

CPA2008-07

LEHIGH ACRES COMMUNITY PLAN

DRAFT

AMENDMENT

TO THE

LEE PLAN

LEE COUNTY COMPREHENSIVE PLAN

**BoCC Sponsored Application
and Staff Analysis**

**LPA Public Hearing Document
For the
July 27, 2009 Public Hearing**

**Lee County Planning Division
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July 23, 2009

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: July 23, 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 Employment Centers.”

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 passed a resolution stating its endorsement of the Lehigh Acres Comprehensive Planning Study completed by WRT.

2. STAFF RECOMMENDATION FOR ADOPTION

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, the changes to Map 1 for the addition of the Specialized Mixed Use Nodes.

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 also recommends the addition of a new map to the Future Land Use Map Series, a slightly modified version of the consultants Tier Map.

RECOMMENDED TEXT AMENDMENTS TO THE LEE PLAN

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 neighbourhoods 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

OBJECTIVE 1.8: LEHIGH ACRES COMMERCIAL USES. Designate additional overlay zones on the Future Land Use Map to designate potential commercial land uses in Lehigh Acres. The distinction in Policy 6.1.2(7) between the two major types of commercial uses does not apply in Lehigh Acres. (Added by Ordinance No. 98-09)

POLICY 1.8.1: 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: Because of the shortage of suitable undivided tracts in Lehigh Acres (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 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, 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 zoning processes or by requesting a new conventional commercial zoning district that may be 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 1.8 Lehigh Acres Commercial Uses, which only affects properties within the Lehigh Acres Planning Community, is being relocated within the Lee Plan to an objective under Goal 32: Lehigh Acres.

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, services, and shopping.

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: By the end of 2010, Lee County will amend the Land Development Code to further define the development that is to take place within each of the specialized mixed use node sub-categories.

POLICY 32.1.4: 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 32.1.5: By the end of 2010, Lee County will amend the Land Development Code to incorporate land development and urban design standards for Lee Boulevard and SR 82 as well as duplex development.

POLICY 32.1.6: Encourage a wide range of housing options within the Lehigh Acres Planning Community by supporting the development of a variety of housing types.

POLICY 32.1.7: Identify, preserve, protect, and, where possible, restore the remaining natural resources of the community.

POLICY 32.1.8: Encourage pedestrian friendly development with an emphasis on human scale design.

POLICY 32.1.9: Encourage connectivity between all land uses through an efficient multi-modal transportation network.

POLICY 32.2.9: Developers are encouraged to utilize Sustainable Development Design, as outlined in Goal 4.

POLICY 32.2.10: The Lehigh Acres Tier Map, Future Land Use Map1, Page 8 of 8, subdivides the Lehigh Acres Community into 3 Tiers:

- 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.
- 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.
- 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.

OBJECTIVE 32.2: SPECIALIZED MIXED USE NODES: Provide areas for large scale employment activities that may draw workers from large and small geographic areas, where workers can also choose to live and shop near work.

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. Residential planned developments are prohibited.

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: 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 32.2.6: 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 32.2.7: Existing or future regulations that inhibit the development of these mixed-use projects will be given strong consideration for deviations.

OBJECTIVE 32.3: DOWNTOWN LEHIGH ACRES is 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 juxtaposition of jobs, living, cultural and recreating opportunities allows the greatest efficiency in the use of infrastructure and other public expenditures of any development style envisioned by this Plan.

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: By the end of 2010, Lee County will amend the Land Development Code to incorporate land development and urban design standards for Downtown Lehigh Acres.

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 that offer 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 Leigh Acres with single-family residential, multi family residential, public and private education, live-work, retail, office, medical, entertainment, light industrial; commercial/public parking, parks and other civic uses. These areas are identified on Map 1.

POLICY 32.5.1: The emphasis of the future development of these areas is to provide mixed use facilities that offer 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 highly 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 which 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 that neighborhoods have local access to commercial services that support the daily needs of the neighborhood, Local Mixed Use Activity Center 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 Center may be located on property as small as one lot, but 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: To receive the Local Mixed Use Activity Center designation a development must meet the following locational and access criteria:

- a. Must be more than ½ mile from the edge of any area identified in Objective 32.2, Specialized Mixed Use Nodes.
- b. Must initially have frontage on two publicly maintained streets.
- 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 32.7: COMMERCIAL OVERLAY AREAS. Designate additional overlay zones on the Future Land Use Map to designate potential commercial land uses in Lehigh Acres. The distinction in Policy 6.1.2(7) between the two major types of commercial uses does not apply in Lehigh Acres. (Added by Ordinance No. 98-09)

POLICY 32.7.1: Commercial uses are permitted on lands in the Lehigh Commercial overlay. 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).

POLICY 32.7.2: Because of the shortage of suitable undivided tracts in Lehigh Acres (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 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, 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 zoning processes or by requesting a new conventional commercial zoning

district that may be 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.

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: 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 which is reliant upon on-site well and septic systems.

POLICY 32.10.1: The availability of sewer and water to serve uses within Employment Centers, 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 the 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. When site constraints are such that off-site mitigation of indigenous areas is deemed necessary, the mitigation will be of similar habitat, 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 significant 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. This notice is a courtesy only and is not jurisdictional. Accordingly, the County's failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

POLICY 32.12.2: The owner or agent for any Planned Development request 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 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 with Hendry County. Lee County commits to working 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, SFWMD and ECWCD.

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.

AMENDMENTS TO OTHER ELEMENTS OF THE LEE PLAN

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.

C. BACKGROUND INFORMATION

This amendment was initiated by the Board of County Commissioners on March 24, 2009 which directed staff in resolution “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 year 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 were 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 with any 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 Luckett 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 Luckett 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 and

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.

FUTURE LAND USE MAP CHANGES

As a result of the policy changes above, mapping of the Specialized Mixed Use Nodes and Commercial Overlay Zones 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 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. This change is intended as an incentive for redevelopment of this most important area of Lehigh Acres. The increase in density 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 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, see WRT Table 10. 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 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. 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 things change and a new Development order may someday be applied for, asking for 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 fourth recommended Future Land Use Map change involves property south of SR 82 and southeast of Blackstone Drive. The Existing MPD is consistent with the Industrial Development category and this change reflects what is the expected development 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 redesignated into the Industrial Development category.

B. 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.

C. RECOMMENDATION

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

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

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS

CINDY BUTLER

CARRIE CALL

JIM GREEN

MITCH HUTCHCRAFT

RONALD INGE

CARLA JOHNSON

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

DATE OF TRANSMITTAL HEARING:

A. BOARD REVIEW

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

BRIAN BIGELOW

TAMMARA HALL

BOB JANES

RAY JUDAH

FRANK MANN

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

DATE OF ORC REPORT:

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

B. STAFF RESPONSE:

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

DATE OF ADOPTION HEARING:

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

BRIAN BIGELOW

TAMMARA HALL

BOB JANES

RAY JUDAH

FRANK MANN
