

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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Initiated Application
and Lee County Staff Analysis

LPA Public Hearing Document
for the
July 27, 2009 Public Hearing

*Lee County Planning Division
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July 17, 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

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 14.1.1: 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, Pine Island Center, Matlacha, and St. James City), should include marinas, fish houses, and ~~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)

POLICY 14.4.6: In the Coastal Rural future land use category, non-residential development is limited to Minor Commercial development, and may not exceed two acres of impervious area, and a maximum building size of 5,000 square feet unless a deviation is approved through the planned development rezoning process. Uses are limited to those uses that satisfy day to day commercial needs such as bait and tackle shops, animal clinics, lawn and garden supply stores, food stores, farm and feed supply stores, personal services (limited to indoor ATM ancillary to a principal use, barbershop, and beauty shop) restaurants, roadside/produce stands, specialty retail, and plant nurseries.

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 29 conventionally commercial zoned parcels 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 29 parcels are currently developed with commercial uses.
- 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.

D. BACKGROUND INFORMATION

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 reclassifying 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 expanding the allowable uses in the Coastal Rural category and defining permitted, minor commercial uses 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 29, 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 the Bokeelia, Pineland, and St. James City areas. 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 29 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, a 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 minor 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 some 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 in lieu of traveling off the island and 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 banks, bait and tackle shops, restaurants, animal clinic, lawn and garden supply, food stores, farm and feed supply shops; some personal services (i.e. barber shop, beauty shop) 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 can not be anticipated today.

Commercial development standards have been implemented 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, permits uses that provide services to island residents such as an automotive repair and service business. 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 designed 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 carry out 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. A new policy, Policy 14.4.6, should be added to give specific direction to the allowable non-residential development in the Coastal Rural category. This policy should limit the development to Minor Commercial development with a maximum size of two acres of impervious surface and a maximum building size of 5,000 square feet unless a deviation is approved through the planned development rezoning process. This proposed area will accommodate appropriate minor

commercial uses; however, it 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.

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 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.

B. CONCLUSION:

Staff finds that properly conditioned minor commercial development within the Coastal Rural future land use 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 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 will enhance the lifestyle of the community by providing local employment and services resulting in the reduction of trip generations through Matlacha and off the island.

Presently, there are limited commercial uses on the Island, which forces residents to travel off the island to obtain some necessary services. To an extent residential and commercial development is restricted within the Coastal Rural future land use to protect natural habitat and wildlife species. Development standards are currently in place to establish parameters for commercial development to complement the character of the existing community.

Limited minor commercial uses in the Coastal Rural future land use 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.

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.

**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: June 22, 2009

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

- 1. RECOMMENDATION:**
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

C. VOTE:

NOEL ANDRESS	
CINDY BUTLER	
CARIE CALL	
JIM GREEN	
MITCH HUTCHCRAFT	
RONALD INGE	
CARLA JOHNSTON	

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

DATE OF TRANSMITTAL HEARING: September 23, 2009

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	
TAMMARA HALL	
BOB JANES	
RAY JUDAH	
FRANK MANN	

**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:

BRIAN BIGELOW	
TAMMARA HALL	
BOB JANES	
RAY JUDAH	
FRANK MANN	