

**CPA2009-09
DESTINATION RESORT MIXED USE
WATER DEPENDANT OVERLAY
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

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

**LPA Public Hearing Document
for the
February 22nd 2010 Public Hearing**

*Lee County Planning Division
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P.O. Box 398
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(239) 533-8585*

February 15, 2010

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2008-01**

Text Amendment

Map Amendment

✓	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

STAFF REPORT PREPARATION DATE: February 15, 2010

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

2. REQUEST:

Amend Goal 12, San Carlos Island, to accommodate the addition of the Destination Resort Mixed Use Water Dependant land use category, and strengthen the requirement for developer funded structural improvements to Main Street in Policy 31.7.4.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Planning staff recommends that the Board of County Commissioners transmit the language for Policy 12.1.1 and Policy 31.7.4 as revised below:

POLICY 12.1.1: New development and substantial redevelopment within the Industrial Development and the Destination Resort Mixed Use Water Dependant land use categories on San Carlos Island will be permitted only in accordance with the following criteria. (See glossary for definitions and Map 2 for map boundaries.) However, in no event will Lee County permit new or expanded petroleum facilities which would serve uses other than marine-related uses.

Paragraph 1 and 2, no proposed changes. Paragraph 3 proposed changes:

3. South of Main Street - Within the water-dependent overlay zone which is defined as land within 300 feet of the shoreline: water-dependent marine industrial uses only as well as those uses described under Goal 31 and Policy 31.3.4.
 - Landward of the overlay zone (300-foot line): marine industrial uses; in addition, dry-storage recreational marinas may also be permitted through the “planned development” rezoning process, provided the following is clearly demonstrated:
 - Water access can be provided with only minimal interference to the waterfront industrial uses; and
 - Adequate road access is provided for the waterfront industrial uses; and
 - Any other commercial uses (such as food service or retail space) must be clearly ancillary to the recreational marina or industrial uses and comprise no more than five percent (5%) of the site, unless located within the Destination Resort Mixed Use Water Dependant future land use category.

Paragraph 4 and 5 no proposed changes. Proposed paragraph 6:

6. Destination Resort Mixed Use Water Dependant Future Land Use Category - Development within this land use category must be consistent with the requirements of Goal 31.

POLICY 31.7.4: As part of any rezoning action, the existing roadways that are adjacent to or run through the project, particularly Main Street, will be evaluated with a cross-sectional analysis to identify needed upgrades of driver and bicycle/pedestrian safety and bus access to and from the property. At a minimum, one bus stop will be provided along Main Street ~~to~~ meeting Lee Tran standards or better. Any improvements necessary to bring Main Street up to Lee County Class A road standards will be provided by the developer. Where bicycle/pedestrian upgrades or additions are determined by Lee County to be desirable along Main Street or other area streets, those improvements will be eligible for road impact fee credits in accordance with the Lee County Land Development Code.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Map 2 of the Lee Plan, the San Carlos Island Water Dependent Overlay Zones, identifies three distinct water dependent overlay zones on San Carlos Island.
- The Future Land Use Map, Map 1, was amended during the 2007/2008 regular amendment cycle with Lee County Ordinance 09-15 to include the Destination Resort Mixed Use Water Dependent Future Land Use Category.
- The Future Land Use Element was amended to include Goals, Objectives and Policies to guide future development within the Destination Resort Mixed Use Water Dependent Future Land Use Category.

- Existing Lee Plan language at Policy 12.1.1, paragraph 3, is not consistent with the development envisioned within the Destination Resort Mixed Use Water Dependent future land use category.
- Review of development proposed within the Destination Resort Mixed Use Water Dependent Future Land Use Category has identified language in Policy 31.7.4 that is difficult to enforce and open to interpretation.

C. BACKGROUND INFORMATION

The Destination Resort Mixed Use Water Dependent future land use category was created by a privately initiated Comprehensive Plan Amendment, CPA2007-51, that affected 36.06 acres on San Carlos Island. The existing uses included an RV park, a restaurant and a marina. The applicants were Darrell Hanson and Ramon Alvarez. The amendment included a new future land use category, Goals, Objectives and Policies codified under Goal 31 and a change to the Future Land Use Map Series of the Lee Plan.

CPA 2007-51 was initially reviewed by the Local Planning Agency on September 29, 2008. The LPA recommended transmittal of the then proposed amendment to the Board of County Commissioners by a vote of 3 to 1 with 3 members absent. The Board of County Commissioners voted to Transmit CPA2007-51 to the Department of Community Affairs on October 23, 2008 by a vote of 3 to 2. The Board of County Commissioners voted to adopt CPA2007-51 on February 25, 2009 by a vote of 4 to 1.

As a result of the amendment Staff has identified an inconsistency within the Lee Plan that must be addressed. The inconsistency is between the Policy 12.1.1, paragraph 3, (which outlines development guidelines for San Carlos Island Water-Dependent Overlay Zone south of Main Street) and Goal 31. This was an oversight by staff as Goal 12 should have also been amended through CPA2007-51. Staff has also identified language within Policy 31.7.4 that is unclear about the responsibility of required improvements to Main Street.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Policy 12.1.1

Map 2 of the Lee Plan identifies the land that is subject to the San Carlos Island Water-Dependent Overlay Zone. Policy 12.1.1 outlines development criteria for this Overlay Zone. Some of the criteria found in Policy 12.1.1 is inconsistent with the Destination Resort Mixed Use Water Dependent future land use category. Specifically the San Carlos Island Water-Dependent Overlay Zone only provides for water-dependent marine industrial uses and ancillary commercial uses that are to be limited to no more than five percent (5%) of the project site. Lee County Planning staff is proposing to amend Policy 12.1.1 to acknowledge the Destination Resort Mixed Use Water Dependent Future Land Use Category. The proposed amendment to Policy 12.1.1 will correct the identified internal inconsistency within the Lee Plan.

Policy 31.7.4

Policy 31.7.4 currently reads as follows:

POLICY 31.7.4: *As part of any rezoning action, the existing roadways that are adjacent to or run through the project, particularly Main Street, will be evaluated with a cross-sectional analysis to identify needed upgrades of driver and bicycle/pedestrian safety and bus access to and from the property. At a minimum, one bus stop will be provided along Main Street to Lee Tran standards or better. Where bicycle/pedestrian upgrades or additions are determined by Lee County to be desirable along Main Street or other area streets, those improvements will be eligible for road impact fee credits in accordance with the Lee County Land Development Code.*

The existing language in Policy 31.7.4 does not clearly demonstrate consistency with existing Lee Plan language in Policy 31.2.2, which requires that development within the Destination Resort Mixed Use Water Dependent future land use category must have adequate transportation facilities. The existing language, of Policy 31.7.4 is unclear with respect to the improvements to Main Street that will be required in connection with the proposed development. Through the creation of the Destination Resort Mixed Use Water Dependent future land use category and the adoption of CPA 2007-51 it was understood that the developer would be responsible for bringing Main Street up to Lee County Standards. This amendment will provide the clarification as to the responsible party for the improvements,

To clarify the developer's responsibility for improvements to Main Street, Lee County Planning staff is proposing that the policy be revised as follows:

POLICY 31.7.4: As part of any rezoning action, the existing roadways that are adjacent to or run through the project, particularly Main Street, will be evaluated with a cross-sectional analysis to identify needed upgrades of driver and bicycle/pedestrian safety and bus access to and from the property. At a minimum, one bus stop will be provided along Main Street to meeting Lee Tran standards or better. Any improvements necessary to bring Main Street up to Lee County Class A road standards, from the eastern property line to the intersection with San Carlos Boulevard, will be provided by the developer. Where bicycle/pedestrian upgrades or additions are determined by Lee County to be desirable along Main Street or other area streets, those improvements will be eligible for road impact fee credits in accordance with the Lee County Land Development Code.

B. CONCLUSIONS

Planning staff believes that the proposed amendments to Policy 12.1.1 and Policy 31.7.4 will effectively correct inconsistencies within the Lee Plan and better articulate the intent of the Board of County Commissioners concerning needed structural improvements to Main Street on San Carlos Island.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit this amendment to correct the identified internal inconsistencies within the Lee Plan and clarify the intent of Policy 31.7.4.

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

DATE OF PUBLIC LPA HEARING: February 22, 2010

A. LOCAL PLANNING AGENCY REVIEW

**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

WAYNE DALTRY

JIM GREEN

MITCH HUTCHCRAFT

RONALD INGE

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

DATE OF TRANSMITTAL 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	_____
ROBERT P. 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

**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

ROBERT P. JANES

RAY JUDAH

FRANK MANN

