

**CPA2010-03
GULF SHORE INVESTMENTS
PRIVATELY SPONSORED
SMALL-SCALE AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

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**June 16, 2010
LEE COUNTY**

**DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2010-03**

Text Amendment

Map Amendment

	This Document Contains the Following Reviews:
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: May 14, 2010

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

Gulf Shore Investments, LLC
Represented by Patrick C. Hunt

2. REQUEST:

Amend the Future Land Use Map Series for an approximate 0.9 acre site from the Suburban Future land Use Category to the General Commercial Interchange Future Land Use Category. The site is generally located on the south side of Orange River Boulevard, just west of I-75.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Planning staff recommends that the Board of County Commissioners adopt the proposed amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The properties to the north and east of the subject property are within the General Commercial Interchange Future Land Use Category.
- The subject property is a part of the Palm Beach Boulevard Corridor, which includes the southwestern quadrant of the Interstate 75 and Palm Beach Boulevard intersection.

- The property accesses a dead end portion of Orange River Boulevard that also provides access to other commercial uses within the General Commercial Interchange Future land Use Category.
- The property is located approximately 400 feet from Palm Beach Boulevard, an arterial road, with a signalized intersection.
- The applicant has also requested approval of a Commercial Planned Development (CPD) that is seeking to operate a small RV sales center on the subject site. This use is compatible with the existing commercial uses in the area.
- There will be no increase in the population accommodation capacity of the FLUM. The proposed amendment will result in a population capacity reduction of 5 persons as the General Commercial Interchange does not allow residential uses other than caretakers.
- The subject site is within the Fort Myers Shores planning community, which has sufficient commercial acreage allocated on Table 1(b) of the Lee Plan to accommodate the proposed amendment..
- The area currently has interchange-type uses that are mixed with established residential uses.
- The proposal will result in minimal impacts to public infrastructure and services.

C. BACKGROUND INFORMATION

Project Summary

The 0.9 acre site has access to a dead end portion of Orange River Boulevard on the west side of Interstate 75. This dead end was caused by the construction of Interstate 75. The applicant is requesting to amend the Future Land Use Map, Map 1 of the Lee Plan, to change the future land use designation from Suburban to General Commercial Interchange. The applicant is also seeking approval of a Commercial Planned Development on the subject site to allow RV sales. Properties to the north and east are currently permitted for and contain a larger scale RV sales center.

Comprehensive Plan Background

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as part of its comprehensive plan. On that map, the subject property was part of the “General Commercial Interchange” land use category. The Future Land Use category was changed in 1990 to “Suburban” Future Land Use Category. The change from General Commercial Interchange to Suburban was a requirement of the 1990 Stipulated Settlement Agreement (Volume 3), which required Lee County to more closely match the municipalities’ future land use categories in the municipal boundaries and areas within the urban reserve. The Suburban Future Land Use Category remains the future land use designation for the parcel today. The Suburban areas are described by Policy 1.1.5, reproduced below:

***POLICY 1.1.5:** The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate*

to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed.

It is important to note that this parcel had originally been designated as General Commercial Interchange by Lee County at the time the Lee Plan was originally adopted. Lee County did not necessarily desire to change the future land use designation of this parcel. The 1990 Stipulated Settlement Agreement was an agreement between Lee County and the Florida Department of Community Affairs (DCA) that provided a compromise to make the 1989 EAR-based amendments in compliance. As part of the agreement Lee County had to amend the Future Land Use Map so that the future land use categories more closely matched the future land use categories of the municipalities within the County.

Parcel Description and History

The subject property is a portion of Block 3, Lot 33 of the Terry - Tice- and Vanderwalkers subdivision. This subdivision was platted in Plat Book 1, Page 46. The property is in the Suburban Future Land Use Category on the Future Land Use Map, Map 1 of the Lee Plan. The parcel was purchased by the applicant in 2008. The subject site currently has an approximately 1,300 square foot vacant residential structure on it. The property immediately to the south has a single-family residential dwelling unit, to the west is a vacant residential property and to the north and east is a substantial area with RV sales and service commercial use.

The General Commercial Interchange

During previous comprehensive plan amendments Planning staff has evaluated the southwest quadrant of this interchange area for designation to General Commercial Interchange future land use category. At the November 1, 2000 Lee Plan Amendment adoption hearing the Board of County Commissioners voted to revisit this amendment in a future amendment cycle. At that hearing, it was recommended that the analysis be broadened to include all four quadrants of the I-75 and S.R. 80 interchange.

In 2005, as part of Lee Plan amendment CPA2004-13, the Board of County Commissioners initiated an amendment to the Lee Plan that included an evaluation of the future land use designations of the Interstate 75 and State Road 80 interchange quadrants. During this evaluation, only one alternative was discussed for the southwest quadrant placing the existing RV Sales Center into the General Commercial Interchange category and leaving the residential properties in the Suburban future land use category.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION INTRODUCTION

The applicant is proposing to amend the Future Land Use Map for an approximately 0.9 acre site from the Suburban Future land Use Category to the Commercial Interchange Future Land Use Category. The site is generally located on the south side of Orange River Boulevard, west of I-75.

The subject site currently has a vacant residential structure on it. The applicant has requested an interchange/regional use of the property in a separate request for a Commercial Planned Development for RV sales with a 1,200 square foot sales office.

CONSISTENCY WITH THE GENERAL COMMERCIAL INTERCHANGE FLUC

Lee County Division of Planning staff has reviewed the proposed Lee Plan amendment for consistency with the General Commercial Interchange future land use category. Policy 1.3.3, the descriptor policy for the General Commercial Interchange future land use category is identified below:

POLICY 1.3.3: The General Commercial Interchange areas are intended primarily for general community commercial land uses: retail, planned commercial districts, shopping, office, financial, and business.

In addition to the proposed comprehensive plan amendment, the applicant has also applied for a Commercial Planned Development (CPD) for an RV sales center. The use proposed in the CPD is consistent with the General Commercial Interchange future land use category as defined by Policy 1.3.3 of the Lee Plan.

It should be noted that the proposed map amendment will change the existing vacant single-family home on the subject site to a non-conforming structure. Due to the concurrently running Commercial Planned Development it is anticipated that this structure will not remain on the site. The Land Development Code does not allow the non-conforming uses to be expanded. Planning staff believe the vacant single-family structure will not cause any Lee Plan consistency issues.

Planning staff finds that the proposed Future Land Use Category is consistent with the proposed commercial uses for the subject site and adjacent areas.

OTHER LEE PLAN CONSISTENCY ISSUES:

Planning staff have reviewed the proposed comprehensive plan amendment for consistency with the following provisions of the Lee Plan:

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

The property is adjacent to a 10 acre commercial development (North Trail RV) which abuts I-75 in the southwest quadrant of the intersection of Palm Beach Blvd and I-75. It is located approximately 0.1 mile from a signalized intersection with Palm Beach Blvd providing convenient access to existing road networks. This proposal will serve to contain urban sprawl, minimize energy costs and conserve land by redeveloping an underutilized property near a major urban intersection. The proposed Lee Plan amendment is consistent with Objective 2.1 of the Lee Plan.

OBJECTIVE 2.2: DEVELOPMENT TIMING. *Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created...*

The traffic analysis provided by the applicant indicates that Palm Beach Boulevard will continue to operate at an adequate Level of Service (LOS) with the approval of this proposed amendment. Public water and sewer are available, and have adequate capacity to serve the subject site under the worst case scenario. The proposed amendment will not require any expansion of Lee County's water, sewer, or road networks. Planning staff believes this proposed development to be in-fill development. The scale of the development will only minimally affect the existing infrastructure and require no new facilities. The proposed amendment is consistent with Objective 2.2 fo the Lee Plan.

POLICY 5.1.5: *Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings wikk be denied in the event that the buffers provided in chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses un a satisfactory manner. If such uses are proposed in the form of a planned development of special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new development.*

The applicant has also submitted a Commercial Planned Development (CPD) rezoning application for the subject site for the intended commercial use. This type of review will allow public input. Staff will also be able to draft a set of conditions to adequately buffer the surrounding residents from the proposed commercial use. The proposed project abuts a more intense commercial use to the north and west, and will provide some level of transition from the more intense commercial uses to the adjacent residential areas. It should also be noted that the applicant has provided signed letters from the neighbors in support of the proposed future land use change. The proposed amendment to the Future Land Use Map is consistent with Policy 5.1.5.

In addition to the above mentioned objectives and policies Lee County staff have reviewed this application and find that it is consistent with Standards 11.1 and 11.2 of the Lee Plan. The site is presently served by public water and sewer and the utility has provided letter of availability to serve this proposed development.

Lee County Division of Planning finds the proposed comprehensive plan amendment to be consistent with the Lee Plan.

CURRENT FLUM DESIGNATION FOR SUBJECT SITE:

The Future Land Use category for the subject site is Suburban.

***POLICY 1.1.5:** The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed.*

Staff has estimated, as a worst case, that the area being amended would qualify for the following based on the existing and proposed land use categories. Although the parcel is already developed, staff estimates the following if redevelopment were to occur. All density calculations include bonus density in order to provide the maximum scenario for evaluation.

	Southwest Quadrant
Existing Land Use Category	Suburban
Possible dwelling units or commercial development	5 residential dwelling units
Proposed Land Use Category	General Commercial Interchange
Possible dwelling units or commercial development	9,000 s.f. commercial 0 dwelling units

POPULATION ACCOMMODATION ANALYSIS

The request is to change the Future Land Use Map (FLUM) category of approximately 0.9 acres from the Suburban future land use category to the General Commercial Interchange future land use category. Currently, the Lee Plan does not permit residential development in General Commercial Interchange areas.

The Suburban category standard density permits up to 6 du/acre. There are approximately 0.9 acres designated Suburban. A maximum of 5 dwelling units could be constructed on the property under the Suburban designation. This equates to a population accommodation capacity of 10 persons (5 du’s X 2.09 persons per unit).

As mentioned above the Lee Plan does not permit residential development in General Commercial Interchange designations and therefore the proposal will not be increasing the population accommodation capacity of the FLUM. In fact, the amendment would result in a population capacity reduction of 10 persons.

LEE PLAN PLANNING COMMUNITIES MAP AND TABLE 1(b)

The subject area is located within the Fort Myers Shores planning community. Table 1(b) allocates a total of 400 acres for commercial use in this Planning Community. Recent planning division research indicates that 236 acres of commercial development in the Fort Myers Shores planning community have been developed. This research indicates that 164 additional acres can be developed for commercial use in the planning community before the year 2030. The proposed amendment consists of approximately 0.9 acres. There is sufficient allocation for commercial uses within the Fort Myers Shores planning community. Staff finds the proposed amendment to the Future Land Use Map is consistent with Table 1(b) of the Lee Plan.

TRANSPORTATION

Lee County Department of Transportation (DOT) staff have reviewed the proposal and provided written comments dated April 28, 2010.

POTABLE WATER AND SANITARY SEWER SERVICE

Lee County Utilities staff have reviewed the proposal and provided written comments dated April 28, 2010. Lee County Utilities offers no objection to the proposed change. Lee County Utilities has the capacity to service the development that could occur with the worst case scenario.

Potable Water Service: The subject site is located within the Lee County Water Service area as identified on Map 6 of the Lee Plan. The site will be served by the Olga Water Treatment Plant which has adequate capacity. Lee County Utilities noted that developer funded improvements to the water system may be required.

Sanitary Sewer Service: The subject site is located within the Lee County Sewer Service area as identified on Map 7 of the Lee Plan. The site will be served by the City of Fort Myers North Waste Water Plant which has adequate capacity. Lee County Utilities noted that developer funded improvements to the water system may be required.

LEE COUNTY SCHOOL DISTRICT EVALUATION

The Lee County School District evaluated the proposed redesignation and determined the adequacy of existing and future facilities to provide services to the subject area. Staff of the School District of Lee County have provided a letter to Planning staff indicating that the proposed change “has no impact on classroom needs.”

PUBLIC SAFETY ISSUES

The applicant has provided letters from the public safety and service providers. The purpose of these letters is to determine the adequacy of existing or proposed support facilities. Planning staff has also provided some additional analysis.

Coastal Issues

The parcel is located in the Category 4/5 Evacuation Zone and the Category 4/5 Storm Surge. The parcel is not part of the County’s defined Coastal High Hazard Area.

Sheriff's Office Impact

The Lee County Office of the Sheriff provided a memo dated January 19, 2010 that states the proposed amendment "would not affect the ability of the Lee County Sheriff's Office to provide core services at this time."

Fire Service Impact

The Tice Fire & Rescue District has provided a letter to the applicant dated March 9, 2010 stating that they do not see any issues or raise any objections to the proposed change.

Emergency Medical Services (EMS) Impact

EMS staff has provided a letter to the applicant indicating that they have "no initial concerns with the ability to provide services to this project."

MASS TRANSIT

Lee County Transit Division staff provided the applicant a letter dated January 15, 2010. The letter states that there is transit service at this location with current capacity to meet the needs of the proposed land use changes.

SOLID WASTE

Lee County Solid Waste Division provided a letter to the applicant on January 19, 2010 stating that they are "capable of providing commercial solid waste collection service for the subject property" Solid Waste Service will be provided by the Lee County Resource Recovery Facility and the Hendry Regional Landfill.

PARKS, RECREATION AND OPEN SPACE

The proposed Lee Plan amendment will result in a population capacity reduction of 10 persons. Staff finds that the proposed comprehensive plan amendment will not create any additional need for community or regional parks within Lee County.

SOILS

The 1984 U.S. Department of Agriculture Soil Survey of Lee County identifies one soil type as being present on the subject parcel - 11 Myakka fine sand. The Soil Survey provides the following:

11 - Myakka fine sand. This is a nearly level, poorly drained soil on broad flatwoods areas. Slopes are smooth to slightly concave and range from 0 to 2 percent.

HISTORIC RESOURCES

There are no known historical or archeological areas on the site.

B. CONCLUSIONS

The proposed amendment is consistent with relevant Lee Plan Goals, Objectives, and Policies. The proposed future use of the site, RV sales, is consistent with surrounding commercial uses and is being requested through the Commercial Planned Development Process. This process will allow enhanced protection of the neighboring residential parcels which is consistent with Policy 5.1.5.

Staff concludes that the proposal will result in minimal impacts to public infrastructure and services. If the amendment is approved, allowable density would decrease given that the General Commercial Interchange future land use category does not allocate for residential units. The proposal will, in fact, lower potential future demands on public infrastructure and services because the General Commercial Interchange areas do not allow residential uses, creating a reduction of 10 residential dwelling units. There will be no increase in the population accommodation capacity of the FLUM.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners amend the Future Land Use Map, Map 1 of the Lee Plan, to redesignate the subject property as being within General Commercial Interchange future land use category.

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

DATE OF PUBLIC HEARING: May 24, 2010

A. LOCAL PLANNING AGENCY REVIEW

Staff provided a brief summary of the proposed amendment. One Member of the Local Planning Agency asked for some clarification concerning the posting of the proposed future land use category change. No members of the public appeared to address the proposed Lee Plan amendment.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners adopt the proposed amendment.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	AYE _____
CINDY BUTLER	AYE _____
CARIE CALL	AYE _____
WAYNE DALTRY	AYE _____
JIM GREEN	AYE _____
MITCH HUTCHCRAFT	AYE _____
RONALD INGE	AYE _____

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF SMALL SCALE PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: June 16, 2010

A. BOARD REVIEW:

Staff provided a brief summary of the proposed amendment. No questions or comments were provided by the Board of County Commissioners. No members of the public appeared to address the proposed Lee Plan amendment.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board of County Commissioners voted to adopt the proposed amendment to the Future Land Use Map.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff and the LPA.

C. VOTE:

A. BRIAN BIGELOW	<u> </u> AYE
TAMMARA HALL	<u> </u> AYE
VACANT	<u> </u>
RAY JUDAH	<u> </u> AYE
FRANKLIN B. MANN	<u> </u> AYE