

**CPA2008-17  
COASTAL RURAL COMMERCIAL USES  
BoCC INITIATED  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

BoCC Initiated Application  
and Lee County Staff Analysis

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Department of Community Affairs  
Transmittal Document

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**November 6, 2009**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2008-17**

✓	Text Amendment		Map Amendment
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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

Original Staff Report Preparation Date: June 12, 2009  
 Revised: July 17, 2009  
 Revised: August 14, 2009  
 Revised: September 9, 2009  
 Revised: October 29, 2009

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVE**

Lee County Board of County Commissioners  
 Represented by Lee County Division of Planning

**2. REQUEST:**

Evaluate and incorporate into the Coastal Rural Future Land Use Category appropriate Lee Plan policy modifications to incorporate and clarify permitted commercial uses in the Coastal Rural Future Land Use category.

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

**1. RECOMMENDATION:** Staff recommends that the Board of County Commissioners transmit the proposed amendment, as follows:

Staff recommends that the Lee Plan Policy 1.4.7 be amended as follows:

**POLICY 1.4.7:** The Coastal Rural areas will remain rural except for portions of properties where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, on the remainder of the property. The standard maximum density is one dwelling unit per ten acres (1DU/10 acres). Maximum densities may increase as higher percentages of native habitat are permanently preserved or restored on the uplands portions of the site, or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, in accordance with the chart below. Permitted land uses include agriculture, fill-dirt extraction, conservation uses, and minimal non-residential land uses, limited to minor commercial, that are necessary to provide basic commercial services to serve the island residents and visitors, and residential uses up to the following densities:

The balance of Policy 1.4.7 remains unchanged.

**POLICY 14.4.1:** The designated Future Urban Area at Pine Island Center is targeted for most future commercial and industrial uses, as permitted by other portions of this plan.  
**NOTE: This policy is placed here for reference purposes only.**

**POLICY 14.4.2:** Commercial development at other urban locations on Greater Pine Island (such as Bokeelia, Pineland, Matlacha, and St. James City), should be limited to marinas, fish houses, and minor commercial uses to serve the day to day needs of local residents, and ~~uses to serve~~ island visitors. Such development must be sited and designed to minimize disruptive influences to the greatest degree possible. (Amended by Ordinance No. 94-30, 00-22)

**POLICY 14.4.6:** In the Coastal Rural future land use category, non-residential development is limited to minor commercial development. New commercial zoning requests must utilize the Planned Development zoning process. All commercial development in this category must be consistent with the following limitations:

- Total building floor area may not exceed 5,000 square feet;
- Development must not exceed two acres of impervious area;
- Uses are limited to those that reflect the Coastal Rural character and unique culture of Greater Pine Island such as animal clinics, bait and tackle shops, ecotourism, farm and feed supply stores, food stores, lawn and garden supply stores, restaurants (excluding fast food), roadside/produce stands, specialty retail, and plant nurseries.

**POLICY 14.4.7:** During the Comprehensive Plan Evaluation and Appraisal Report process the County will analyze commercial rezoning and commercial development in the Coastal Rural areas and assess their impacts to the Greater Pine Island Community and identify any needed policy modifications.

**OBJECTIVE 14.7: 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 14.7.1:** The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) within the Greater Pine Island community must conduct one public informational meeting within the community where the agent will provide a general overview of the project for any interested citizens. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for advertising, providing the meeting space, and security measures as needed. Subsequent to this meeting, the applicant must provide staff with a summary 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.

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

- The Board of County Commissioners initiated this amendment to provide clarification regarding appropriate commercial uses permitted within the Coastal Rural Future Land Use category.
- Historically, limited commercial uses serving the needs of the surrounding residents have been permitted in rural areas such as restaurants, gas stations, food stores, some retail and other basic necessities.
- In recognition of the uniqueness of Pine Island and the desire to maintain the rural character of the Island, the Board adopted a Comprehensive Plan Amendment, CPA2001-00018, in 2003 incorporating a new Vision Statement, a revised Goal 14, to reclassify all “Rural” designated land to “Coastal Rural”.
- There are 23 conventionally commercial zoned parcels, 18 of which are currently vacant, located within the Coastal Rural Future Land Use Category including Community Commercial (CC), Commercial (C-1), Commercial (C-1A), General Commercial (CG) and Tourist Commercial (CT). Five of the 23 parcels are currently developed with commercial uses. Nineteen of the parcels are located along Stringfellow Road with 18 in St. James City and five in Bokeelia. There are four parcels, purchased by Lee County on March 9, 2009, located on York Street.
- Staff recognizes the need to provide limited commercial uses to provide services in support of the rural community and visitors to the island.
- Appropriate distribution of minor commercial land uses will provide services to the island residents and visitors resulting in reduction of off island trips through Matlacha.

### **C. BACKGROUND INFORMATION**

In 1989 the first Pine Island Commercial Study was initiated to research, analyze, and quantify commercial zoning needs for Pine Island, and to identify suitable locations for potential future development. This study was conducted in response to a directive by the Board of County Commissioners to develop a means to identify future commercial sites throughout Lee County and also in direct response to issues emerging from the review of two specific commercial zoning cases on Pine Island.

This study acknowledged the existing commercial zoned parcels, the concentration of commercial uses in Pine Island Center, St. James City and Bokeelia, and the possibility of the designation of potential commercial nodes. Much of the developed area of Pine Island is concentrated in Pine Island Center, with smaller developed areas (villages) at the north and south ends of the island (Bokeelia and St. James City). The remainder of the island contains smaller, scattered areas of limited development with a small urban area at Pineland.

This study resulted in the adoption of Lee Plan Policies 16.4.1, 16.4.2, and 16.4.3 by the Board of County Commissioners on June 24, 1991 (Case number PAM 89-21). These Policies were later superceded by existing Lee Plan Objective 14.4, Policies 14.4.1, and 14.4.2. Twenty years later, the Board has again directed staff to address clarification of applicable commercial uses in Pine Island; however, in this case, the amendment is specific to the Coastal Rural future land use category due to issues raised during the rezoning case to legitimize an existing business, Carl's Automotive Repair (Z-08-014) located at 8336 and 8360 Stringfellow Road.

In 2001, Lee County Staff started working with the Greater Pine Island Community, who had developed a new Pine Island Plan to address planning needs specific to Pine Island. Their plan reflected their vision for Pine Island's future growth and development. In 2003, as a result of a two-year long planning process and upon receipt of no objections, recommendations, or comments concerning the proposed amendment from the Florida Department of Community Affairs, proposed Lee Plan amendment CPA2001-00018 was adopted by the Board of County Commissioners. This amendment: adopted a new Vision Statement; a revised Goal 14; amended subsequent policies specific to Greater Pine Island; amended Objective 1.4 "Non-Urban Areas" by establishing a new "Coastal Rural" future land use category; and, amended the Future Land Use Map series to reclassify 157 acres of agricultural land between Bokeelia and September Estates from "Outlying Suburban" to "Coastal Rural" and reclassified all land from "Rural" to the new "Coastal Rural" category.

On October 12, 2005, the Board of County Commissioners again amended the Lee Plan with an amendment known as the Pine Island Community Plan Compromise. Among other things, this plan amendment restored the 157 acres back to the Outlying Suburban future land use category and, in an effort to maintain flexibility within the Coastal Rural future land use category, added agriculture as a means of regaining density.

This amendment is intended to further the goal of capturing trips on the island by clarifying the allowable uses in the Coastal Rural future land use category by defining permitted, minor commercial uses intended to serve island residents and visitors.

Policy 1.4.7 of the Lee Plan specifically defines the Coastal Rural Future Land Use Category as follows:

***POLICY 1.4.7:*** *The Coastal Rural areas will remain rural except for portions of properties where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, on the remainder of the property. The standard maximum density is one dwelling unit per ten acres (1 DU/10 acres). Maximum densities may increase as higher percentages of native habitat are permanently preserved or restored on the uplands portions of the site, or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, in accordance with the chart below. Permitted land uses include agricultural fill-dirt extraction, conservation uses, and residential uses up to the following densities.*

<i>Percentage of the on site uplands that are preserved or restored native habitats or continued in agricultural use on existing farmland</i>	<i>Maximum density if undeveloped land will be permanently preserved or restored as native habitats</i>	<i>Maximum density if undeveloped land will be continued in agricultural use on existing farmland</i>
0%	1 DU/10 acres	1 DU/10 acres
5%	1 DU/9 acres	
10%	1 DU/8 acres	1 DU/9 acres
15%	1 DU/7 acres	
20%	1 DU/6 acres	1 DU/8 acres
30%	1 DU/5 acres	1 DU/7 acres
40%	1 DU/4 acres	1 DU/6 acres
50%	1 DU/3 acres	1 DU/5 acres
60%	1 DU/2 acres	1 DU/3 acres
70%	1 D/1 acre	1 DU/2 acres

*Existing farmland is depicted on Map 21. Areas for buffers, lakes and utilities may consist of up to 10% of the upland preserve areas. (Added by Ordinance No. 03-03, Amended by Ordinance No. 05-21)*

This policy was implemented in support of Policy 14.1.8 to allow for the return to Rural densities of one dwelling unit per acre subject to preservation or restoration of native habitat or agricultural activities.

Subsequent to the adoption of Comp Plan Amendment CPA2001-18, Staff has continued to work with the Greater Pine Island Civic Association to provide for property development parameters for Pine Island. The most recent amendment was Ordinance Number 07-19 adopted by the Board of County Commissioners on May 23, 2007. This Ordinance adopted Land Development Code (LDC), Article III. Greater Pine Island, Sections 33-1001 through 33-1088, whereby establishing regulations such as architectural standards, parking, lighting and design standards for development on Pine Island.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **BACKGROUND:**

Pine Island is comprised of five distinctive communities: Matlacha, Bokeelia, Pineland, Pine Island Center and St. James City. Matlacha, an historic fishing village, is the gateway to Pine Island and consists of waterfront cottages, small motels, shops, art galleries and restaurants.

Bokeelia supports several marinas, tropical fruit, and palm tree farms. Pineland is the location of the Randell Research Center and many historic buildings as well as one of the largest marinas on the island. St. James City is the most developed area and houses the majority of the island's population. Most of the homes are located along direct access canals leading to the Gulf of Mexico. The existing commercial zoned parcels within the Coastal Rural future land use category are scattered among Bokeelia, Pineland, and St. James City. The majority appear to be located between Pine Island Center and St. James City, which is the most heavily populated residential area. Thus, commercial uses would provide services to the residents, resulting in a reduction of on and off island trip generations.

There are an estimated 23 existing conventionally, commercial zoned properties in Pine Island that are not located within the designated Pine Island Center (located at the intersection of Stringfellow and Pine Island Roads). These parcels, ranging in area from 0.25 acres to 74 acres, the C-1A portion of a 332-acre residential development with a combination of commercial and AG-2 zoning. Most of these properties were zoned to commercial zoning districts prior to the 1984 adoption of the Lee Plan, and certainly prior to the adoption of the Coastal Rural future land use designation. Some of these parcels have approved development orders for residential and commercial development.

#### **DISCUSSION:**

The proposed language is the result of a Board of County Commission initiated amendment recognizing the need to clarify permitted commercial uses within the Coastal Rural Future Land Use Category. This issue arose when the Board was reviewing a rezoning case intended to legitimize a commercial use on a property in the Coastal Rural area that had existed for many years. The provision of basic commercial services will limit the number of trips off and onto the island.

Currently, there are no available or economic options for adding significant road capacity to Pine Island. There are also no options to widen the existing bridges without serious economic or environmental impacts. Thus, limited commercial uses will serve to negate detrimental traffic flow in Matlacha.

Some types of commercial uses would have minor or even positive effects on traffic flow in Matlacha. A small convenience store in St. James City could serve local residents and those passing by and would attract no new trips through Matlacha. A food store in St. James City would attract shoppers from a larger area, possibly reducing traffic on Pine Island Road. A proper distribution of commercial uses within the Coastal Rural future land use along Stringfellow Road will serve to reduce trips on the island as well. Staff recognizes that most commercial uses can and should be located in the urban designated portions of Pine Island, but some flexibility to shorten trip lengths on the island represents good planning.

Staff finds that limited minor commercial development is required on Pine Island to provide services to residents, which ultimately reduces trip generation to and from the island. Staff further recognizes the benefits of distributing commercial services at different locations on Pine Island to encourage the support and utilization by residents to reduce on island trip lengths.

Staff finds that minor commercial uses could be appropriately located within the Coastal Rural future land use such as bait and tackle shops, restaurants, animal clinics, lawn and garden supply stores, food stores, farm and feed supply stores, roadside/produce stands, specialty retail, and plant nurseries. These uses are typically approved in rural settings when a commercial zoning exists and requires development order review and approval. The category should also be flexible to address future conditions and proposals that cannot be anticipated today.

Commercial development standards have been implemented in the Land Development Code (LDC) to insure compatibility with existing, adjacent uses. The proper location of these minor commercial uses can provide services and goods to the population and visitors of Pine Island while maintaining the character and culture of the community.

There are potential commercial nodes located along Stringfellow Road within the Coastal Rural future land use. One of these locations is at the intersection of Stringfellow Road and Gulf Shores Road. There are parcels currently zoned Commercial Planned Development (CPD), Special Commercial Office District (CS-1) and Commercial General (CG). The CPD, approved in Resolution Z-08-14 for 8336 Stringfellow Road, legitimized an existing automotive repair and service business that provides services to island residents. The CS-1 zoned parcel located at 10191 Stringfellow Road houses general and medical offices. The property located at 8288 Stringfellow, zoned CG, has an approved development order under Case Number DOS2005-00264 for general office space.

Goal 14, and its subsequent objectives and policies recognizes the need for commercial uses to provide services to the residents and visitors of Pine Island thereby capturing trips on the island. There are conventionally zoned commercial properties located on Pine Island which would not

require a rezoning prior to their development. However, the uses are limited in accordance with the future land use designation of Coastal Rural. Clarification is necessary to avoid uncertainties and provide adherence to the provisions of the Lee Plan and the LDC. Minor commercial uses, services and activities are necessary on Pine Island to prevent additional trip generations off the island. Staff finds that minor commercial uses may be appropriate in the Coastal Rural future land use. However, these uses should be limited to those that provide basic services for the rural community. The Greater Pine Island commercial policies are stated below:

***OBJECTIVE 14.4: COMMERCIAL LAND USES.*** *County regulations, policies and discretionary actions will recognize certain unique characteristics of Greater Pine Island, which justify different treatment of existing and future commercial areas than in mainland Lee County, as described in the following policies. (Amended by Ordinance No. 94-30, 00-22)*

***POLICY 14.4.1:*** *The designated Future Urban Area at Pine Island Center is targeted for most future commercial and industrial uses, as permitted by other portions of this plan.*

***POLICY 14.4.2:*** *Commercial development at other locations on Greater Pine Island should be limited to marinas, fish houses, **minor commercial uses to serve local residents and uses to serve island visitors.** Such development must be sited and designed to minimize disruptive influences to the greatest degree possible. (Amended by Ordinance No. 94-30, 00-22) (Bold type added by Staff for emphasis)*

Policy 14.4.2 demonstrates the contemplation of permitting minor commercial uses to serve local residents and island visitors on Pine Island. The policy also requires that these developments of commercial uses be located so that they do not negatively impact abutting, adjacent land uses. The Land Development Code (LDC,) Section 33-1003 through 33-1088, establishes regulatory standards for the Greater Pine Island Planning Community intended to implement the goals and objectives established in Lee Plan Goal 14. The standards represent an effort to manage future growth based on the remaining traffic capacity and reasonable hurricane evacuation. The development of commercial uses must be respectful of the vision and culture of the Greater Pine Island Planning Community.

Along with the addition of minor commercial uses in the Coastal Rural descriptor policy, staff is recommending an amendment to Policy 14.4.2 clarifying that it pertains to other urban locations in Greater Pine Island. Policies 14.4.6, 14.4.7, and 14.4.8 should be added to give specific direction to the allowable non-residential development in the Coastal Rural category and to encourage communication between island residents and applicants for rezoning cases. These policies should limit the development to Minor Commercial development with a maximum size of two acres of impervious surface with a maximum building square footage of 5,000 square feet. This proposed area will accommodate appropriate minor commercial uses; however, will prohibit the development of large commercial centers or uses that are not consistent with the vision of Pine Island and the intent of the Coastal Rural category.

Staff is recommending that all new commercial rezoning requests on Greater Pine Island be established through the Planned Development zoning process. Further recommended, is the requirement of a public information meeting to provide interested citizens with an overview of the proposed project. This will encourage open communication, insure compatibility, and the reduction of potential detrimental impact to adjacent land uses.

The Land Development Code (LDC) Section 33-1003 through 33-1088 adopted by Ordinance No. 07-19 sets forth commercial development standards for property in Greater Pine Island. These regulations ensure consistency and compatibility of commercial uses on the island. As such, there are existing measures in place to regulate the development of minor commercial uses on Pine Island and to minimize disruptive influences to the unique character of the island. In addition, the area (square footage) of properties will limit the amount of square footage permitted for commercial uses to provide compliance with minimum development standards such as setbacks, landscaped buffers, parking and other requirements.

Commercial development regulations contained in the Land Development Code limit the floor area of new commercial buildings to 10,000 square feet unless a larger size is approved by variance or by deviation in a commercial planned development. Architectural standards, parking lot design and landscaping requirements are also established in the LDC Section 33-1003 through 33-1088.

Staff has additional review capabilities and options when reviewing a request for a Commercial Planned Development within the Coastal Rural future land category. Uses may be limited for compatibility purposes and conditions will be recommended to provide an enhanced development consistent with the character of the island.

Staff has included “ecotourism” within the appropriate commercial uses for the Coastal Rural future land use category. Ecotourism is defined as responsible travel to natural areas which conserves the environment and improves the welfare of the local people. Ecotourism further includes travel to natural destinations, minimizes impact, builds environmental awareness, provides for conservation, and respects local culture.

## **B. CONCLUSION:**

Staff finds that properly conditioned minor commercial development within the Coastal Rural future land use category is appropriate. Commercial development should be permitted and encouraged near population centers on Pine Island. Staff’s research indicates that St. James City is the most populated community in Pine Island developed with two-thirds of the population. The majority of the existing conventionally commercial zoned parcels are located on Stringfellow Road between Pine Island Center and St. James City.

An increase in minor commercial development on parcels with existing commercial zoning and located in the Coastal Rural future land use category will enhance the lifestyle of the community by providing local employment and services to island residents and visitors, resulting in the reduction of trip generations through Matlacha and off the island.

Staff's recommendation of limited commercial uses in the Coastal Rural future land use category is reflective of uses permitted in the Rural Commercial zoning district. The purpose of this district is to designate and facilitate the proper development and use of land in non-urban areas of the county. In addition to the neighborhood scale provision of basic goods and services, it is the intent of the Rural Commercial district to provide other goods and services, specific to rural productive activities, such as farming or ranching and for the rural lifestyle in general. The standard of physical development shall be or closely approximate that of Minor Commercial as established in the Lee Plan. It is staff's intent to mirror these uses in the Coastal Rural future land use category to provide minimal services to the residents and visitors of Pine Island.

Staff understands the culture of Pine Island and the limitation of commercial uses in this rural setting. There are some existing commercial uses located within the Coastal Rural future land use category that are currently enjoyed by the island population such as restaurants, food stores, and specialty retail. Thus, the proposed amendment will permit these uses to continue offering services to island residents and visitors and provide for consistency with the Lee Plan. To an extent, residential and commercial development is restricted within the Coastal Rural future land use category to protect natural habitat and wildlife species. Development standards for commercial uses are established in the LDC, Chapter 33, which sets forth parameters designed to complement the character of the existing community.

Limited minor commercial uses in the Coastal Rural future land use category will serve to capture on and off-island trip generation as well as serve the residents and visitors of Pine Island.

Staff recognizes that commercial uses on Pine Island should reflect the unique character and ambience of the island. It is not staff's intent to change the view of commercial uses within the designated urban areas, only to clarify appropriate commercial uses within the Coastal Rural future land use category, specifically those existing commercial zoned properties. Staff further understands the significance and consideration of all interested parties of Pine Island including the Associations representative of the Greater Pine Island Civic Association, Bokeelia, St. James City, Matlacha, and the Pine Island Ag and Land Owners.

It is important to maintain the rural environment that is characteristic of Pine Island; however, Minor Commercial uses should not be prohibited whereby limiting reasonable uses of existing, commercial property. Staff agrees that the majority of commercial uses belong in Pine Island center; however, there is a need for flexibility, specifically for those properties with existing, conventional commercial zoning.

Staff proposes to analyze impacts of these policy changes during the Comprehensive Plan Evaluation and Appraisal Report process mandated by the Growth Management Act. This review is conducted every seven years and affords an opportunity to re-analyze the policy changes recommended in this report and propose modifications as needed.

**C. STAFF RECOMMENDATION:**

Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, as shown in Part 1, Section B.1. of this staff report.

**ATTACHMENTS:**

1. Table describing the 23 existing commercial zoned parcels located within the Coastal Rural future land use category
2. Map depicting the 23 existing commercial zoned parcels
3. Future Land Use Map for Pine Island

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

**DATE OF LPA PUBLIC HEARING: June 22, 2009**

#### **A. LOCAL PLANNING AGENCY REVIEW**

At the June 22, 2009 LPA public hearing, staff introduced CPA2008-00017 stating that the proposed amendment is a Board initiated Lee Plan amendment to clarify appropriate commercial uses within the Coastal Rural future land use category in Pine Island. Staff further requested that the Local Planning Agency (LPA) table the proposed plan amendment to provide time for additional review and discussion with interested parties.

Mr. Phil Buchanan, representing the Greater Pine Island Civic Association (GPICA), addressed the LPA requesting that they table discussion and consideration of the amendment to permit the GPICA and staff an opportunity to continue review of the proposed amendment. Following brief discussion, the LPA voted unanimously to table consideration of the amendment until their next meeting scheduled for July 27, 2009.

**DATE OF LPA PUBLIC HEARING: July 27, 2009**

#### **B. LOCAL PLANNING AGENCY REVIEW CONTINUED:**

Staff provided a brief overview of the proposed amendment noting that the intent is to evaluate and incorporate appropriate, limited minor commercial uses within the Coastal Rural future land use category. There are currently 23 existing conventionally, commercial zoned parcels in the Coastal Rural future land use category, some of which are developed with a real estate office, auto repair, storage, and restaurants. Staff further explained that the Land Development Code (LDC), Section 33 regulates commercial development in Pine Island. The proposed amendment focuses on properties located within the Coastal Rural future land use category. Staff stressed that the proposed amendment was directed by the Board of County Commissioners to provide direction in the Lee Plan relative to appropriate commercial uses in the Coastal Rural future land use category.

Staff stated that the proposed amendment represents a balance between the more intense urban areas and the rural areas on Pine Island. Staff further explained the changes to the staff report regarding the difference between Minor Commercial and commercial uses. Staff explained that there are existing commercial uses in the urban areas which exceed the definition of Minor Commercial. Staff recommends transmittal of the proposed amendment to the Board of County Commissioners.

Nine members of the public spoke regarding the proposed plan amendment. Six of those spoke in support of the amendment and three spoke in opposition. Those who spoke in support of the amendment expressed concern regarding further restrictions to property use and rights. They agreed with staff's recommendation which provides for equitable use of commercial property within the Coastal Rural future land use category. The public who spoke in opposition relayed concerns that the proposed amendment will permit intense commercial uses in rural areas and does not reflect the unique character and quality of Pine Island. Eight of the speakers were residents of Pine Island as

well as members of the Pine Island Ag Landowners Association, the Greater Pine Island Civic Association, and the Bokeelia Civic Association.

Following questions and comments from members of the LPA, the LPA voted unanimously to continue consideration until the August 24, 2009 LPA hearing to allow further review and discussion.

**DATE OF LPA PUBLIC HEARING: August 24, 2009**

**C. LOCAL PLANNING AGENCY REVIEW CONTINUED:**

Staff presented an overview of the changes following the July 27, 2009 LPA hearing. Those changes incorporated amendments to Policy 14.4.2 to better identify and clarify the commercial uses appropriate in the urban areas of Pine Island (Bokeelia, Pineland, Matlacha, and St. James City) intended to serve the day to day needs of local residents and island visitors. Policy 14.4.6 was amended to clarify that commercial uses in the Coastal Rural future land use category were minor commercial and all new commercial zoning requests must be established through the planned development zoning process.

Staff further added Policy 14.4.7 defining a review, analysis and assessment of commercial needs and development in the entirety of the Greater Pine Island Community during the Comprehensive Plan Evaluation and Appraisal Report process.

Staff has also included a defining Objective and Policy to require applicants for rezoning actions to conduct a public informational meeting within the Greater Pine Island Community to provide an overview of a proposed project for interested citizens and for receipt of comments.

Staff noted that the provision for variances or deviations from the required standards had been removed from the proposed policy language. The standards and regulations of the Department of Community Affairs does not provide for variances or deviations from the Lee Plan. The Plan must establish a definitive “ceiling” for incorporation into policies.

Mr. Matt Uhle, representing the AG Landowners in Pine Island, spoke in opposition to the removal of the provision for a variance or deviation and requested additional uses be included such as Personal Services, Group I, Business Services, Group I and repair shops. Mr. Uhle also addressed a zoning case (Resolution number Z-06-085 for Carl’s Automotive Repair and Service) that preceded the Board initiated amendment, noting inconsistencies with the approved uses and development parameters contained in staff’s current proposal.

Mr. Michael Dreikorn, representing the Bokeelia Civic Association, spoke in opposition to the removal of the variance and deviation language, expressed concern relative to the proposed square footage, and stressed the importance of reviewing requests on a case by case basis. The Association supports the remainder of the proposed amendment.

Mr. Phil Buchanan, representing the Greater Pine Island Civic Association (GPICA), spoke in support of staff’s recommendation, noting that staff had addressed the unique culture of Pine Island

by differentiating between the type of commercial uses permitted in the urban and Coastal Rural future land use categories and the limitations for commercial development.

Staff responded to Mr. Uhle's discussion regarding Z-06-065 noting that staff's recommendation included limited uses specific to legitimizing an existing business and in recognition of the Coastal Rural future land use category. The Hearing Examiner recommended additional uses that were ultimately adopted by the Board of County Commissioners at which time staff was directed to clarify and designate appropriate commercial uses within the Coastal Rural future land use category.

The LPA engaged in lengthy discussion regarding the provision for variances and deviations, the maximum 5,000 square foot building area, and the inclusion of additional uses such as Personal Services, Group I, Business Services, Group I, and repair shops. The members addressed the feasibility of permitting a maximum 7,500 square foot building area through the planned development zoning process, subject to justification of a compelling need to the community.

Staff noted that commercial studies of the Greater Pine Island community have indicated a surplus of commercial uses and properties based on existing conditions and population growth. Staff further noted that numerous communications had been received regarding this Plan amendment and that the majority oppose an increase in commercial development on Pine Island. Staff stressed that the intent of this amendment was to clarify the type of minor commercial uses that should be permitted in the Coastal Rural future land use category, specifically for existing commercial zoned parcels. Staff is recommending that any new commercial development be considered through the Planned Development zoning process.

**D. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT:**

- 1. RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the amendment as proposed by staff, with the following change to Policy 14.4.6 provided in double-underline format :

Total building floor area may not exceed 5,000 square feet; provided however, a maximum of 7,500 square feet may be achieved through the Planned Development public hearing process if the applicant demonstrates a compelling need;

Staff does not concur with the proposed additional language.

- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff with the additional language to permit a maximum square footage of 7,500 square feet through the Planned Development rezoning process subject to demonstration of a compelling need within the community.

**3. VOTE:**

<b>NOEL ANDRESS</b>	<b>AYE</b>
<b>CINDY BUTLER</b>	<b>AYE</b>
<b>CARIE CALL</b>	<b>AYE</b>
<b>JIM GREEN</b>	<b>AYE</b>
<b>MITCH HUTCHCRAFT</b>	<b>NAY</b>
<b>RONALD INGE</b>	<b>NAY</b>
<b>CARLA JOHNSTON</b>	<b>AYE</b>

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

**DATE OF TRANSMITTAL HEARING:** September 23, 2009

**A. BOARD REVIEW:**

Staff provided an overview of the proposed Plan amendment highlighting the changes to existing policies and proposed new objective and policy including the distinction between commercial and minor commercial uses, property development parameters, future evaluation and assessment of commercial uses in the Greater Pine Island Community, and public participation to improve the provision of information and communication with the entirety of the Pine Island community.

The differences between staff's recommendation and the LPA recommendation were explained. Staff's recommendation is for a maximum building area of 5,000 square feet for commercial development and the LPA recommended a maximum of 7,500 square feet if approved through the public hearing process and if the applicant demonstrates a compelling need.

A member of the public, representing the Greater Pine Island Civic Association (GPICA) spoke in support of the proposed amendment, noting that the proposal is consistent with the culture and character of the island.

A member of the public, representing the Pine Island Chamber of Commerce, spoke in opposition to the proposed amendment requesting that the item be tabled until the entirety of the Lee Plan Goal 14 could be reviewed and amended.

A member of the public, representing the Pine Island Ag and Landowners Association spoke in opposition to the proposed amendment in its current form, specifically referencing the proposed uses, square footage, and the need for a deviation and variance process.

An additional member of the public spoke in support of the proposed amendment stating that it is consistent with the Plan and will maintain the integrity of Pine Island.

The Board discussed the square footage and questioned staff in regards to protecting the existing commercial buildings that exceed 5,000 square feet or that have approved zoning for 7,500 square feet.

During discussion, staff reiterated that the proposed amendment and defining policies are relative to minor commercial uses exclusive to the Coastal Rural future land use category in Pine Island. This amendment does not affect other planning communities in Lee County.

**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. The Board voted to transmit the 2008/2009 plan amendment cycle to the Department of Community Affairs.

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

The Board accepted the findings of facts as advanced by the staff report, the LPA, and as amended. The following language was approved for transmittal:

**POLICY 1.4.7:** The Coastal Rural areas will remain rural except for portions of properties where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, on the remainder of the property. The standard maximum density is one dwelling unit per ten acres (1DU/10 acres). Maximum densities may increase as higher percentages of native habitat are permanently preserved or restored on the uplands portions of the site, or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, in accordance with the chart below. Permitted land uses include agriculture, fill-dirt extraction, conservation uses, and minimal non-residential land uses, limited to minor commercial, that are necessary to provide basic commercial services to serve the island residents and visitors, and residential uses up to the following densities:

The balance of Policy 1.4.7 remains unchanged.

**POLICY 14.4.1:** The designated Future Urban Area at Pine Island Center is targeted for most future commercial and industrial uses, as permitted by other portions of this plan. **NOTE: This policy is placed here for reference purposes only.**

**POLICY 14.4.2:** Commercial development at other urban locations on Greater Pine Island (such as Bokeelia, Pineland, Matlacha, and St. James City), should be limited to marinas, fish houses, and minor commercial uses to serve the day to day needs of local residents, and uses to serve island visitors. Such development must be sited and designed to minimize disruptive influences to the greatest degree possible. (Amended by Ordinance No. 94-30, 00-22)

**POLICY 14.4.6:** In the Coastal Rural future land use category, non-residential development is limited to minor commercial development. New commercial zoning requests must utilize the Planned Development zoning process. All commercial development in this category must be consistent with the following limitations:

- Total building floor area may not exceed 5,000 square feet;
- Development must not exceed two acres of impervious area;
- Uses are limited to those that reflect the Coastal Rural character and unique culture of Greater Pine Island such as animal clinics, bait and tackle shops, ecotourism, farm and feed supply stores, food stores, lawn and garden supply stores, restaurants (excluding fast food), roadside/produce stands, specialty retail, and plant nurseries.
- Buildings exceeding 5,000 square feet that are lawfully existing and approved as of October 1, 2009 will be deemed vested for the approved and existing square footage for the life of the structure despite a change in use.

**POLICY 14.4.7:** During the Comprehensive Plan Evaluation and Appraisal Report process the County will analyze commercial rezoning and commercial development in the Coastal Rural areas and assess their impacts to the Greater Pine Island Community and identify any needed policy modifications.

**OBJECTIVE 14.7: 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 14.7.1:** The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) within the Greater Pine Island community must conduct one public informational meeting within the community where the agent will provide a general overview of the project for any interested citizens. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for advertising, providing the meeting space, and security measures as needed. Subsequent to this meeting, the applicant must provide staff with a summary 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.

**C. VOTE:**

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

**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**

**C. STAFF RECOMMENDATION**

**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:**

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