

**CPA2004-05
PINE ISLAND POLICY 14.2.2
PRIVATELY INITIATED AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Initiated Application
and Lee County Staff Analysis**

**LPA Public Hearing Document
for the
March 28, 2005 Public Hearing**

*Lee County Planning Division
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March 18, 2005

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2004-00005**

Text Amendment

Map Amendment

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

STAFF REPORT PREPARATION DATE: March 18, 2005

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

a. APPLICANT

Pine Island Agriculture & Landowners' Association, Inc.
7321 Howard Road
Bokeelia, FL 33922

b. REPRESENTATIVE

Matthew D. Uhle, Esq.
Knott, Consoer, Evelini, Hart & Swett, P.A.
1625 Hendry Street, Suite 301
Ft. Myers, FL, 33901

2. REQUEST:

Amend Policy 14.2.2 to revise the traffic service volume calculations by utilizing new FDOT HIGHPLAN 1.0 software, change the method of calculating service volumes from *peak hour, annual average, two-way trips* to *peak season, peak hour, peak direction* conditions, and change the method of calculating the level of service threshold from level of service *D* to level of service *E*.

PROPOSED TRANSMITTAL LANGUAGE FOR POLICY14.2.2

POLICY 14.2.2: In order to recognize and give priority to the property rights previously granted by Lee County for about 6,675 additional dwelling units, the county will keep in force effective development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. These regulations will reduce certain types of approvals at established thresholds prior to the capacity of Pine Island Road being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:

- When traffic on Pine Island Road reaches ~~810~~ 768 peak season, peak hour, annual average two-way peak direction trips, the regulations will restrict further rezonings which would increase traffic on Pine Island Road through Matlacha. These regulations shall provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.
- When traffic on Pine Island Road reaches ~~910~~ 864 peak season, peak hour, annual average two-way peak direction trips, the regulations will provide restrictions on the further issuance of residential development orders (pursuant to chapter 10 of the Land Development Code) or other measures to maintain the adopted level of service, until improvements can be made in accordance with this plan. The effect of these restrictions on residential densities must not be more severe than restricting densities to one-third of the maximum density otherwise allowed on that property.

The ~~810~~ 768 and ~~910~~ 864 thresholds were based on 80% and 90% of level-of-service “~~D~~” “E” peak season, peak hour, peak direction capacity calculated using the latest FDOT software (March, 2002) 1965 Highway Capacity Manual, as documented in the 2001 Greater Pine Island Community Plan Update. These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION:

Staff recommends that Policy 14.2.2 should not be amended as requested at this time.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The 810/910 trip count language first appeared in the 1990 Lee Plan as Policy 16.2.2. That Policy, later designated as Policy 14.2.2, was amended by the Board of County Commissioners on January 9, 2003.
- The January 9, 2003 amendment to Policy 14.2.2 did not change the 810/910 peak hour, annual average, two way trip numbers that trigger restrictions to further rezonings and to the issuance of residential development orders on Pine Island.

- At the September 5, 2002 transmittal hearing for CPA 2001-18 (Pine Island) the Board of County Commissioners considered the same language for Policy 14.2.2 that is contained in this request. That language was recommended by Lee County Department of Transportation.
- Department of Transportation staff advised the Board of County Commissioners at the September 5, 2002 transmittal hearing that using a different level of service threshold for Pine Island than was used in the rest of Lee County was a policy decision.
- The Board of County Commissioners then made a policy decision to keep the 810/910 thresholds in place in Policy 14.2.2, treating them as absolute numbers and not recalculating them based on a newer methodology.

C. BACKGROUND INFORMATION

Several years after the adoption of the Lee Plan in 1984 the Greater Pine Island Civic Association (GPICA) hired a planning consultant and developed a community plan for greater Pine Island. This plan was incorporated by Lee County as Goal 16 of the 1989 Lee Plan. Some changes were made in 1990 as a result of litigation between the Department of Community Affairs, including the setting of the 810 and 910 trip thresholds on Pine Island Road to trigger additional growth controls. Those thresholds were incorporated into the Lee Plan to place restrictions on additional density on Pine Island in an effort to: 1. Facilitate hurricane evacuation and; 2. Recognize the existence of thousands of vacant platted lots and the additional traffic that would be generated when those lots develop.

A number of amendments to Goal 16 were proposed several years later by the GPICA, and Lee County evaluated all of Goal 16 as part of its first “evaluation and appraisal report” on the 1989 Lee Plan. As a result of those efforts, some modifications were made in 1994 to the policies under Goal 16, including the reassignment of all Greater Pine Island objectives and policies to Goal 14.

The Greater Pine Island Community Plan Update (GPICPU) began in 1999 and was completed in September, 2001. Goal 14 of the Lee Plan was amended again in January, 2003. That amendment was a direct result of the GPICPU. The January 2003 amendment included changes to Policy 14.2.2, but did not change the 810 / 910 trip thresholds.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

At the September 5, 2002 transmittal hearing the Board of County Commissioners discussed the same language that is proposed for this amendment. That language was recommended by Lee County Department of Transportation. The Board decided that they would continue to use the 810/910 peak hour, annual average two way trip calculations for Pine Island, which is a different methodology than is used for the rest of Lee County.

The current language for Policy 14.2.2 was adopted by the Board of County Commissioners on January 9, 2003. Changes made in January, 2003 to Policy 14.2.2 are listed below in strike-through/underline format.

POLICY 14.2.2: *In order to recognize and give priority to the property rights previously granted by Lee County for about 6,800~~675~~ additional dwelling units, the county will ~~consider for adoption~~ keep in force effective development regulations which address growth on Pine Island and which implement measures to gradually limit future development approvals. ~~The effect of T~~these regulations would be to appropriately will reduce certain types of approvals at established thresholds prior to the ~~adopted level-of-service standard~~capacity of Pine Island Road being reached, measured as follows at the permanent count station on Little Pine Island at the western edge of Matlacha:*

When traffic on Pine Island Road ~~between Burnt Store Road and Stringfellow Boulevard~~ reaches 810 peak hour, annual average two-way trips, the regulations will ~~provide restrictions on~~restrict further rezonings which would increase traffic on Pine Island Road through Matlacha. These regulations will provide reasonable exceptions for minor rezonings on infill properties surrounded by development at similar intensities and those with inconsequential or positive effects on peak traffic flows through Matlacha, and may give preference to rezonings for small enterprises that promote the nature and heritage of Greater Pine Island.

When traffic on Pine Island R~~oad~~ ~~between Burnt Store Road and Stringfellow boulevard~~ reaches 910 peak hour, annual average two-way trips, the regulations will provide restrictions on ~~will restrict~~ the further issuance of residential development orders (pursuant to chapter 10 of the Land Development Code the Development Standards Ordinance), or other measures to maintain the adopted level of service, until improvements can be made in accdordance with this plan. The effect of these restrictions on residential densities must not be more severe than restricting densities to one-third of the maximum density otherwise allowed on that property.

The 810 and 910 thresholds were based on 80% and 90% of level-of-service "D" capacity calculated using the 1965 Highway Capacity Manual, as documented in the 2001 Greater Pine Island Community Plan Update. These development regulations may provide exceptions for legitimate ongoing developments to protect previously approved densities for final phases that have a Chapter 177 plat or site-plan approval under Ordinance 86-36.

Two important changes were made to Policy 14.2.2 in January, 2003 that ease some of the restrictions that were formerly in place. Prior to the January, 2003 amendment, the Lee Plan contained no limitation on the restrictions on rezonings that would increase traffic on Pine Island Road. There was also no limitation on the restrictions that could be imposed on the issuance of residential development orders when the 910 trip count number is reached. The January, 2003 amendment requires the regulations to provide some exceptions for rezonings when the 810 trip count number is reached (that number has been exceeded every year since 1999). The amendment also limits the restriction on the issuance of residential development orders to no less than one third of the maximum density otherwise allowed on that property when the 910 trip count number is reached.

Staff acknowledges that the use of the absolute numbers 810/910 and the methodology for calculating trip counts on Pine Island is a policy decision that was made by the Board of County Commissioners at the September 5, 2002 transmittal hearing and that was solidified at the January 9, 2003 adoption hearing. Staff also recognizes that the language that was adopted for Policy 14.2.2 provides for some limitations

on the restrictions that would be imposed once the 810/910 trip count numbers were reached. Those limitations on restrictions were included in the amendment as a recognition that the 810 trip count number had been exceeded and that the 910 trip count number was fast approaching.

Staff recommends that no changes to Policy 14.2.2 should be made at this time.

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

DATE OF PUBLIC HEARING: March 28, 2005

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

MATT BIXLER

DEREK BURR

RONALD INGE

RAYMOND SCHUMANN, ESQ.

CARLETON RYFFEL

VACANT
