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

Table 1(a), Note 6: In the Outlying Suburban category north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78); Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area; and in the Buckingham area (See Goal 17), the maximum density shall be 2 du/acre. For lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area, connection to a central sanitary sewer system shall be required if residential development occurs at a density exceeding 1 dwelling unit per acre, and clustering shall be utilized if residential development occurs at a density exceeding 1 unit per acre to enhance open spaces and buffers and to provide for an appropriate flow way. Compliance with the above clustering standards shall be demonstrated through the use of the planned development zoning district.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners not transmit this proposed amendment. Staff recommends that Map 1, the Future Land Use Map, not be amended to change the future land use designation of this parcel from the “Rural” land use category to the “Outlying Suburban” land use category. Staff also recommends that Lee Plan Policy 1.1.6 and Table 1(a), Note 6 not be amended.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** In addition to the various conclusions contained in this Staff Analysis, staff offers the following as the basis and recommended findings of fact:
 - The requested land use category is not adjacent to the site.
 - The need for additional urban area within the County has not been justified by the applicant.
 - Based on the 2020 FSUTMS model run, even with all planned improvements, U.S. 41 will operate at LOS F in the year 2020. The proposed increase in density would add 59 trips in the P.M. peak hour. This would worsen an already burdened section of major roadway.

- Access to the property is through an existing residential area to the east. Furthermore, the access road is substandard and the access is problematic where the Right of Way intersects existing roads.
- All portions of the property less than 7.4 feet in elevation meet the criteria of the Coastal high Hazard Area.
- Access is further limited by the north-south configured slough flow-way on the eastern edge of the property.
- This slough could act as a conduit for storm surges coming up from Mullock Creek.
- This property is within the Tidal Surge area depicted on Lee Plan Map 9: Defined 100-year Flood Plains.
- The property abuts the Estero Scrub Preserve, a state-owned conservation area, to the south and west.
- Increasing residential density from one unit per acre to two units per acre would generate approximately 38 public school students, creating a need for up to two new classrooms in the district. The schools in the South Region that would serve this development are operating at or above permanent student capacity levels.
- The proposal would add 2.4 minutes to the hurricane evacuation time.
- The proposal would double the number of vehicles evacuating in a hurricane from 58 to 116 and the number of people evacuating from 109 to 218.
- The proposal would double the number of people seeking shelter in a Category 2 hurricane from 23 to 46.
- The proposal would double the amount of hurricane shelter space needed in a category 2 hurricane from 460 square feet to 920.
- The majority of the property contains high quality native uplands.
- The property contains habitat for Lee County listed species.
- The proposed amendment is inconsistent with Lee Plan Policies 75.1.4 and 5.1.2 which seek to limit development in the Coastal High Hazard Area.
- A nearly identical proposal was denied by the Board of County Commissioners in January 2002.

- Remaining upland portions of the property are essentially an island surrounded by the Coastal High Hazard Area.

C. BACKGROUND INFORMATION

1. EXISTING CONDITIONS

SIZE OF PROPERTY: 60.324 acres.

PROPERTY LOCATION: The site is generally located at the end of Pine Road, west of U.S. 41 in Estero.

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

CURRENT ZONING: AG-2.

CURRENT FUTURE LAND USE CLASSIFICATIONS: Rural, Urban Community and Wetlands.

2. INFRASTRUCTURE AND SERVICES

WATER & SEWER: The subject property is located in the Gulf Environmental Services, Inc., franchise area for potable water service. Conversations with personnel at the water utility indicate that adequate flow and pressure are available. The nearest water main is a 10 inch line running along the south side of Pine Road from US 41 to the western end of Pine Road, terminating approximately 670 feet from the property. Staff has confirmed with personnel at Gulf Environmental Services Inc. that the water treatment plant for the area has sufficient capacity for the proposed additional 60 units.

The subject property is also located in the Gulf Environmental Services, Inc., franchise area for sanitary sewer service. According to the application, "Sanitary sewer will be extended to the site and utilized." The nearest sewer line is a force main on the east side of US 41 and connecting to it would require an investment in infrastructure for new lines and force pumps. Planning staff notes that Lee Plan Standards 11.1 and 11.2 provide for mandatory connections when certain development thresholds are achieved. The proposed density increase would fall below the 2.5 units per acre threshold for mandatory connection to sanitary sewer lines. However, the applicant has proposed language that would make sewer connections mandatory for the subject property.

On June 30th 2003 Lee County Utilities will take over services from Gulf Environmental Services. Staff does not anticipate any difficulties or changes in the level of service from this change.

FIRE: The property is located in the San Carlos Fire Protection and Rescue Service District.

TRANSPORTATION: The subject property currently has access to an unimproved dirt trail which is covered by easements connecting it to Pine Road, on the west side of U.S. 41.

SOLID WASTE FRANCHISE: Gulf Disposal Inc.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

The applicant, Estero 60 Acre Land trust, represented by Wayne Arnold, is requesting a change of future land use designation on the Future Land Use Map from "Rural" to "Outlying Suburban" for 51.63 acres of a 60.324 acre parcel of land (attachments 1A and 1B). The applicant is also requesting an amendment to the Lee Plan that would limit the property to a maximum density of two units per acre and would require that any future development to connect to central sewer services. The site is located west of the current terminus of Pine Road west of U.S. 41 in Estero, in Section 20, Township 46 South, Range 25 East. If the amendment is approved the permissible density would increase from a maximum standard density of 1 du/acre to 2 du/ac, a 100 percent increase.

This proposal is nearly identical to proposed Lee Plan Amendment PAM98-06. That proposed amendment was denied by the Lee County Board of County Commissioners in January 2002. The only difference between PAM98-06 and this proposed amendment is the additional proposed language requiring the subject property to connect to central sewer service and the use of clustering and the planned development process.

COMPREHENSIVE PLAN BACKGROUND

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the subject property was shown as being located in the "Rural" and "Urban Community" land use categories. Only that portion of the property lying to the east of Mullock Creek was designated Urban Community which accounts for only a small triangle in the extreme southeast corner. Subsequent Future Land Use Map amendments and administrative interpretations redesignated the slough system on the eastern side of the property and other scattered spots to Wetlands. This created 7.86 acres of Wetland designation and resulted in an even a smaller portion (.5 acre) of the property being designated Urban Community. There are approximately 51.63 acres currently designated Rural on the property. The future land use designations of this property were not affected by the Estero/Corkscrew Road Area Study of 1987.

ADJACENT ZONING AND USES

Immediately to the north of this parcel are 9 vacant acres of a 31 acre parcel in the Shady Acres RV Park, with AG-2, MH-2, and RV-3 zoning. North of that parcel is a subdivided portion of Shady Acres with MH-1 zoning. These parcels are designated as Rural, Wetlands, and/or Urban Community. Immediately to the east of the subject parcel are several parcels zoned AG-2 and RS-3. Some are vacant, and others have low density residential uses. These parcels are designated Wetlands and Urban Community. Two parcels have churches on them. The first church is a Congregation of Jehovah's Witnesses on the north side of Pine Road. Further east on the south side of Pine Road is Crossway Baptist Church. To the south and the west is the Estero Scrub Preserve, a conservation area and part of the state-owned Estero Aquatic Preserve. To the east is a 10 acre

vacant parcel that is part of a slough system feeding into Mullock Creek. This parcel is part of an ongoing land swap between the Trustees for Internal Improvement Trust Fund (TIITF) and the parcels owner. The 10 acre parcel is being given to the state in exchange for TIITF-owned land along US41. The 10 acres will then become part of the Estero Scrub Preserve. The significance of this swap is that if it goes through it will cause the subject property to become bordered by the Estero Scrub Preserve on three sides. This will further isolate the property from nearby residential land. As of this report, the swap is still pending.

TRANSPORTATION ISSUES

Proposed Lee Plan Amendment PAM 98-06 was a part of the 2001-02 Regular Plan Amendment Cycle. The Lee County Department of Transportation (DOT) reviewed that request and provided Planning staff written comments dated December 14, 1998 (see Attachment 2). The Department of Transportation raised four questions/comments which are relevant to this proposed amendment. The property will use Pine Road to access U.S. 41. DOT notes that, based on the 2020 FSUTMS model run, U.S. 41 will operate at LOS F in the year 2020, even with all of the planned transportation improvements in place. In a memo dated February 6, 2001, DOT staff states that a density increase of 1 unit/acre to 2 units per acre will result in an additional 59 trips in the P.M. peak hour, but this will not change the future road network plans. Although the number of trips generated will not be very large, it will exacerbate an already bad situation. Planning staff questions the validity of doubling the density on this property when it is known that there is a future LOS problem on a major roadway link affected by this property.

DOT also raises a potential problem with north bound traffic exiting the property making a U-turn at the intersection of U.S. 41 and Breckenridge.

Pine Road itself is a substandard roadway, measuring only about 20 feet wide with soft shoulders and a drainage ditch on the north side.

An additional concern is the configuration of the access from Pine Road. Several access points intersect at this point. This includes the easement to the subject property, Allaire Lane to the south, Pine Road to the east, the entrance way to the residential property to the southwest, an unimproved approach running north from the intersection, and access ways from the residence to the northwest and the Jehovah's Witness church northeast of the intersection.

Mass Transit

The application provided the following regarding Mass transit during the PAM 98-06 plan amendment:

“The subject site has no facilities directly servicing the property. The Lee Tran provides service from U.S.41 and Constitution to the north. Lee County has no plans for the area until residential developments of the type generating mass transit needs are in place. Consequently, revisions to the Mass Transit Sub-Element or Capital Improvements element are unnecessary.”

In a memo dated February 20, 2003, Steve Myers of LeeTran reaffirmed that the proposed amendment will have no effect on existing or planned LeeTran services (see Attachment 2).

PUBLIC SAFETY ISSUES

The applicant and Planning staff requested letters from the public safety and service providers (see Attachment 2). The purpose of these letters is to determine the adequacy of existing or proposed support facilities.

Emergency Management - Hurricane Evacuation/Shelter Impacts

Lee County Emergency Management (EM) staff reviewed proposed Lee Plan Amendment PAM98-06 and provided written comments dated February 20, 2001 (see Attachment 2). These comments are relevant to this proposed amendment. Many portions of the subject property meet the criteria for the Category 1 evacuation area. Doubling the allowable density on a property located in a Category 1 evacuation area, according to the Southwest Florida Regional Planning Council's Hurricane Evacuation Study, would add 2.4 minutes to the exiting evacuation time. The increased density would also double the number of people seeking shelter in a category 2 hurricane from 23 to 46 and double the amount of shelter space needed from 460 square feet to 920. Likewise, the number of evacuating vehicles would double from 58 to 116 and the number of evacuating people would double from 109 to 218.

Fire Service Impact

The subject parcel is located within the San Carlos Fire Protection and Rescue Service District. In a May 29, 2001 conversation with staff, Chief Ippolito of the San Carlos Fire Protection and Rescue Service District stated his objection to the proposed increase in Density due to the single access and the substandard nature of Pine Road. This concern was reaffirmed in a conversation with San Carlos Fire Protection staff on March 14, 2003.

Emergency Medical Services (EMS) Impact

EMS staff reviewed proposed Lee Plan Amendment PAM98-06 and provided written comments. Those comments are relevant to this proposed amendment. In a letter dated October 15, 1998, the EMS Program Manager stated:

“If the above named parcel is changed to Outlying Suburban from Rural, I estimate a maximum build out population of 376 persons (2.09 persons in each dwelling unit /3 dwelling units per acre) The Residents could generate 45 calls annually for EMS resources.”

“Without a site plan showing ingress/egress corridors, I cannot assess if there may be an impact to EMS response time reliability. However, the current average EMS response time for the San Carlos area is six (6) minutes. The impact of this increased demand for EMS services should not pose a problem if additional ambulances/personnel are acquired according to current budgetary plans.”

Planning staff is concerned that an average response time of six minutes is excessive. The Lee Plan's non-regulatory EMS standard, as contained in Policy 70.1.3, provides for "a five and one half (5½) minute average response time.”

Public Safety Conclusion

From the above reviews, planning staff concludes that the requested land use change will have an impact on public safety service providers by increasing the demand on existing and future facilities.

SCHOOL IMPACTS

Staff of the School District of Lee County have reviewed the proposal and provided written comments dated February 26, 2003 (see Attachment 2). In a personal communication with planning staff on March 4, 2003 School District staff confirmed that the proposed amendment to Outlying Suburban would increase the potential density to two units per acre, or 120 units. These units would generate approximately 38 public school students, creating a need for up to two new classrooms in the district. The schools in the South Region that would serve this development are operating at or above permanent student capacity levels. Those schools that exceed permanent student capacity levels are operating through the use of portable classroom buildings. The growth generated by this development will require either the addition of permanent student and auxiliary space or the placement of portable buildings. Either action imposes a fiscal impact on the District that would need to be addressed in the permitting process through school impact fees.

VEGETATION & WILDLIFE

The 60-acre parcel contains approximately 43 acres of high quality scrubby pine flatwoods, 0.7 acres of pine/oak scrub, 5 acres of pine flatwoods with melaleuca, 8 acres of melaleuca dominated wetlands, 1.7 acres of FPL transmission line easement, 1.2 acres of borrow pit/pond, and 0.8 acres of disturbed area. The property abuts the Estero Scrub Preserve along the entire length of the western and southern property lines.

The melaleuca dominated slough system crossing the eastern portion of the property is degraded vegetatively, however, the conveyance and stormwater storage capacity are important to this portion of the County. Restoration of the slough system would be beneficial to water quality, water storage, and wildlife. In fact, the state has begun restoration of this slough system to the south on the Estero Scrub Preserve property.

The property consists of habitat that may support Lee County listed species. The potential listed species include gopher tortoise, eastern indigo snake, gopher frog, southeastern American kestrel, red-cockaded woodpecker, Florida panther, Big Cypress fox squirrel, Florida black bear, fakahatchee burmania, satinleaf, beautiful paw-paw, Florida coontie, American alligator, roseate spoonbill, limpkin, little blue heron, reddish egret, snowy egret, tricolored heron, and Everglades mink. Gopher tortoise burrows and scat were observed by Craig Schmittler, South Florida Water Management District, and Boylan Environmental Consultants staff.

COMMUNITY PARKS IMPACT

The application provides the following concerning this issue:

“The subject site is found in District 4 of the Lee County Park Impact Fee regulations. The closest facility to the site is the Three Oaks Community Park. Lee County has plans to construct an additional facility in Estero.”

In a memo from the Development Services Division dated May 16, 2001, County staff states,

”The potential increased population is 126 residents. These residents will require 0.75 acres of regional parks to meet the required level of service (LOS) and 1.01 acres to meet the desired LOS standard. There is sufficient acreage of regional parks to meet the required LOS standard beyond the year 2004. However, the desired LOS will probably not be met in 2004.”

“The residents will require 2.2 acres of community parks to meet the required LOS standard and 2.52 acres to meet the desired LOS standard. There is sufficient acreage to meet the required LOS standard throughout the year 2004. However, the desired LOS standard was not met in 1997. The only new park or addition planned in Community Park Impact Fee District 4 is a 3-acre addition at Bay Oaks Park on Ft Myers Beach which is not large enough to meet the desired LOS in 1998 or later.”

Although the proposed amendment would not create a park acreage deficit, it would make the goal of attaining the desired level of park space more difficult to achieve.

DRAINAGE/SURFACE WATER MANAGEMENT

The application provides the following discussion concerning this issue:

“Surface water management will be provided by a series of lakes, connecting culverts and out falls structures. All will be permitted through the South Florida Water management District and will comply with their rules and regulations.”

According to staff from Lee County Division of Natural Resources, surface water flows affecting this site are from northeast to southwest. While it may be perceived that flow go toward Mullock Creek, the system is very small and constricted. Staff believes the water flows crossing this site should be routed through this sites' water management system and outfall toward the FPL grade with culverts to allow the water flow to continue to the southwest through the State preserve.

COASTAL ISSUES

Coastal issues are relevant to this application. The 1991 "Hurricane Storm Tide Atlas for Lee County," prepared by the Southwest Florida Regional Planning Council, shows that approximately 2.2 acres of the subject property are located within the Category 1 storm surge zone. However, due to the generalized nature of the Storm tide atlas, 2.2 acres is a low estimate and does not accurately indicate the extent to which the subject property would be affected by coastal flooding. In particular, staff is concerned that the slough on the eastern side of the property would act as a conduit for storm surges coming up from Mullock Creek. These surges could not only flood part of the subject parcel, but would also lay across the only access way from the subject property to hurricane evacuation routes. According to communications with Dan Trescott of the Regional Planning Council, those portions of the subject property lower than 7.4 feet meet the criteria for the category 1 storm surge and should be in the Coastal High Hazard Area. This includes the Northwest corner of the property, the eastern portion of the northern half of the property as well as the southeast corner of the property (See Attachment 4). The topographic map of the subject property reveals that the slough areas are less than 7.4 feet in elevation and therefore should be within the Coastal High Hazard Area. The subject site is in the "Coastal Planning Area" as defined by the Lee Plan. All of the subject property is in the FIRM A Zone. The site is also within the Tidal Surge area of a 100-year storm according to Lee Plan Map 9: Defined 100-year Flood Plains (See Attachment 5). The site has a history of flooding as indicated on the Flood History Map supplied by Emergency Management Staff (See Attachment 6).

Lee Plan Policy 75.1.4 states:

“Through the Lee Plan amendment process, land use designations of undeveloped areas within coastal high hazard areas shall be considered for reduced density categories (or assignment of minimum allowable densities where density ranges are permitted) in order to limit the future population exposed to coastal flooding.”

The applicant is seeking to increase residential density over and above that which is currently permitted by the Rural designation of the subject property. The end result, if approved, is increased density and the concurrent increase in population placed in an area subject to storm surge. Staff finds that doubling the number of permitted units on the subject property is inconsistent with the statement of “assignment of minimum allowable densities” in this policy.

In addition, Lee Plan Policy 5.1.2. states:

“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.”

Staff finds that doubling the number of permitted units on the subject property is inconsistent with this policy. Furthermore, the applicant has not included any analysis or justification that the subject property (a portion of which is located in the Coastal High Hazard Area) is an appropriate location to increase densities from that currently envisioned and permitted by the Lee Plan.

In a memo dated February 13, 2003, John D Wilson of the Division of Public Safety states:

“As I understand it, the proposed request potentially increases the density from one du/acre to two du/acre. The upper northwest segment of the property is located in the defined Coastal High Hazard Area (see attached map). If approved, the amendment would increase the property’s potential residential density for that area, which appears contrary to the intent of Lee Plan Policy 75.1.4.”

“The remaining section of the property is east of the county’s defined Coastal High Hazard Area and as such, the density increase requested is not consistent with the Lee Plan’s aim to minimize density increases in hazardous areas. By the same token, the county receives credit for low density zoning from the Federal Emergency Management Agency’s Community Rating System (CRS) program. The request, if granted, would remove this acreage from the amount the county currently receives credit for this particular activity.”

In the event of a category two hurricane, doubling the density of this property would also double the number of evacuating people from 109 to 218. Likewise, the number of evacuating vehicles would double from 58 to 116 and the number of people seeking shelter would double from 23 to 46.

POPULATION ACCOMMODATION ANALYSIS

There are approximately 51.63 acres currently designated Rural on the property. Under the current designation, 51 dwelling units could be constructed in the Rural area. This Rural area accommodates 106 persons on the FLUM (51 X 2.09 persons per unit). There is .5 acre designated Urban community on this property. Under that

designation, a maximum of 3 dwelling units could be built in that area. This equates to a population accommodation capacity of 6 persons (3 units X 2.09 persons per unit). There are 7.86 acres designated Wetland on the subject property. Since a minimum of 20 acres of Wetland is needed for a single unit, no dwelling units can be constructed in this area. Under current designation, 54 units total can be constructed on the subject property for a population accommodation capacity of 112 persons.

The proposed plan amendment would redesignated the Rural areas to Outlying Suburban with a maximum density of 2 units per acre. This would allow a maximum of 103 units to be built on the outlying suburban land. This would increase the Population accommodation capacity to 215 persons. The Urban Community and Wetland areas would be unaffected and would still allow 3 units and zero units respectively. This would create a total of 106 dwelling units on the subject property and a population accommodation capacity of 221 persons under the proposed amendment. This would increase the population accommodation on the Future Land Use Map by 109 persons.

APPROPRIATENESS ANALYSIS

The request is to redesignate 51.63 acres of a 60.324 acre parcel of land from a non-urban designation to a Future Urban designation. The applicant has not shown that the proposed land use category is appropriate for the subject site. The requested land use category, Outlying Suburban, is not adjacent to the site. As such, the proposed amendment represents “spot” planning. In addition, the proposal would also create approximately 51 acres of additional future urban area. Lee County currently has sufficient land designated future urban area and the applicant has not provided sufficient justification for more urban land at this time.

In 1989, The secretary of the Florida Department of Community Affairs defined sprawl as “premature, low-density development that ‘leapfrogs’ over land that is available for urban development.” The subject property is in a rural designation and is situated just outside a future urban area designated Urban Community on the Future Land Use Map. The urban area between the subject property and US 41 currently contains low density residential and vacant parcels (attachment 3). As such, the proposed amendment would fit this definition of urban sprawl.

The site abuts a state-owned preservation area and as such the lower density non-urban category is more appropriate. Lee County has proposed no urban services for this site. Increasing the density would place a greater demand on a substandard local road and on US 41, which will be already overloaded by the year 2020. The applicant has not stated a clear planning basis for the requested change. Staff finds that the application’s supporting documentation is insufficient to warrant this change.

B. CONCLUSIONS

This proposed plan amendment is almost identical to previous Lee Plan amendment PAM98-06 that was denied by the Lee County Board of County Commissioners in January 2002. The only difference between the two applications is the new proposed language that would require connection to central sewer service and the use of clustering and the Planned Development Process. The issues and concerns that planning staff had with PAM98-06 are still relevant and have not been sufficiently addressed by the applicant. Staffs main concern is the presence of the slough flow-way on the eastern edge of the property and the property’s vulnerability to flooding. Planning staff finds that there is no justification for the proposed amendment to Map 1, the Future Land Use Map, to change the subject property from the non-urban category of Rural to the urban category of Outlying Suburban.

The proposed plan amendment does not remedy or mitigate any undesirable condition nor does it enhance or create any desirable conditions. Staff believes that the increased density is inappropriate for the area.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners not transmit this proposed amendment. Staff recommends that Map 1, the Future Land Use Map, not be amended to change the future land use designation of this parcel from the "Rural" land use category to the "Outlying Suburban" land use category. Staff also recommends that Lee Plan Policy 1.1.6 and Table 1(a), Note 6 not be amended as requested. This recommendation is based upon the previously discussed issues and conclusions of this analysis. See the finding of facts in Part I of this report.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: March 24, 2003

A. LOCAL PLANNING AGENCY REVIEW

Both planning staff and the applicant gave presentations. One LPA member asked if any specific clustering were being proposed. The applicant replied that there were no specific plans for the property but that the RPD process would be used. An LPA member stated that it would be possible for the applicant to get the desired number of units on a smaller piece of land at higher density, allowing much of the property to be preserved. The applicant replied that it was necessary to redesignate the entire property to achieve the proposed density of 2 units an acre.

Another LPA member asked for an update on an abutting 10-acre parcel known as the Smith Parcel. The applicant described the parcel as 7 acres of slough and 3 acres of upland. The applicant stated that a developer was due to purchase the property on April 15th and then swap it to the state in exchange for another parcel in the area.

Three residents of the neighborhood abutting the subject property spoke at the meeting. Among the concerns they expressed were:

- The increased number of people that would be exposed to flooding, storm surges and hurricanes.
- The increased danger of entering US 41 from Pine Road.
- The destruction of wildlife habitats.
- The increased traffic would increase the danger to neighborhood children and pets.

One citizen stated that there is a 30-40 signature petition on file at the commissioners office opposing the proposed expansion.

Board members asked if there were any plans to signalize the Pine Road/ US 41 intersection or if the additional 60 units would warrant a median. Staff replied that they did not know of any plans to signalize the intersection and it would not be possible to accommodate a median at that location.

Two board members expressed concern over increased urban area in the County and felt that the traffic issue had not been addressed. Another member felt that the applicant was reasonable in their efforts and that in the long run, the County was better off with a clustered development served by sewer.

One member stated that although the applicant had made an effort to sell the property to the state, he moved that the LPA find the proposed amendment inconsistent with the Lee Plan and recommend that the Board of County Commissioners not transmit the proposed amendment. This motion was seconded.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The LPA recommends that the Board of County Commissioners **not** transmit this amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The LPA found that despite the applicants efforts to meet planning staffs requests, the proposed plan amendment was inconsistent with the Lee Plan.

C. VOTE:

| | |
|-------------------------|---------------|
| NOEL ANDRESS | NAY |
| MATT BIXLER | AYE |
| SUSAN BROOKMAN | AYE |
| DAN DELISI | NAY |
| RONALD INGE | ABSENT |
| GORDON REIGELMAN | AYE |
| | |

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

DATE OF TRANSMITTAL HEARING: June 25, 2003

- A. BOARD REVIEW:** Staff gave a brief presentation and the applicant addressed the Board. One commissioner stated that through it's own appraisal, the State had made it difficult for the board to deny transmittal. Another Commissioner asked about the affordable housing agreement between the applicant and the University. Larry Warner explained that the applicant could offer pre-sale arrangements to the University which could then sell units to University faculty members.

Heather Stafford of the Florida Department of Environmental Protection stated that the State is working with the applicant towards the acquisition of a portion of the 60-acre parcel. The County Attorney stated that the sale of the property could be limited by the State's own appraisals. A commissioner then mentioned that the Board was getting involved in things beyond it's purview and that planning staff and the Local Planning Agency had recommended not to transmit the proposed amendment.

The commissioner also stated that there were many issues that were not being addressed by the Board during the meeting. He asked staff what the main reasons were for recommending not to transmit the proposed amendment. Staff replied that Pine Road is a sub-standard road, the proposed amendment would add additional traffic onto US 41, that the proposal would double density in environmentally good habitat, and that there has been no demonstration of need for additional urban land in the County. The applicant stated that the proposed amendment would allow the land to be developed in a much more environmentally-friendly manner than it would be without the measures included in the proposed language.

A Commissioner moved to transmit the proposed amendment with the understanding that if it was adopted, it would require water and sewer service with no septic tanks at whatever density it is developed. Another Commissioner stated that implicit in the motion was that the property should include the Planned Development process if developed at higher than one unit per acre, that utilities would be mandatory at all densities, and that any development would be clustered with the balance of the land going into preservation. One Commissioner stated that he could not support the applicants proposal because the Staff recommendation was not to transmit.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board of County Commissioners voted 3-2 to transmit the proposed Future Land Use Map amendment along with the following language modifications:

Policy 1.1.6: The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban Areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from

1 dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area North Fort Myers east of I-75, a portion of San Carlos Groves in San Carlos/Estero planning community, and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).

Table 1(a), Note 6: In the Outlying Suburban category north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78); Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area; and in the Buckingham area (See Goal 17), the maximum density shall be 2 du/acre. Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/ Estero Area must connect to a central sanitary sewer system if residential development is pursued on the property. In addition, if residential density in excess of 1 dwelling unit per acre is proposed, clustering must be utilized to enhance open space, buffers and to provide for an appropriate flow way. Compliance with the clustering standard must be demonstrated through the use of a planned development zoning district

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The majority of the Commissioners stated that the proposed amendment would allow the subject property to be developed in a more responsible and environmentally friendly manner.

C. VOTE:

| | |
|-----------------------|------------------------|
| JOHN ALBION | <hr/> AYE <hr/> |
| ANDREW COY | <hr/> AYE <hr/> |
| RAY JUDAH | <hr/> AYE <hr/> |
| BOB JANES | <hr/> NAY <hr/> |
| DOUG ST. CERNY | <hr/> NAY <hr/> |

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

DATE OF ORC REPORT: _____

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

B. STAFF RESPONSE

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

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

RAY JUDAH

BOB JANES

DOUG ST. CERNY
