

**CPA2002-04**  
**CALOOSAHATCHEE SHORES COMMUNITY PLAN**  
**BoCC SPONSORED**  
**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  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 479-8585*

October 23, 2003

LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2002-04

Text Amendment  Map Amendment

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

STAFF REPORT PREPARATION DATE: March 14, 2003

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. SPONSOR/APPLICANT:**

**A. SPONSOR:**

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

**B. APPLICANT**

THE EAST LEE COUNTY COUNCIL  
REPRESENTED BY VANASSE & DAYLOR

**2. REQUEST:**

Amend the Future Land Use Element of the Lee Plan, text and Future Land Use Map series to incorporate the recommendations of the Caloosahatchee Shores Community Planning effort, establish a

revised Vision Statement and definition of density, establish a new Goal 13 and subsequent Objectives and Policies.

## **B. LANGUAGE TRANSMITTED BY THE BOCC:**

### VISION STATEMENT:

4. Fort Myers Shores - This Community is located south of the Caloosahatchee river, west of Hickey Creek, and north of the Orange river; and, along I-75 west of the Buckingham Rural Community Preserve, north of SR 82 and east of the City of Fort Myers. This community contains two distinct areas: Caloosahatchee Shores, located east of I-75 and Palm Beach Boulevard, located west of I-75. This area also has a mixture of future land use designations. The majority of the land is designated Suburban, Outlying Suburban, Rural, or Urban Community; however, there are some lands designated Intensive Development, Central Urban, Public Facilities, Industrial Interchange Area and General Interchange.

Caloosahatchee Shores: This community is located south of the Caloosahatchee River, west of Hickey's Creek, and north of the Orange river; and along I-75 east to the Buckingham Rural Preserve, north of SR82 and west to I-75. This community contains three neighborhoods: Fort Myers Shores, Olga, and the Riverdale neighborhood around the intersection of Buckingham Road and SR 80. The Caloosahatchee Shores planning community has a more rural character, but is anticipated to grow substantially over the life of this plan . This area also has a mixture of future land use designations. The majority of land use designations are Suburban, Outlying Suburban, Rural or Urban Community; however, there are some lands designated public facility and industrial interchange.

Due to the rapid rise in population and limitations on commercial development in surrounding communities, the amount of commercial buildings will more than double by 2020. Currently, this community contains commercial outlets which accommodate the needs of its residents as well as those from neighboring communities such as Alva, Bayshore and Buckingham. Shopping areas in this community are concentrated along the SR 80 corridor with specific commercial nodes for higher intensity development to satisfy residents primary commercial needs. During the life of this plan, Fort Myers Shores will continue to develop a commercial/employment center for the adjacent communities.

Palm Beach Boulevard: The Palm Beach Blvd. Community actually encompasses part of the City of Fort Myers and is bounded by Billy's Creek on the west and south, I-75 on the east, and Caloosahatchee River on the north. This is one of the older urban areas of Lee County and Fort Myers, and it has experienced significant demographic and economic change over the last decade. The future vision is of an attractive, mixed-use community with an abundance of employment and shopping opportunities. Palm Beach Blvd. will be improved with medians and landscaping, and an effort will be made to renovate and beautify aging commercial centers along the corridor. Opportunities for mixed use developments within obsolete commercial centers and a general upgrading of the housing stock will be a priority.

**GOAL 13: CALOOSAHATCHEE SHORES:** To protect the existing character, natural resources and quality of life in Caloosahatchee Shores, while promoting new development, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments. This Goal and subsequent objectives and policies apply to the Caloosahatchee Shores boundaries as depicted on Map 1, page 2 of 5 in the Appendix.

**OBJECTIVE 13.1: COMMUNITY CHARACTER.** The Caloosahatchee Shores community will draft and submit regulations, policies and discretionary actions affecting the character and aesthetic appearance of the Caloosahatchee Shores for Lee County to consider for adoption and enforcement to help create a visually attractive community.

**POLICY 13.1.1:** By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations for Lee County to review and consider for amendment or adoption as Land Development Code regulations that provide for enhanced landscaping, signage and architectural standards consistent with the Community Vision.

**POLICY 13.1.2:** In order to maintain the Old Florida rural identity for the Caloosahatchee Shores Community, commercial developments are encouraged to use vernacular Florida architectural styles for all buildings. The use of Mediterranean styles of architecture is discouraged.

**POLICY 13.1.3:** Lee county is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards.

**OBJECTIVE 13.2: COMMERCIAL LAND USES.** Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should be undertaken in an effort to promote the goal of commercial redevelopment along SR 80 and increased commercial opportunities to service the needs of the Caloosahatchee Shores community and surrounding areas. County regulations should attempt to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage. Commercial land uses must be designed to be compatible with and further the historic character and identity of existing rural Old Florida and Florida Vernacular styles of architecture and the historic identity of Olga.

**POLICY 13.2.1:** To service the retail needs of Caloosahatchee Shores and the surrounding rural communities, the intersection of SR 80 and SR 31, north of SR 80 and east and west of SR 31 are designated as commercial nodes to allow for greater commercial intensity. Commercial nodes are intended for development or redevelopment at Community Commercial levels as defined in Policy 6.1.2 of the Lee Plan.

**POLICY 13.2.2:** In order to protect the rural residential character of Buckingham Road, new retail uses along Buckingham Road outside the commercial node identified on Map 19, will be discouraged.

**POLICY 13.2.3:** Minor commercial uses, public facilities, and recreational areas are encouraged at or near the intersection (within 660 feet of the adjoining rights of way of the intersection roads) of Old Olga Road and South Olga Drive. Minor commercial uses that are intended to service the needs of the immediate neighbors, are designated through landscaping, architectural standards and pedestrian facilities to be visually and functionally compatible with surrounding residential uses, and are designed to promote the vision of a pedestrian oriented village, are encouraged and are not required to meet the retail site location standards in Policy 6.1.2 at this intersection.

**POLICY 13.2.4:** Commercial developments within the Caloosahatchee Shores Community must provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments should provide interconnect opportunities with commercial areas, including but not limited to bike paths, pedestrian access ways and equestrian trails.

**POLICY 13.2.5:** To promote the redevelopment of commercial uses along SR 80, Commercial uses are encouraged to increase lot depth and size by extending north of SR 80 to First Street. Lee County will encourage the use of First Street as a reverse frontage Road to provide access. This policy hereby adopts Attachment #1 as a conceptual redevelopment plan for this corridor.

**OBJECTIVE 13.3: RESIDENTIAL USES:** Lee County will protect and enhance the residential character of the Caloosahatchee Shores Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space.

**POLICY 13.3.1:** By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as regulations in the Land Development Code to provide for greater buffering between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature.

**OBJECTIVE 13.4: MIXED USE DEVELOPMENT.** Lee County will encourage mixed-use developments in specific areas of the Caloosahatchee Shores planning area through a variety of incentives.

**POLICY 13.4.1:** With the exception of mixed-use projects, residential uses fronting SR 80 and Buckingham Road are limited to no more than four dwelling units per acre.

**POLICY 13.4.2:** Mixed-use developments, as defined in the Lee Plan, and mixed-use developments containing both commercial and residential uses within the same structure and a that provide for an integration of commercial with residential uses with pedestrian linkages re strongly encouraged at the commercial nodes of SR 80 and SR 31 and SR 80 and Buckingham Road, as well as the commercial strip between First Street and SR 80 in Fort Myers Shores. With the exception of SR 80 and SR 31, which will be allowed densities consistent with the Urban Community future land use designation, mixed-use developments will be limited to six dwelling units per acre at those locations.

- ? Bicycle & Pedestrian facilities will be provided throughout the development. Connections between all uses are required to facilitate these alternative modes of transportation. When possible, connections to adjacent developments will be provided.
  
- ? Vehicular connections between residential and non-residential uses will be provided to facilitate the internal capture of trips. When possible, connections to adjacent developments will be made to provide alternative access to the non-residential components of this development other than the arterial interchange of SR 80 and SR 31. Non-residential components at SR 80 and Buckingham Road should, when possible, provide alternative access off of Buckingham Road and Non-residential components at SR 80 and First Street should, when possible, provide alternative access off of First Street.

**POLICY 13.4.3:** Any existing or future regulation in the Land Development Code that is shown by the applicant of a planned development to inhibit the development of a mixed-use project will be given strong consideration for a waiver. By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as Land Development Code regulations that encourage mixed-use developments.

**OBJECTIVE 13.5: COMMUNITY FACILITIES/PARKS.** Lee County will work with the Caloosahatchee Shores Community to provide and facilitate the provision of a broad mix of Community Facilities.

**POLICY 13.5.1:** The Caloosahatchee Shores Community will work with Lee County, the State of Florida and the National Parks Service to provide appropriate passive recreational opportunities, parks, nature, pedestrian and equestrian trails, potentially enhanced by public/private partnerships. This may include easy access, parking, trails, and other non-intrusive uses.

**POLICY 13.5.2:** Lee County will work with the community and private landowners to identify opportunities to maintain and enhance public access to the Caloosahatchee River, including access through the Florida Power and Light Plant. All new development of commercial, industrial or public facility properties along the Caloosahatchee River are strongly encouraged to provide for public access to the riverfront.

**POLICY 13.5.3:** Lee County will work with the community to ensure that the development of new parks or enhancement of existing parks meets the recreational needs of the community and are integrated into the surrounding developments and open space areas. The concept would be for a park to act as a hub, connected to other open space/recreational opportunities through pedestrian bicycle or equestrian linkages, either along public rights of way or through adjacent developments.

**POLICY 13.5.4:** Lee County Department of Parks and Recreation will work with the residents of the Caloosahatchee Shores to publicize and increase the usage of existing public parks and recreation facilities.

**OBJECTIVE 13.6: PUBLIC PARTICIPATION.** Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals.

**POLICY 13.6.1:** As a courtesy, Lee County will register citizen groups and civic organizations within the Caloosahatchee Shores Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

**POLICY 13.6.2:** The Caloosahatchee Shores Community will establish a "document clearing house", where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be provided for public inspection. The County's failure to provide or to timely provide documents to the document clearing house, or failure of the document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

**POLICY 13.6.3:** The owner or agent for any Planned Development request within the Caloosahatchee Shores Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed.

Density - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility right-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made water bodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included. Within the Caloosahatchee Shores community in the areas identified by Policy 13.4.2 commercial development that includes commercial and residential uses within the same project or the same building do not have to exclude the commercial lands from the density calculation.

## PROPOSED FUTURE LAND USE MAP AMENDMENTS

The BoCC recommended transmittal of the proposed a Future Land Use amendment for lands located south of Drawdy Road and east of Buckingham Road containing approximately 75 acres from the Suburban Future Land Use Category and the Rural Future Land Use Category to the Outlying Suburban future land use category, limited to 3 dwelling units per acre, and for approximately 928 acres located south of the above mentioned tract of land and east of Buckingham Road from the Rural Future Land Use Category and the Suburban Future Land Use Category to the Outlying Suburban Future Land Use Category, limited to 2 dwelling units per acre. The net result of this Future Land Use category amendment would be a reduction of approximately 823 allowable residential units.

The BoCC also recommended transmittal of the proposed Future Land Use amendment for five tracts of land located immediately east and west of SR 31 and immediately north of State Route 80 containing approximately 42 acres from the Suburban Future Land Use Category to the Urban Community Future Land Use Category and recommends adding those tracts of land to Map 19 of the Lee Plan, Commercial Site Location Standards.

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

**1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners transmit the proposed amendment as provided below. With the exception of Policy 13.5.2, this recommendation includes revisions made by the Local Planning Agency at Public Hearings held on March 24, April 28, and May 28, 2003 that were not part of staff's original recommendation. With the exception of Policy 13.5.2, staff agrees with the changes made to their original recommendation.

The following recommendation for transmittal includes all changes made since the March 24 LPA public hearing. With the exception of the strike through shown in the Fort Myers Shores Vision statement, previous edits to staff original recommendation are not shown in this section. Those changes are included in Part I, Section C below. Changes made following the May 28 LPA public hearing are shown in bold underline, strike through.

### VISION STATEMENT:

4. Fort Myers Shores - This Community is located south of the Caloosahatchee river, east of Hickey Creek, and north of the Orange river; and, along I-75 west of the Buckingham Rural Community Preserve, north of SR 82 and east of the City of Fort Myers. This community contains two distinct areas: Caloosahatchee Shores, located east of I-75 and Palm Beach Boulevard, located west of I-75. This area also has a mixture of future land use designations. The majority of the land is designated Suburban, **Outlying Suburban**, Rural, or Urban Community; however, there are some lands designated Intensive Development, Central Urban, Public Facilities, Industrial Interchange Area and General Interchange.

~~The population of the fort Myers Shores community is also expected to grow from a 1996 population of 12,000 to approximately 14,000. However, that amount of commercial building is expected to nearly double by 2020 and the amount of industrial land is expected to increase by 10 fold. Currently, this community contains commercial outlets which accommodate the needs of its residents as well as those from neighboring communities such as Alva and Buckingham. There are two major shopping areas in this community to satisfy~~

~~resident's primary commercial needs. The residents of this community still utilize commercial establishments in the more urbanized areas for much of their commercial needs. During the life of this plan this community will develop as a commercial/employment center for the adjacent communities which will retain their rural character. (Added by Ordinance No. 99-15)~~

Caloosahatchee Shores: This community is located south of the Caloosahatchee River, west of Hickey's Creek, and north of the Orange river; and along I-75 east to the Buckingham Rural Preserve, north of SR82 and west to I-75. This community contains three neighborhoods: Fort Myers Shores, Olga, and the Riverdale neighborhood around the intersection of Buckingham Road and SR 80. The Caloosahatchee Shores planning community has a more rural character, but is anticipated to grow substantially over the life of this plan . This area also has a mixture of future land use designations. The majority of land use designations are Suburban, Outlying Suburban, Rural or Urban Community; however, there are some lands designated public facility and industrial interchange.

Due to the rapid rise in population and limitations on commercial development in surrounding communities, the amount of commercial buildings will more than double by 2020. Currently, this community contains commercial outlets which accommodate the needs of its residents as well as those from neighboring communities such as Alva, Bayshore and Buckingham. Shopping areas in this community are concentrated along the SR 80 corridor with specific commercial nodes for higher intensity development to satisfy residents primary commercial needs. During the life of this plan, Fort Myers Shores will continue to develop a commercial/employment center for the adjacent communities.

Palm Beach Boulevard: The Palm Beach Blvd. Community actually encompasses part of the City of Fort Myers and is bounded by Billy's Creek on the west and south, I75 on the east, and Caloosahatchee River on the north. This is one of the older urban areas of Lee County and Fort Myers, and it has experienced significant demographic and economic change over the last decade. The future vision is of an attractive, mixed-use community with an abundance of employment and shopping opportunities. Palm Beach Blvd. Will be improved with medians and landscaping, and an effort will be made to renovate and beautify aging commercial centers along the corridor. Opportunities for mixed use developments within obsolete commercial centers and a general upgrading of the housing stock will be a priority.

**GOAL 13: CALOOSAHATCHEE SHORES:** To protect the existing character, natural resources and quality of life in Caloosahatchee Shores, while promoting new development, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments. This Goal and subsequent objectives and policies apply to the Caloosahatchee Shores boundaries as depicted on Map 1, page 2 of 5 in the Appendix.

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**POLICY 13.1.2:** In order to maintain the Old Florida rural identity for the Caloosahatchee Shores Community, commercial developments are encouraged to use vernacular Florida architectural styles for all buildings. The use of Mediterranean styles of architecture is discouraged.

**POLICY 13.1.3:** Lee county is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards.

**OBJECTIVE 13.2: COMMERCIAL LAND USES.** Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should be undertaken in an effort to promote the goal of commercial redevelopment along SR 80 and increased commercial opportunities to service the needs of the Caloosahatchee Shores community and surrounding areas. County regulations must should attempt to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage. Commercial land uses must be designed to be compatible with and further the historic character and identity of existing rural Old Florida and Florida Vernacular styles of architecture and the historic identity of Olga.

**POLICY 13.2.1:** To service the retail needs of Caloosahatchee Shores and the surrounding rural communities, the intersection of SR 80 and SR 31, **north of SR 80 and east and west of SR 31** are designated as commercial nodes to allow for greater commercial intensity. Commercial nodes are intended for development or redevelopment at Community Commercial levels as defined in Policy 6.1.2 of the Lee Plan.

**POLICY 13.2.2:** In order to protect the rural residential character of Buckingham Road, new retail uses along Buckingham Road outside the commercial node identified on Map 19, will be discouraged.

**POLICY 13.2.3:** Minor commercial uses, public facilities, and recreational areas are encouraged at or near the intersection (within 660 feet of the adjoining rights of way of the intersection roads) of Old Olga Road and South Olga Drive. Minor commercial uses that are intended to service the needs of the immediate neighbors, are designated through landscaping, architectural standards and pedestrian facilities to be visually and functionally compatible with surrounding residential uses, and are designed to promote the vision of a pedestrian oriented village, are encouraged and are not required to meet the retail site location standards in Policy 6.1.2 at this intersection.

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**OBJECTIVE 13.3: RESIDENTIAL USES.** Lee County will protect and enhance the residential character of the Caloosahatchee Shores Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space.

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**OBJECTIVE 13.4: MIXED USE DEVELOPMENT.** Lee County will encourage mixed-use developments in specific areas of the Caloosahatchee Shores planning area through a variety of incentives.

**POLICY 13.4.1:** With the exception of mixed-use projects, residential uses fronting SR 80 and Buckingham Road are limited to **three no more than four** dwelling units per acre. **Multi-story apartment buildings are prohibited.**

**POLICY 13.4.2:** Mixed-use developments, as defined in the Lee Plan, and mixed-use developments containing both commercial and residential uses within the same structure and a that provide for an integration of commercial with residential uses with pedestrian linkages re strongly encouraged at the commercial nodes of SR 80 and SR 31 and SR 80 and Buckingham Road, as well as the commercial strip between First Street and SR 80 in Fort Myers Shores. With the exception of SR 80 and SR 31, which will be allowed densities consistent with the Urban Community future land use designation, mixed-use developments will be limited to six dwelling units per acre at those locations.

- ? Bicycle & Pedestrian facilities will be provided throughout the development. Connections between all uses are required to facilitate these alternative modes of transportation. When possible, connections to adjacent developments will be provided.
- ? Vehicular connections between residential and non-residential uses will be provided to facilitate the internal capture of trips. When possible, connections to adjacent developments will be made to provide alternative access to the non-residential components of this development other than the arterial interchange of SR 80 and SR 31. Non-residential components at SR 80 and Buckingham Road should, when possible, provide alternative access off of Buckingham Road and Non-residential components at SR 80 and First Street should, when possible, provide alternative access off of First Street.

**POLICY 13.4.3:** Any existing or future regulation in the Land Development Code that is shown by the applicant of a planned development to inhibit the development of a mixed-use project will be given strong consideration for a waiver. By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as Land Development Code regulations that encourage mixed-use developments.

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**POLICY 13.5.1:** The Caloosahatchee Shores Community will work with Lee County, the State of Florida and the National Parks Service to provide appropriate passive recreational opportunities, parks, nature, pedestrian and equestrian trails, potentially enhanced by public/private partnerships. This may include easy access, parking, trails, and other non-intrusive uses.

**POLICY 13.5.2: Where practicable, Bikeways, pedestrian ways and equestrian trails along collector or arterial roads should be separated from the edge of pavement.**

*Policy 13.5.2 was recommended for transmittal by the LPA at the April 28 public hearing and DOT staff agreed to that language at that time. After further consideration, DOT staff recommended at the May 28 LPA public hearing that Policy 13.5.2 not be transmitted. The LPA recommendation for transmittal has not changed.*

**POLICY 13.5.3:** Lee County will work with the community and private landowners to identify opportunities to maintain and enhance public access to the Caloosahatchee River, including access through the Florida Power and Light Plant. All new development of commercial, industrial or public facility properties along the Caloosahatchee River are strongly encouraged to provide for public access to the riverfront.

**POLICY 13.5.4:** Lee County will work with the community to ensure that the development of new parks or enhancement of existing parks meets the recreational needs of the community and are integrated into the surrounding developments and open space areas. The concept would be for a park to act as a hub, connected to other open space/recreational opportunities through pedestrian bicycle or equestrian linkages, either along public rights of way or through adjacent developments.

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**POLICY 13.6.3:** The owner or agent for any Planned Development request within the Caloosahatchee Shores Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed.

Density - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility right-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made water bodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included. Within the Caloosahatchee Shores community in the areas identified by Policy 13.4.2 commercial development that includes commercial and residential uses within the same project or the same building do not have to exclude the commercial lands from the density calculation.

## **PROPOSED FUTURE LAND USE MAP AMENDMENTS**

Staff recommends transmittal of the proposed a Future Land Use amendment for lands located south of Drawdy Road and east of Buckingham Road containing approximately 75 acres from the Suburban Future Land Use Category and the Rural Future Land Use Category to the Outlying Suburban future land use category, limited to 3 dwelling units per acre, and for approximately 928 acres located south of the above mentioned tract of land and east of Buckingham Road from the Rural Future Land Use Category and the Suburban Future Land Use

Category to the Outlying Suburban Future Land Use Category, limited to 2 dwelling units per acre. The net result of this Future Land Use category amendment would be a reduction of approximately 823 allowable residential units.

Staff also recommends transmittal of the proposed Future Land Use amendment for lands located immediately east and west of SR 31 and immediately north of State Route 80 containing approximately 42 acres from the Suburban Future Land Use Category to the Urban Community Future Land Use Category and recommends adding those tracts of land to Map 19 of the Lee Plan, Commercial Site Location Standards.

#### **D. REVISED RECOMMENDATION FOLLOWING THE MARCH 24 AND APRIL 28 LPA PUBLIC HEARINGS:**

*This section shows staff's original recommendation that was provided to the LPA and changes that were made following the March 24 and April 28 LPA public hearings. Staff agrees with those changes as presented below.*

At the March 24 LPA public hearing, the LPA directed staff to work with the applicant to resolve differences of opinion on some of the proposed policies, the proposed Vision Statement, and to the proposed Future Land Use map changes. After considering concerns and comments raised at the March 24 LPA meeting and after meeting with the applicant to discuss changes, staff is making the following recommendation for transmittal of the proposed new Goal 13 of the Lee Plan. All changes to the recommendations that were made for the March 24 LPA meeting are in bold, double underline, strikethrough.

At the April 28 LPA public hearing staff presented revised recommendations on several policies. The LPA recommended for transmittal several of those policies, some with modifications. The LPA directed staff to work on Policy 13.3.2 pertaining to mixed use developments and to revise the proposed new definition of density, if necessary.

After taking into consideration comments received by the LPA and by the public at the April 28 public hearing, staff has revised its recommendation on then Policy 13.3.2 and on the definition of density. Those new recommendations are shown in below in bold, double underline italic and a discussion is provided in part II of this report.

#### **VISION STATEMENT:**

**~~Fort Myers Shores Caloosahatchee Shores - This Community is located south of the Caloosahatchee River, east west of Hickey Creek, and north of the Orange River; and, along I-75 west and north of the Buckingham Rural Community Preserve, north of SR 82 and east of the City of Fort Myers to I-75. This community contains four two areas major neighborhoods: Fort Myers Shores, Morse Shores, Tice and Olga. The Fort Myers Shores, Morse Shores, and Tice areas are similar in character and will have similar development patterns for the next 20 years. The Olga area Caloosahatchee Shores Planning Community has a more rural/historic character, but and is anticipated to grow slightly slower than the other areas of this community substantially over the life of this plan. This area also has a mixture of future land use designations. The majority of the land is designated Suburban, Rural, or Urban Community; however, there are some lands designated~~**

**Intensive Development, Central Urban, Public Facilities, Industrial Interchange Area, and General Interchange.**

~~The population of the Fort Myers Shores community is also expected to grow from a 1996 population of 12,000 to approximately 142,000. Due to the rapid rise in population and limitations on commercial development by surrounding communities, However, the amount of commercial building is expected to nearly will more than double by 2020 and the amount of industrial land is expected to increase by 10 fold. Currently, this community contains commercial outlets which accommodate the needs of its residents as well as those from neighboring communities such as Alva, Bayshore and Buckingham. There are two major s Shopping areas in this community are concentrated along the SR 80 corridor with specific commercial nodes for higher intensity development to satisfy resident's primary commercial needs. The residents of this community still utilize commercial establishments in the more urbanized areas for much of their commercial needs. During the life of this plan this community will continue to develop as a commercial/employment center for the adjacent communities which will retain their rural character. (Added by Ordinance No. 99-15)~~

4. **Fort Myers Shores** - This Community is located south of the Caloosahatchee river, east of Hickey Creek, and north of the Orange river; and, along I-75 west of the Buckingham Rural Community Preserve, north of SR 82 and east of the City of Fort Myers. This community contains **four areas: Fort Myers Shores, Morse Shores, Tice and Olga. The Fort Myers Shores, Morse Shores, and Tice areas are similar in character and will have similar development patterns for the next 20 years. The Olga area has a more rural/historic character and is anticipated to grow slightly slower than the other areas of this community. two distinct areas: Caloosahatchee Shores, located east of I-75 and Palm Beach Boulevard, located west of I-75.** This area also has a mixture of future land use designations. The majority of the land is designated Suburban, Rural, or Urban Community; however, there are some lands designated Intensive Development, Central Urban, Public Facilities, Industrial Interchange Area and General Interchange.

~~*The population of the fort Myers Shores community is also expected to grow from a 1996 population of 12,000 to approximately 14,000. However, that amount of commercial building is expected to nearly double by 2020 and the amount of industrial land is expected to increase by 10 fold. Currently, this community contains commercial outlets which accommodate the needs of its residents as well as those from neighboring communities such as Alva and Buckingham. There are two major shopping areas in this community to satisfy resident's primary commercial needs. The residents of this community still utilize commercial establishments in the more urbanized areas for much of their commercial needs. During the life of this plan this community will develop as a commercial/employment center for the adjacent communities which will retain their rural character. (Added by Ordinance No. 99-15)*~~

**Caloosahatchee Shores: This community is located south of the Caloosahatchee River, west of Hickey's Creek, and north of the Orange river; and along I-75 east to the Buckingham Rural Preserve, north of SR82 and west to I-75. This community contains three neighborhoods: Fort Myers Shores, Olga, and the Riverdale neighborhood around the intersection of Buckingham Road**

and SR 80. The Caloosahatchee Shores planning community has a more rural character, but is anticipated to grow substantially over the life of this plan . This area also has a mixture of future land use designations. The majority of land use designations are Suburban, Outlying Suburban, Rural or Urban Community; however, there are some lands designated public facility and industrial interchange.

Due to the rapid rise in population and limitations on commercial development in surrounding communities, the amount of commercial buildings will more than double by 2020. Currently, this community contains commercial outlets which accommodate the needs of its residents as well as those from neighboring communities such as Alva, Bayshore and Buckingham. Shopping areas in this community are concentrated along the SR 80 corridor with specific commercial nodes for higher intensity development to satisfy residents primary commercial needs. During the life of this plan, Fort Myers Shores will continue to develop a commercial/employment center for the adjacent communities.

Palm Beach Boulevard: The Palm Beach Blvd. Community actually encompasses part of the City of Fort Myers and is bounded by Billy's Creek on the west and south, I75 on the east, and Caloosahatchee River on the north. This is one of the older urban areas of Lee County and Fort Myers, and it has experienced significant demographic and economic change over the last decade. The future vision is of an attractive, mixed-use community with an abundance of employment and shopping opportunities. Palm Beach Blvd. Will be improved with medians and landscaping, and an effort will be made to renovate and beautify aging commercial centers along the corridor. Opportunities for mixed use developments within obsolete commercial centers and a general upgrading of the housing stock will be a priority.

GOAL 13: CALOOSAHATCHEE SHORES. To protect the existing character, natural resources and quality of life in Caloosahatchee Shores, while promoting new development, redevelopment and maintaining a somewhat rural rural unique identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments. This Goal and subsequent objectives and policies apply to the Caloosahatchee Shores boundaries as depicted on Map 1.

OBJECTIVE 13.1: COMMUNITY CHARACTER. The Caloosahatchee Shores community will draft and submit regulations, policies and discretionary actions affecting the character and aesthetic appearance of the Caloosahatchee Shores for Lee County to consider for adoption and enforcement to help create a visually attractive community.

POLICY 13.1.1: By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations for Lee County to review and consider for amendment or adoption as Land Development Code regulations that provide for enhanced landscaping, signage and architectural standards consistent with the Community Vision.

**POLICY 13.1.2:** In order to maintain the Old Florida rural identity for the Caloosahatchee Shores Community, commercial developments are encouraged to use vernacular Florida architectural styles for all buildings. The use of Mediterranean styles of architecture is discouraged.

**POLICY 13.1.3:** Lee county is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards.

**POLICY 13.1.4:** By the end of 2004, Lee County will either hire a professional architect licensed in the State of Florida to interpret and implement the county's and the community's design guidelines or allow for the creation of a similarly qualified community review committee.

**OBJECTIVE 13.2: COMMERCIAL LAND USES.** Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions ~~must~~ should be undertaken in an effort to promote the goal of commercial redevelopment along SR 80 and increased commercial opportunities to service the needs of the Caloosahatchee Shores community and surrounding areas. County regulations must should attempt to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage., and provide for employment opportunities. Commercial land uses must be designed to be compatible with and further the historic character and identity of existing rural Old Florida and Florida Vernacular styles of architecture and the historic identity of Olga.

**POLICY 13.2.1:** To service the retail needs of Caloosahatchee Shores and the surrounding rural communities, the intersection of SR 80 and SR 31 are designated as commercial nodes to allow for greater commercial intensity. Commercial nodes are intended for development or redevelopment at Community Commercial levels as defined in Policy 6.1.2 of the Lee Plan.

**POLICY 13.2.2:** In order to protect the rural residential character of Buckingham Road, new retail uses along Buckingham Road outside the commercial node identified on Map 19, will be discouraged.

**POLICY 13.2.3:** Minor commercial uses, public facilities, and recreational areas are encouraged at or near the intersection (within 660 feet of the adjoining rights of way of the intersection roads) of Old Olga Road and South Olga Drive. Minor commercial uses that are intended to service the needs of the immediate neighbors, are designated through landscaping, architectural standards and pedestrian facilities to be visually and functionally compatible with surrounding residential uses, and are designed to promote the vision of a pedestrian oriented village, are encouraged and are not required to meet the retail site location standards in Policy 6.1.2 at this intersection.

**POLICY 13.2.4:** Commercial developments within the Caloosahatchee Shores Community must provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments should provide interconnect opportunities with commercial areas, including but not limited to bike paths, pedestrian access ways and equestrian trails.

**POLICY 13.2.5:** To promote the redevelopment of commercial uses along SR 80, Commercial uses are encouraged to increase lot depth and size by extending north of SR 80 to First Street. Lee County will encourage the use of First Street as a reverse frontage Road to provide access. This policy hereby adopts Attachment #1 as a conceptual redevelopment plan for this corridor.

**OBJECTIVE 13.3: RESIDENTIAL USES.** Lee County must will protect and enhance the residential character of the Caloosahatchee Shores Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space.

**POLICY 13.3.1:** By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as regulations in the Land Development Code to provide for greater buffering between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature.

**POLICY 13.3.2:** With the exception of mixed-use projects, higher density residential uses, including multi-story apartment buildings are prohibited along SR 80 and Buckingham Road.

**POLICY 13.3.3:** Mixed use developments that provide for an integration of commercial with residential uses with pedestrian linkages will be strongly encouraged at the commercial nodes of SR 80 and SR 31 and SR 80 and Buckingham Road, as well as the commercial strip between First Street and SR 80 in Fort Myers Shores. In these areas, higher density residential development, especially to accommodate affordable housing opportunities, will be supported, with a variety of incentives.

**POLICY 13.3.2:** With the exception of mixed-use projects, residential uses fronting SR 80 and Buckingham Road are limited to three dwelling units per acre. Multi-story apartment buildings are prohibited. Mixed-use developments containing both commercial and residential uses within the same structure are strongly encouraged at the commercial nodes of SR 80 and SR 31 and SR 80 and Buckingham Road, as well as the commercial strip between First Street and SR 80 in Fort Myers Shores. Mixed-use structures at those locations are limited to six dwelling units per acre.

**OBJECTIVE 13.4.1: MIXED USE DEVELOPMENT.** Lee County will encourage mixed-use developments in specific areas of the Caloosahatchee Shores planning area through a variety of incentives.

**POLICY 13.4.1:** With the exception of mixed-use projects, residential uses fronting SR 80 and Buckingham Road are limited to three dwelling units per acre. Multi-story apartment buildings are prohibited.

**POLICY 13.4.2: Mixed-use developments, as defined in the Lee Plan, and mixed-use developments containing both commercial and residential uses within the same structure and a that provide for an integration of commercial with residential uses with pedestrian linkages re strongly encouraged at the commercial nodes of SR 80 ans SR 31 and SR 80 and Buckingham Road, as well as the commercial strip between First Street and SR 80 in Fort Myers Shores. With the exception of SR 80 and SR 31, which will be allowed densities consistent with the Urban Community future land use designation, mixed-use developments will be limited to six dwelling units per acre at those locations.**

? **Bicycle & Pedestrian facilities will be provided throughout the development. Connections between all uses are required to facilitate these alternative modes of transportation. When possible, connections to adjacent developments will be provided.**

? **Vehicular connections between residential and non-residential uses will be provided to facilitate the internal capture of trips. When possible, connections to adjacent developments will be made to provide alternative access to the non-residential components of this development other than the arterial interchange of SR 80 and SR 31. Non-residential components at SR 80 and Buckingham Road should, when possible, provide alternative access off of Buckingham Road and Non-residential components at SR 80 and First Street should, when possible, provide alternative access off of First Street.**

**POLICY 13.3.4.3: Any existing or future regulation in the Lee Plan or the Land Development Code that is shown by the applicant of a planned development to inhibit the development of a mixed-use project will be waived given strong consideration for a waiver. By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review; and consider for amendment or adoption as Land Development Code regulations that encourage mixed-use developments.**

**OBJECTIVE 13.4: PUBLIC INFRASTRUCTURE. Lee County will work with appropriate governmental agencies to ensure that key wetland and native upland habitats as well as natural water bodies in the Caloosahatchee Shores Community are protected.**

**POLICY 13.4.1: Lee County, or another authorized agency, will work to provide alternative irrigation sources (re-use, Aquifer Storage and Recovery Water, or mixed-non-potable) or financial incentives to provide non-potable irrigation water to uses within the Caloosahatchee Shores Community. This is desired to discourage the proliferation of private, single user wells and maximize the conservation of groundwater.**

**OBJECTIVE 13.65: COMMUNITY FACILITIES/PARKS. Lee County will work with the Caloosahatchee Shores Community to provide and facilitate the provision of a broad mix of Community Facilities.**

**POLICY 13.65.1:** The Caloosahatchee Shores Community will work with Lee County, the State of Florida and the National Parks Service to provide appropriate passive recreational opportunities, parks, nature, pedestrian and equestrian trails, potentially enhanced by public/private partnerships. This may include easy access, parking, trails, and other non-intrusive uses.

**POLICY 13.65.2:** *Where practicable,* Bikeways, pedestrian ways and equestrian trails along collector or arterial roads *mustshould* be separated from the edge of pavement. *by a minimum 4 foot planting strip.*

At the March 24 LPA public hearing staff had recommended that Policy 13.5.3 not be transmitted. The revised recommendation includes portions of that policy that were in the original submittal from the applicant.

**POLICY 13.5.3:** Lee County will work with the community and private landowners to identify opportunities to maintain and enhance public access to the Caloosahatchee River, including access through the Florida Power and Light Plant., The Franklin Locks and marinas that are open to the public. Lee County Parks and Recreation will emphasize the acquisition of waterfront property for new parks. Lands along the Orange River or the Caloosahatchee River acquired through the 2020 Conservation Program must will provide reasonable public access to the riverfront where appropriate and feasible as determined by the Conservation Lands Acquisition and Stewardship Advisory Committee. All new development of commercial, industrial or public facility properties along the Caloosahatchee River are strongly encouraged to provide for public access to the riverfront.

~~**Policy 13.5.3:** Lands along the Orange River or and the Caloosahatchee River acquired through the 2020 Conservation Program are encouraged to provide reasonable public access to the riverfront. The appropriateness of public access will be evaluated in the management plan for each preserve area and will include public input.~~

**POLICY 13.5.4:** Lee County will work with the community to ensure that the development of new parks or enhancement of existing parks meets the recreational needs of the community and are integrated into the surrounding developments and open space areas. The concept would be for a park to act as a hub, connected to other open space/recreational opportunities through pedestrian bicycle or equestrian linkages, either along public rights of way or through adjacent developments.

**POLICY 13.5.5:** Lee County Department of Parks and Recreation will work with the residents of the Caloosahatchee Shores to publicize and increase the usage of existing public parks and recreation facilities.

**POLICY 13.5.6:** By the end of 2003, Lee County will reevaluate the boundaries of the Impact Fee Districts to ensure that impact fee money from new development in the Caloosahatchee Shores community remains within or benefits the Caloosahatchee Shores area.

**OBJECTIVE 13.6: PUBLIC PARTICIPATION.** Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals.

**POLICY 13.6.1** As a courtesy, Lee County will register citizen groups and civic organizations within the Caloosahatchee Shores Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

**POLICY 13.6.2** The Caloosahatchee Shores Community will establish a "document clearing house", where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be provided for public inspection. The County's failure to provide or to timely provide documents to the document clearing house, or failure of the document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

**POLICY 13.6.3** The owner or agent for any Planned Development request within the Caloosahatchee Shores Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed.

**The following revised definition of density that was part of the applicant's original submittal was inadvertently omitted from the March 24 staff report.**

Density - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility right-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made water bodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included; ~~unless part of a fully integrated mixed use development with common utilities, drainage, parking and access ways; or a mixed-use building.~~ **Within the Caloosahatchee Shores community in the area identified by Policy 13.34.2 commercial development that includes commercial and residential uses within the same *buildings* project do not have to exclude the commercial lands from the density calculation.**

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

- The Caloosahatchee Shores Community Plan Update has been sponsored as a community service by the East Lee County Council.
- Financial assistance has been provided by the Board of County Commissioners.
- Caloosahatchee Shores boundaries are identical to that part of the Fort Myers Shores Planning Community located east of I-75.
- The Caloosahatchee Shores Community Plan creates a new Goal 13 and associated Objectives and Policies.
- The Caloosahatchee Shores Community Plan seeks to change the future land use map by changing a portion of the Rural land use category and a portion of the Suburban land use category to Outlying Suburban at a density of two dwelling units per acre and a portion of the Suburban land use category to Outlying Suburban at a density of three dwelling units per acre.
- The Veranda development is has been approved for a density of approximately one unit per acre. The project site is located within the Suburban Future Land Use category which allows up to six dwelling units per acre. The Outlying Suburban Category allows for one to three dwelling units per acre.
- The intersection of State Route 80 and State Route 31 has a Suburban Future Land Use designation which would only allow for up to Neighborhood Commercial type uses.

### **The Caloosahatchee Shores community, through recommendations contained in the Caloosahatchee Shores Community Plan has expressed a desire for the following actions:**

- Following adoption of this Comprehensive Plan amendment the Caloosahatchee Shores community will undertake amending or adopting Land Development Code regulations to enhance landscaping, signage and architectural standards for the community.
- Encourage old Florida styles and discourage Mediterranean architectural styles.
- Discourage Lee County from approving deviations that would result in a loosening of architectural standards in the community.
- Requiring Lee County to hire a professional architect to interpret and implement design guidelines in the County.
- Designate the intersection of State Route 80 and State Route 31 as a commercial node to allow for greater commercial intensity.

- Discourage new retail uses along Buckingham Road outside the commercial node.
- Minor commercial uses, public facilities and recreational areas are encouraged near the intersection of Old Olga Road and South Olga Drive.
- require interconnections with adjacent commercial uses in an effort to reduce the access points onto primary road corridors.
- Promote the redevelopment of commercial uses along State Rout 80.
- Following adoption of the plan amendment the community will undertake amending or adopting Land Development Code revisions to enhance buffering between commercial uses and residential uses.
- With the exception of mixed use projects, higher density residential uses will be prohibited on State Route 80 and Buckingham road.
- Encourage mixed-use projects containing commercial and residential uses with pedestrian linkages at the commercial nodes of State Route 80 and State route 31 and at State Route 80 and Buckingham Road as well as the commercial strip between First Street and State Route 80 in Fort Myers Shores.
- The community will propose land development code revisions to encourage mixed-use development by the end of 2004.
- Lee County will work to ensure that wetland and native upland habitats and natural water bodies in the Caloosahatchee Shores community are protected.
- Lee County will work to provide alternative irrigation sources or provide financial incentives to provide non-potable irrigation water within the Caloosahatchee Shores community.
- The Caloosahatchee Shores community will work to provide passive recreational opportunities, parks, nature, pedestrian and equestrian trails within their community.
- Bikeways, pedestrian ways and equestrian trails along collector and arterial roads will be required to be separated from the edge of the pavement by a minimum 4 foot planting strip.
- Lee County will work with the community and private landowners to maintain and enhance public access to the Caloosahatchee River. Lee County will emphasize the acquisition of waterfront property for new parks. Lands along the Orange River or the Caloosahatchee River acquired through the 2020 program will be required to provide access to the riverfront.

- Lee County will work to ensure that the development of new parks meets the needs of the community and that they are connected to other open space/recreational facilities with pedestrian, bicycle or equestrian linkages.
- Lee County will advertise the availability of parks in the community in an effort to increase community awareness and usage of community parks.
- Lee County will evaluate the boundaries of the Impact Fee Districts to ensure that money from within the Caloosahatchee Shores community remains within or benefits the area.
- As a courtesy, Lee County will register citizen groups and civic organizations within the Caloosahatchee Shores community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Lee County will provide those groups with information regarding those pending amendments.
- The Caloosahatchee Shores community will establish a “document clearing house”, where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be provided for public inspection.
- The owner or agent for any Planned Development request within the Caloosahatchee Shores community must conduct one public informational session where the agent will provide a general overview of the project for interested citizens.

#### **D. BACKGROUND INFORMATION**

The Caloosahatchee Shores Community Plan was initiated by the East Lee County Council with the help of Vanasse & Daylor as the East Lee County Community Plan in February of 2002. The Planning coincided with work done on the Palm Beach Boulevard Plan whose planning boundaries are contiguous to the west.

Four community workshops were held and stakeholder interviews were conducted to gain information about the community and to determine the important issues and concerns of Caloosahatchee Shores residents. Workshops were held on February 21, 2002, March 16, 2002, May 2, 2002 and July 9, 2002. A final presentation was made by Vanasse & Daylor on August 26, 2002.

Some of the issues identified during the workshops and through stakeholder interviews were community identity, traffic, flooding, unwanted uses, desired uses, open space, landscaping, parks, architectural guidelines, real estate values and affordable housing.

Also of interest was 1003 acres, more or less, of tracts of land located immediately east of Buckingham Road and immediately north of the Buckingham Rural Community Preserve. The future land use categories of those tracts are Suburban at up to 6 dwelling units per acre and Rural at up to 1 dwelling unit per acre. The community does not feel that those land use categories are compatible with one another or with the adjacent Community Preserve. The Community is requesting that those properties be reclassified to the Outlying Suburban future land

use category and be limited to 2 dwelling units per acre for the area south of the Florida Power and Light (FPL) utility easement and 3 dwelling units per acre for the approximately 19 acres of land north of the FPL easement. That limitation of density would be nearly consistent with the Buckingham 320 master concept plan and the resolution approving said plan at just over 2 dwelling units per acre. The project was approved for 2 dwelling units per acre, but when calculating density the acres of wetlands on the site raises the overall density slightly.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

The proposed privately-initiated amendment application was received by the County on September 29, 2002. Planning staff provided copies of the proposed amendment and requested comments from various County departments, including:

- Public Safety
- EMS Division
- Lee County Sheriff
- Natural Resources Division
- Lee Tran
- Parks and Recreation
- School District of Lee County
- Lee County Department of Transportation
- Development Services Division
- Environmental Sciences Division
- Lee County Port Authority
- Economic Development
- Public Works Department
- Utilities Division
- Zoning Division
- Lee County Health Department

Comments were received from the Lee County Public Works Department, the Department of Transportation, Lee Tran and Lee County Utilities. Those comments are attached to this report.

The Caloosahatchee Shores Community Plan recommendations are organized into the six general areas listed below. The plan then identifies several more specific areas of concern which are summarized below by staff.

1. **Community Character**- Issues of concern that are identified in this objective are architectural standards, landscaping, buffering and signage guidelines.
2. **Commercial Land Uses** - The community desires to have the intersection of State Route 80 and State Route 31 designated as a commercial node and to discourage commercial uses outside of that node along

Buckingham Road. The community desires interconnections between adjacent commercial developments and to promote the redevelopment of commercial uses along State Route 80 and first street in their community.

3. **Residential Uses** - The community requests increased buffering between commercial and residential properties in their community. With the exception of mixed-use developments the community wishes to prohibit multi-unit apartment buildings along State Route 80 and encourage mixed-use commercial/residential uses at the intersection of State Route 80 and State Route 31.
4. **Public Infrastructure** - The community desires to preserve wetland and native habitats and to provide alternative irrigation sources utilizing non-potable irrigation water in an effort to maximize the conservation of water.
5. **Community Facilities/Parks** - The community desires to work with the County, State and National Parks Service to provide passive recreational opportunities including parks, nature, pedestrian and equestrian trails and to ensure the separation of said trails from roadways through the use of a minimum of four foot wide planting strips. The community also desires increased access to the Caloosahatchee River. Other issues of importance to the community are interconnections to various recreational sites through the use of pedestrian, bicycle and equestrian linkages, increasing the publicity of recreational facility availability and the use of impact fee funds generated from development within the community to be used exclusively to benefit their community.
6. **Public Participation** - Virtually the same as what has been approved for the Estero and Captiva communities, the Caloosahatchee Shores community desires to register citizen groups to receive pertinent information on pending Land Development Code amendments and Lee Plan amendments. They also wish to establish a document “clearing house”, where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be housed for review by the public.

Staff’s initial comments were forwarded to the consultant who then responded to each of the comments in a letter dated February 27, 2002. Staff’s initial comments came from Lee County Utilities, Division of Natural Resources, Division of Public Safety, Department of Transportation, and the Florida/Lee County Health Department. The consultant’s response included some revisions to the original submittal addressing many of the comments. Those revisions have been incorporated into this report and where applicable, replace the original submittal language. The February 27, 2002 letter mentioned above highlights those changes and is included as an appendix to this report.

**The following section of this report includes a proposed new Vision Statement, a new Goal 13, new Objectives and Policies under Goal 13. The report also contains future land-use map revisions for three areas of the County. Specifically, approximately 1003 acres, more or less, north of the Buckingham Rural Community Preserve and East of Buckingham Road, ~~the Veranda property located south of State Route 80 and north of the Orange River in the Fort Myers Shores planning community and, finally,~~ the intersection of State Route 80 and State Route 31. With the exception of the Vision Statement staff’s suggested changes to the applicants original language are in strike through, underline**

format. Following each modification are comments and suggestions from Staff. Please note that the word “shall” has been replaced with “will” or “must” throughout the proposal in order to correspond with current language in the rest of the Lee Plan.

#### VISION STATEMENT:

**Fort Myers Shores Caloosahatchee Shores** - This Community is located south of the Caloosahatchee River, east west of Hickey Creek, and north of the Orange River; and, along I-75 west and north of the Buckingham Rural Community Preserve, north of SR 82 and east of the City of Fort Myers to I-75. This community contains ~~four~~ two areas major neighborhoods: Fort Myers Shores, Morse Shores, Tice and Olga. The Fort Myers Shores, Morse Shores, and Tice areas are similar in character and will have similar development patterns for the next 20 years. The Olga area Caloosahatchee Shores Planning Community has a ~~more~~ rural/historic character, but and is anticipated to grow slightly slower than the other areas of this community substantially over the life of this plan. This area also has a mixture of future land use designations. The majority of the land is designated Suburban, Rural, or Urban Community; however, there are some lands designated ~~Intensive Development, Central Urban, Public Facilities, Industrial Interchange Area, and General Interchange~~.

The population of the Fort Myers Shores community is also expected to grow from a 1996 population of 12,000 to approximately ~~424,000~~. Due to the rapid rise in population and limitations on commercial development by surrounding communities, However, the amount of commercial building is expected to nearly will more than double by 2020 and the amount of industrial land is expected to increase by 10 fold. Currently, this community contains commercial outlets which accommodate the needs of its residents as well as those from neighboring communities such as Alva, Bayshore and Buckingham. There are two major s Shopping areas in this community are concentrated along the SR 80 corridor with specific commercial nodes for higher intensity development to satisfy resident’s primary commercial needs. ~~The residents of this community still utilize commercial establishments in the more urbanized areas for much of their commercial needs.~~ During the life of this plan this community will continue to develop as a commercial/employment center for the adjacent communities which will retain their rural character. (Added by Ordinance No. 99-15)

Staff recommends that those changes not be made at this time. By amending the language as submitted a portion of the Fort Myers Shores planning community located west of I-75 has been eliminated and would no longer be accounted for. Although an explanation for the proposed increase in population projections has been offered, there is virtually no data and analysis to support the proposal. Staff recommends that the vision statements of each planning community be reviewed during the Evaluation and Appraisal report process beginning this month.

#### VISION STATEMENT:

~~Fort Myers Shores Caloosahatchee Shores - This Community is located south of the Caloosahatchee River, east west of Hickey Creek, and north of the Orange River; and, along I-75 west and north of the Buckingham Rural Community Preserve, north of SR 82 and east of the City of Fort Myers to I-75. This community contains four two areas major neighborhoods: Fort Myers Shores, Morse Shores, Tice and Olga. The Fort Myers Shores, Morse Shores, and Tice areas are similar in character and will have similar development patterns for the next 20 years.~~

~~The Olga area Caloosahatchee Shores Planning Community has a more rural/historic character, but and is anticipated to grow slightly slower than the other areas of this community substantially over the life of this plan. This area also has a mixture of future land use designations. The majority of the land is designated Suburban, Rural, or Urban Community; however, there are some lands designated Intensive Development, Central Urban, Public Facilities, Industrial Interchange Area, and General Interchange.~~

~~The population of the Fort Myers Shores community is also expected to grow from a 1996 population of 12,000 to approximately 1424,000. Due to the rapid rise in population and limitations on commercial development by surrounding communities, However, the amount of commercial building is expected to nearly will more than double by 2020 and the amount of industrial land is expected to increase by 10 fold. Currently, this community contains commercial outlets which accommodate the needs of its residents as well as those from neighboring communities such as Alva, Bayshore and Buckingham. There are two major s Shopping areas in this community are concentrated along the SR 80 corridor with specific commercial nodes for higher intensity development to satisfy resident's primary commercial needs. The residents of this community still utilize commercial establishments in the more urbanized areas for much of their commercial needs. During the life of this plan this community will continue to develop as a commercial/employment center for the adjacent communities which will retain their rural character. (Added by Ordinance No. 99-15)~~

**4. Fort Myers Shores -** This Community is located south of the Caloosahatchee river, east of Hickey Creek, and north of the Orange river; and, along I-75 west of the Buckingham Rural Community Preserve, north of SR 82 and east of the City of Fort Myers. This community contains four areas: Fort Myers Shores, Morse Shores, Tice and Olga. The Fort Myers Shores, Morse Shores, and Tice areas are similar in character and will have similar development patterns for the next 20 years. The Olga area has a more rural/historic character and is anticipated to grow slightly slower than the other areas of this community. This area also has a mixture of future land use designations. The majority of the land is designated Suburban, Rural, or Urban Community; however, there are some lands designated Intensive Development, Central Urban, Public Facilities, Industrial Interchange Area and General Interchange.

The population of the fort Myers Shores community is also expected to grow from a 1996 population of 12,000 to approximately 14,000. However, that amount of commercial building is expected to nearly double by 2020 and the amount of industrial land is expected to increase by 10 fold. Currently, this community contains commercial outlets which accommodate the needs of its residents as well as those from neighboring communities such as Alva and Buckingham. There are two major shopping areas in this community to satisfy resident's primary commercial needs. The residents of this community still utilize commercial establishments in the more urbanized areas for much of their commercial needs. During the life of this plan this community will develop as a commercial/employment center for the adjacent communities which will retain their rural character. (Added by Ordinance No. 99-15)

The Fort Myers Shores planning community contains two separate and distinct sub-areas that have been identified through two separate community planning efforts. Those areas have been identified as Caloosahatchee Shores and Palm Beach Boulevard and are separated by I-75.

Caloosahatchee Shores: This community is located south of the Caloosahatchee River, west of Hickey's Creek, and north of the Orange river; and along I-75 east to the Buckingham Rural Preserve, north of SR82 and east to I-75. This community contains three neighborhoods: Fort Myers Shores, Olga, and the Riverdale neighborhood around the intersection of Buckingham Road and SR 80. The Caloosahatchee Shores planning community has a more rural character, but is anticipated to grow substantially over the life of this plan. This area also has a mixture of future land use designations. The majority of land use designations is Suburban, Outlying Suburban, Rural or Urban Community; however, there are some lands designated public facility and industrial interchange.

Due to the rapid rise in population and limitations on commercial development in surrounding communities, the amount of commercial buildings will more than double by 2020. Currently, this community contains commercial outlets which accommodate the needs of its residents as well as those from neighboring communities such as Alva, Bayshore and Buckingham. Shopping areas in this community are concentrated along the SR 80 corridor with specific commercial nodes for higher intensity development to satisfy residents primary commercial needs. During the life of this plan, Fort Myers Shores will continue to develop a commercial/employment center for the adjacent communities.

Palm Beach Boulevard: The Palm Beach Blvd. Community actually encompasses part of the City of Fort Myers and is bounded by Billy's Creek on the west and south, I75 on the east, and Caloosahatchee River on the north. This is one of the older urban areas of Lee County and Fort Myers, and it has experienced significant demographic and economic change over the last decade. The future vision is of an attractive, mixed-use community with an abundance of employment and shopping opportunities. Palm Beach Blvd. Will be improved with medians and landscaping, and an effort will be made to renovate and beautify aging commercial centers along the corridor. Opportunities for mixed use developments within obsolete commercial centers and a general upgrading of the housing stock will be a priority.

The existing Vision Statement for Fort Myers Shores has been supplemented by two sub-areas which have been identified through two separate community planning efforts. Namely, the Palm Beach Boulevard and Caloosahatchee Shores community plans. Staff recommends transmittal of the modified language above.

GOAL 13: CALOOSAHATCHEE SHORES. To protect the existing character, natural resources and quality of life in Caloosahatchee Shores, while promoting new development, redevelopment and maintaining a somewhat rural rural unique identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments. This

Goal and subsequent objectives and policies apply to the Caloosahatchee Shores boundaries as depicted on Map 1.

~~Staff does not have a problem with the wording of Goal 13 other than the use of the word rural. The community is quickly becoming urbanized and with the addition of the Veranda, Hawks Haven and Buckingham 320 developments the area in question will not be considered rural by staff.~~

Staff recognizes that although some areas of the Caloosahatchee Shores planning area will become urbanized and will not appear what would be considered rural to many, some areas of the community will maintain a rural appearance. The revised language came about as a result of staff's meeting with community representatives and more accurately describes what the community seeks to maintain.

**OBJECTIVE 13.1: COMMUNITY CHARACTER.** The Caloosahatchee Shores community will draft and submit regulations, policies and discretionary actions affecting the character and aesthetic appearance of the Caloosahatchee Shores for Lee County to consider for adoption and enforcement to help create a visually attractive community.

Objective 13.1, as originally submitted, seemed to staff to imply that whatever land development code regulations that are submitted would be adopted. This is rarely the case so staff wanted to make it clear that those regulations would be considered for adoption, which is consistent with the process currently in use.

**POLICY 13.1.1:** By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations for Lee County to review and consider for amendment or adoption as Land Development Code regulations that provide for enhanced landscaping, signage and architectural standards consistent with the Community Vision.

Staff has no problem with Policy 13.1.1. It is clear that the Caloosahatchee Shores community will be responsible for drafting the regulations. Staff will assist with the development of those regulations, but will not be required to initiate the process.

**POLICY 13.1.2:** In order to maintain the Old Florida rural identity for the Caloosahatchee Shores Community, commercial developments are encouraged to use vernacular Florida architectural styles for all buildings. The use of Mediterranean styles of architecture is discouraged.

Staff feels that if vernacular Florida architectural styles is what the community wants then a policy encouraging the use of that style is appropriate.

**POLICY 13.1.3:** Lee county is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards.

Staff currently discourages deviations of that type, but a policy stating that deviations that result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards may give additional guidance to both staff and the hearing examiner.

**POLICY 13.1.4:** ~~By the end of 2004, Lee County will either hire a professional architect licensed in the State of Florida to interpret and implement the county's and the community's design guidelines or allow for the creation of a similarly qualified community review committee.~~

A decision to hire a staff architect would have to be made by the Board of County Commissioners as would funding the position. Staff does not feel that this belongs as a policy of the Lee Plan. A better method of obtaining this position, if needed, would be through meetings with appropriate staff and through discussions at public hearings that this policy will invoke.

**OBJECTIVE 13.2: COMMERCIAL LAND USES.** ~~Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions must should be undertaken in an effort to promote the goal of commercial redevelopment along SR 80 and increased commercial opportunities to service the needs of the Caloosahatchee Shores community and surrounding areas. County regulations must should attempt to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage, and provide for employment opportunities. Commercial land uses must be designed to be compatible with and further the historic character and identity of existing rural Old Florida and Florida Vernacular styles of architecture and the historic identity of Olga.~~

Staff generally agrees with Objective 13.2; however, does not agree with the use of the word must. Each development request is unique and has to be weighed on its own merits; therefore, the substitution of the word should is recommended. With respect to requiring staff to create regulations that provide for employment opportunities, that would be beyond the scope of the county to achieve. The private sector is responsible for creating employment opportunities.

**POLICY 13.2.1:** ~~To service the retail needs of Caloosahatchee Shores and the surrounding rural communities, the intersection of SR 80 and SR 31 are designated as commercial nodes to allow for greater commercial intensity. Commercial nodes are intended for development or redevelopment at Community Commercial levels as defined in Policy 6.1.2 of the Lee Plan.~~

Staff is recommending that in addition to the intersection of SR 80 and DR 30 being added to map 19 "Commercial Site Location Standards" that the future land use category be changed from the Suburban category to the Urban Community category. That recommendation is based on both site location standards and on the communities desire to see commercial development at that site. Both State Route 80 and State Route 31 are listed as arterial roads on the County's functional classification list.

**POLICY 13.2.2:** ~~In order to protect the rural residential character of Buckingham Road, new retail uses along Buckingham Road outside the commercial node identified on Map 19, will be discouraged.~~

This proposed policy will not prevent new retail uses along Buckingham Road, but can be used as a basis for discouraging those request by staff and for recommending for denial new commercial zoning requests by the hearing examiner. Staff recommends approval of this policy.

**POLICY 13.2.3:** Minor commercial uses, public facilities, and recreational areas are encouraged at or near the intersection (within 660 feet of the adjoining rights of way of the intersection roads) of Old Olga Road and South Olga Drive. Minor commercial uses that are intended to service the needs of the immediate neighbors, are designated through landscaping, architectural standards and pedestrian facilities to be visually and functionally compatible with surrounding residential uses, and are designed to promote the vision of a pedestrian oriented village, are encouraged and are not required to meet the retail site location standards in Policy 6.1.2 at this intersection.

The current distance from adjoining rights of way in Minor Commercial is 330 feet. This policy proposes to double that distance to 660 feet. Since the objective of this policy is to create commercial nodes in the community, staff does not think that increasing the distance is inconsistent with that aim and recommends approval of this policy.

**POLICY 13.2.4:** Commercial developments within the Caloosahatchee Shores Community must provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments should provide interconnect opportunities with commercial areas, including but not limited to bike paths, pedestrian access ways and equestrian trails.

Interconnection of adjacent commercial uses reduces the need to access collector or arterial roadways in order to move from one commercial development to another. Providing interconnects between residential and commercial developments could reduce automobile traffic by allowing pedestrian and bicycle access to those properties. Staff supports this policy and recommends approval.

**POLICY 13.2.5:** To promote the redevelopment of commercial uses along SR 80, Commercial uses are encouraged to increase lot depth and size by extending north of SR 80 to First Street. Lee County will encourage the use of First Street as a reverse frontage Road to provide access. This policy hereby adopts Attachment #1 as a conceptual redevelopment plan for this corridor.

Staff's only concern with this policy is that the only thing it accomplishes is to put on notice to developers that assembling lots to extend from State Route 80 to First Street. The policy causes no apparent harm but does not appear to go very far in achieving the objective that it seeks.

**OBJECTIVE 13.3: RESIDENTIAL USES:** Lee County must will protect and enhance the residential character of the Caloosahatchee Shores Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space.

Staff suggests replacing the word “must” with “will”. The reason for this recommendation is that staff currently evaluates adjacent uses, natural resources and access and recreational or open space criteria fairly strictly. This policy will not change the way staff reviews projects but will back staff on what criteria is currently being used.

**POLICY 13.3.1:** By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee County to review and consider for amendment or adoption as regulations in the Land Development Code to provide for greater buffering between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature.

The Caloosahatchee Shores community desires to have enhanced buffer areas between residential and commercial uses and desires to create Land Development Code revisions to accomplish that goal. Staff supports that view and recommends approval of this policy.

**POLICY 13.3.2:** With the exception of mixed-use projects, higher density residential uses, including multi-story apartment buildings are prohibited along SR 80 and Buckingham Road.

With the exception of mixed use developments this proposed policy prohibits higher density residential uses along SR 80 and Buckingham roads. Staff does not know what “higher” refers to and does not know what “along” SR 80 and Buckingham means. Further, this proposed policy seems to directly conflict with the following Policy 13.3.3. Staff does not recommend approval for this policy.

**POLICY 13.3.3:** Mixed use developments that provide for an integration of commercial with residential uses with pedestrian linkages will be strongly encouraged at the commercial nodes of SR 80 and SR 31 and SR 80 and Buckingham Road, as well as the commercial strip between First Street and SR 80 in Fort Myers Shores. In these areas, higher density residential development, especially to accommodate affordable housing opportunities, will be supported with a variety of incentives.

Policy 13.3.3 recommends higher density residential development along the intersections of SR 80 and SR 31 and along SR 80 and Buckingham Road. As with policy 13.3.2 staff does not know what “higher density” means and does not know what “along” the commercial nodes means. It does not seem logical to limit residential densities along the corridors in one policy and to encourage higher densities in the next. Staff does not recommend approval of this policy or policy 13.3.2 as they are currently written.

**POLICY 13.3.2:** With the exception of mixed-use projects, residential uses fronting SR 80 and Buckingham Road are limited to three dwelling units per acre. Multi story apartment buildings are prohibited. Mixed-use developments containing both commercial and residential uses within the same structure are strongly encouraged at the commercial nodes of SR 80 and SR 31 and SR 80 and Buckingham Road, as well as the commercial strip between First Street and SR 80 in Fort Myers Shores. Mixed-use structures at those locations are limited to six dwelling units per acre.

*Staff recommends transmittal of the revised Policy 13.3.2 which combines original policies 13.3.2 and 13.3.3. The revised policy is more specific in terms of allowable densities and to the locations at which increased density for mixed use development will be allowed. The revised policy also makes it clear that for the purposes of this policy a mixed use development will be defined as a mix of commercial and residential uses within the same structure rather than scattered commercial and residential uses on the same site.*

**POLICY 13.4.1: With the exception of mixed-use projects, residential uses fronting SR 80 and Buckingham Road are limited to three dwelling units per acre. Multi-story apartment buildings are prohibited.**

**POLICY 13.4.2: Mixed-use developments, as defined in the Lee Plan, and mixed-use developments containing both commercial and residential uses within the same structure and that provide for an integration of commercial with residential uses with pedestrian linkages re strongly encouraged at the commercial nodes of SR 80 and SR 31 and SR 80 and Buckingham Road, as well as the commercial strip between First Street and SR 80 in Fort Myers Shores. With the exception of SR 80 and SR 31, which will be allowed densities consistent with the Urban Community future land use designation, mixed-use developments will be limited to six dwelling units per acre at those locations.**

? **Bicycle & Pedestrian facilities will be provided throughout the development. Connections between all uses are required to facilitate these alternative modes of transportation. When possible, connections to adjacent developments will be provided.**

? **Vehicular connections between residential and non-residential uses will be provided to facilitate the internal capture of trips. When possible, connections to adjacent developments will be made to provide alternative access to the non-residential components of this development other than the arterial interchange of SR 80 and SR 31. Non-residential components at SR 80 and Buckingham Road should, when possible, provide alternative access off of Buckingham Road and Non-residential components at SR 80 and First Street should, when possible, provide alternative access off of First Street.**

At the April 28 LPA meeting it was suggested that mixed use developments not be limited to mixed uses within the same building.

**POLICY 13.3.4: Any existing or future regulation in the Lee Plan or the Land Development Code that is shown by the applicant of a planned development to inhibit the development of a mixed-use project will be waived given strong consideration for a waiver. By the end of 2004, the Caloosahatchee Shores community will draft and submit regulations and policies for Lee**

County to review; and consider for amendment or adoption as Land Development Code regulations that encourage mixed-use developments.

Comprehensive Plan policies cannot be waived. Amendments to the Comprehensive Plan would be required; therefore, staff is recommending the elimination of reference to the Lee Plan in this policy. Also, it may be the intent of a specific regulation to inhibit the development of a mixed-use project and all proposed projects should be reviewed on a case-by-case basis. Staff recommends approving this policy with the changes indicated above.

**~~OBJECTIVE 13.4: PUBLIC INFRASTRUCTURE: Lee County will work with appropriate governmental agencies to ensure that key wetland and native upland habitats as well as natural water bodies in the Caloosahatchee Shores Community are protected.~~**

This is a policy that might be better adopted County-wide rather than just for Caloosahatchee shores. The Board of County Commissioners has asked the Captiva Community Planning Panel to propose language regarding the treatment of wetlands and mangroves to the Board for consideration for adoption county-wide. Staff recommends not approving this policy at this time but to direct the community to work with staff and the Captiva Community Planning Panel to arrive at language that can be applied to all of Lee County.

**~~POLICY 13.4.1: Lee County, or another authorized agency, will work to provide alternative irrigation sources (re-use, Aquifer Storage and Recovery Water, or mixed-non-potable) or financial incentives to provide non-potable irrigation water to uses within the Caloosahatchee Shores Community. This is desired to discourage the proliferation of private, single user wells and maximize the conservation of groundwater.~~**

The same comment on Objective 13.4 applies to Policy 13.4.1. Staff recommends not approving this policy at this time.

**OBJECTIVE 13.5: COMMUNITY FACILITIES/PARKS. Lee County will work with the Caloosahatchee Shores Community to provide and facilitate the provision of a broad mix of Community Facilities.**

This policy directs Lee County to work with the Caloosahatchee Shores community to provide sufficient community facilities. This is certainly in the best interest of the County and Staff recommend approval of this objective.

**POLICY 13.5.1: The Caloosahatchee Shores Community will work with Lee County, the State of Florida and the National Parks Service to provide appropriate passive recreational opportunities, parks, nature, pedestrian and equestrian trails, potentially enhanced by public/private partnerships. This may include easy access, parking, trails, and other non-intrusive uses.**

This policy would benefit all of the residents of Lee County and is supported by staff.

**POLICY 13.65.2: Where practicable, Bikeways, pedestrian ways and equestrian trails along collector or arterial roads *mustshould* be separated from the edge of pavement. *by a minimum 4 foot planting strip.***

This policy is directed toward public health and welfare and staff supports it's approval as amended at the April 28 LPA public hearing.

**At the March 24 LPA public hearing staff had recommended that Policy 13.5.3 not be transmitted. The revised recommendation includes portions of that policy that were in the original submittal from the applicant.**

**POLICY 13.5.3: Lee County will work with the community and private landowners to identify opportunities to maintain and enhance public access to the Caloosahatchee River., including access through the Florida Power and Light Plant., The Franklin Locks and marinas that are open to the public. Lee County Parks and Recreation will emphasize the acquisition of waterfront property for new parks. Lands along the Orange River or the Caloosahatchee River acquired through the 2020 Conservation Program must will provide reasonable public access to the riverfront where appropriate and feasible as determined by the Conservation Lands Acquisition and Stewardship Advisory Committee. All new development of commercial, industrial or public facility properties along the Caloosahatchee River are strongly encouraged to provide for public access to the riverfront.**

Enclosed with this report are comments from the Lee County Department of Public Works objecting to this policy as it is proposed. The Conservation Lands Acquisition and Stewardship Advisory Committee (CLASAC) is the advisory board responsible for recommending how Conservation 20/20 lands will be managed and which lands will be acquired. It has been the policy of CLASAC to review these projects on a case-by-case basis after a thorough environmental site survey and analysis has been conducted. As written, proposed Policy 13.5.3 runs counter to existing CLASAC policies. Staff does not recommend approval of the policy as written, but offers the following language provided by CLASAC for approval with one change made by staff:

The Division of County Lands has reviewed revised policy 13.5.3 and thinks that this revision is consistent with the recommendation and concerns as expressed by CLASAC. Staff recommends transmittal of this policy. Staff recommends that the following previously recommended policy be struck and be replaced with the above mentioned revised originally submitted language.

**Policy 13.5.3: Lands along the Orange River or ~~and~~ the Caloosahatchee River acquired through the 2020 Conservation Program are encouraged to provide reasonable public access to the riverfront. The appropriateness of public access will be evaluated in the management plan for each preserve area and will include public input.**

**POLICY 13.5.4: Lee County will work with the community to ensure that the development of new parks or enhancement of existing parks meets the recreational needs of the community and**

are integrated into the surrounding developments and open space areas. The concept would be for a park to act as a hub, connected to other open space/recreational opportunities through pedestrian bicycle or equestrian linkages, either along public rights of way or through adjacent developments.

This policy would provide a community-wide benefit to all residents of Lee County and is supported by staff.

**POLICY 13.5.5:** Lee County Department of Parks and Recreation will work with the residents of the Caloosahatchee Shores to publicize and increase the usage of existing public parks and recreation facilities.

Lee County currently provides information about its parks and recreational opportunities through the use of the County's web page, from pamphlets, and handouts and through the County television channel. Increasing the usage of the County recreational facilities will have a positive benefit to resident's health and welfare and staff supports this policy.

**POLICY 13.5.6:** By the end of 2003, Lee County will reevaluate the boundaries of the Impact Fee Districts to ensure that impact fee money from new development in the Caloosahatchee Shores community remains within or benefits the Caloosahatchee Shores area.

Lee County Department of Public Works objects to this proposed policy as written.

**OBJECTIVE 13.6: PUBLIC PARTICIPATION.** Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals.

Objective 13.6 and policies 13.6.1, 13.6.2 and 13.6.3 that follow are virtually identical to those Objectives and policies that have been adopted for both the Estero and Captiva communities. They provide for increased public notification regarding Land Development Code and Lee Plan amendments, create a document "clearing" house in the community where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be provided for public inspection and will require the owner or agent for any Planned Development request within the Caloosahatchee Shores Community to conduct one public informational session where the agent will provide a general overview of the project for any interested citizens

**POLICY 13.6.1** As a courtesy, Lee County will register citizen groups and civic organizations within the Caloosahatchee Shores Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

**POLICY 13.6.2** The Caloosahatchee Shores Community will establish a “document clearing house”, where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be provided for public inspection. The County’s failure to provide or to timely provide documents to the document clearing house, or failure of the document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

**POLICY 13.6.3** The owner or agent for any Planned Development request within the Caloosahatchee Shores Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed.

**LEE PLAN MAP 19:** Staff recommends adding the intersection of State Route 80 and State Route 31 to map 19 of the Lee Plan, Commercial Site Location Standards.

**Definition of Density:** Staff recommends to following changes to the Definition of Density contained in the Lee Plan:

Density - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility right-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made water bodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included, ~~unless part of a fully integrated mixed use development with common utilities, drainage, parking and access ways, or a mixed-use building.~~ **Within the Caloosahatchee Shores community in the area identified by Policy 13.34.2 commercial development that includes commercial and residential uses within the same *buildings project* do not have to exclude the commercial lands from the density calculation.**

The revised definition of density provided above is specific to nodes delineated in Policy 13.34.2. The policy will work in concert with policy 13.34.2 to provide further incentives for the creation mixed-use developments.

## **PROPOSED FUTURE LAND USE MAP AMENDMENTS**

The Caloosahatchee Shores proposed a Future Land Use amendment for 1003 acres, more or less, of tracts of land located immediately east of Buckingham Road and immediately north of the Buckingham Rural Community Preserve. The future land use categories of those tracts are Suburban at up to 6 dwelling units per acre and Rural

at up to 1 dwelling unit per acre. The community does not feel that those land use categories are compatible with one another or with the adjacent Community Preserve. The Community is requesting that those properties located south of Drawdy Road and east of Buckingham Road containing approximately 75 acres be changed from the Suburban Future Land Use Category and the Rural Future Land Use Category to the Outlying Suburban Future Land Use category, limited to 3 dwelling units per acre, and for the approximately 928 acres located south of the above mentioned tract of land and east of Buckingham Road to be changed from the Rural Future Land Use Category and the Suburban Future Land Use Category to the Outlying Suburban Future Land Use Category, limited to 2 dwelling units per acre. The net result of this Future Land Use change would be a reduction of approximately 823 allowable residential units.

~~Staff recommends for changing the Future Land Use Designation for property known as the Veranda located north of the Buckingham Community Preserve and South of State Route 80 from the Suburban Future Land Use Category to the Outlying Suburban Future Land Use Category.~~

At the March 24 LPA public hearing staff heard concerns that representatives from the Veranda that would be effected by the above Future Land Use change shown in strike-through had not had enough time to evaluate its merits. In light of that concern, staff will evaluate this future land use change through the ongoing Evaluation and Appraisal Report for the Lee Plan.

Staff recommends Changing the Future Land Use Designation at the intersection of State Route 80 and State Route 31 from the Suburban Future Land Use Category to the Urban Community Future Land Use Category as depicted on the attached map.

## **FUTURE LAND DEVELOPMENT CODE AMENDMENTS**

The Community Plan proposes several future amendments to Lee County's Land Development Code. Topics for potential LDC amendments range from compatibility of commercial uses with adjacent residences, sign regulations, building heights, and architectural standards for new development.

### **B. CONCLUSIONS**

The proposed revised Vision Statement, Goal and Policies are the result of nearly a two-year long planning process. They directly reflect the vision that the Caloosahatchee Shores Community has for its future growth and development. Staff believes that this amendment should be viewed as another step in a continuous process that addresses planning needs in the Caloosahatchee Shores community. Many issues have been addressed through this amendment, but there are others, such as those policies (or portions thereof) that staff and the LPA have recommended not to be transmitted, that may require more consideration in the future.

### **C. STAFF RECOMMENDATION**

Subsequent to comments received at the three LPA public hearings by the public, the applicants and their representatives and by the LPA, staff recommends that the Board of County Commissioners transmit the proposed amendment with staff's recommended language as shown in Part I, Section B of this report.

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

DATE OF PUBLIC HEARING: March 24, 2003

The Local Planning agency met on March 24, 2003 to review the proposed new Goal 13 of the Lee Plan and directed staff to work with community representatives to fine-tune some of the proposed policies and then continued the item to the April 28, 2003 public hearing.

DATE OF PUBLIC HEARING: April 28, 2003

The Local Planning Agency held a second public hearing on April 28, 2003 to review the proposed new Goal 13 of the Lee Plan and directed staff to further work on Policy 13.3.2 and the definition of density and then continued the item to the May 28, 2003 public hearing.

DATE OF PUBLIC HEARING: May 28, 2003

The Local Planning Agency held a third public hearing on May 28, 2003 to review revised staff recommendations on the Vision Statement, Objectives and Policies as directed by the LPA at the April 28 public hearing.

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

1. RECOMMENDATION: With the exception of Policy 13.5.2 the Local Planning Agency recommended that the Board of County Commissioners transmit the amendment to the proposed Vision Statement, Goal, Objectives and Policies and to transmit the proposed Future Land Use map amendments including modification to map 19 of the Lee Plan as shown in Part I, Section C of this report.
  
2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Local Planning Agency accepted the recommended Findings of Fact as advanced by staff.

**C. VOTE:**

NOEL ANDRESS	AYE
	<hr/>
MATT BIXLER	AYE
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SUSAN BROOKMAN	AYE
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DAN DELISI	AYE
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RONALD INGE	AYE
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ROBERT PRITT	AYE
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**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: June 25, 2003

**A. BOARD REVIEW:** Staff made a brief presentation indicating that with the exception of Policy 13.5.2 staff recommended transmittal of the Caloosahatchee Shores Plan Amendment as recommended by the LPA. Staff explained that after the LPA's recommendation of transmittal of Policy 13.5.2 the Caloosahatchee Shores Community Planning Panel had agreed that it not be transmitted. The LPA was unaware that the Planning Panel members had changed their mind on the issue.

Staff further explained that Buckingham Development LLC was opposed to transmittal of the Future Land Use Map change for property they owned located north of the Buckingham Rural Community Preserve and east of Buckingham Road. Staff explained that no opposition to that proposed Future Land Use Map change was voiced at any of the three LPA public hearings, but that failed negotiations for the removal of an access easement through a portion of their property that provided access to adjacent property owned by another party had caused them to change their opinion. Staff recommended transmittal of the proposed Future Land Use Map change and explained to the Board that if no resolution to the access easement situation was reached and the property owner was still opposed to the change at the time of adoption that staff would recommend that the change not be adopted. Following that presentation, the Board opened the hearing to public comments.

The community's representative spoke and noted that other than two scrivener's errors in the staff report that the community was in support of transmittal. Staff stated that the scrivener's errors would be corrected.

Two members of the Community Planning Panel spoke in support of the plan amendment as recommended by staff.

An attorney representing Buckingham Development LLC spoke in opposition to the Future Land Use Map change that would include her clients property.

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

1. **BOARD ACTION:** The Board voted to transmit the amendment to DCA including the Future Land Use Map amendments and without Policy 13.5.2 as staff recommended.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff and the LPA.

**C. VOTE:**

JOHN ALBION	AYE
ANDREW COY	AYE
BOB JANES	AYE
RAY JUDAH	AYE
DOUG ST. CERNY	AYE

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

DATE OF ORC REPORT: September 5, 2003

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

The Department of Community Affairs provided no objections, recommendations, or comments concerning the proposed amendment.

**B. STAFF RESPONSE**

At the time of this writing, property owners that would be impacted by the proposal for a future land use category change for the area north of the Buckingham Rural Community Preserve and east of Buckingham Road are still negotiating the vacation of access easements and have not committed to the change. Staff's recommendation of approval of the future land use category change is contingent upon the agreement of all impacted property owners. If no agreement is reached by the October 23 adoption hearing, staff recommends that the future land use change not be approved.

With that exception, staff recommends adoption of the amendment as transmitted, as shown in Part I.B. of this report.

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

DATE OF ADOPTION HEARING: October 23, 2003

**A. BOARD REVIEW:** Planning staff provided a brief presentation concerning the proposed text and Future Land Use Category amendments, noting that there was no objection, recommendation or comment contained in

the Department of Community Affairs ORC report. Staff pointed out that with regard to the proposed Future Land Use Change from the Suburban and Rural Future Land Use Categories to the Outlying Suburban Future Land Use Category there would be a deficiency in the planning community year 2020 allocation for the Outlying Suburban Future Land Use Category in the affected area. Staff explained that there would be a reevaluation of the Year 2020 overlay during the Evaluation and Appraisal Report due to land that has been annexed into the City of Fort Myers in recent months and due to changing development trends in this area of the County.

The planning consultant for the community planning effort spoke in support of the plan amendments as presented to the Board and asked for the board to make an additional motion to direct staff to make a reallocation of the Year 2020 overlay a priority to accommodate the future land use change to Outlying Suburban. Two attorneys representing property owners of the two largest areas affected by the change spoke in favor of the plan amendments. No one from the public spoke in opposition to the plan amendments.

Following public comment, an assistant County Attorney advised the Board that there could be potential Bert J. Harris implications if the Board approved the above mentioned future land use change.

The Board stated that they were comfortable with the change and that there were opportunities for corrective action should that become necessary in the future. Following that discussion the Board of County Commissioners approved a motion to adopt the transmittal language then approved a motion to approve the ordinance adopting the Caloosahatchee Shores Plan amendments. Another motion was made to direct staff to make a priority to reallocate the planning community year 2020 allocation to accommodate development trends in the area. That motion was unanimously approved.

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

1. BOARD ACTION: The Board of County Commissioners voted to adopt the amendment as transmitted.
2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Board accepted the findings of fact as advanced by staff.

**C. VOTE ON MOTION ADOPTING THE CALOOSAHATCHEE SHORES PLAN AMENDMENTS:**

JOHN ALBION	AYE
ANDREW COY	ABSENT
BOB JANES	AYE
RAY JUDAH	AYE
DOUG ST. CERNY	AYE

**D. VOTE ON APPROVING THE ORDINANCE ADOPTING THE CALOOSAHATCHEE SHORES PLAN AMENDMENTS:**

<b>JOHN ALBION</b>	<b>AYE</b>
<b>ANDREW COY</b>	<b>ABSENT</b>
<b>BOB JANES</b>	<b>AYE</b>
<b>RAY JUDAH</b>	<b>AYE</b>
<b>DOUG ST. CERNY</b>	<b>AYE</b>

**E. VOTE ON MOTION DIRECTING STAFF TO MAKE A PRIORITY THE REALLOCATION OF THE PLANNING COMMUNITY YEAR 2020 ALLOCATION TO ACCOMMODATE DEVELOPMENT TRENDS IN THE AREA:**

<b>JOHN ALBION</b>	<b>AYE</b>
<b>ANDREW COY</b>	<b>ABSENT</b>
<b>BOB JANES</b>	<b>AYE</b>
<b>RAY JUDAH</b>	<b>AYE</b>
<b>DOUG ST. CERNY</b>	<b>AYE</b>