

CPA2008-07

LEHIGH ACRES COMMUNITY PLAN

BoCC SPONSORED

AMENDMENT

TO THE

LEE PLAN

LEE COUNTY COMPREHENSIVE PLAN

**BoCC Sponsored Application
and Staff Analysis**

BoCC Adoption Document

**Lee County Planning Division
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March 3, 2010

LEE COUNTY
 DIVISION OF PLANNING
 STAFF REPORT FOR
 COMPREHENSIVE PLAN AMENDMENT
 CPA2008-07



Text Amendment



Map Amendment

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

STAFF REPORT PREPARATION DATE: September 11, 2009

PART 1 – BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT

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

2. REQUEST

Amend Future Land Use Element to include Goals, Objectives, and Policies to incorporate the Lehigh Acres Planning Community into the Lee County Comprehensive Plan. Amend the Future Land Use Map series to include “Lehigh Acres Specialized Mixed-Use Nodes, Tiers and Commercial Overlay Zones.”

3. LANGUAGE TRANSMITTED BY BOARD OF COUNTY COMMISSIONERS:

The Lee County Board of County Commissioners transmitted the language as recommended by County staff and the LPA. This language is outlined in Section B(2) below.

B. FINDINGS OF FACT SUMMARY AND STAFF RECOMMENDATION

1. BASIS AND RECOMMENDED FINDINGS OF FACT

- The proposed amendments are derived from the vision of Lehigh Acres expressed by interested citizens during the completion of Lehigh Acres Comprehensive Plan, suggested amendments to the Lee Plan made by WRT, and analysis of the completed Lehigh Acres Comprehensive Plan and current conditions made by Lee County Planning Staff.
- The Lehigh Acres planning effort is a grass-roots effort by citizens who took an active interest in the County's current policies regulating land use within Lehigh Acres.
- The Board of County Commissioners has provided financial and political support to community planning efforts in Lee County.
- The Community recognized the need for a more planned approach to growth within Lehigh Acres and formed the Lehigh Acres Planning Panel.
- The Lehigh Acres Commercial Land Use Study was commissioned in 1995 to analyze the imbalance of commercial land and recommend community-wide solutions. Its final report was issued in May 1996 and included a broad series of recommendations to retrofit Lehigh Acres with an appropriate balance of land for retail and service uses.
- The Lee Plan amendments proposed in PAM/T 96-19 were adopted in 1998 to incorporate elements of the Lehigh Acres Commercial Land Use Study into the Lee Plan.
- In 2000 the Lehigh Acres Implementation Report was completed as a follow-up to the Lehigh Acres Commercial Land Use Study.
- During the middle part of this decade large portions of the area that had been identified as preferred commercial areas in the Lehigh Acres Commercial Land Use Study were developed as residential.
- The Lehigh Acres Planning Panel requested assistance from the Lee County Board of County Commissioners to develop a comprehensive plan for Lehigh Acres.
- In August of 2006 the Lee County Board of County Commissioners awarded the firm Wallace Roberts & Todd, LLC (WRT) with a professional service agreement for \$550,000 to develop a comprehensive plan for the Lehigh Acres Planning Community to guide future development of all kinds within the Lehigh Acres Planning Community.
- Broad concerns expressed by these citizens include lack of commercial areas, civic uses, and employment opportunities within the Lehigh Acres Planning Community.
- On March 24, 2009 the Lee County Board of County Commissioners endorsed the Lehigh Acres Comprehensive Planning Study completed by WRT.

2. STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners transmit the proposed amendment as part of the 2008/2009 Regular Amendment Cycle. The recommended changes include the text additions below, and the following four changes to the Future Land Use Map:

Staff recommends four amendments to the Future Land Use Map, Map 1. The first recommendation is to change the area proposed for the Downtown Mixed Use Overlay from Central Urban to Intensive Development.

The second recommendation is to expand the Industrial Development Future Land Use designation of the existing industrial area in western Lehigh Acres. The recommended expansion includes two undeveloped properties immediately south of the existing designation and east of Leonard Boulevard.

The third change includes a strip of lots immediately north of the existing designated Industrial park. These lots have already been developed with light industrial uses.

The fourth recommended Future Land Use Map change involves property south of SR 82 and southeast of Blackstone Drive.

Staff recommends additions to Map 1 for the Specialized Mixed Use Nodes Map at page 7, the addition of the Lehigh Acres Tier Map at page 8, and the addition of the Lehigh Acres Planning Community to Map 1, Page 2 of 6.

Staff also recommends changes to Map 16 to modify the boundaries between the Buckingham and Lehigh Acres Planning Communities; and Table 1(b) to provide an allocation to the Intensive Development Future Land Use Category that is proposed for Downtown Mixed Use Overlay. Staff's recommendation includes decreasing the Urban Community allocation from 13,269 acres to 12,797 acres; and increasing the newly added Intensive Development from 0 acres to 42 acres. Table 1(b) as proposed is provided in full as an attachment to this staff report.

RECOMMENDED TEXT AMENDMENTS TO THE LEE PLAN

Staff recommends that the Board of County Commissioners transmit the following text amendment.

PROPOSED NEW VISION STATEMENT

~~Lehigh Acres - This community is the Lehigh Acres development, which was platted starting in 1954. This community is located south of Township 43 South, generally north of SR 82, and east of Buckingham Road/the Buckingham Rural Community Preserve to the eastern Lee County line. This community is designated as Urban Community, Central Urban, Industrial Development and Public Facilities. The Lehigh Community will continue to grow at a rate faster than the county average growth rate. This community, however,~~

~~will not be close to build out by 2030. Lehigh will continue to struggle with providing sufficient non-residential uses to accommodate a community of its size. New provisions for providing these uses has been implemented and will aid in this problem, however, residents will continue to commute from this community to the core communities such as Fort Myers, South Fort Myers, and Gateway/Airport for employment, shopping and other services. This community will also struggle with providing an adequate road network to reduce traffic congestion as the population grows. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12)~~

A “sustainable community of choice” is comprised of a collection of unique and inviting neighborhoods with involved citizens, a healthy environment, housing and employment opportunities, a full range of public services, and an efficient multi-modal transportation network connecting adjacent uses and neighboring communities. Residents will be encouraged to live a healthy and active lifestyle and will be provided opportunities to connect to the natural environment and their neighbors. This is the community vision of Lehigh Acres. Achieving the vision in the Lehigh Acres Planning Community will require improving the pattern of development to reduce dependence on neighboring communities for employment, recreation, and public services. Accomplishing this vision will reduce transportation impacts in neighboring communities and provide benefits to all of Lee County.

MODIFICATIONS TO CURRENT LEE PLAN FUTURE LAND USE ELEMENT

POLICY 6.1.2: All commercial development must be consistent with the location criteria in this policy, except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Goal 32 Policies 1.8.1 through 1.8.3.

1. through 8, no changes.

9. The location standards in this policy are not applicable in the Interchange land use category, or in Lehigh Acres where commercial uses are permitted in accordance with Goal 32 Policies 1.8.1 through 1.8.3, or within the Captiva community in the areas identified by Policy 13.2.1.

10. through 13, no changes.

ADDITIONS TO THE FUTURE LAND USE ELEMENT

GOAL 32: LEHIGH ACRES. To ensure that continued development and redevelopment within the Lehigh Acres Planning Community converts this largely single use, antiquated pre-platted area into a vibrant residential and commercial community consisting of: safe and secure single family and multi-family neighborhoods; vibrant commercial and employment centers; pedestrian friendly mixed-use activity centers and neighborhood nodes; with adequate green space and recreational opportunities. This Goal and subsequent Objectives and Policies apply to The Lehigh Acres Planning Community, as depicted on Map 1.

OBJECTIVE 32.1: ESTABLISH A SUSTAINABLE COMMUNITY OF CHOICE.

To ensure that development and redevelopment within the Lehigh Acres Planning Community evolves into a sustainable community containing a broad mix of residential types and non-residential uses served by efficient infrastructure.

POLICY 32.1.1: The County will incentivize the development of specialized mixed use nodes within the Lehigh Acres Planning Community in a sustainable pattern that will provide opportunities for employment, housing, recreation, goods, and services. Incentives may include but not be limited to transfer of development rights, expedited reviews, special land development regulations within the Lehigh Acres Planning Community, and public private partnerships to utilize alternative funding methods including Municipal Service Taxing Units (MSTU) and Municipal Service Benefit Units (MSBU).

POLICY 32.1.2: Establish a series of specialized mixed use nodes throughout the Lehigh Acres Community to provide opportunities to diversify employment, vary housing types, reduce the need for future roadway expansions, and reduce the need for commuting.

POLICY 32.1.3: The Lee County Board of Commissioners acknowledges that there is an over abundance of single-family homesites available to construct detached single-family homes.

POLICY 32.1.4: Encourage a wide range of housing options within the Lehigh Acres Planning Community by supporting the development of a variety of housing types.

POLICY 32.1.5: Identify, preserve, protect, and, where possible, restore the remaining natural resources of the community.

POLICY 32.1.6: Encourage pedestrian friendly development with an emphasis on human scale design.

POLICY 32.1.7: Encourage connectivity between all land uses through an efficient multi-modal transportation network.

POLICY 32.1.8: Lee County will work with Lee Tran to improve the mass transit system within the Lehigh Acres Planning Community.

POLICY 32.1.9: Developers are encouraged to utilize Sustainable Development Design, as outlined in Goal 4.

POLICY 32.1.10: The Lehigh Acres Tier Map, Future Land Use Map 1, Page 8 of 8, subdivides the Lehigh Acres Community into 3 Tiers:

- a. Tier 1 consists of the older urbanized core of Lehigh Acres that is largely served by an existing array of public services and facilities, including a well-developed road network, water and sewer facilities, schools, and the bulk of Lehigh Acres' commercial development.
- b. Tier 2 consists of those areas immediately adjacent to Tier 1 where public facilities such as water and sewer are not fully available today, but where the provision of these public

facilities should be prioritized in the second decade of the planning horizon, 10 to 20 years from adoption of the plan.

- c. Tier 3 consists of the extreme northern and eastern fringe of Lehigh Acres. This area is the least developed and is the lowest in zoned density due to the preponderance of one acre and half acre lots. This area has virtually no public services and facilities, little commercial uses and many roads that are in poor or very poor condition.

For the purpose of Capital Improvement Programming Tier 1 and 2 are the priority areas to receive capital improvements.

POLICY 32.1.11: By the end of 2011, Lee County will amend the Land Development Code to incorporate

- a. Land development and urban design standards for each of the specialized mixed use node sub-categories.
- b. Land development and urban design standards for Lee Boulevard and SR 82.
- c. Design and development standards for duplex and two-family attached structures within Lee County.

OBJECTIVE 32.2: SPECIALIZED MIXED USE NODES: Are areas that will help to contribute the uses needed to support the Lehigh Acres Planning Community in an integrated and sustainable approach.

POLICY 32.2.1: Specialized mixed use nodes will be classified in three sub-categories. These sub-categories are identified on Map 1 of the Lee Plan as Downtown Lehigh Acres, Community Mixed-Use Activity Centers, and Neighborhood Mixed-Use Activity Centers.

POLICY 32.2.2: All rezoning in these areas must be reviewed as a Planned Development. The proposed development must include a design that integrates a mixture of at least two or more varied uses, such as retail, office, residential, or public, as well as integrating the surrounding neighborhoods. Standalone residential planned developments are prohibited, residential uses may only be permitted in conjunction with a mixed use planned development.

POLICY 32.2.3: In order to promote a sustainable urban form, these areas are expected to develop at the higher end of the density and intensity ranges, including bonus density.

POLICY 32.2.4: The site location standards described in Policy 6.1.2 do not apply within areas designated as specialized mixed use nodes.

POLICY 32.2.5: Within the boundaries of the Specialized Mixed-Use Nodes on-street parking, as provided for in Section 4 of Lee County Ordinance No. 91-29 and meeting the dimensional requirements of Section 34-2016(1) of the Land Development Code, may be provided as a one-to-one substitute for required on-site parking.

POLICY 32.2.6: Developments in these areas are encouraged to share required features such as parking, stormwater detention and management areas, open space and other civic areas.

POLICY 32.2.7: Within these nodes, promote the establishment of pedestrian friendly mixed use development:

- a. Buffer walls between commercial and residential uses are not required.
- b. Bicycle and pedestrian facilities will be provided throughout these developments.
- c. Connections between all uses are required to facilitate alternative modes of transportation.
- d. Connections to adjacent developments will be provided.
- e. Vehicular connections between different uses will be provided to facilitate the internal capture of trips.

POLICY 32.2.8: Existing or future regulations that inhibit the development of these mixed-use projects will be given strong consideration for deviations.

POLICY 32.2.9: Additional Specialized Mixed Use Nodes may be appropriate at the following intersections following the construction of the Lockett Road Extension:

- a. W 12th Street and Sunshine Boulevard
- b. W 12th Street and Williams Avenue
- c. W 12th Street and Richmond Avenue
- d. W 12th Street and Joel Boulevard

OBJECTIVE 32.3: DOWNTOWN LEHIGH ACRES: Is an area expected to redevelop as a vibrant, intensely developed mixed-use gathering place to serve area residents. It will provide opportunities for multi-family residential, public and private education, live-work, retail, office, medical, entertainment, arts, commercial/public parking, parks, other civic uses, and public amenities. The potential mixture of jobs, living, cultural and recreation opportunities allows the greatest efficiency in the use of infrastructure and other public expenditures of any development style envisioned by this Plan. Downtown Lehigh Acres is an appropriate receiving area for transferred development rights.

POLICY 32.3.1: The Downtown Lehigh Acres area offers a mix of opportunities to live and work in a vibrant, well designed urban environment. Land use is focused on providing residential or office uses on upper floors, with retail uses at the street level to energize the urban experience. Parking should be in structures, not in surface lots. Street trees, well designed public gathering areas, and lighting should be employed to create a safe, inviting experience at the street level both day and night.

POLICY 32.3.2: The downtown provides a living environment to a growing segment of society that no longer desires the suburban lifestyle. It provides housing for a wide variety of income levels, in an environment that allows less reliance on the automobile.

POLICY 32.3.3: Create and revitalize the downtown as the premier urban center of Lehigh Acres, providing jobs, residential opportunities, and cultural and economic activities. Residents should find not only access to employment, transportation, and basic amenities, but a concentration of restaurants, galleries, and unique shopping experiences.

POLICY 32.3.4: Downtown Lehigh Acres will be viewed as a receiving area for any transfer of development rights program that is established in Lee County.

POLICY 32.3.5: Bonus density greater than 15 units per acre in the Intensive Development Future Land Use Category must be achieved through the transfer of development rights program.

OBJECTIVE 32.4.: COMMUNITY MIXED-USE ACTIVITY CENTERS: Are areas of sufficient size and location that will help to contribute the uses needed to support all of the Lehigh Acres Planning Community including: residential; public and private education; live-work; retail; office; medical; entertainment; light industrial; commercial/public parking; parks; and, other civic uses. These locations are identified on Map 1.

POLICY 32.4.1: Identify those areas within Lehigh Acres that have sufficient vacant or undeveloped land to accommodate the community-scale development that will balance the land uses and provide opportunities to diversify the economic base of the community.

POLICY 32.4.2: These areas provide the best opportunity for resolving many of the problems inherent in a single use platted community that lacks a diversity of uses.

POLICY 32.4.3: The emphasis of the future development of these areas is to provide employment opportunities mixed with facilities offering goods and services that support the wider community.

OBJECTIVE 32.5.: NEIGHBORHOOD MIXED-USE ACTIVITY CENTER: Are areas of sufficient size and location that will help to contribute the uses needed to support large portions of the Lehigh Acres Planning Community including: residential; public and private education; live-work; retail; office; medical; entertainment; light industrial; commercial/public parking; parks; and, other civic uses. These locations are identified on Map 1.

POLICY 32.5.1: The emphasis of the future development of these areas is to provide mixed use facilities offering goods and services that support the surrounding neighborhoods as well as local employment opportunities and alternate housing types.

POLICY 32.5.2: In addition to adhering to the policies under Objective 32.2, Specialized Mixed Use Nodes, these areas are intended to provide a strong link to the existing single family areas. Interconnections utilizing all modes of transportation are strongly encouraged.

POLICY 32.5.3: In areas that are already platted, the utilization of the existing street network and block design is strongly encouraged.

OBJECTIVE 32.6.: LOCAL MIXED-USE ACTIVITY CENTERS: Are areas located within existing and emerging residential neighborhoods that are intended to support the local daily commercial needs of the neighborhood. Local Activity Centers are envisioned as floating designations that may be applied for as part of a rezoning.

POLICY 32.6.1: To assure neighborhoods have local access to commercial services that support the daily needs of the neighborhood, Local Mixed-Use Activity Centers will not be assumed to be an encroachment into the neighborhood.

POLICY 32.6.2: These areas are intended to provide a strong link to the existing single family neighborhood. Interconnections utilizing all modes of transportation are highly encouraged.

POLICY 32.6.3: Buffer walls between commercial and residential uses are not required.

POLICY 32.6.4: Local Mixed-Use Activity Centers may be located on property as small as one lot, but are limited to a maximum of one platted block.

POLICY 32.6.5: Connections between the commercial use and the immediate neighborhood are required. These connections should include pedestrian and bicycle facilities.

POLICY 32.6.6: Within the boundaries of Local Mixed-Use Activity Centers on-street parking, as provided for in Section 24 of the Lee County Code of Laws and Ordinances, may be provided as a one-to-one substitute for required on-site parking.

POLICY 32.6.7: To receive the Local Mixed-Use Activity Center designation, the center should be located approximately ½ mile or more from the edge of any area identified in Objective 32.2, Specialized Mixed Use Nodes, and must meet the following locational and access criteria

- a. Must initially have frontage on two publicly maintained streets.
- b. Local Mixed-Use Activity Center will be designated through the zoning process.
- c. May be expanded to an area that is adjacent to a previously designated Local Mixed-Use Activity Center.

NOTE: The following Objective and subsequent policies are a renumbering of existing Objective 1.8 with modifications shown in strikethrough/underline format.

OBJECTIVE ~~1.8~~ 32.7: LEHIGH ACRES COMMERCIAL USES OVERLAY ZONES: Designate additional overlay zones on the Future Land Use Map to ~~designate~~ establish potential commercial land uses in Lehigh Acres. The Commercial Overlay Zones are identified on Map 1, page 7 of 8 of the Lee Plan. The distinction in Policy 6.1.2(7) between the two major types of commercial uses does not apply in Lehigh Acres.

POLICY ~~1.8.1~~ 32.7.1: Commercial uses are permitted on lands in the Lehigh Commercial overlay once commercial zoning has been approved in accordance with this plan. Land in the Lehigh Commercial overlay may also be used for schools, parks, and other public facilities; churches and synagogues; and, residential uses that provide housing alternatives to the typical 1/4 to 1/2 acre subdivision lots. Creation of new single-family lots smaller than one acre is not permitted due to the oversupply of standard subdivision lots. If cumulative new residential development takes place on more than 1% of this land per year, Lee County will take steps to provide additional commercial land in Lehigh Acres to offset

the loss. Lee County will take steps to reduce any emerging surplus of commercial land in Lehigh Acres if cumulative new commercial development exceeds an average floor-area ratio of 1.0 (the ratio of interior floor space to total lot area).

~~The prohibition on single family development does not apply in the following portions of the Lehigh Commercial overlay: (1) that portion of Section 6, Township 45S, Range 27E lying south of 23rd Street Southwest and its easterly extension beyond Beth Stacey Boulevard, containing about 92 acres; and (2) those portions of Section 5, Township 45S, Range 27E described as follows: (a) that part of the southwest quarter of the northeast quarter lying southwest of Homestead Road, containing 22.12 acres, and (b) the west 364 feet of the north half of the southeast quarter, containing 11.00 acres, and (c) the southwest quarter of the southeast quarter less the south 175 feet of the east 125 feet, containing 39.50 acres. (Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22)~~

~~**POLICY 1.8.2:** Commercial uses are permitted on all lots in the **Reclaimed Strip** overlay facing S.R. 82. Access management for property abutting S.R. 82 is governed by the Corridor Access Management Plan (CAMP) adopted by FDOT in July 2007. All lots will have access to S.R. 82 via Meadow Road, which will serve as a reverse frontage street as described in Resolution 08-06-28 adopted by the Board of County Commissioners on June 17, 2008. All lots will be required to access S.R. 82 consistent with the access points reflected in the CAMP and the requirements set forth in Resolution 08-06-28. Commercial uses are also permitted on all **Reclaimed Strip** lots facing Gunnery Road. Access management for property abutting Gunnery Road is governed by the access management plan described in Bluesheet No. 20011253 adopted by the Board of County Commissioners on November 20, 2001. All lots will have access to Gunnery Road via Gretchen Avenue, which will serve as a reverse frontage street. All lots will be required to access Gunnery Road consistent with the access points reflected in Bluesheet No. 20011253. (Added by Ordinance No. 98-09, Amended by Ordinance No. 09-06)~~

~~**POLICY 1.8.3 32.7.2:** Because of the shortage of suitable undivided tracts in the Lehigh Acres Planning Community (whose boundaries for the purposes of this plan are shown on Map 16), commercial uses may also be appropriate on certain other lands that might otherwise be used for residential lots.~~

- ~~1. Many such lands are designated with as part of the Lot Assembly overlay. These lands are platted for single-family lots and are under multiple ownerships. Commercial uses on individual lots or small assemblies of lots would generally be intrusive to existing or emerging neighborhoods. However, the assemblies of entire blocks would provide suitable commercial parcels. Major lot assemblies could qualify for commercial zoning whether assembled by government action, private sector purchases, cooperative arrangements between individual lot-owners, or similar arrangements.~~
- ~~2. Other tracts or combinations of platted lots in Lehigh Acres may also be considered for commercial rezoning (even if they are outside any of the three overlays) through the normal planned development zoning processes or by requesting a new the CN-3 conventional commercial zoning district that may be was created to address Lehigh Acres conditions. Lands suitable for such rezoning would include:~~

- a. Tracts that are assembled from vacant lots at the intersection of future collector or arterial roads in sparsely developed areas where there are very limited or no suitable commercial locations in any of the commercial overlays; or
- b. Tracts that separate existing commercial and residential land uses where some commercial uses may be appropriate if they provide a substantial buffer and reasonably protect the privacy of existing dwellings. Land-owners seeking commercial zoning under this subsection should expect a minimal level of commercial uses and/or to provide extra levels of buffering.

~~Decisions on the suitability of any proposal will be made by Lee County on a case-by-case basis in order to implement the intent of these regulations.~~

- ~~3. Commercially zoned land not placed within one of these overlays can be developed in accordance with previous regulations, but may be subject to county initiated rezonings to restrict or eliminate future commercial uses there. (Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22)~~

OBJECTIVE 32.8.: PARKS, RECREATION, OPEN SPACE AND PUBLIC FACILITIES. Lee County will explore opportunities to create a coherent network of parks, greenways, water amenities, open space, and other public facilities.

POLICY 32.8.1: Lee County Parks and Recreation will work with the East County Water Control District to identify rights-of-way or easements that can be incorporated into the County's greenway plan.

POLICY 32.8.2: Lee County, the East Lee County Water Control District, the Lee County School District, and other agencies will work together to identify areas that can be acquired for possible co-location of parks, water retention and other water amenities, school sites, and other public facilities.

POLICY 32.8.3: New development and redevelopment in areas containing a component of the greenways trail system, as identified by the Greenways Master Trail Plan, must incorporate the greenway trail into their development design, as required by Policy 77.3.7 of the Lee Plan.

POLICY 32.8.4: Lee County will work with the Lee County School District and other agencies that operate within the Lehigh Acres Planning Community to identify adequate land to develop additional public facilities needed to accommodate the expected growth of Lehigh Acres.

OBJECTIVE 32.9: TRANSPORTATION, PARKING, AND TRAFFIC CIRCULATION. Lee County will work to improve transportation parking and circulation within the Lehigh Acres Planning Community.

POLICY 32.9.1: Whenever possible, all new commercial development adjacent to Lee Boulevard right-of-way must provide access to either 5th Street West, 4th Street West, or other local, collector or arterial roadway. Direct access to Lee Boulevard is discouraged.

POLICY 32.9.2: All connections to SR 82 must be consistent with the Florida Department of Transportation Corridor Access Management Plan for SR 82.

POLICY 32.9.3: All connections to Gunnery Road must be consistent with the Gunnery Road Access Management Plan.

POLICY 32.9.4: All new commercial development must provide parking lot interconnections to adjacent properties and must not prevent pedestrian or vehicular access from adjacent residential areas.

POLICY 32.9.5: Lee County will identify possible locations of new bridges to improve the continuity of the street network and connect neighborhoods.

POLICY 32.9.6: Lee Tran will continue to identify opportunities to improve service, frequency, routes, and bus stop amenities in the Lehigh Acres Community.

POLICY 32.9.7: New Single-Family Model Homes are prohibited within 300 feet of Arterial and Collector Roads.

OBJECTIVE 32.10: SEWER AND WATER. Expedite the staged extension of water and sewer systems, connect lots previously served by on-site septic and wells, and discourage additional development that is reliant upon on-site well and septic systems.

POLICY 32.10.1: The availability of sewer and water to serve uses within the Specialized Mixed-Use Nodes and the Commercial Overlay Zones is not a requirement for zoning approval. However, sewer and water must be available to the property in accordance with Standard 11.1 and 11.2 of this Plan before a development order will be issued.

POLICY 32.10.2: Direct new development and redevelopment in Lehigh Acres to areas that can be reasonably expected to receive urban services and infrastructure during the planning horizon of the Lee Plan.

POLICY 32.10.3: Lee County will work with Florida Governmental Utilities Authority (FGUA) to prioritize areas for expansion of utilities.

OBJECTIVE 32.11: NATURAL RESOURCES. Lee County will preserve, protect, and, where possible, enhance the physical integrity, ecological values, and natural beauty of Lehigh Acres, by maintaining the diverse and healthy native vegetation, and wildlife resources.

POLICY 32.11.1: Lee County will encourage on-site preservation of indigenous plant communities and listed species habitat. Any required mitigation will be of similar habitat, and provided whenever possible, within one mile of the Lehigh Acres Planning Community boundary.

POLICY 32.11.2: Lee County will work with various agencies to identify existing wetlands that are worth saving or restoring within the Lehigh Acres Planning Community.

POLICY 32.11.3: Lee County will provide incentives (for example increased density, Transfer of Development Rights, etc.) for the protection of wetlands, historic flow ways, native habitat or other significant natural resources within the Lehigh Acres Planning Community.

POLICY 32.11.4: Where not inconsistent with the South Florida Water Management District design criteria, natural habitat restoration is preferred to open water systems for treating stormwater.

OBJECTIVE 32.12: 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 32.12.1: As a courtesy, Lee County will register citizen groups and civic organizations within the Lehigh Acres 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 through mail, email, or other electronic means. This notice is a courtesy only and is not jurisdictional. Accordingly, the County's failure to mail/email or to timely provide the notice, or failure of a group to receive notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

POLICY 32.12.2: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) within the Lehigh Acres Planning 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, providing notice of the meeting, and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

OBJECTIVE 32.13: INTERGOVERNMENTAL COORDINATION. The Lehigh Acres Planning Community depends on agencies that are external to Lee County for certain services, such as the East County Water Control District, Lee County Health Department, Florida Governmental Utilities Authority; and Hendry County. Lee County will work with these organizations on matters under their jurisdiction.

POLICY 32.13.1: Explore cost-effective land acquisition opportunities that may present themselves through the escheatment process. Where these opportunities exist and can be capitalized on, plan for the aggregation of land for needed community facilities or to incentivize private development of commercial or employment uses. Coordinate “tax

forgiveness” efforts with the School Board, Fire District, South Florida Water Management District and East County Water Control District.

POLICY 32.13.2: Lee County will work with Hendry County to coordinate trail connections at the counties’ boundaries in order to promote a regional trail system.

POLICY 32.13.3: Lee County will work with the Lehigh Acres Fire District to identify locations for new facilities that will assure adequate and uniform fire protection throughout the Lehigh Acres Planning Community.

POLICY 32.13.4: Lee County will work with the East County Water Control District to identify existing wetlands and opportunities for stormwater detention areas.

POLICY 32.13.5: Lee County will work with Florida Governmental Utilities Authority to prioritize areas for the expansion of utilities.

POLICY 32.13.6: Lee County will work with the Lee County Health Department to discourage the approval of septic tank variances and to address regulations that allow two septic systems on one small lot.

OBJECTIVE 32.14: OVERSIGHT AND COORDINATION BY LEE COUNTY. The Lehigh Acres Planning Community is entirely within unincorporated Lee County, as such Lee County can perform activities that will help guide and accommodate attractive development; plan for and construct capital improvements; and establish policies to concentrate development within appropriate areas and provide protection of natural features. These activities will help to assure that the Lehigh Acres Planning Community develops in a way that is consistent with its vision.

POLICY 32.14.1: Lee County will assist in establishing comprehensive stormwater management areas within the Specialized Mixed Use Nodes to achieve an efficient use of property for stormwater management purposes.

POLICY 32.14.2: Lee County will explore cost-effective land acquisition opportunities that may present themselves through the escheatment process. Where these opportunities exist and can be capitalized on, plan for the aggregation of land for needed community facilities or to incentivize private development of commercial or employment uses.

POLICY 32.14.3: Lee County will use Tier 1 and Tier 2 as capital improvement priority areas for public facilities and services which are under the control of Lee County, and will work with Florida Governmental Utilities Authority to prioritize areas for the expansion of utilities.

POLICY 32.14.4: Lee County will not permit mine traffic from mines established in Hendry County to utilize Lee County maintained roads within the Lehigh Acres Planning Community as a primary access. Mines within Hendry County may establish secondary access points to Lee County maintained roads for emergency access purposes only.

POLICY 32.14.5: By the end of 2011, Lee County will complete the following activities:

- a. Amend the Land Development Code to incorporate land development and urban design standards for each of the specialized mixed use node sub-categories.
- b. Amend the Land Development Code to incorporate land development and urban design standards for Lee Boulevard and SR 82.
- c. Amend the Land Development Code to incorporate design and development standards for duplex and two-family attached structures within Lee County.
- d. Explore the establishment of a Land Swap Program, where parcels gained through the escheatment process in Tier 1 or Tier 2 could be swapped for undeveloped parcels in Tier 3.
- e. Define appropriate sending and receiving areas for a Transfer of Development Rights program.

AMENDMENTS TO OTHER ELEMENTS OF THE LEE PLAN

PARKS, RECREATION AND OPEN SPACE ELEMENT:

POLICY 84.1.2: Lee County will work with the East County Water Control District to establish a regional park at Harns Marsh.

C. BACKGROUND INFORMATION

This amendment was initiated by the Board of County Commissioners on March 24, 2009 by resolution directing staff to “cooperate with the Lehigh Acres community to pursue Lee County Comprehensive Plan and Land Development Code amendments reflecting the recommendations set forth in the Lehigh Acres Comprehensive Study.” The Vision for Lehigh Acres as expressed by interested citizens of Lee County has guided the proposed Comprehensive Plan amendments.

THE LEHIGH ACRES VISION FROM THE LEHIGH ACRES COMPREHENSIVE PLANNING STUDY

Based on the aspirations and concerns publicly expressed by residents, the long term vision for Lehigh Acres is

“...to become a sustainable community of choice, a community that is safe, affordable, connected, well served, livable, attractive, and populated by a diverse and engaged citizenry.”

Achieving the vision will require overcoming difficult challenges as a result of the platted nature of the community, the lack of necessary services and infrastructure, and the scattered residential development pattern that exists. Attention to several facets of the community will be required to achieve the vision, including:

Managed / Balanced Growth: Growth is encouraged in areas where a full range of public services is in place or planned, and discouraged in outlying areas lacking in water, sewer, and other basic infrastructure.

Community Character: Enhance community identity and pride by improving development quality, architectural character and quantity and quality of landscape materials. Integrate parks, open space, and greenways, and amenities to enhance quality of life.

Natural Resource Protection / Restoration: Reduce the possible impact of septic systems and provide for adequate groundwater and aquifer recharge. Promote the “greening” of Lehigh Acres, emphasizing the use of native landscape species.

Efficient Transportation: Upgrade the condition and capacity of the local road system, improve connectivity and apply principles of access management along major roadway corridors. Promote alternatives to auto reliance through transit and improved networks of sidewalks and pedestrian and bicycle trails as part of community greenways.

Full Array of Public Services and Facilities: Expedite the staged extension of water and sewer systems, connect lots previously served by on-site septic and wells, and discourage additional development reliant on on-site well and septic systems. Reserve land and promote intergovernmental coordination for the development of local schools, libraries, recreation centers and other facilities and services necessary for a sustainable community of choice.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

In August of 2006 Lee County contracted with the firm Wallace Roberts & Todd, LLC (WRT) to develop a comprehensive plan for the Lehigh Acres Planning Community to guide future development of all kinds within the Lehigh Acres Planning Community.

The comprehensive evaluation of Lehigh Acres took over two and a half years to complete. The result was a planning document by WRT entitled "*Lehigh Acres Comprehensive Planning Study*," dated March 2009. This document was developed in 5 Phases: Framework for Plan Development; Existing Conditions & Trends; Vision for the Future; Alternative Concepts and Scenarios; and, Plan Document. Considerable effort went into each phase and several of the phases culminated with a deliverable document.

The plan itself consists of several sections: Plan Framework; Background; Community Assessment; The Vision; Concept Plan; and, Implementation Framework. The Implementation Framework Section contains short term actions as well as medium and long term actions. These proposed amendments are the Lee County Division of Planning's best attempt to implement the recommendations of the planning effort. The establishment of the Specialized Mixed Use Nodes, the Downtown, Community, and Neighborhood Mixed Use Centers implements the main theme of the study's recommendations.

IMPLEMENTATION FRAMEWORK SECTION

The recommended actions in the Implementation Framework Section are reproduced below followed by a staff discussion or response.

SHORT TERM ACTIONS

- Explore cost-effective land acquisition opportunities that may present themselves through the escheatment process. Where these opportunities exist and can be capitalized on, plan for the aggregation of land for needed community facilities or to incentivize private development of commercial or employment uses. Coordinate "tax forgiveness" efforts with the School Board, Fire District, SFWMD and ECWCD.

This action calls for using the escheatment process to capture land for various community needs. Staff is recommending new Policy 32.13.1 to address this recommendation.

- Proceed with the plan's recommended Future Land Use Map and Comprehensive Plan Amendments (described in detail in the next section of this document).

The bulk of the plan amendment recommendations contained in this report address the actions called for by this recommendation. The Tier System is included in proposed Policy 32.1.10.

- Begin to incorporate and establish elements of the proposed community structure (e.g., mixed use centers) into the zoning and land development regulations; subdivision regulations; and other regulatory and planning mechanisms.

These actions will follow the incorporation of the recommended Specialized Mixed Use Nodes into the Lee Plan.

- Incorporate consideration of the location of capital improvements relative to the tier system as one of the factors that determine project funding priorities.

Staff is recommending incorporation of the tier map, to be used as a capital improvements timing tool.

- Proceed with zoning amendments that incorporate design/site development standards for new duplex and commercial development (described in detail in the next section of this document).

This task can be accomplished without changes to the Lee plan.

- Identify and adopt appropriate incentives (these may range from relatively simple things such as fast-track permitting or reduced permitting fees; impact fee reductions; to more costly and complex options such as support/assistance with land assembly (see previous page) or spearheading infrastructure improvements) for infill development in Tier 1, especially the area identified as “downtown Lehigh Acres” in the community structure.

The Specialized Mixed Use Nodes do incorporate incentives to promote infill and redevelopment.

- Work with Health Department to discourage/halt approval of septic tank variances, and to close regulatory loopholes that allow the construction of two septic tanks on a single 1/4-acre or 1/3-acre lot (e.g., advocate review of current definitions).

This requires coordination with the Health Department and ultimately affects their rules governing permitting. Staff is recommending a policy promoting coordination with the Health Department in the Intergovernmental Coordination section of this amendment, see proposed Policy 32.13.6.

- Amend zoning / land development and urban design standards for Lee Blvd. and SR 82:
 - discourage model home development by making its approval subject to the special exception use process,
 - require greater site depths (back to back lots) for commercial development to achieve better development configurations
 - establish site circulation standards to meet access management requirements (including shared drives, connected parking lots, etc.)
 - revisit the land use mix/list of permitted uses on some corridor segments to promote/incentivize townhome-style development, and
 - immediately rezone land in the “nodes” to commercial with a “mixed-use” overlay.
- For commercial development along these two corridors and elsewhere, additionally amend zoning/land development and urban design standards to address:
 - improved landscape and parking standards,
 - shared access and connectivity,
 - pedestrian amenities,
 - building siting/orientation, and
 - building design.
- Amend zoning / land development and urban design standards to regulate new duplex development:
 - more stringent landscape, on-site parking, and building design standards
 - require the creation of mid-block alleys and rear-facing garages in new development.

- regulate the design treatment of septic drain fields (establishing grading requirements or maximum slopes to avoid the unattractive “mounded look” prevalent in some sectors of Lehigh Acres).
 - require varied building types/mix (e.g., townhomes) and articulation of the facade of duplex structures to resemble a single-family structure.
 - require the incorporation of Crime Prevention Through Environmental Design techniques.
 - prohibit additional duplex zoning
- Consider expanding existing nonconforming structure provisions of the Land Development Code to existing duplex structures that do not comply with the amended duplex development standards once those standards become effective. One option is to allow the property to remain in its nonconforming status until the owner applies for a building permit (e.g., for activities defined as “development” versus “maintenance”). At that time, the use would have to be brought into compliance (a ceiling of cost may be adopted; for instance, up to a certain percentage of the assessed value of the property). Another option is to establish an amortization schedule for owners to bring the use or the structure into compliance. Amortization is a mechanism allowing for the removal of a nonconformity after the value of the non-conforming use or structure has been recovered—or amortized—over a period of time (e.g., three years). Since the value of the use or structure has been amortized, no compensation is payable after the expiration of the period. The defensibility of this application, as well as the appropriate amortization period, should be determined by Lee County attorneys. There are two principal methods for determining the amortization period: (1) the fixed period approach and (2) case-by-case methods, the most common of which is called the “recoupment of investment” method. The fixed period approach has been applied to signs and modest structures in which there is minimal investment. The recoupment of investment approach has been used successfully to remove nonconformities with more substantial value.

Staff concurs and recommends the inclusion of Policy 32.1.5 to address the Lee Boulevard and SR 82 areas as well as duplex development. The location of model homes are also being addressed by proposed Policy 32.9.7. Staff is hesitant to eliminate the ability to obtain additional duplex zoning. If the regulations adequately address the issues, more duplex zoning could be appropriate.

- Coordinate with the DR/GR efforts to reconnect the Estero, Imperial and Six Mile Cypress headwaters, if feasible, with their south and westerly predevelopment flow.

Dealing with these water issues is an ongoing effort by the county in general, lead by the Division of Natural Resources. Coordination has been ongoing between the two planning efforts. Staff does not believe a policy is necessary to continue these efforts.

- Define the alignment of the Lockett Road extension and begin to notify affected property owners. To the extent allowed by law, discourage new construction on the affected parcels, and explore the possibility of land swaps for lots that may be recovered elsewhere through the escheatment process.

The process for developing the alignment for the Lockett Road Extension has been completed and the alignment has been determined.

MEDIUM TERM ACTIONS

- Initiate studies for the creation of voluntary municipal special taxing or benefit units (MSTU or MSBU) to fund capital improvements in Tiers 1 and 2. Sec. 27-61 authorizes the creation of municipal service taxing or benefit units in specific areas of unincorporated Lee County for the purposes of providing municipal services. Lehigh Acres already has in place one such district to provide street lighting; new districts could be created to fund the construction of sidewalks and similar improvements.

This option for financing is one option for funding this type of service. Planning staff sees no reason to include such a policy, as it may have the affect of limiting options down the road.

- Initiate dialogue with ECWCD, FGUA, Health Department, School District to coordinate actions geared toward joint land acquisition efforts, infrastructure extensions etc.
- Explore establishing a “Septic Tank Maintenance District” in Tier 3, following the criteria.

The proposed Intergovernmental Coordination Objective and its subsequent policies cover this recommendation.

- Determine the feasibility of establishing a transfer of development rights program from sending zones in Tier 3 or, potentially, DR/GR, to identified receiving zones in Tiers 1 and 2 or areas outside of Lehigh Acres that are suitable to accommodate, or are experiencing pressure for, higher densities.

Staff questions the viability of Tier 3 as a TDR sending zone. The vested rights associated with the platted lots are a disincentive for such a program. It should be noted that the Southeast Lee County Study (the DR/GR study) is evaluating certain areas within this area as receiving zones for TDR’s.

- Develop integrated “green infrastructure” open space system – including linear canals parks and linkages. Consider preparing a detailed Lehigh Acres Green Infrastructure or Parks and Open Space Master Plan in coordination with the ECWCD to ensure that canal re-design projects incorporate recreational amenity features.

The County has incorporated Green Infrastructure requirement in the Lee Plan and the Land Development Code. The County has also adopted the Lee County Greenways Master Plan, which includes Lehigh Acres. The best way for this area to be represented in these ongoing efforts is for the community to participate in the refinement of these programs.

Staff has also recommended several policies that address this issue, such as Policy 32.8.1, Policy 32.8.2, Policy 32.8.3, and Policy 84.1.4.

- Consider preparing a Lehigh Acres “Complete Streets” or Bicycle and Pedestrian Facilities Master Plan to identify and prioritize project needs and funding.

These programs are currently being addressed on a county wide basis. Again, the best way for this area to be represented in these ongoing efforts is for the community to participate in the refinement of these programs.

- Coordinate with Lee Tran to secure the launching of the Lehigh Circulator within the next 5 years, per the Transit Plan. Continue to monitor the population needs as the community grows.

Staff has proposed a new Policy 32.9.6, which calls for Lee Tran to identify opportunities to improve service.

- Modify zoning / land development and urban design standards for “Downtown” Lehigh Acres:
 - Identify regulatory and other types of mechanisms, programs, and incentives to encourage the development of mixed-use development on obsolete uses in “downtown”

- Lehigh Acres: adopt a “mixed-use overlay;” remove existing regulatory hurdles; consider approval of certain projects (e.g., of a limited scale, vertical configuration, etc.) as of right or with the lower threshold of review.
- Consider creating an urban design plan, with consistent standards for the public realm – e.g., unified streetscape themes – signage, etc.).

Staff’s proposal for the inclusion of the Specialized Mixed Use Nodes specifically includes a node for Downtown Lehigh Acres. Between the Specialized Mixed Use Nodes requirements and the Downtown Lehigh Acres policies this recommended action is addressed.

Longer - Term Actions

- Coordinate with FGUA regarding phasing, costs to extend central potable water and sanitary sewer systems in Tiers 1 and 2.
- Continue open dialogue with ECWCD, FGUA, Health Department, School District to coordinate actions geared toward joint land acquisition efforts, infrastructure extensions etc.
- Develop on-going / long term process for land acquisition in Tier 3 for stormwater management, conservation etc. A tool that the County should begin exploring sooner, under the current real estate market conditions, is acquisition of property through tax deed sales. The county is not required to use the public tax deed sale process for parcels valued at less than \$5,000—if no one bids on a parcel, the ownership reverts to the county by default, or escheats.

Staff’s proposed Intergovernmental Coordination Objective and its subsequent policies address these issues.

MAP AND TABLE CHANGES

As a result of the policy changes above, mapping of the Specialized Mixed Use Nodes and Commercial Overlay Zones, and an amendment to Map1, page 2 of 6 for the inclusion of the Lehigh Acres Planning Community as a Special Treatment Area has already been recommended. Staff has also recommended the addition of a new map to the Future Land Use Map Series, a slightly modified version of the consultants Tier Map. In addition to these changes, staff is recommending four additional amendments to the Future Land Use Map, Map 1.

The Lehigh Acres Comprehensive Planning Study includes a recommendation to change large areas of the community to the Central Urban future land use category. While this is balanced somewhat with a reduction of the Tier 3 area to a lower density, no analysis of the impacts of this land use change have been performed. Without a full evaluation of the impacts of these proposed changes, and without a justification of the need, such an amendment is sure to be objected to by the Department of Community Affairs. At this time staff is not recommending transmittal of these changes.

The first staff recommendation is to change the area proposed for the Downtown Lehigh Acres from Central Urban to Intensive Development. The amount of land that is proposed for this future land use category change consists of approximately 158 acres. The intent of this proposed Future Land Use Map change is to encourage a centrally located urban node that offers a diversity of lifestyles, cosmopolitan shopping opportunities and specialized professional services that will benefit Lehigh Acres, as is the intention of the Intensive Development future land use category throughout Lee County.

The current future land use category is Central Urban which allows densities that range from four units an acre to ten units an acre with bonus density of 15 units an acre. The proposed Intensive Development Future Land Use Category allows densities of eight units an acre to 14 units an acre with bonus density of 22 units an acre. The proposed increase in density in Downtown Lehigh Acres would allow an additional 1,106 residential units assuming build out at the allowed bonus densities. Without the use of bonus densities the change in future land use category would allow an additional 632 residential units at maximum density. However the reality and historical pattern is that densities will be much lower than even the minimum density. This area is currently in the Central Urban Future Land Use Category which has a minimum density of four units an acre. In the Lehigh Acres Planning Community lands that are within the Central Urban Future Land Use Category are currently developed at .83 units an acre, or less than one quarter of the minimum density. Using that as a guide it may be estimated that development will actually be at a much lower level than 10 units an acre which is currently allowed in the Central Urban Future Land Use Category. By 2030 it is estimated that Lehigh Acres will have 71,041 dwelling units. If Downtown Lehigh Acres is developed at 22 units an acre, the maximum possible, the additional units allowed by the proposed Future Land Use Map change will represent 1.5 percent of the dwelling units in the Lehigh Acres Planning Community. The intent of the proposed land use change is not to solely increase density but to provide a framework that will allow this area to develop into a dense urban form, with the capability to capture trips and ultimately reduce Lehigh Acres' impact on the rest of the county's road system.

The second, third, and fourth staff recommendations are to expand the Industrial Development Future Land Use designations within the community. The WRT report includes a needs/demand analysis that demonstrates a current deficit of industrial acreage of 444 acres. In order to partially address this deficit staff is recommending several map changes.

The recommended expansion includes two undeveloped properties immediately south of the existing industrial designation and east of Leonard Boulevard. The industrial area of Lehigh Acres is approaching buildout and room for expansion is needed. The undeveloped area immediately to the south of the existing industrial area is an obvious candidate. These parcels are currently in the Central Urban Future Land Use Category. The size of these parcels is approximately 42 acres. The change in the Future Land Use Map to Industrial Development will not increase the allowable residential density of the property. Staff understands that there is an existing Development Order for a church facility on the property, and that use, under Policy 2.1.3, would remain consistent with this change in land use category. Staff also realizes that conditions change and a new Development Order may someday be applied for, requesting industrial use.

The third change includes a strip of lots immediately north of the existing designated industrial park. These lots have already been developed with light industrial uses. The total area of these parcels is approximately 6 acres.

The fourth recommended Future Land Use Map change involves property south of SR 82 and southeast of Blackstone Drive. The area is currently in the Urban Community Future Land Use Category. The combined size of these parcels is approximately 41 acres. The change in the Future Land Use Map to Industrial Development will not increase the allowable

residential density of the property. The Existing zoning is consistent with the Industrial Development category and this change reflects the development expected on the site. This site is relatively large and staff recognizes the difficulty in establishing new areas for industrial uses in the community. The site is already approved for industrial uses with an MPD zoning designation and is thus an ideal candidate to be designated into the Industrial Development category.

Based on the recommended change in the Downtown Mixed Use Node from the Central Urban to the Intensive Development Future Land Use Category it is also necessary that Table 1(b) of the Lee Plan is amended to allocate residential units to the Intensive Development Future Land Use Category within the Lehigh Acres Planning Community.

B. PLANNING COMMUNITY AND SPECIAL TREATMENT AREAS MAP CHANGES

Staff analyzed three areas of land that are located between the Lehigh Acres Planning Community and the Buckingham planning area following recommendations of the Local Planning Agency to move these areas out of the Buckingham Planning Community because they were not included in the Buckingham planning area and the owners of these properties do not consent to the restrictions that are proposed to be placed on their property if they were to be included in the Buckingham Community Plan.

C. CONCLUSIONS

The *Lehigh Acres Comprehensive Plan* constitutes a thorough examination of the Lehigh Acres Community. It identifies both problems and opportunities for the area. The plan identifies many viable ways to address these issues and provides support for the amendment package proposed by staff.

D. RECOMMENDATION

Planning Staff recommends transmittal of the proposed amendment, both text and map, included in this report. See Part I, Section B.2 for specific policy language and map proposals.

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

PUBLIC HEARING DATE July 27, 2009

A. LOCAL PLANNING AGENCY REVIEW

Planning Staff gave a brief presentation concerning the proposed amendment. One member of the LPA made suggestions concerning shared open space and minimum densities within the Specialized Mixed-Use Nodes. Staff noted that more design criteria and details would be needed to achieve the desired vision of these areas. Proposed policies that would require amendments to the Land Development Code to establish land development and urban design standards for the Specialized Mixed-Use Nodes were pointed out on this matter. The LPA was generally supportive of the proposed amendments to the Lee Plan. There were also brief comments from the public which were supportive of the proposed amendments.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners **transmit** the proposed amendment.

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

C. VOTE:

NOEL ANDRESS	AYE
CINDY BUTLER	AYE
CARRIE CALL	AYE
JIM GREEN	AYE
MITCH HUTCHCRAFT	AYE
RONALD INGE	ABSTAIN
CARLA JOHNSON	AYE

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

DATE OF TRANSMITTAL HEARING: September 24, 2009

A. BOARD REVIEW: Staff provided a brief summary of the proposed amendment. The presentation briefly covered the proposed Tier Map; specialized mixed use nodes, including the use of Downtown Lehigh Acres as a TDR receiving area; the existing Commercial Overlay Zones; Public Participation; Intergovernmental Coordination; and future work that would be required to implement this plan change. Staff also discussed other amendments that are proposed to the Lee County Comprehensive Plan including amendments to Map 1 and Table 1(b).

This was followed by discussion from several Commissioners about proposed Policy 32.13.6 concerning approval of septic tank variances, which is a function carried out by the Lee County Health Department, a State agency.

This discussion was followed by public comments from four individuals who urged the Board of County Commissioners to transmit the staff recommended amendment. The public comments also indicated the importance of the septic tank issue, and acknowledged additional work will be required in future LDC amendments.

One Commissioner requested that the Lehigh Acres Tier Map should identify the planned Lockett Road Extension. The Board voted to transmit the proposed amendment with the inclusion of the Lockett Road Extension on the Lehigh Acres Tier Map.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed amendment to the Department of Community Affairs.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board of County Commissioners accepted the findings of fact as advanced by County staff and the LPA.

C. VOTE:

BRIAN BIGELOW	AYE
TAMMARA HALL	AYE
BOB JANES	ABSENT
RAY JUDAH	AYE
FRANK MANN	AYE

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

DATE OF ORC REPORT: January 15, 2010

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

The Florida Department of Community Affairs (DCA) Objection, Recommendation, and Comments (ORC) Report contained the following concerning this proposed amendment:

The purpose of the amendment is to implement the Lehigh Acres Comprehensive Planning Study (March 2009) by revising text and maps of the Future Land Use Element (FLUE), Parks/Recreation/Open Space Element, and development allocation Table 1(b). The Lee County Comprehensive Plan utilizes a similar approach (establish a vision statement, goal, objectives/policies, and maps to implement a community planning study) for most of the other planning communities. The Department raises the following objections and comments to the proposed amendments:

8. Objection (Mixed Use Nodes): Proposed FLUE Policy 32.2.2 requires that development in the “specialized mixed-use nodes” must include a design that integrates a mixture of at least two or more varied uses, such as retail, office, residential, or public. Although the proposed policy requires a “mixture,” Policy 32.2.2 does not establish meaningful and predictable guidelines and standards to define the quantitative composition of the mixture with regard to each land use in a manner that ensures that the resulting mixed-use nodes will achieve their function. The proposed amendment to create new Lee Plan Map 1 (Specialized Mixed Use Nodes) designates three types of mixed-use nodes: “Downtown” in the downtown area; “Community” nodes for 3 locations; and “Neighborhood” nodes at 6 locations. Because Policy 32.2.2 does not establish meaningful and predictable guidelines and standards for the mixed-use nodes, the proposed amendment to create new Lee Plan Map 1 (Specialized Mixed Use Nodes) lacks these guidelines/standards to implement the map. Therefore, the Department objects to the proposed FLUE Policy 32.2.2. The Department recommends that the mixture require at least some minimum amount (percentage) of nonresidential use in order to ensure that the nonresidential use is not simply an inconsequential token amount that does not achieve the function of the mixed-use node.

Rules 9J-5.005(6); and 9J-5.006(3)(c)1., 5., and 7.; 9J-5.006(4)(c), F.A.C.; and Section 163.3177(6)(a), F.S.

Recommendation: Revise Policy 32.2.2 to establish a meaningful and predictable guidelines/standards to define the quantitative composition of the mixture with regard to each land use in a manner that ensures that the resulting mixed-use nodes will achieve their function.

9. Objection (Commercial Overlay): Proposed Objective 32.7 (renumbered from Objective 1.8) establishes Commercial Overlay Zones as shown on Map 1, page 7 of 8 of the Lee Plan. The proposed amendment exhibits characteristics of strip commercial sprawl along State Road 82, and the amendment is not supported by data and analysis demonstrating that the amendment discourages the proliferation of urban sprawl consistent with the requirements of Rule 9J-5.006(5), F.A.C.

Rules 9J-5.005(2); 9J-5.006(1) and (2); 9J-5.006(3)(b)8; 9J-5.006(5), F.A.C.; and Sections 163.3177(6)(a); 163.3177(8) and (10), F.S.

Recommendation: Support the amendment with data and analysis demonstrating that the Commercial Overlay Zones discourage the proliferation of urban sprawl consistent with the requirements of Rule 9J-5.006(5), F.A.C. Revise the FLUM, if necessary, to be supported by and consistent with the data and analysis.

10. Objection (Transportation; and Intensity Standards): The County proposes four FLUM amendments to change the land uses within Lehigh Acres as shown in the table below:

Parcel Area	Acres	Currently Adopted FLUM	Proposed FLUM
1	158	Central Urban	Intensive Development
2	42	Central Urban	Industrial Development
3	6	Central Urban	Industrial Development
4	41	Urban Community	Industrial Development

The proposed FLUM amendment for Parcel Area 1 (158 acres) is located in the Downtown Lehigh Acres area. Parcel Area 2 (42 acres) is located immediately south of the existing “Industrial Development” area near Leonard Boulevard. Parcel Area 3 (6 acres) includes a strip of lots immediately north of the existing “Industrial Development” area located along Leonard Boulevard, and these lots have already been developed with light industrial uses. Parcel Area 4 (41 acres) is located south of SR 82.

The proposed FLUM amendment to Parcel Area 1 is not supported with data and analysis (based on the maximum development potential of the proposed land uses) addressing the potential impacts to transportation facilities for the short-term and long-term planning timeframes, the impacts upon the adopted level of service standards for the transportation facilities, and the coordination of any transportation facilities improvements that are needed to maintain the adopted level of service standards with the Capital Improvements Element (including the Five-Year Schedule of Capital Improvements and plan policies for long-term transportation strategies) and Transportation Element (including the Future Transportation Map). The proposed FLUM amendments to Parcel Area 2, 3, and 4 designate the Industrial Development future land use category to the subject parcel areas; however, the Lee County Comprehensive Plan does not establish an intensity of use standard for the Industrial Development future land use category. Therefore, the proposed amendment does not guide the intensity of industrial land use on the subject Parcel Areas 2, 3, and 4. The proposed FLUM amendment to Parcel Area 1 designates 158 acres as Intensive Development, which allows office use and light industrial use; however, the Lee County Comprehensive Plan does not establish an intensity of use standard to guide the office use or light industrial use that are allowed in the Intensive Development future land use category. Therefore, the proposed amendment to Parcel Area 1 does not guide the intensity of office use and light industrial use on the subject Parcel Area 1.

Rules 9J-5.005(2) and (5); 9J-5.006(1), (2), (3)(b), and (3)(c)7; 9J-5.006(4); 9J-5.016(1), (2), and (4); 9J-5.019(2), (3), and (4), F.A.C.; and Sections 163.3177(6)(a), (b), and (j); and 163.3177(2), (3), (8), and (10), F.S.

Recommendation: Support the amendment to Parcel Area 1 with data and analysis addressing the potential impacts to transportation facilities for the short-term and long-term planning timeframes, the impacts upon the adopted level of service standards for the transportation facilities, and the coordination of any transportation facilities improvements that are needed to maintain the adopted level of service standards with the Capital Improvements Element and Transportation Element, including amendments to the Five-Year Schedule of Capital Improvements, Future Transportation Map, and plan policies addressing long-term strategies for road improvements. Revise the Comprehensive Plan to establish an intensity of use standard for the Industrial Development future land use category. Revise the Comprehensive Plan to establish an intensity of use standard to guide the office use and light industrial use that are allowed in the Intensive Development future land use category.

11. Comment: Proposed Policy 32.11.1 states that “Lee County will encourage on-site preservation of indigenous plant communities and listed species habitat. Any required mitigation will be of similar habitat, and provided whenever possible, within one mile of the Lehigh Acres Planning Community boundary.” The Department recommends this policy be strengthened by identifying the circumstances under which the County will require on-site preservation of indigenous plant communities and listed species habitat.

12. Comment: Proposed Policy 32.11.2 states that “Lee County will work with various agencies to identify existing wetlands that are worth saving or restoring within the Lehigh Acres Planning Community.” The Lee County Comprehensive Plan establishes wetland protection requirements in other objectives/policies that are generally applicable throughout the County. The proposed Policy 32.11.2 is unclear as to the relationship of Policy 32.11.2 with the other wetland protection requirements and as to the applicability within the Lehigh Acres Planning Community of the wetland protection requirements established elsewhere in the Lee County Comprehensive Plan. The Department recommends that Policy 32.11.2 be revised to clarify that the wetland protection requirements of the Lee County Comprehensive Plan (with reference to specific plan objectives/policies) apply to the Lehigh Acres Planning Community area.

B. STAFF RESPONSE:

Objection # 8 Mixed Use Nodes

To address this Florida Department of Community Affairs objection and recommendation, staff is recommending that Policy 32.2.2 which falls under Objective 32.2, Specialized Mixed-Use Nodes, should be amended to include a reference to the existing Mixed Use Overlay Ratios Table, Table 1(c) of the Lee Plan. This will provide quantitative ratios by the underlying Future Land Use Category in a way that is consistent with the existing Lee Plan. These established ratios will provide for a desired mixture of uses within the Specialized Mixed-Use Nodes. This table will be amended to add the title: *Specialized Mixed Use Nodes* and to accommodate the additional acreage from the Specialized Mixed Use Nodes. The proposed changes to Table 1(c) are shown below:

**Table 1(c)
Mixed Use Overlay/Specialized Mixed Use Node
Ratios**

Future Land Use Map Category	Floor Area Ratio	Acres*		Percent Residential	PercentNo n- Residential
		(existing)	(proposed)		
Intensive Development	3	1,399	1,595	10-50%	50-90%
Central Urban	2	1,985	3,997	20-50%	50-80%
Urban Community	2	2,629	3,195	25-60%	40-75%
Suburban	1	391	391	30-70%	30-70%
Outlying Suburban	1	123	123	30-70%	30-70%

*Remaining acres are within non-residential areas that are situated within the overlay such as Public Facilities and Wetlands.

Staff agrees that the inclusion of quantitative ratios referenced in proposed Policy 32.2.2 is important to address the effects that have been caused by an over abundance of platted single-family residential lots in the Lehigh Acres Planning Community. Inclusion of the above discussed modifications in the amendment will establish meaningful and predictable guidelines that will define the quantitative composition of the mixture of land uses in the mixed-use nodes. Staff believes that the ratios established in Table 1(c) will ensure that the Specialized Mixed-Use Nodes will achieve the goals of providing additional opportunities for employment, housing types, and needed services which are currently severely lacking in the Lehigh Acres Planning Community.

Enforcing Table 1(c) FAR ratios and mixture of use requirement will also permit a more compact development and more efficient use of public infrastructures and transportation networks. This is consistent with Objective 2.1 and Objective 4.3 of the Lee Plan, and the remainder of the Lehigh Acres Community Plan. In addition to being consistent with existing Lee Plan provisions, the proposed development parameters are also consistent with the development pattern desired by the Lehigh Acres Planning Community and Lee County for these specific areas.

County staff is also recommending revision of Policy 32.2.2 to be consistent with Lee Plan language proposed as part of CPA2008-06, implementing the Density Reduction/Groundwater Recharge Study. Both the Lehigh Acres Community Plan amendment and the DR/GR amendment have proposed a mixed use community at the intersection of State Road 82 and Daniels Parkway/Gunnery Road. To eliminate inconsistencies that would be adopted into the Lee Plan these proposed amendments to the Lee Plan must acknowledge and reconcile the different requirements in the overlapping area. To address both the ORC objection and this issue, Lee County Planning staff is proposing that Policy 32.2.2 be revised to read as follows:

POLICY 32.2.2: All rezoning in these areas must be reviewed as a Planned Development, except for the DR/GR Mixed-Use Community node shown on Map 17 south of SR 82 at Daniels Parkway. The proposed development must include a design that integrates a mixture of at least two or more varied uses, such as retail, office, residential, or public, as well as integrating the surrounding neighborhoods. Standalone residential planned developments are prohibited. Residential uses may only be permitted in conjunction with a mixed use planned development. All developments within the Specialized Mixed Use Nodes must be consistent with Table 1(c) of the Lee Plan. The Community Mixed-Use Activity Center located

south of SR 82 at Daniels Parkway is also designated as a DR/GR Mixed-Use Community on Map 17 of the Lee Plan, and development approvals may follow any of the procedures established for DR/GR Mixed-Use Communities instead of being reviewed as a Planned Development.

Objection #9 Commercial Overlay

It has long been understood that there is a shortage of land available for commercial uses in Lehigh Acres. This fact was originally documented in the 1996 *Lehigh Acres Commercial Land Use Study* prepared by Spikowski Planning Associates (attached). The 2009 Wallace Roberts & Todd (WRT) Study also found a lack of suitable commercial sites in Lehigh Acres (attached). The Spikowski Study identified lands suitable for commercial development within Lehigh Acres. Lee County incorporated the recommendations of the Spikowski Study into the Lee Plan in the 1997 regular amendment round by adopting Lee Plan Amendment PAM/T 96-19 (attached). PAM/T 96-19 was adopted by the Board of County Commissioners on June 3, 1998. The Florida Department of Community Affairs issued a notice of intent to find the amendment in "compliance" and the amendment became effective on July 30, 1998. The study recommended a new overlay for Lehigh Acres that identified lands suitable for commercial development. The amendment incorporated a new objective and policies specific to commercial uses in Lehigh Acres. The amendment proposed the objective as Objective 1.7a. The Commercial Overlay Map was created as a companion to then proposed Lee Plan Objective 1.7a. Objective 1.7a was subsequently renumbered to Objective 1.8.

The current amendment proposes to relocate Objective 1.8 to an objective under the new proposed Lehigh Acres Goal, Objective 32.7, "Commercial Overlay Zones." The amendment proposes minor updates to the objective that reflect the adoption of the State Road 82 Corridor Access Management Plan (attached) and the adoption of the Gunnery Road Corridor Access Management Plan (attached), as originally required by Objective 1.8. The language of the original objective remains mostly unchanged. The main purpose of moving this Objective is to keep all of the Lee Plan provisions that are applicable only to Lehigh Acres in one place within the Lee Plan, making it more user friendly.

The Commercial Overlay Map provides a graphic representation of commercial zones that have been an approved part of the Lee Plan since PAM/T 96-19 was found to be in compliance on July 30, 1998. The Commercial Overlay Zones have been referenced in the text of the Lee Plan however the map was found only in the support documents of the Plan, not part of the adopted Future Land Use Map Series. The current amendment proposes to adopt the Commercial Overlay Zones as a part of the Future Land Use map series, Map 1, page 8 of 8.

The graphic representation of these areas reveals the pattern of development of the Commercial Overlay Zones to be "strip," however, this must be considered in context of the local conditions, in accord with Rule 9J-5.006(5)(i). Relevant local context in this case is the existing pattern of development including the existing ¼ acre and ½ acre vested and platted parcels. Parcels along State Road 82 have been zoned and vested for commercial uses since the original platting of Lehigh Acres. The WRT Study includes a discussion of the various decisions and agreements that affect development in Lehigh Acres and explains the vested nature of Lehigh Acres. This discussion starts on page 20 of the study. The 1988 Stipulation and Settlement Agreement vested the majority of Lehigh Acres with urban densities and intensities of use. The 1992 Stipulation and Settlement Agreement between Lee County and the Lehigh Development Corporation gave the majority of the community concurrency vesting.

The allowance of additional commercial uses or the creation of additional commercial opportunities is paramount to the long term strategies for the Lehigh Acres Planning Community as identified by both the 1996 Spikowski Study and the 2009 WRT Study. To accommodate the additional commercial uses within the Commercial Overlay Zones, Lee County has taken proactive steps to mitigate potential issues that may arise. Lee County has worked cooperatively with the Florida Department of Transportation to develop a Corridor Access Management Plan for State Road 82 and has adopted a Corridor Access Management Plan for Gunnery Road. In addition to the Corridor Access Management Plans, Lee County has included provisions in the proposed Lehigh Acres Community Plan that limit direct access to Lee Boulevard and require access to 4th and 5th Street, which have been designated Collector Roads. Rule 9J-5.006(5)(j) identifies development controls that may be incorporated to affect the determination of urban sprawl. Included in the list of 22 development controls are access management controls. Lee County believes that the Corridor Access Management Plans in conjunction with other provisions of the Lee Plan that act as access management controls should be considered before making a determination of urban sprawl.

The Lehigh Acres Commercial Overlay Zones are within the Central Urban and Urban Community future land use categories. These future land use categories are considered to be Future Urban Areas of Lee County as described under Objective 1.1. The Lee Plan in Policy 1.1.3 generally describes the Central Urban future land use category as the “urban core”. Policy 1.1.4 describes the Urban Community future land use category as “a mixture of relatively intense commercial and residential uses.” Lee County believes that the Commercial Overlay Zones promote infill of these areas because development within the Commercial Overlay Zones will utilize existing public infrastructure and transportation networks.

Rule 9J-5.006(5)(l) allows the Florida Department of Community Affairs to encourage innovative and flexible planning and development strategies and creative land use planning techniques in local plans. This rule provides for several planning strategies and techniques such as urban villages, new towns, satellite communities, clustering and open space provisions, and mixed-use development that will be recognized as methods of discouraging urban sprawl and will be determined consistent with the provisions of the state's comprehensive plan, regional policy plans, and Chapter 163, Part II, F.S. The Lehigh Acres amendment represents an innovative and flexible approach to a very large platted subdivision with vested rights. The proposed amendment provides a comprehensive strategy to promote mixed-use and commercial development in a community that is predominantly composed of single-family lots.

Commercial Overlay Zones do discourage the proliferation of urban sprawl. The majority of these areas have commercial zoning in place and are vested for urban commercial intensities as well as being vested from County Concurrency requirements. Access controls are in place. Development of these areas should be considered as infill development. The amendment represents a new planning direction for the community which promotes several mixed use nodes along with well planned commercial areas. Staff recommends that the Board of County Commissioners **adopt** the Commercial Overlay substantially as found to be in compliance by the Florida Department of Community Affairs in 1998, with the adjustments proposed in this current amendment.

Objection #10 Transportation and Intensity Standards

The Florida Department of Community Affairs objected to proposed amendments that would change the Future Land Use Category of four areas. The first area, Area 1 Downtown Lehigh Acres, is 158 acres and is proposed to be changed from the Central Urban Future Land Use category to the Intensive

Development Future Land Use category. The second area, Area 2 South Addition to the Lehigh Acres Industrial Park is 42 acres and is proposed to be changed from the Central Urban category to the Industrial Development category. Area three, north of the Lehigh Acres Industrial Park is 6 acres and is proposed to be changed from the Central Urban category to the Industrial Development category. Area four, the Blackstone Industrial Development Area south of State Route 82, consists of 41 acres and is proposed to be changed from the Urban Community category to the Industrial Development future land use category. Each of these areas are unique, as are the objections raised by the Florida Department of Community Affairs. Lee County staff response is provided below for each area.

Area 1: Downtown Lehigh Acres

Lee County staff has proposed to amend the Future Land Use Category of Downtown Lehigh Acres, containing 158 acres, from the Central Urban category to the Intensive Development category. The Florida Department of Community Affairs has objected to the proposed change to the Future Land Use Map stating that the amendment lacks adequate data and analysis to address the potential impacts to transportation facilities for both the short-term (5-year), and long-term (20-year) planning timeframes. In order to respond to the Department of Community Affairs Objection, Lee County Planning Division staff established short term and long term development parameters. The method used to establish these development parameters is consistent with the Lee Plan and based upon the anticipated acreage allocation for Intensive Development within the Lehigh Acres Planning Community during the planning horizon of the Lee Plan.

Using the worst case development scenario under the proposed Intensive Development future land use category, the total anticipated development within the 5-year period would be 245 residential units and 1,404,021 square feet of non-residential development. The worst case scenario under the Intensive Development future land use category anticipates development within the 20-year period (to the year 2030) would include 745 residential units and 3,549,525 square feet of non-residential floor area. Lee County Planning staff provided development parameters to the Lee County Department of Transportation to complete the transportation analysis as requested by the Department of Community Affairs.

The analysis completed by Lee County Department of Transportation is summarized in the attached memo. This analysis concludes that the amendment will not alter the future road network plans within a 3-mile radius of Downtown Lehigh Acres. The proposed change to the future land use category will not require any amendments to the 5-year Schedule of Capital Improvements or the Future Transportation Plan. The Lee County DOT staff analysis also indicates that State Road 82, the closest State owned transportation facility, is outside of the three mile area of influence.

Area 2: South Addition to the Lehigh Acres Industrial Park

Lee County staff has proposed to amend the Future Land Use Map affecting 42 acres of land by changing the future land use category from Central Urban to Industrial Development. The property has recently been developed as a large church. However, due to the lack of industrial areas within Lehigh Acres, as identified by the 2009 WRT study, county staff is recommending the addition of the church parcel within the Industrial Development future land use category. The existing church is an allowable use in the Industrial Development category.

The site is immediately south of the Lehigh Acres Industrial Park. This parcel is also relatively large compared to other parcels within Lehigh Acres that have been platted as $\frac{1}{4}$ and $\frac{1}{2}$ acre lots. The proximity to industrial uses and the size of this parcel creates an ideal location for additional industrial

development in the future. The Florida Department of Community Affairs did not specifically object to the proposed land use change, but recommended that Lee County establish an intensity of use standard for the areas proposed to be changed to the Industrial Development future land use category.

An analysis of the adjacent industrial development has shown that these parcels have been developed with a range of floor area ratios from about 0.15 to 0.5. The average floor area ratio in the adjacent Lehigh Acres industrial area is 0.3. Lee County does not want to hinder any potential redevelopment within the approximately 50 year old Lehigh Acres industrial area. By providing for a floor area ratio greater than what is currently developed, redevelopment of the industrial area will allow for a more compact development pattern that would afford additional employment opportunities per acre of land in the Industrial Development future land use category. To provide the flexibility needed by potential industrial developments, Lee County staff is proposing to establish a maximum floor area ratio of 1.0 for the parcels within area two.

Area 3: North Addition to the Lehigh Acres Industrial Park

Lee County staff has proposed to amend the Future Land Use Map affecting 6 acres of land by changing the future land use category from the Central Urban category to the Industrial Development category. These properties have been developed with light industrial uses. Because of the lack of industrial uses, as identified by the 2009 WRT study, Lee County believes that it is important to protect this area as an industrial area. Lee County staff is recommending that this area's designation be amended to protect and encourage future industrial use of this area. These parcels are immediately north of the current industrial area in Lehigh Acres. The location and current development pattern of the parcels creates an ideal location for industrial development now and in the future. The Florida Department of Community Affairs did not specifically object to the proposed land use change, but recommended that Lee County establish an intensity of use standard for the area proposed to be changed.

An analysis of the adjacent industrial development has shown that these parcels have been developed with a range of floor area ratios from about 0.15 to 0.5. The average floor area ratio in the adjacent Lehigh Acres industrial area is 0.3. Lee County does not want to hinder any potential redevelopment within the Lehigh Acres Industrial Area that began developing 50 years ago. By providing for a floor area ratio greater than what is currently developed, redevelopment of the industrial area will allow for a more compact development pattern that would afford additional employment opportunities per acre of land in the Industrial Development future land use category. To provide the flexibility needed by potential industrial developments, Lee County staff is proposing to establish a maximum floor area ratio of 1.0 for the parcels within area three.

Area 4: Blackstone Industrial Development Area

Lee County staff has proposed to amend the Future Land Use Map affecting 41 acres of land by changing the future land use category from Urban Community to Industrial Development. These have been approved for industrial development, but are within the Central Urban land use category. Because the lack of industrial uses, as identified on the 2009 WRT study, Lee County believes that it is important to protect this area as an industrial area. Lee County staff is recommending amending the future land use category from Urban Community to Industrial Development to protect and encourage future industrial use of this area. These parcels are also relatively large compared to other sites within Lehigh Acres that have been platted as $\frac{1}{4}$ and $\frac{1}{2}$ acre parcels. The size and approved development plan of these parcels creates an ideal location for industrial development now and in the future. The Florida Department of Community Affairs did not specifically object to the proposed land use change, but

recommended that Lee County establish an intensity of use standard for the areas proposed to be changed to the Industrial Development future land use category.

An analysis of the areas approved for industrial development has shown that these parcels have been approved with a floor area ratio of 0.26. However, area four is currently within the Lehigh Commercial Overlay. Policy 1.8.1 of the Lee Plan established the floor area ratio of 1.0 for the Lehigh Commercial Overlay. This floor area ratio was established with the adoption of PAM/T 96-19 by the Board of County Commissioners on June 3, 1998. To avoid claims of taking and liability under the Burt J. Harris Act, Lee County staff is proposing to establish a maximum floor area ratio of 1.0 to be consistent with the established floor area ratio on these parcels within area four.

Planning staff also recommends that the parcels within the Blackstone Industrial Development Area be removed from the commercial Overlay Zones as identified on proposed Map 1, Page 8 of 8 to accommodate the proposed amendment to the Future Land Use Category. This will prevent future confusion as to which requirements apply.

Lee County planning staff is recommending that Policy 1.1.7, the Industrial Development Areas descriptor policy, be modified to establish a Floor Area Ratio of 1.0 for areas 2, 3, and 4. The proposed amendments will effectively establish a floor area ratio as recommended by the Florida Department of Community Affairs in the ORC Report dated January 15, 2010. Policy 1.1.7 will be amended to read as follows:

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and central locations to reduce employee commuting distances. The Industrial Development area is to be reserved for research and development, laboratories, industrial activities, and office; selective land use mixtures of industrial, manufacturing, research, and development, laboratories and office uses supporting the preceding uses; and properly buffered recreational uses (except where precluded by airport hazard zone regulations). New natural resource extraction (mining) activities and fill dirt operations must be approved through the Mining Excavation Planned Development rezoning process in accordance with the Lee County Land Development Code. The 14± acre parcel redesignated by CPA2006-14 from the Suburban to the Industrial Development future land use category, located north of Bayshore road and south of ACL Railroad right of way in Section 20, Township 43 South, Range 25 East will have a maximum Floor Area Ratio of 0.3. The 89± acres redesignated by CPA2008-07 from the Central Urban and Urban Community categories to the Industrial Development future land use category, within the Lehigh Acres Planning Community, will have a maximum Floor Area Ratio of 1.0. Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured on the premises, or;
2. Commercial uses are integrated into the primary R&D/Industrial development;
3. Commercial service and retail uses may not exceed 20% of the total acreage within the Industrial Development areas per each Planning Community.

Comment # 11

The Florida Department of Community Affairs recommends that Policy 32.11.1 "be strengthened by identifying the circumstances under which the County will require on-site preservation of indigenous plant communities and listed species habitat." Lee County staff notes that Lee Plan Objective 77.3 and subsequent Policies provide circumstances and requirements of on-site preservation or off-site mitigation of indigenous species. These provisions will also be applicable to the Lehigh Acres Planning Community. Consistent with the Lee Plan, Section 10-415(b) of the Lee County Land Development Code requires that large developments with existing indigenous native vegetation communities must provide 50 percent of the open space requirement through onsite preservation of existing native vegetation communities. Large projects are defined as projects encompassing greater than 2 acres of impervious or 10 acres in total size. Lee County staff finds that the proposed language is consistent with existing language found in the Lee Plan. To strengthen proposed Policy 32.11.1, references to Objective 77.3 will be included as follows:

POLICY 32.11.1: Lee County will encourage on-site preservation of indigenous plant communities and listed species habitat. Any required mitigation will be of similar habitat, and provided ~~whenever possible, within one mile of the Lehigh Acres Planning Community boundary.~~ Development must also be consistent with Goal 77, and Objective 77.3 of this Plan.

Comment # 12

The existing Lee Plan requirements for wetlands protection and restoration will remain applicable to wetlands identified in the Lehigh Acres Planning Community. Due to the multiple government agencies responsible for the provision of services in the Lehigh Acres Planning Community, this is an aspirational policy encouraging greater cooperation and efficiencies between these government organizations, including Lee County. One of these service providers is the East County Water Control District (ECWCD). The ECWCD has stated that there is a need for additional stormwater storage capacity within the Lehigh Acres Planning Community. Existing, or previously drained wetlands could be used to meet this needed storage capacity if protected or restored. Therefore it is in the interest of both government organizations to identify, protect, or restore these wetlands. This is also consistent with proposed Policy 32.14.4, which states that "Lee County will work with the East County Water Control District to identify existing wetlands and opportunities for stormwater detention."

C. STAFF RECOMMENDATION:

Lee County Division of Planning staff recommends Board of County Commissioners incorporate the Lehigh Acres Community Plan into the Lee Plan by making the following specific amendments to the Lee Plan.

PROPOSED LEE PLAN MAP AMENDMENTS

Staff recommends the following four changes to the Future Land Use Map (FLUM):

1. Change the Future Land Use Map designation for the area proposed for the Downtown Specialized Mixed Use Node from Central Urban to Intensive Development.
2. Expand the Industrial Development Future Land Use designation of the existing industrial area in western Lehigh Acres by including the "South Addition to the Lehigh Acres Industrial Park." The recommended expansion includes two properties immediately south of the existing

designation and east of Leonard Boulevard. The property is developed with a church facility. All land use categories permit the consideration of churches.

3. Expand the Industrial Development Future Land Use designation to include the strip of lots immediately north of the existing designated Industrial park, the "North Addition to the Lehigh Acres Industrial Park." These lots have already been developed with light industrial uses.
4. Include the "Blackstone Industrial Development Area" property south of SR 82 and southeast of Blackstone Drive into the Industrial Development Future Land Use category.

Staff recommends the addition of the revised boundary for the Lehigh Acres Planning Community to the Future Land Use Map Series Map 1, Page 2 of 6, Special Treatment Areas.

Staff recommends the addition of the Lehigh Acres Community Plan Overlays Map to the Future Land Use Map Series to be designated as Map 1, page 8 of 8, Special Treatment Areas. This includes the existing Commercial Overlay Zones and also adds the Specialized Mixed-Use Nodes and the Lehigh Acres Tiers.

PROPOSED LEE PLAN TABLE AMENDMENTS

Staff recommends amending Year 2030 Allocation Table, Table 1(b), to provide an allocation to the Intensive Development Future Land Use Category that is proposed for the Downtown Mixed Use Overlay. Staff's recommendation includes decreasing the Urban Community allocation from 13,269 acres to 12,797 acres; and increasing the newly added Intensive Development from 0 acres to 42 acres. Table 1(b) as proposed is provided in full as an attachment to this staff report.

To accommodate the additional acreage and assure a mixture of uses within the Specialized Mixed-Use Nodes, staff recommends amending the Mixed Use Overlay Ratios Table, Table 1(c).

PROPOSED LEE PLAN LANGUAGE AMENDMENTS

Staff recommends adoption of the language as transmitted to the Florida Department of Community Affairs, with the exception of the Objectives and Policies discussed above in Part V, Section B. Complete language for adoption is shown on the following pages. Language that is not underlined is currently in the Lee Plan. Language that is underlined is proposed new language for Goal 32, Lehigh Acres. Language that is currently in the Lee Plan that staff is recommending for removal is shown as struck through.

PROPOSED NEW VISION STATEMENT

~~**Lehigh Acres** - This community is the Lehigh Acres development, which was platted starting in 1954. This community is located south of Township 43 South, generally north of SR 82, and east of Buckingham Road/the Buckingham Rural Community Preserve to the eastern Lee County line. This community is designated as Urban Community, Central Urban, Industrial Development and Public Facilities. The Lehigh Community will continue to grow at a rate faster than the county average growth rate. This community, however, will not be close to build out by 2030. Lehigh will continue to struggle with providing sufficient non residential uses to accommodate a community of its size. New provisions for providing these uses has~~

~~been implemented and will aid in this problem, however, residents will continue to commute from this community to the core communities such as Fort Myers, South Fort Myers, and Gateway/Airport for employment, shopping and other services. This community will also struggle with providing an adequate road network to reduce traffic congestion as the population grows. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12)~~

A “sustainable community of choice” is comprised of a collection of unique and inviting neighborhoods with involved citizens, a healthy environment, housing and employment opportunities, a full range of public services, and an efficient multi-modal transportation network connecting adjacent uses and neighboring communities. Residents will be encouraged to live a healthy and active lifestyle and will be provided opportunities to connect to the natural environment and their neighbors. This is the community vision of Lehigh Acres. Achieving the vision in the Lehigh Acres Planning Community will require improving the pattern of development to reduce dependence on neighboring communities for employment, recreation, and public services. Accomplishing this vision will reduce transportation impacts in neighboring communities and provide benefits to all of Lee County.

MODIFICATIONS TO CURRENT LEE PLAN FUTURE LAND USE ELEMENT

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county’s economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and central locations to reduce employee commuting distances. The Industrial Development area is to be reserved for research and development, laboratories, industrial activities, and office; selective land use mixtures of industrial, manufacturing, research, and development, laboratories and office uses supporting the preceding uses; and properly buffered recreational uses (except where precluded by airport hazard zone regulations). New natural resource extraction (mining) activities and fill dirt operations must be approved through the Mining Excavation Planned Development rezoning process in accordance with the Lee County Land Development Code. The 14± acre parcel redesignated by CPA2006-14 from the Suburban to the Industrial Development future land use category, located north of Bayshore road and south of ACL Railroad right of way in Section 20, Township 43 South, Range 25 East will have a maximum Floor Area Ratio of 0.3. The 89± acres redesignated by CPA2008-07 from the Central Urban and Urban Community categories to the Industrial Development future land use category, within the Lehigh Acres Planning Community, will have a maximum Floor Area Ratio of 1.0. Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured on the premises, or;
2. Commercial uses are integrated into the primary R&D/Industrial development;
3. Commercial service and retail uses may not exceed 20% of the total acreage within the Industrial Development areas per each Planning Community.

POLICY 6.1.2: All commercial development must be consistent with the location criteria in this policy, except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Goal 32 Policies 1.8.1 through 1.8.3.

1. through 8, no changes.

9. The location standards in this policy are not applicable in the Interchange land use category, or in Lehigh Acres where commercial uses are permitted in accordance with Goal 32 Policies 1.8.1 through 1.8.3, or within the Captiva community in the areas identified by Policy 13.2.1.

10. through 13, no changes.

ADDITIONS TO THE FUTURE LAND USE ELEMENT

GOAL 32: LEHIGH ACRES. To ensure that continued development and redevelopment within the Lehigh Acres Planning Community converts this largely single use, antiquated pre-platted area into a vibrant residential and commercial community consisting of: safe and secure single family and multi-family neighborhoods; vibrant commercial and employment centers; pedestrian friendly mixed-use activity centers and neighborhood nodes; with adequate green space and recreational opportunities. This Goal and subsequent Objectives and Policies apply to The Lehigh Acres Planning Community, as depicted on Map 1.

OBJECTIVE 32.1: ESTABLISH A SUSTAINABLE COMMUNITY OF CHOICE. To ensure that development and redevelopment within the Lehigh Acres Planning Community evolves into a sustainable community containing a broad mix of residential types and non-residential uses served by efficient infrastructure.

POLICY 32.1.1: The County will incentivize the development of specialized mixed use nodes within the Lehigh Acres Planning Community in a sustainable pattern that will provide opportunities for employment, housing, recreation, goods, and services. Incentives may include but not be limited to transfer of development rights, expedited reviews, special land development regulations within the Lehigh Acres Planning Community, and public private partnerships to utilize alternative funding methods including Municipal Service Taxing Units (MSTU) and Municipal Service Benefit Units (MSBU).

POLICY 32.1.2: Establish a series of specialized mixed use nodes throughout the Lehigh Acres Community to provide opportunities to diversify employment, vary housing types, reduce the need for future roadway expansions, and reduce the need for commuting.

POLICY 32.1.3: The Lee County Board of Commissioners acknowledges that there is an over abundance of single-family homesites available to construct detached single-family homes.

POLICY 32.1.4: Encourage a wide range of housing options within the Lehigh Acres Planning Community by supporting the development of a variety of housing types.

POLICY 32.1.5: Identify, preserve, protect, and, where possible, restore the remaining natural resources of the community.

POLICY 32.1.6: Encourage pedestrian friendly development with an emphasis on human scale design.

POLICY 32.1.7: Encourage connectivity between all land uses through an efficient multi-modal transportation network.

POLICY 32.1.8: Lee County will work with Lee Tran to improve the mass transit system within the Lehigh Acres Planning Community.

POLICY 32.1.9: Developers are encouraged to utilize Sustainable Development Design, as outlined in Goal 4.

POLICY 32.1.10: The Lehigh Acres Tier Map, Future Land Use Map 1, Page 8 of 8, subdivides the Lehigh Acres Community into 3 Tiers:

1. Tier 1 consists of the older urbanized core of Lehigh Acres that is largely served by an existing array of public services and facilities, including a well-developed road network, water and sewer facilities, schools, and the bulk of Lehigh Acres' commercial development.
2. Tier 2 consists of those areas immediately adjacent to Tier 1 where public facilities such as water and sewer are not fully available today, but where the provision of these public facilities should be prioritized in the second decade of the planning horizon, 10 to 20 years from adoption of the plan.
3. Tier 3 consists of the extreme northern and eastern fringe of Lehigh Acres. This area is the least developed and is the lowest in zoned density due to the preponderance of one acre and half acre lots. This area has virtually no public services and facilities, little commercial uses and many roads that are in poor or very poor condition.

For the purpose of Capital Improvement Programming Tier 1 and 2 are the priority areas to receive capital improvements.

POLICY 32.1.11: By the end of 2011, Lee County will amend the Land Development Code to incorporate

1. Land development and urban design standards for each of the specialized mixed use node sub-categories.
2. Land development and urban design standards for Lee Boulevard and SR 82.
3. Design and development standards for duplex and two-family attached structures within Lee County.

OBJECTIVE 32.2: SPECIALIZED MIXED USE NODES: Are areas that will help to contribute the uses needed to support the Lehigh Acres Planning Community in an integrated and sustainable approach.

POLICY 32.2.1: Specialized mixed use nodes will be classified in three sub-categories. These sub-categories are identified on Map 1, Page 8 of 8 of the Lee Plan, as Downtown Lehigh Acres, Community Mixed-Use Activity Centers, and Neighborhood Mixed-Use Activity Centers.

POLICY 32.2.2: All rezoning in these areas must be reviewed as a Planned Development, except for the DR/GR Mixed-Use Community node shown on Map 17 south of SR 82 at Daniels Parkway. The proposed development must include a design that integrates a mixture of at least two or more varied uses, such as retail, office, residential, or public, as well as integrating the surrounding neighborhoods. Standalone residential planned developments are prohibited. Residential uses may only be permitted in conjunction with a mixed use planned development. All developments within the Specialized Mixed Use Nodes must be consistent with Table 1(c) of the Lee Plan. The Community Mixed-Use Activity Center located south of SR 82 at Daniels Parkway is also designated as a DR/GR Mixed-Use Community on Map 17 of the Lee Plan, and development approvals may follow any of the procedures established for DR/GR Mixed-Use Communities instead of being reviewed as a Planned Development.

POLICY 32.2.3: In order to promote a sustainable urban form, these areas are expected to develop at the higher end of the density and intensity ranges, including bonus density.

POLICY 32.2.4: The site location standards described in Policy 6.1.2 do not apply within areas designated as specialized mixed use nodes.

POLICY 32.2.5: Within the boundaries of the Specialized Mixed-Use Nodes on-street parking, as provided for in Section 4 of Lee County Ordinance No. 91-29 and meeting the dimensional requirements of Section 34-2016(1) of the Land Development Code, may be provided as a one-to-one substitute for required on-site parking.

POLICY 32.2.6: Developments in these areas are encouraged to share required features such as parking, stormwater detention and management areas, open space and other civic areas.

POLICY 32.2.7: Within these nodes, promote the establishment of pedestrian friendly mixed use development:

- a. Buffer walls between commercial and residential uses are not required.
- b. Bicycle and pedestrian facilities will be provided throughout these developments.
- c. Connections between all uses are required to facilitate alternative modes of transportation.
- d. Connections to adjacent developments will be provided.
- e. Vehicular connections between different uses will be provided to facilitate the internal capture of trips.

POLICY 32.2.8: Existing or future regulations that inhibit the development of these mixed-use projects will be given strong consideration for deviations.

POLICY 32.2.9: Additional Specialized Mixed Use Nodes may be appropriate at the following intersections following the construction of the Lockett Road Extension:

- a. W 12th Street and Sunshine Boulevard
- b. W 12th Street and Williams Avenue
- c. W 12th Street and Richmond Avenue
- d. W 12th Street and Joel Boulevard

OBJECTIVE 32.3: DOWNTOWN LEHIGH ACRES: Is an area expected to redevelop as a vibrant, intensely developed mixed-use gathering place to serve area residents. It will provide opportunities for multi-family residential, public and private education, live-work, retail, office, medical, entertainment, arts, commercial/public parking, parks, other civic uses, and public amenities. The potential mixture of jobs, living, cultural and recreation opportunities allows the greatest efficiency in the use of infrastructure and other public expenditures of any development style envisioned by this Plan. Downtown Lehigh Acres is an appropriate receiving area for transferred development rights.

POLICY 32.3.1: The Downtown Lehigh Acres area offers a mix of opportunities to live and work in a vibrant, well designed urban environment. Land use is focused on providing residential or office uses on upper floors, with retail uses at the street level to energize the urban experience. Parking should be in structures, not in surface lots. Street trees, well designed public gathering areas, and lighting should be employed to create a safe, inviting experience at the street level both day and night.

POLICY 32.3.2: The downtown provides a living environment to a growing segment of society that no longer desires the suburban lifestyle. It provides housing for a wide variety of income levels, in an environment that allows less reliance on the automobile.

POLICY 32.3.3: Create and revitalize the downtown as the premier urban center of Lehigh Acres, providing jobs, residential opportunities, and cultural and economic activities. Residents should find not only access to employment, transportation, and basic amenities, but a concentration of restaurants, galleries, and unique shopping experiences.

POLICY 32.3.4: Downtown Lehigh Acres will be viewed as a receiving area for any transfer of development rights program that is established in Lee County.

POLICY 32.3.5: Bonus density greater than 15 units per acre in the Intensive Development Future Land Use Category must be achieved through the transfer of development rights program.

OBJECTIVE 32.4.: COMMUNITY MIXED-USE ACTIVITY CENTERS: Are areas of sufficient size and location that will help to contribute the uses needed to support all of the Lehigh Acres Planning Community including: residential; public and private education; live-work; retail; office; medical; entertainment; light industrial; commercial/public parking; parks; and, other civic uses. These locations are identified on Map 1.

POLICY 32.4.1: Identify those areas within Lehigh Acres that have sufficient vacant or undeveloped land to accommodate the community-scale development that will balance the land uses and provide opportunities to diversify the economic base of the community.

POLICY 32.4.2: These areas provide the best opportunity for resolving many of the problems inherent in a single use platted community that lacks a diversity of uses.

POLICY 32.4.3: The emphasis of the future development of these areas is to provide employment opportunities mixed with facilities offering goods and services that support the wider community.

OBJECTIVE 32.5.: NEIGHBORHOOD MIXED-USE ACTIVITY CENTER: Are areas of sufficient size and location that will help to contribute the uses needed to support large portions of the Lehigh Acres Planning Community including: residential; public and private education; live-work; retail; office; medical; entertainment; light industrial; commercial/public parking; parks; and, other civic uses. These locations are identified on Map 1.

POLICY 32.5.1: The emphasis of the future development of these areas is to provide mixed use facilities offering goods and services that support the surrounding neighborhoods as well as local employment opportunities and alternate housing types.

POLICY 32.5.2: In addition to adhering to the policies under Objective 32.2, Specialized Mixed Use Nodes, these areas are intended to provide a strong link to the existing single family areas. Interconnections utilizing all modes of transportation are strongly encouraged.

POLICY 32.5.3: In areas that are already platted, the utilization of the existing street network and block design is strongly encouraged.

OBJECTIVE 32.6.: LOCAL MIXED-USE ACTIVITY CENTERS: Are areas located within existing and emerging residential neighborhoods that are intended to support the local daily commercial needs of the neighborhood. Local Activity Centers are envisioned as floating designations that may be applied for as part of a rezoning.

POLICY 32.6.1: To assure neighborhoods have local access to commercial services that support the daily needs of the neighborhood, Local Mixed-Use Activity Centers will not be assumed to be an encroachment into the neighborhood.

POLICY 32.6.2: These areas are intended to provide a strong link to the existing single family neighborhood. Interconnections utilizing all modes of transportation are highly encouraged.

POLICY 32.6.3: Buffer walls between commercial and residential uses are not required.

POLICY 32.6.4: Local Mixed-Use Activity Centers may be located on property as small as one lot, but are limited to a maximum of one platted block.

POLICY 32.6.5: Connections between the commercial use and the immediate neighborhood are required. These connections should include pedestrian and bicycle facilities.

POLICY 32.6.6: Within the boundaries of Local Mixed-Use Activity Centers on-street parking, as provided for in Section 24 of the Lee County Code of Laws and Ordinances, may be provided as a one-to-one substitute for required on-site parking.

POLICY 32.6.7: To receive the Local Mixed-Use Activity Center designation, the center should be located approximately ½ mile or more from the edge of any area identified in

Objective 32.2, Specialized Mixed Use Nodes, and must meet the following locational and access criteria

- a. Must initially have frontage on two publicly maintained streets.
- b. Local Mixed-Use Activity Center will be designated through the zoning process.
- c. May be expanded to an area that is adjacent to a previously designated Local Mixed-Use Activity Center.

NOTE: The following Objective and subsequent policies are a renumbering of existing Objective 1.8 with modifications shown in strikethrough/underline format.

OBJECTIVE ~~1.8~~ 32.7: ~~LEHIGH ACRES COMMERCIAL USES~~ OVERLAY ZONES:

Designate additional overlay zones on the Future Land Use Map to ~~designate~~ establish potential commercial land uses in Lehigh Acres. The Commercial Overlay Zones are identified on Map 1, page 8 of 8 of the Lee Plan. The distinction in Policy 6.1.2(7) between the two major types of commercial uses does not apply in Lehigh Acres.

~~POLICY 1.8.1~~ 32.7.1: Commercial uses are permitted on lands in the Lehigh Commercial overlay once commercial zoning has been approved in accordance with this plan. Land in the Lehigh Commercial overlay may also be used for schools, parks, and other public facilities; churches and synagogues; and, residential uses that provide housing alternatives to the typical 1/4 to 1/2 acre subdivision lots. Creation of new single-family lots smaller than one acre is not permitted due to the oversupply of standard subdivision lots. If cumulative new residential development takes place on more than 1% of this land per year, Lee County will take steps to provide additional commercial land in Lehigh Acres to offset the loss. Lee County will take steps to reduce any emerging surplus of commercial land in Lehigh Acres if cumulative new commercial development exceeds an average floor-area ratio of 1.0 (the ratio of interior floor space to total lot area).

~~The prohibition on single family development does not apply in the following portions of the Lehigh Commercial overlay: (1) that portion of Section 6, Township 45S, Range 27E lying south of 23rd Street Southwest and its easterly extension beyond Beth Stacey Boulevard, containing about 92 acres; and (2) those portions of Section 5, Township 45S, Range 27E described as follows: (a) that part of the southwest quarter of the northeast quarter lying southwest of Homestead Road, containing 22.12 acres, and (b) the west 364 feet of the north half of the southeast quarter, containing 11.00 acres, and (c) the southwest quarter of the southeast quarter less the south 175 feet of the east 125 feet, containing 39.50 acres. (Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22)~~

~~POLICY 1.8.2:~~ ~~Commercial uses are permitted on all lots in the **Reclaimed Strip** overlay facing S.R. 82. Access management for property abutting S.R. 82 is governed by the Corridor Access Management Plan (CAMP) adopted by FDOT in July 2007. All lots will have access to S.R. 82 via Meadow Road, which will serve as a reverse frontage street as described in Resolution 08-06-28 adopted by the Board of County Commissioners on June 17, 2008. All lots will be required to access S.R. 82 consistent with the access points reflected in the CAMP and the requirements set forth in Resolution 08-06-28. Commercial uses are also permitted on all **Reclaimed Strip** lots facing Gunnery Road. Access management for property abutting Gunnery Road is governed by the access management plan described in Bluesheet No.~~

~~20011253 adopted by the Board of County Commissioners on November 20, 2001. All lots will have access to Gunnery Road via Gretchen Avenue, which will serve as a reverse frontage street. All lots will be required to access Gunnery Road consistent with the access points reflected in Bluesheet No. 20011253. (Added by Ordinance No. 98-09, Amended by Ordinance No. 09-06)~~

POLICY 1-8.3 32.7.2: Because of the shortage of suitable undivided tracts in the Lehigh Acres Planning Community ~~(whose boundaries for the purposes of this plan are shown on Map 16),~~ commercial uses may also be appropriate on certain other lands that might otherwise be used for residential lots.

1. Many such lands are designated ~~with~~ as part of the Lot Assembly overlay. These lands are platted for single-family lots and are under multiple ownerships. Commercial uses on individual lots or small assemblies of lots would generally be intrusive to existing or emerging neighborhoods. However, the assemblies of entire blocks would provide suitable commercial parcels. Major lot assemblies could qualify for commercial zoning whether assembled by government action, private sector purchases, cooperative arrangements between individual lot-owners, or similar arrangements.
2. Other tracts or combinations of platted lots in Lehigh Acres may also be considered for commercial rezoning (even if they are outside any of the three overlays) through the ~~normal~~ planned development zoning processes or by requesting ~~a new~~ the CN-3 conventional commercial zoning district that ~~may be~~ was created to address Lehigh Acres conditions. Lands suitable for such rezoning would include:
 - a. Tracts that are assembled from vacant lots at the intersection of future collector or arterial roads in sparsely developed areas where there are very limited or no suitable commercial locations in any of the commercial overlays; or
 - b. Tracts that separate existing commercial and residential land uses where some commercial uses may be appropriate if they provide a substantial buffer and reasonably protect the privacy of existing dwellings. Land-owners seeking commercial zoning under this subsection should expect a minimal level of commercial uses and/or to provide extra levels of buffering.

~~Decisions on the suitability of any proposal will be made by Lee County on a case-by-case basis in order to implement the intent of these regulations.~~

- ~~3. Commercially zoned land not placed within one of these overlays can be developed in accordance with previous regulations, but may be subject to county initiated rezonings to restrict or eliminate future commercial uses there. (Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22)~~

OBJECTIVE 32.8.: PARKS, RECREATION, OPEN SPACE AND PUBLIC FACILITIES. Lee County will explore opportunities to create a coherent network of parks, greenways, water amenities, open space, and other public facilities.

POLICY 32.8.1: Lee County Parks and Recreation will work with the East County Water Control District to identify rights-of-way or easements that can be incorporated into the County's greenway plan.

POLICY 32.8.2: Lee County, the East Lee County Water Control District, the Lee County School District, and other agencies will work together to identify areas that can be acquired for possible co-location of parks, water retention and other water amenities, school sites, and other public facilities.

POLICY 32.8.3: New development and redevelopment in areas containing a component of the greenways trail system, as identified by the Greenways Master Trail Plan, must incorporate the greenway trail into their development design, as required by Policy 77.3.7 of the Lee Plan.

POLICY 32.8.4: Lee County will work with the Lee County School District and other agencies that operate within the Lehigh Acres Planning Community to identify adequate land to develop additional public facilities needed to accommodate the expected growth of Lehigh Acres.

OBJECTIVE 32.9: TRANSPORTATION, PARKING, AND TRAFFIC CIRCULATION. Lee County will work to improve transportation parking and circulation within the Lehigh Acres Planning Community.

POLICY 32.9.1: Whenever possible, all new commercial development adjacent to Lee Boulevard right-of-way must provide access to either 5th Street West, 4th Street West, or other local, collector or arterial roadway. Direct access to Lee Boulevard is discouraged.

POLICY 32.9.2: All connections to SR 82 must be consistent with the Florida Department of Transportation Corridor Access Management Plan for SR 82.

POLICY 32.9.3: All connections to Gunnery Road must be consistent with the Gunnery Road Access Management Plan.

POLICY 32.9.4: All new commercial development must provide parking lot interconnections to adjacent properties and must not prevent pedestrian or vehicular access from adjacent residential areas.

POLICY 32.9.5: Lee County will identify possible locations of new bridges to improve the continuity of the street network and connect neighborhoods.

POLICY 32.9.6: Lee Tran will continue to identify opportunities to improve service, frequency, routes, and bus stop amenities in the Lehigh Acres Community.

POLICY 32.9.7: New Single-Family Model Homes are prohibited within 300 feet of Arterial and Collector Roads.

OBJECTIVE 32.10: SEWER AND WATER. Expedite the staged extension of water and sewer systems, connect lots previously served by on-site septic and wells, and discourage additional development that is reliant upon on-site well and septic systems.

POLICY 32.10.1: The availability of sewer and water to serve uses within the Specialized Mixed-Use Nodes and the Commercial Overlay Zones is not a requirement for zoning approval. However, sewer and water must be available to the property in accordance with Standard 11.1 and 11.2 of this Plan before a development order will be issued.

POLICY 32.10.2: Direct new development and redevelopment in Lehigh Acres to areas that can be reasonably expected to receive urban services and infrastructure during the planning horizon of the Lee Plan.

POLICY 32.10.3: Lee County will work with Florida Governmental Utilities Authority (FGUA) to prioritize areas for expansion of utilities.

OBJECTIVE 32.11: NATURAL RESOURCES. Lee County will preserve, protect, and, where possible, enhance the physical integrity, ecological values, and natural beauty of Lehigh Acres, by maintaining the diverse and healthy native vegetation, and wildlife resources.

POLICY 32.11.1: Lee County will encourage on-site preservation of indigenous plant communities and listed species habitat. Any required mitigation will be of similar habitat, and provided within the Lehigh Acres Planning Community boundary. Development must also be consistent with Goal 77, and Objective 77.3 of this Plan.

POLICY 32.11.2: Lee County will work with various agencies to identify existing wetlands that are worth saving or restoring within the Lehigh Acres Planning Community.

POLICY 32.11.3: Lee County will provide incentives (for example increased density, Transfer of Development Rights, etc.) for the protection of wetlands, historic flow ways, native habitat or other significant natural resources within the Lehigh Acres Planning Community.

POLICY 32.11.4: Where not inconsistent with the South Florida Water Management District design criteria, natural habitat restoration is preferred to open water systems for treating stormwater.

OBJECTIVE 32.12: 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 32.12.1: As a courtesy, Lee County will register citizen groups and civic organizations within the Lehigh Acres 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 through mail, email, or other electronic means. This notice is a courtesy only and is not jurisdictional. Accordingly, the County's failure to mail/email or to timely provide the notice, or failure of a group to receive notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

POLICY 32.12.2: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) within the Lehigh Acres

Planning 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, providing notice of the meeting, and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

OBJECTIVE 32.13: INTERGOVERNMENTAL COORDINATION. The Lehigh Acres Planning Community depends on agencies that are external to Lee County for certain services, such as the East County Water Control District, Lee County Health Department, Florida Governmental Utilities Authority; and Hendry County. Lee County will work with these organizations on matters under their jurisdiction.

POLICY 32.13.1: Explore cost-effective land acquisition opportunities that may present themselves through the escheatment process. Where these opportunities exist and can be capitalized on, plan for the aggregation of land for needed community facilities or to incentivize private development of commercial or employment uses. Coordinate “tax forgiveness” efforts with the School Board, Fire District, South Florida Water Management District and East County Water Control District.

POLICY 32.13.2: Lee County will work with Hendry County to coordinate trail connections at the counties’ boundaries in order to promote a regional trail system.

POLICY 32.13.3: Lee County will work with the Lehigh Acres Fire District to identify locations for new facilities that will assure adequate and uniform fire protection throughout the Lehigh Acres Planning Community.

POLICY 32.13.4: Lee County will work with the East County Water Control District to identify existing wetlands and opportunities for stormwater detention areas.

POLICY 32.13.5: Lee County will work with Florida Governmental Utilities Authority to prioritize areas for the expansion of utilities.

POLICY 32.13.6: Lee County will work with the Lee County Health Department to discourage the approval of septic tank variances and to address regulations that allow two septic systems on one small lot.

OBJECTIVE 32.14: OVERSIGHT AND COORDINATION BY LEE COUNTY. The Lehigh Acres Planning Community is entirely within unincorporated Lee County, as such Lee County can perform activities that will help guide and accommodate attractive development; plan for and construct capital improvements; and establish policies to concentrate development within appropriate areas and provide protection of natural features. These activities will help to assure that the Lehigh Acres Planning Community develops in a way that is consistent with its vision.

POLICY 32.14.1: Lee County will assist in establishing comprehensive stormwater management areas within the Specialized Mixed Use Nodes to achieve an efficient use of property for stormwater management purposes.

POLICY 32.14.2: Lee County will explore cost-effective land acquisition opportunities that may present themselves through the escheatment process. Where these opportunities exist and can be capitalized on, plan for the aggregation of land for needed community facilities or to incentivize private development of commercial or employment uses.

POLICY 32.14.3: Lee County will use Tier 1 and Tier 2 as capital improvement priority areas for public facilities and services which are under the control of Lee County, and will work with Florida Governmental Utilities Authority to prioritize areas for the expansion of utilities.

POLICY 32.14.4: Lee County will not permit mine traffic from mines established in Hendry County to utilize Lee County maintained roads within the Lehigh Acres Planning Community as a primary access. Mines within Hendry County may establish secondary access points to Lee County maintained roads for emergency access purposes only.

POLICY 32.14.5: By the end of 2011, Lee County will complete the following activities:

- a. Amend the Land Development Code to incorporate land development and urban design standards for each of the specialized mixed use node sub-categories.
- b. Amend the Land Development Code to incorporate land development and urban design standards for Lee Boulevard and SR 82.
- c. Amend the Land Development Code to incorporate design and development standards for duplex and two-family attached structures within Lee County.
- d. Explore the establishment of a Land Swap Program, where parcels gained through the escheatment process in Tier 1 or Tier 2 could be swapped for undeveloped parcels in Tier 3.
- e. Define appropriate sending and receiving areas for a Transfer of Development Rights program.

MODIFICATIONS TO CHAPTER 5, PARKS, RECREATION AND OPEN SPACE

POLICY 84.1.2: Lee County will work with the East County Water Control District to establish a regional park at Harns Marsh.

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

DATE OF ADOPTION HEARING: March 3, 2010

A. BOARD REVIEW:

Staff made a brief presentation to the Board of County Commissioners. The presentation clarified that changes that were proposed in the Staff Report were the result of objections and comments made by the Florida Department of Community Affairs. Two members of the public provided comments in favor of the Lehigh Acres Community Plan.

Staff also recommended two additional changes to the proposed amendment. The first change recommended by staff was to provide flexibility for off-site mitigation of indigenous plant communities as required by Florida Statute 373.4135(2). The second recommended change was to fix an error in the amount of acres that is proposed to change from the Urban Community to the Industrial Development Future Land Use Category.

A motion was made to include the revisions recommended by staff for the off-site mitigation requirements and the future land use category change. This motion passed 5- 0.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

The Board of County Commissioners voted to adopt the proposed amendment, as revised by the motion discussed above. The motion passed 5 - 0.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The Board accepted the findings of fact as advanced by staff and the Local Planning Agency.

C. VOTE:

BRIAN BIGELOW	<u>AYE</u>
TAMMARA HALL	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
FRANK MANN	<u>AYE</u>

D. BOARD ADOPTED LANGUAGE

The Board of County Commissioners adopted the language as presented in the Staff Report for the Adoption Hearing with the following changes as recommended by staff at the Adoption Hearing:

Vision Statement (As presented in Staff Report)

Policy 1.1.7 Amended as Follows:

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and central locations to reduce employee commuting distances. The Industrial Development area is to be reserved for research and development, laboratories, industrial activities, and office; selective land use mixtures of industrial, manufacturing, research, and development, laboratories and office uses supporting the preceding uses; and properly buffered recreational uses (except where precluded by airport hazard zone regulations). New natural resource extraction (mining) activities and fill dirt operations must be approved through the Mining Excavation Planned Development rezoning process in accordance with the Lee County Land Development Code. The 14± acre parcel redesignated by CPA2006-14 from the Suburban to the Industrial Development future land use category, located north of Bayshore road and south of ACL Railroad right of way in Section 20, Township 43 South, Range 25 East will have a maximum Floor Area Ratio of 0.3. The 89138± acres redesignated by CPA2008-07 from the Central Urban and Urban Community categories to the Industrial Development future land use category, within the Lehigh Acres Planning Community, will have a maximum Floor Area Ratio of 1.0. Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured on the premises, or;
2. Commercial uses are integrated into the primary R&D/Industrial development;
3. Commercial service and retail uses may not exceed 20% of the total acreage within the Industrial Development areas per each Planning Community.

Policy 6.1.2 (As presented in Staff Report)

Goal 32 to Objective 32.11 (As presented in Staff Report)

Policy 32.11.1 Amended as Follows:

POLICY 32.11.1: Lee County will encourage on-site preservation of indigenous plant communities and listed species habitat. Any required mitigation will be of similar habitat, and provided, whenever possible, within the Lehigh Acres Planning Community boundary. Development must also be consistent with Goal 77, and Objective 77.3 of this Plan.

Policy 32.11.2 to Policy 32.14.5 (As presented in Staff Report)

Policy 84.1.2 (As presented in Staff Report)