

# Status of the Lee Plan



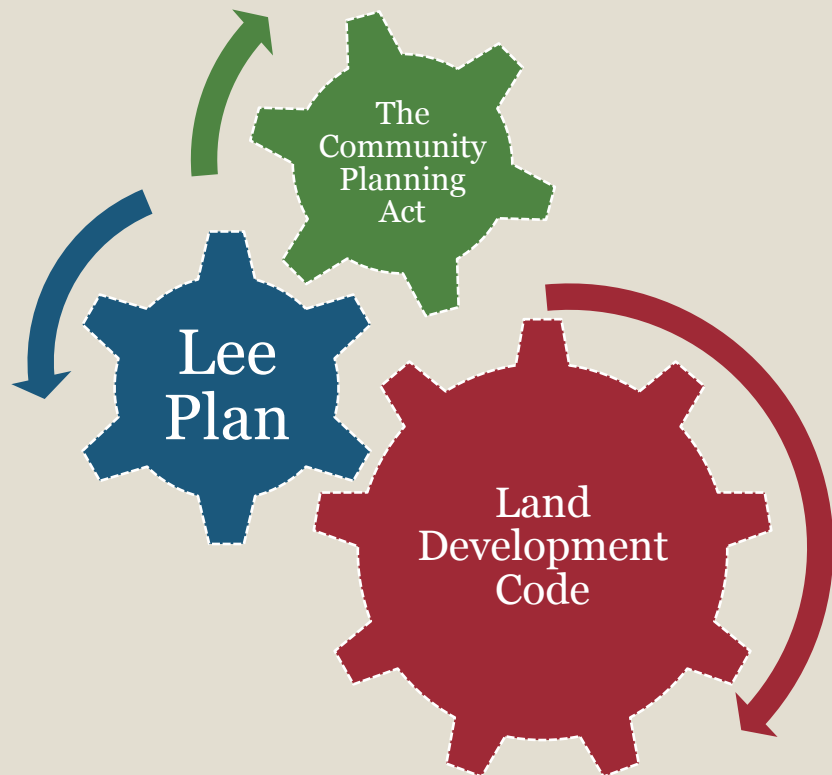
**LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
WORK SESSION**

**NOVEMBER 3, 2015**

# What is the Lee Plan?

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- Community Planning Act (Ch 163, F.S.)
  - Required and Optional Elements
  - Amendment Process
  - Evaluation and Appraisal Requirements
    - EAR → Notification Letter
- Lee Plan
  - Comprehensive, general, and long range
  - Goals, objectives and policies for the physical development of the County
- Land Development Code
  - Lee Plan Implementation
  - Regulatory



# Today's Goals

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- Answer the question: What is an Evaluation and Appraisal Report (EAR)?
- Discuss what the 2011 EAR says and the concepts being considered for inclusion in the Lee Plan.
- Discuss what has changed since the 2011 EAR was adopted.
- Consider a slightly different direction for updating the Lee Plan that represents a more targeted and balanced approach.

# Evaluation and Appraisal Report

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- Until 2011, Lee County was required to adopt an Evaluation and Appraisal Report (EAR) every 7 years.
- The Purpose of the EAR was to:
  - Periodically evaluate the Lee Plan to determine its success in addressing major land use planning issues
  - Identify revisions to better address:
    - ✦ community objectives;
    - ✦ trends affecting the community, and
    - ✦ changes in state requirements.

# Lee Plan: Evaluation and Appraisal Report

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**March 1, 2011:** EAR “New Horizon 2035” adopted

**May 10, 2011:** EAR found sufficient by Florida DCA

**July 1, 2011:** Effective date of Community Planning Act (HB 7207); EAR and EAR-based amendments no longer required

## Lee Plan: New Horizon 2035 Evaluation and Appraisal Report



# The Community Planning Act

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- On July 1, 2011, §163.3191, F.S. was amended:
  - Removed EAR adoption requirement
  - Added Notification Letter requirement
    - ✦ Evaluate the Lee Plan every 7 years to determine consistency with changes in state requirements
    - ✦ Based on the evaluation, notify DEO with an **Evaluation and Appraisal Notification Letter**
    - ✦ Amendments necessary for consistency with state requirements must be transmitted within 1 year

# Evaluation and Appraisal Notification Letter

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- May 1, 2014:
  - Notification Letter due to DEO
- May 28, 2014:
  - DEO acknowledged Notification Letter
  - No comments were provided
- The Notification Letter satisfied Chapter 163, F.S. requirements



# Lee Plan Amendments

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- EAR-Based Amendments:
  - **Discretionary** amendments based on:
    - ✦ Popular planning concepts at the time
    - ✦ A planning approach more appropriate for city-level planning than on a county-wide scale
- Privately-Requested Amendments:
  - Requests from various individuals, committees, advocacy groups, and planning communities
- EAR Amendments Required by Statute:
  - None

Evaluation and Appraisal Report  
(Adopted 2011)

Lee Plan Amendments  
based on EAR  
(no longer required)

Land Development  
Code Revisions



# EAR-Based Amendments

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## Livability

Differentiated development forms and land use patterns

Parks, public spaces, recreation and cultural features

Public Services

## Strong Connections

Integration of land uses

An interconnected transportation system

Accessibility of parks, public spaces, and public resources

## Community Character

Community-oriented land use

Connectivity

Sustainable development practices

## Sustainability

Create cultural diversity

Support clean industry and a diversified economic base

Improve environmental stewardship

Promote redevelopment and green building design

Provide opportunities for cleaner alternative energy sources

**DCA expressed concern that the breadth of these issues would not enable the County to effectively evaluate the Lee Plan**

# EAR-Based Amendments

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- Completely reformat, reword and reorganize the Lee Plan by:
  - ✦ Renumbering all goals, objectives, and policies
  - ✦ Shuffle the order of all goals, objectives, and policies
  - ✦ Change titles of elements and land use categories
  - ✦ Wordsmith entire document
- Beautify the Lee Plan by:
  - ✦ Adding visuals – pictures and diagrams
  - ✦ Changing colors of maps
  - ✦ Updating name, cover and logo
- Property-specific amendments to the Future Land Use Map to:
  - Increase density - Requests by individual property owners
  - Decrease density - Request by Concerned Citizens of Bayshore
  - Requests based on:
    - ✦ No formal application
    - ✦ Limited or non-existent data and analysis

**New Horizon  
2035  
Lee Plan**



# Considerations Moving Forward

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- Since 2011, some Lee Plan amendments identified through the EAR:
  - Have been addressed through publicly and privately initiated amendments
  - Are obsolete or need to be reevaluated because of time-lapsed
  - Require additional review due to legal liability concerns
  - Undermine the proposed Pine Island TDR program (by significantly increasing densities)
  - May create unidentified/unintended consequences and have unknown cost implications
- Contrary to streamlining efforts, the quantity of amendments have bloated the Lee Plan
- Incorporation of the Village of Estero has not been analyzed or considered
- Strategic planning initiatives have been identified by the Board
- Changes to the Lee Plan are not required; therefore, the Board has discretion on how to proceed

# Suggestions for Moving Forward

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- Rather than a complete rewrite and reorganization of the Lee Plan, pursue a more balanced and targeted set of revisions/updates that:
  - Aligns the Lee Plan with BOCC Strategic Planning Initiatives
  - Streamlines the Lee Plan
  - Evaluates Community Plans to:
    - Review, identify and eliminate potential liabilities
    - Reduce redundancy/conflict within the Lee Plan between Community Plans
    - Relocate regulatory provisions to the Land Development Code
  - Pursues a coordinated planning approach:
    - ✦ Interdepartmental evaluation of County-wide issues
- **FUTURE DISCUSSION:**
  - Review role of Community Planning process and Redevelopment Goals

If the Board agrees with the new approach....

# Next Steps

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Board Direction (Blue Sheet)

Interdepartmental Review of Lee Plan

Board Workshop: Recommended Amendments

Local Planning Agency Review

Board Transmittal

State Review

Board Adoption