

**CPA2008-27  
COMMERCIAL/INDUSTRIAL  
LANDS AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

**Lee County Board of County Commissioners  
Sponsored Amendment and Staff Report**

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**BoCC Adoption Document**

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**March 3, 2010**

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

**CPA2008-00027**

**Text Amendment**

**Map Amendment**

<b>This Document Contains the Following Reviews:</b>	
✓	<b>Staff Review</b>
✓	<b>Local Planning Agency Review and Recommendation</b>
✓	<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: July 17, 2009

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT/REPRESENTATIVE:**

LEE COUNTY BOARD OF COUNTY COMMISSIONERS

Represented by the Lee County Division of Planning

- 2. REQUEST:** Evaluate and incorporate into the Future Land Use Element and Glossary appropriate Lee Plan policy changes and additions consistent with the Commercial/Industrial Study.

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

- 1. RECOMMENDATION:** Staff recommends that the Board of County Commissioners transmit the following amended Lee Plan Policies:

## FUTURE LAND USE ELEMENT

**POLICY 1.1.7:** The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and central locations to reduce employee commuting distances. The Industrial Development area is to be reserved for research and development, laboratories, industrial activities, and office; selective land use mixtures of industrial, manufacturing, research, and development, laboratories and office uses supporting the preceding uses; and properly buffered recreational uses (except where precluded by airport hazard zone regulations). New natural resource extraction (mining) activities and fill dirt operations must be approved through the Mining Excavation Planned Development rezoning process in accordance with the Lee County Land Development Code. The 14± acre parcel redesignated by CPA2006-14 from the Suburban to the Industrial Development future land use category, located north of Bayshore road and south of ACL Railroad right of way in Section 20, Township 43 South, Range 25 East will have a maximum Floor Area Ratio of 0.3. Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured or directly related to that manufactured on the premises, or;
  2. Commercial uses are integrated into the primary R&D/Industrial development;
  3. Commercial service and retail uses may not exceed 20% of the total acreage within the Industrial Development areas per within each Planning Community .
- (Amended by Ordinance No. 94-30, 98-09, 99-15, 02-02, 09-06, 09-12)

**POLICY 1.2.2:** The Tradeport areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year 2030. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; research and development activities; laboratories; ground transportation and airport-related terminals or transfer facilities; hotels/motels, meeting facilities; and office uses. Ancillary retail and ~~Corner Store~~ commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development. Future development in this category is encouraged to include a mixture of land uses as described in Policy 2.12.2. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Temporary housing units may be included in association with research and development activities when approved as part of a Planned Development zoning request. Caretaker residences are not permitted in the Airport Noise Zone B. ~~Because this~~ The Tradeport area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential

public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. (Amended by Ordinance No. 94-30, 02-02, 03-04, 04-16, 07-09, 09-06)

## ECONOMIC ELEMENT

~~**POLICY 158.4.10:** The Lee County Community Redevelopment Agency will continue local revitalization efforts in the county's redevelopment areas to leverage private reinvestment activities through public investment in community development and infrastructure improvements. (Amended by Ordinance No. 00-22)~~

### RENUMBER POLICY 158.4.11 to 158.4.10

**POLICY 158.5.2:** Lee County will promote the development of programs and facilities thru the Lee County School District, Edison State College, Florida Gulf Coast University, and any existing and/or future institutions of higher learning, including business and commerce, health services, technologies, and education careers. (Amended by Ordinance No. 00-22, 07-09)

**POLICY 158.5.3:** Lee County will encourage the Lee County School District, Edison State College, Florida Gulf Coast University, and any future institutions of higher learning, to develop cooperative and integrated curriculums that enhance and increase the productivity of the local work force and attract industries and skilled workers. (Amended by Ordinance No. 00-22, 07-09)

**OBJECTIVE 158.6:** Lee County will maintain a system of development regulations that will promote the accomplishment of the goals, objectives, and policies of this element: and will expedite the development review process for projects identified by the Economic Development Office as "economic projects." (Amended by Ordinance No. 00-22)

**POLICY 158.6.3:** Lee County will expedite the processing of rezoning and development permitting for projects identified by the Economic Development Office as "economic projects."

**POLICY 158.6.4:** Lee County will appoint a zoning and development permitting ombudsman within the Economic Development Office, who will have the authority to coordinate and facilitate the rezoning and development permitting processes for "economic projects" pursuant to Policy 158.6.3, so as to reduce requests for additional information, identify issue resolutions, and reduce the amount of time spent in rezoning and permitting for such projects.

## 2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Commercial/Industrial Study was commissioned by the Board of County Commissioners to help better manage and preserve lands for industrial and commercial office development.
- The Commercial/Industrial Study was presented to the Board of County Commissioners during the Management & Planning meeting of September 10, 2007.

- The Study recommended a number of changes to the Lee Plan, Land Development Code, and to the development process.
- Lee Plan Amendment CPA2007-55, which incorporated many of the recommendations of the Commercial/Industrial Study, was adopted by the Board of Commissioners on February 25th, 2009.
- Further review of the Lee Plan economic policies was recommended by CPA 2007-55.
- Further changes to Lee Plan policies have been recommended to Planning Staff since the adoption of CPA2007-55.

### **C. BACKGROUND INFORMATION**

In 2006, the Board of County Commissioners at the request of the Office of Economic Development commissioned a Commercial/Industrial Lands Study to identify appropriate lands for economic development. The study was presented to the Board of County Commissioners in 2007. In February 2009, the Board of County Commissioners adopted Lee Plan Amendment CPA2007-55, which amended Lee Plan Objectives and Policies based on the recommendations of the Commercial/Industrial Study. In July 2009, staff received recommendations regarding Chapter XI of the Lee Plan, the Economic Element. Some of these recommendations were made by Economic Development Office of Lee County and others were made by a member of the Horizon Council.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

Planning staff met with members of the Office of Economic development and with members of the Economic Development task force. Two recommendations were made regarding Lee Plan Policy 1.1.7. The first was to add the words “or directly related to that manufactured “ to the first condition. This would allow a greater range of retail sales within industrial developments. The second recommendation was to amend Condition 4 of Policy 1.1.7 by allowing retail and commercial uses in up to 20% of the acreage of each planned development rather than 20% of the acreage designated as Industrial Development in each planning Community. This was suggested to eliminate any burden to staff from having to keep a running total of the acres developed in commercial use. This is not a problem for staff, as the totals are already kept as part of the Existing Land Use Database.

Two recommendations were made to amend Lee Plan Policy 1.2.2. The first was to remove the words “Corner Store” from the policy. The second recommendation was to provide for temporary residential uses in connection with research and development activity in the Tradeport Future Land Use Category.

The proposed amendments of Lee Plan Policies 158.1.10, 158.5.2, and 158.5.3 are simple text changes to either reflect the name change of Edison College to Edison State College or to correct scrivener error. The amendment of Objective 158.6 and Policy 158.6.3 are intended to incentivize economic investment in Lee County by expediting projects determined to be of economic importance to the County.

The last recommendation was to add the following policy to the Lee Plan:

**POLICY 158.6.4:** Lee County will appoint a zoning and development permitting ombudsman within the Economic Development Office, who will have the authority to coordinate and facilitate the rezoning and development permitting processes for “economic projects” pursuant to Policy 158.6.3, so as to reduce requests for additional information, identify issue resolutions, and reduce the amount of time spent in rezoning and permitting for such projects.

Including such a policy simply reflects the procedures already being practiced between the Office of Economic Development and the Department of Community Development. Staff agrees it should be included in the plan.

## **B. CONCLUSIONS**

The recommended changes to the Economic Element are for clarification and to include practices already in use at the County. The changes to the Future land Use Element are for clarification and to allow temporary housing in association with Research and Development activities, a desirable component to this type of land use.

## **C. STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners transmit the Lee Plan Objective and Policy language as listed above.

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

DATE OF PUBLIC LPA HEARING: July 27, 2009

**A. LOCAL PLANNING AGENCY REVIEW**

Planning Staff gave a brief summary of the proposed amendment. An LPA member explained to the rest of the LPA that the inclusion of temporary residences within the Tradeport Future Land Use Category was to address the needs of research and development uses that often have unusual working hours. One LPA member noted that proposed Policy 158.5.2 referred to specific academic institutions but left out language to address possible future institutions.

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

**1. RECOMMENDATION:**

The Local Planning Agency recommends that the Board of County Commissioners Transmit the proposed amendment with the following change to Lee Plan Policy 158.5.2:

**POLICY 158.5.2:** Lee County will promote the development of programs and facilities thru the Lee County School District, Edison State College, Florida Gulf Coast University, and any existing and or future institutions of higher learning, including business and commerce, health services, technologies, and education careers. (Amended by Ordinance No. 00-22, 07-09).

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

The LPA stated that there are existing academic institutions in Lee County that are not listed in Policy 158.5.2 and that the policy should be amended to include such institutions.

**C. VOTE:**

**NOEL ANDRESS**

AYE

**CINDY BUTLER**

AYE

**CARIE CALL**

AYE

**JIM GREEN**

AYE

**MITCH HUTCHCRAFT**

AYE

**RONALD INGE**

AYE

**CARLA JOHNSTON**

AYE

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

DATE OF TRANSMITTAL HEARING: September 23, 2009

- A. BOARD REVIEW:** This amendment was pulled from the consent agenda. One commissioner asked staff to define the term “economic projects” as used in proposed policy 158.6.3. Staff stated that the term was recommended by the Lee County Office of Economic Development and would be using their criteria.

An October 19, 2009 communication from the Lee County Economic Development Office contained the following definition of Economic Projects:

*A project that will result in or otherwise cause the diversification of Lee County’s industry base and create high-wage jobs. Diversification is defined as those target industries adopted by the State of Florida and Lee County that also pay 115% of the average County wage.*

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

**1. BOARD ACTION:** The Board of Commissioners voted to transmit the proposed amendment 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.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board of Commissioners accepted the findings of fact as advanced by staff and the Local Planning Agency.

**C. VOTE:**

<b>BRIAN BIGELOW</b>	<b>AYE</b>
<b>TAMMARA HALL</b>	<b>AYE</b>
<b>ROBERT P. 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: January 15, 2010

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

The Department of Community Affairs provided no objections, recommendations, or comments concerning the proposed amendment.

**B. STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners adopt the proposed amendment as transmitted.

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

DATE OF ADOPTION HEARING: March 3, 2010

**A. BOARD REVIEW:**

This plan amendment was approved as part of the consent agenda. The Board provided no discussion concerning the proposed plan amendment. No members of the public commented on the proposed amendment.

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

**1. BOARD ACTION:**

The Board of County Commissioners adopted the proposed plan amendment.

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

The Board of County Commissioners accepted the finding of facts as advanced by Staff and the LPA.

**C. VOTE:**

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