

**CPA 2008-05  
REVISE POLICY 6.1.2.9  
COMMERCIAL LOCATION STANDARDS  
BOCC SPONSORED  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

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**DCA Transmittal Document**

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**November 6, 2009**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA 2008-05**

**Text Amendment**

**Map Amendment**

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

STAFF REPORT PREPARATION DATE: November 7, 2008

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT / REPRESENTATIVE:**

Lee County Board of County Commissioners/Division of Planning

**2. REQUEST:**

Revise Policy 6.1.2.9, to add a cross reference exempting the Commercial Future Land Use category from Commercial Site Location Standards when appropriate site development regulations are incorporated into the planned development.

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. RECOMMENDATION:** Planning staff recommends that the BoCC transmit the revision to Policy 6.1.2.9.

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

- The County adopted the Commercial Future Land Use Map (FLUM) category in 2007 (CPA 2005-39 and Ordinance No. 07-09).
- The Future Land Use description of the Commercial category exempts development in the Commercial category from complying with the site location

criteria provided in Goal 6 when appropriate site development regulations are incorporated into the planned development.

- Policy 6.1.2.9 states: “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 Policies 1.8.1 through 1.8.3, or within the Captiva community in the areas identified by Policy 13.2.1”.
- A reference to the Commercial FLUM category was not added to Policy 6.1.2.9 when the Commercial Future Land Use Category was adopted.
- There exists a conflict between the Future Land Use description of the Commercial FLUM category and Policy 6.1.2.9.
- Revising Policy 6.1.2.9 to include a reference to the Commercial FLUM category exempting the category from site location standards will provide consistency between the policy and the Future Land Use description.

### **C. RECOMMENDED LEE PLAN TEXT AMENDMENT**

#### **POLICY 6.1.2:**

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 Policies 1.8.1 through 1.8.3, or within the Captiva community in the areas identified by Policy 13.2.1, or within the Commercial Future Land Use category when appropriate site development regulations are incorporated into the planned development.

### **D. BACKGROUND INFORMATION**

The Board of County Commissioners adopted a new Commercial Future Land Use Map category in 2007 by Ordinance 07-09. The Commercial FLUM category is exempt from site location standards when appropriate site development regulations are incorporated into the planned development. Staff did not add the Commercial FLUM category to Policy 6.1.2.9 when the Commercial FLUM category was adopted, creating a conflict between the Future Land Use description of the Commercial FLUM category and the Policy.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

To create consistency between the Future Land Use description of the Commercial FLUM category and Policy 6.1.2.9, Staff recommends revising the Policy.

### **B. STAFF RECOMMENDATION**

Staff recommends the Board of County Commissioners transmit the following revision to Policy 6.1.2.9:

#### **POLICY 6.1.2:**

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 Policies 1.8.1 through 1.8.3, ~~or~~ within the Captiva community in the areas identified by Policy 13.2.1, or within the Commercial Future Land Use category when appropriate site development regulations are incorporated into the planned development.

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

DATE OF PUBLIC HEARING: November 24, 2008

**A. LOCAL PLANNING AGENCY REVIEW**

Staff explained that the proposed amendment clarifies in Policy 6.1.2 that commercial site location standards are not applicable in the Commercial Future Land Use Category when appropriate site development regulations are incorporated into the planned development. Staff noted that the commercial future land use category is generally exempt from site location standards because those were considered when the category itself – and its typical land uses – were deemed suitable and adopted for that location. However, this clarification of language in Goal 6 will resolve questions that have come up, for example, in coastal high hazard zones.

One LPA member asked if this relates to mixed-use developments. Staff responded that it does not.

Another asked if this would intensify commercial use in the coastal construction zone. Staff responded that while it might, it would also discourage residential development in the coastal construction zone. Staff provided an example.

No one from the public commented on this item.

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

1. **RECOMMENDATION:** The LPA recommends that this proposed amendment be transmitted.
  
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

**C. VOTE:**

<b>NOEL ANDRESS</b>	<b>AYE</b>
<b>LES COCHRAN</b>	<b>AYE</b>
<b>RONALD INGE</b>	<b>AYE</b>
<b>CARLETON RYFFEL</b>	<b>AYE</b>
<b>LELAND M. TAYLOR</b>	<b>AYE</b>
<b>RAE ANN WESSEL</b>	<b>AYE</b>
<b>VACANT</b>	

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

DATE OF TRANSMITTAL HEARING: September 23, 2009

**A. BOARD REVIEW:** The proposed amendment was heard as part of the consent agenda. The Board of Commissioners provided no comment on the amendment. No member of the public spoke on the amendment.

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

1. **BOARD ACTION:** The Board voted to transmit the proposed amendment as part of the consent agenda.
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:**

<b>BRIAN BIGELOW</b>	<u>AYE</u>
<b>TAMMARA HALL</b>	<u>AYE</u>
<b>ROBERT P. JANES</b>	<u>ABSENT</u>
<b>RAY JUDAH</b>	<u>AYE</u>
<b>FRANK MANN</b>	<u>AYE</u>

**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**

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**TAMMARA HALL**

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**ROBERT P. JANES**

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**RAY JUDAH**

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**FRANK MANN**

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