

**CPA 2004-13
I-75 and S.R. 80 Interchange
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

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October 12, 2005

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2004-13**

✓	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: May 18, 2005

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:

Evaluate the future land use designations of Map 1, the Future Land Use Map, for the Interstate 75 and State Road 80 Interchange to balance existing and future land use designations in this area.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. STAFF RECOMMENDATION: Amend the Future Land Use Map Series, Map 1, the Future Land Use Map, to redesignate approximately 39 acres of land located in the Interstate 75 and State Road 80 interchange area from Intensive Development, Suburban, and Urban Community to General Commercial Interchange as depicted on Attachment 1.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The proposed land use change will not cause future road network plan changes to the 2020 Transportation Plan.

- There will be no increase in the population accommodation capacity of the FLUM. The proposed amendment will result in a population capacity reduction of 755 persons.
- The presence of I-75 has increased the number of interchange type uses mixing with established residential uses.
- The proposal will result in minimal impacts to public infrastructure and services. The proposal will in fact lower the demands on public infrastructure and services

C. BACKGROUND INFORMATION

The Board of County Commissioners initiated the proposed amendment on March 22, 2005 and directed Planning staff to evaluate the future land use designations of the Interstate 75 and State Road 80 interchange quadrants, specifically the northeast quadrant and both the southeast and southwest quadrants. The study area, including the Existing Future Land Use designations of the area, are shown as Attachment 2.

Planning staff previously evaluated the southwest quadrant of this interchange area. At the November 1, 2000 Lee Plan Amendment adoption hearing the Board voted to revisit this proposed 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.

Initiating the amendment into the current cycle allows staff to review the future land use designations for the interchange area and properly balance existing and future land use designations in this area. At the time the subject amendment was initiated staff specified the three quadrants noted above, recognizing that the future land use designations of the northwest quadrant are appropriate as they exist today. Existing land uses in the northwest quadrant include the Morse Shores single family subdivision, designated Suburban a primarily residential land use category, and commercial uses fronting S.R. 80, designated Intensive Development.

Staff began evaluating the amendment by creating three possible alternatives for the study area to bring forward to the Local Planning Agency (LPA) for discussion purposes. The alternatives discussed involved the possibilities of amending the entire northeast quadrant to Urban Community, Central Urban, or changing the designation of the existing neighborhood to Suburban and leaving the General Commercial Interchange category in place in the remainder of the quadrant. Only one alternative was discussed for the southwest quadrant placing the existing RV Sales Center into the General Commercial Interchange category. This remains the staff recommendation today. Alternatives discussed for the southeast quadrant involved Central Urban for the entire quadrant, the General Commercial Interchange category being proposed for the area today, or leaving the existing designations in place. At the LPA meeting, the members voted to recommend an alternative amending the entire northeast quadrant to the Urban Community category, a portion of the southwest quadrant to General Commercial Interchange as recommended by this report, and leaving the existing designations in place in the southeast quadrant. The LPA preferred this alternative based on their previous recommendation involving a privately initiated small scale amendment in the northeast quadrant. Previously the LPA recommended that the 10 acres involved in this request be amended to Urban Community.

After further review and based on the Board of County Commissioner’s review of the recently proposed small scale amendment in the northeast quadrant of the interchange, staff has concluded that the future land use designations of the northeast quadrant are appropriate as they exist today. Further discussion is provided throughout the following analysis.

This report discusses the subject interchange area being evaluated as the study area. The study area encompasses approximately 124 acres. Of the 124 acres being evaluated, staff is recommending a future land use map amendment to approximately 39 acres in the southwest and southeast quadrants of the interchange. Staff is proposing that the 39 acres be amended to General Commercial Interchange as shown on Attachment 1. A little over half of the proposed change amends the future land use category covering the right-of-way areas of I-75 and State Road 80, leaving approximately 18 acres of developable land being amended. The impacts of amending the 18 acres of developable land for possible residential or commercial development are being addressed through this report, comparing existing future land use categories vs proposed. 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 areas are already developed, staff estimates the following if redevelopment were to occur. All density calculations include bonus density and half of the adjacent right of way in order to provide the maximum scenario for evaluation. Please note that the northwest category is not included below, due to staff’s recommendation that the General Commercial Interchange category remain in place.

	Southwest Quadrant	Southeast Quadrant
Existing Land Use Category	Suburban and Intensive Development	Urban Community
Possible unit or commercial development	100,000 s.f. commercial or 295 dwelling units	50,000 s.f commercial or 67 dwelling units
Proposed Land Use Category	General Commercial Interchange	General Commercial Interchange
Possible unit or commercial development	130,000 s.f. commercial 0 dwelling units	50,000 s.f. commercial 0 dwelling units

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

COMPREHENSIVE PLAN BACKGROUND

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, all three quadrants were depicted as General Commercial Interchange and a small area in the southwest quadrant was depicted as Central Urban. As part of an overall review of the future

land use map in 1989, the eastern portion of the southeast quadrant was changed from General Commercial Interchange to Urban Community. This remains the future land use category for this portion of the quadrant today. Later in 1989 Lee County formulated a comprehensive plan in order to meet the requirements of the 1985 Growth Management Act. At that time the newly formulated comprehensive plan was objected to by the Department of Community Affairs. In part, the Department of Community Affairs found that Lee County future land use categories should more closely correspond with the adopted future land use maps of the cities of Fort Myers and Cape Coral. The subject area was located within the Urban Reserve Area of Fort Myers which at that time was included on their future land use map. Lee County entered into a settlement agreement with the Department of Community Affairs and through this agreement amended the future land use designations of the southwest quadrant to the current FLUM designations for the area today.

CURRENT FLUM DESIGNATIONS FOR SUBJECT INTERCHANGE QUADRANT

Current Lee Plan Future Land Use categories for the subject area are as follows (see Attachment 2):

Future Land Use categories in the northeast quadrant are General Commercial Interchange and Central Urban. The categories in the southeast quadrant include General Commercial Interchange and Urban Community.

***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.*

***POLICY 1.1.3:** The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02)*

***POLICY 1.1.4:** The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density*

ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)

Future Land Use categories in the southwest quadrant include Intensive Development and Suburban.

***POLICY 1.1.2:** The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers and Cape Coral. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6) and office uses are appropriate in these locations. As Lee County moves toward becoming a metropolitan complex of a half million people, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from seven dwelling units per acre (7 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre).*

***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.*

EXISTING LAND USES

The subject area lies in Section 3 Township 44 South, Range 25 East and Section 34 Township 43 South, Range 25 East and is located in the northeast quadrant and both the southeast and southwest quadrants of the State Road 80 and Interstate 75 Interchange. This area is bordered by the Orange River (east of the interstate) and S.R. 80 (west of the interstate) to the north, both the Siesta and the Sun-n-Fun mobile home subdivisions to the east, vacant land and condominium development to the south, and single family residential uses to the west. I-75 extends north/south and S.R. 80 east/west through the subject area.

The study area encompasses approximately 124 acres total, accommodating a variety of uses including residential, commercial, marina, and vacant land uses. The following is a summary of land uses existing within the study area of each interchange quadrant.

Quadrant	Existing Uses	Future Land Use Designation
Northeast	Single Family Subdivision and Marina	General Commercial Interchange
Southwest	Commercial RV Sales and Single Family	Intensive Development and Suburban
Southeast	Restaurants, Hotel, Gas Stations, and Single Family	General Commercial Interchange and Urban Community

The current zoning designations for the subject area are RS-1, AG-2, IM, and CM in the northeast quadrant, CPD, CG, and RS-1 in the southwest quadrant, and CPD and AG-2 in the southeast quadrant. Surrounding zoning designations include RS-1 and AG-2 to the north, MH-1 and MH-2 to the east, AG-2 to the south and RS-1 and C-1 to the west.

TRANSPORTATION

Lee County Department of Transportation (DOT) staff have reviewed the proposal and provided written comments dated May 17, 2005 (see Attachment 3). DOT offers no objection to the proposed change and have provided that "Because the quadrants are already partially developed, the proposed changes will only increase the amount of commercial square footage by about 20,000 square feet. That kind of increase would generate about 80 additional peak hour trips on a p.m. peak hour basis, which would not alter our 2020 road network plans."

DOT staff re-ran the long range transportation model with the proposed development scenario that could result from the new land use category on the subject area to arrive at this conclusion. Specific improvements (such as turning lanes) that are needed as a result of proposed development in this area will be determined through the local development order process. Providing identified improvements are the responsibility of the developer. For example, if the proposed project generates the need for turning lanes, then the developer is required to provide the turning lane at no expense to the public.

POTABLE WATER, SANITARY SEWER SERVICE AND SOLID WASTE

The current condition of potable water service and sanitary sewer service in the area is discussed below:

Potable Water Service: The water system in the southwest quadrant is already in place; there are no plans for installing any major new transmission lines. The Corkscrew Water Treatment Plant currently has the capacity to provide potable water to this quadrant. Presently there is an 8" and 6" water main on Orange River Boulevard, an 8" water main on Lexington Avenue, and a 20" water main on the north side of State Road 80 serving the area. The water system is already in place in the southeast quadrant as well and there are no plans for installing any major new transmission lines. The Olga Water Treatment Plant currently has the capacity to provide potable water to this quadrant. Presently there is a 10" water main on Boatways Road, a 6" and 12" water main on Orange River Boulevard, and a 20" water main on the north side of State Road 80 serving the area. As new projects request service from Lee County Utilities, they are required by the Lee County Utilities Operation Manual to submit extensive hydraulic calculations for review and approval showing what impact, if any, a new project may have on existing facilities. If warranted, the new project will be required to either loop "dead end" mains or perform off-site improvements to enhance flows and, therefore, provide adequate water infrastructure to support development.

Sanitary Sewer Service: There are presently 24" and 8" sanitary sewer force mains on the north side of S.R. 80. In the southwest quadrant Lee County Utilities has 8" gravity sewer mains on Orange River Boulevard, Lexington Avenue, and Richmond Avenue. In the southeast quadrant Lee County Utilities has an 8" gravity sewer main and a lift station on Boatways Road. Lee County Utilities also has a 4" sanitary sewer force main on Boatways Road and a 12" force main on Orange River Boulevard. As with the water network, new developments are

required to submit extensive hydraulic calculations for review and approval showing what impacts the new project may have on existing facilities. If warranted the developer may need to perform off-site improvements to enhance flows and provide adequate sanitary sewer infrastructure to support the development. The subject area is served by the City of Fort Myers Central Wastewater Treatment Plant via an inter-local agreement and, to date, has sufficient reserved capacity.

POPULATION ACCOMMODATION ANALYSIS

The request is to change the Future Land Use Map (FLUM) category of approximately 39 acres from Intensive Development, Urban Community, and Suburban to General Commercial Interchange. Currently, the Lee Plan does not permit residential development in General Commercial Interchange areas.

The Intensive Development maximum density permits up to 22 du/acre. There are approximately 6.4 acres designated Intensive Development within the southwest quadrant. This means that a maximum of 140 dwelling units could be constructed on the property under the Intensive Development designation. Planning staff, however, believes that residential development fronting this portion of S.R. 80 is unlikely. This Intensive Development area accommodates 292 persons on the FLUM (140 du's X 2.09 persons per unit).

The Urban Community maximum density permits up to 10 du/acre. There are approximately 6.71 acres designated Urban Community within the southeast quadrant. This means that a maximum of 67 dwelling units could be constructed on the property under the Urban Community designation. Planning staff, however, believes that residential development adjacent to existing interchange type uses is unlikely. This Urban Community area accommodates 140 persons on the FLUM (67 du's X 2.09 persons per unit).

The Suburban category standard density permits up to 6 du/acre. There are approximately 25.85 acres designated Suburban within the southwest quadrant. A maximum of 155 dwelling units could be constructed on the property under the Suburban designation. This equates to a population accommodation capacity of the FLUM of 323 persons (155 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 755 persons.

PARKS, RECREATION AND OPEN SPACE

Staff of the Lee County Public Works have reviewed the request and provided comments dated May 11, 2005 (see Attachment 4). Public Works staff provides the following:

"It is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment. However, please note that this determination is based on the proposed commercial use of the subject property which will not result in an increase of the current population in this area of Lee County."

LEE COUNTY SCHOOL DISTRICT EVALUATION

Planning staff requested that the Lee County School District evaluate the proposed redesignation and determine the adequacy of existing and future facilities to provide services to the subject area. Staff of the School District of Lee County have contacted Planning staff and provided that the proposed changes “will have no impact on the School District of Lee County.”

SOILS

The 1984 U.S. Department of Agriculture Soil Survey of Lee County classified two soil types present on the subject parcel - 11 Myakka fine sand in all three quadrants, and 28 Immokalee sand in the northeast quadrant. 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.

28 - Immokalee sand. This is a nearly level, poorly drained soil in flatwoods areas. Slopes are smooth to convex and range from 0 to 2 percent.

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 257 acres for commercial use in this Planning Community. Recent planning division research indicates that 243 acres of commercial development in the “Fort Myers Shores” planning community have been developed. This research indicates that 14 additional acres can be developed for commercial use in the planning community before the year 2020. While the subject amendment consists of approximately 39 acres, as mentioned earlier in the report over half of the proposed change amends the future land use category covering right-of-way areas, leaving approximately 18 acres of developable land being amended. While the current proposal exceeds the commercial allocation by 4 additional acres, staff recognizes that these allocations will be being revised out to the year 2030 as part of the upcoming EAR based amendments. Staff assumes that there will be more commercial uses within this planning community in the future and will be addressed as part of the allocations for 2030.

DISCUSSION CONCERNING THE SUBJECT AREA:

After evaluating several alternatives and discussing various development scenarios associated with each, staff recommends that the subject interchange area be amended as proposed in Attachment 1. The following is a discussion of each quadrant in the study area:

Northeast Quadrant

The northeast quadrant is currently developed with the Dos Rios single family residential subdivision adjacent to I-75 to the west and marina uses to the east. The study area covers approximately 48.61 acres and is designated General Commercial Interchange with a small portion of the area designated Central Urban in the northwest corner of the quadrant.

A 10 acre portion of the existing marina within this quadrant was recently reviewed as a privately initiated small scale amendment. The applicant proposed to amend the area from the General Commercial Interchange

category to the Urban Community land use category. Staff recommended denial of the proposed amendment due to the subject site's location within the Coastal High Hazard Area (CHHA) and inconsistencies with several Lee Plan policies addressing residential development in the CHHA. At the adoption hearing for the proposed amendment the majority of the Board agreed with staff's recommendation and voted not to adopt the proposed amendment. At the hearing the Board discussed the importance of maintaining the County's interchange areas for interchange type uses serving the traveling public. Staff specifically cited Lee Plan policies found under Goal 75 and 76 that prohibit residential development where hurricane and flood hazards exist, encourages reduced densities in order to limit the population exposed to coastal flooding, and limits public expenditures to existing residents. The specific Lee Plan policies are reproduced below:

GOAL 75: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS. *To protect human life and developed property from natural disasters. (See also Goal 80.) (Amended by Ordinance No. 94-30)*

OBJECTIVE 75.1: DEVELOPMENT IN COASTAL HIGH HAZARD AREAS. *Development seaward of the 1991 Coastal Construction Control Line will require applicable State of Florida approval; new development on barrier islands will be limited to densities that meet required evacuation standards; new development requiring seawalls for protection from coastal erosion will not be permitted; and allowable densities for undeveloped areas within coastal high hazard areas will be considered for reduction. (Amended by Ordinance No. 92-35, 93-25, 94-30, 00-22)*

POLICY 75.1.4: *Through the Lee Plan amendment process, land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories (or assignment of minimum allowable densities where density ranges are permitted) in order to limit the future population exposed to coastal flooding. (Amended by Ordinance No. 92-35, 94-30, 00-22)*

GOAL 76: LIMITATION OF PUBLIC EXPENDITURES IN COASTAL HIGH HAZARD AREAS. *To restrict public expenditures in areas particularly subject to repeated destruction by hurricanes, except to maintain required service levels, to protect existing residents, and to provide for recreation and open space uses. (Amended by Ordinance No. 94-30)*

OBJECTIVE 76.1: COASTAL HIGH HAZARD AREA EXPENDITURES. *Public expenditures in areas particularly subject to repeated destruction by hurricanes will be limited to necessary repairs, public safety needs, services to existing residents, and recreation and open space uses. (Amended by Ordinance No. 94-30, 00-22)*

Upon staff's evaluation of the entire interchange and in regards to the northeast quadrant specifically, staff finds that the subject quadrant is located in the CHHA as depicted by Map 5 of the Lee Plan. Lee plan Policy 75.1.4 specifies that areas within the CHHA will be considered for reduced densities to limit the population to coastal flooding.

It is also necessary to compare the possibilities that the existing land use category allows as it specifically relates to commercial type uses with other options that would allow residential development in this quadrant. As mentioned, the area of this quadrant is approximately 48.61 acres and includes the right-of-way area of I-75 and S.R. 80. Of this total acreage figure, approximately 33 acres equate to parcel acres. Generally speaking, if the entire area were to be redeveloped with the General Commercial Interchange category in place today, the area would qualify for approximately 330,000 s.f. of commercial development. If the existing subdivision in this quadrant were excluded from this calculation the remaining area would qualify for approximately 218,500 s.f. of commercial development. Comparing this to the possibility of amending the quadrant to a residential land use

category staff is using the Suburban category as an example of a lower range of density and the Central Urban category as an example of a higher range of density. These two categories were presented to the LPA for discussion purposes, as well as Urban Community for a middle range. Staff estimate that if the area were placed in the Suburban category (6 units/acre) potentially 234 units could be developed, or 131 units when excluding the existing subdivision. Staff estimate that if the area were placed in the Central Urban category (15 units/acre including bonus density) potentially 495 units could be developed, or 327 units when excluding the existing subdivision.

In addition another factor to be considered while evaluating this quadrant, as was discussed and considered at the adoption hearing for the referenced small scale amendment, is the basic importance of the existing interchange land use categories in Lee County. Reports discussing interstate interchange land use during the drafting of the 1984 Lee Plan described the completion of Interstate 75 through Lee County creating unique development opportunities at the eight interchanges and the arterials leading to them. Discussions also provided that land configurations resulting in the intermixing of local and interstate travel should be discouraged.

Objective 1.3 of the Lee Plan describes the interstate highway interchange areas as specialized categories for land adjacent to the interchanges of I-75. The objective emphasizes the importance of making beneficial use of these critical access points while avoiding conflicts between competing demands. It also states that development in these areas must minimize adverse traffic impacts such as the mixing of local traffic with through traffic. Staff recognizes that the existing neighborhood in this quadrant could be considered inconsistent with this Objective of the plan, yet staff also recognizes that this subdivision existed prior to the construction of I-75 through this area as well as prior to the 1984 Future Land Use Map.

An important aspect in the evaluation of this quadrant is the fact that there are existing residential uses currently in the General Commercial Interchange category where new residential development is not permitted, except in accordance with Chapter XIII of the Lee Plan. Staff has determined that the most of the subdivided lots within the subject quadrant are likely to qualify for the construction of a dwelling unit through an administrative interpretation of the single family residence provisions of the Lee Plan due to the fact that the lots within the subdivision were created prior to the Lee Plan's effective date. In fact, in 2003, a lot within the subject area received a favorable interpretation of these provisions for the construction of a dwelling unit.

In light of the factors discussed, staff has concluded that amending this quadrant to a land use category allowing future residential development has the potential to significantly increase the mixing of local traffic with through traffic as well as increasing density in the CHHA. By leaving the quadrant designated General Commercial Interchange will result in minimal impacts to public infrastructure and services. For these reasons staff does not recommend an amendment to the existing future land use categories of the northeast quadrant.

Southwest Quadrant

The southwest quadrant of the study area is currently developed with the North Trail RV center adjacent to I-75 and fronting S.R.80 and single family residential to the west. The study area covers approximately 48.61 acres and is designated Suburban with a small portion of the area fronting S.R. 80 designated Intensive Development. There are nearly two dozen single family homes in existence in the subject area west of the RV sales center.

This quadrant of the interchange was the subject of the previous review in 2000. During the previous review of this area and after much discussion with the with the Community Redevelopment Agency in existence at the time and the Local State Road 80 Advisory Board staff evaluated the possibility of changing the entire quadrant to the General Commercial Interchange land use category. Several issues lead to the continuance of the amendment. At the time, as is the situation today, there were no plans for development or land assembly for the residential area. Another issue involved the School District's concern over the signalization at Lexington Avenue and State Road 80 where commercial traffic that could be generated by the proposed amendment would be sharing the same access (Lexington Avenue) that the buses use for the Orange River Elementary School turnaround causing a mixing of traffic. The Department of Community Affairs also provided objections requesting further analysis of traffic impacts and the maximum development allowed in this area. With no public outcry for the proposed amendment at the time, staff reevaluated the recommendation to amend the southwest quadrant to the interchange category and concluded that an evaluation of the entire interchange would be more beneficial for the area as a whole. Staff finds the existing land uses of this quadrant have remained intact since the time of the previous review. There have been no plans for development or land assembly for the residential area and no public requests for a change to the area.

Staff has concluded that the area developed with the North Trail RV center is the portion of this quadrant best suited for a land use change reflecting the existing use of the property. Considering the commercial use of the property and its location adjacent to I-75, staff finds the General Commercial Interchange future land use category the most appropriate land use category for the area. The commercial sale of recreational vehicles on a scale of this size (approximately 12 acres) potentially could be considered a regional use with customers coming from other areas for the product, as well as the consideration of the employment opportunities that the center provides to the local area. This type of use coincides with the intent of Objective 1.3, Interstate Highway Interchange Areas, promoting the beneficial use of these critical access points adjacent to the interchanges of I-75. Staff has met with the owners and representatives of the North Trail RV center discussing staff's proposal to amend the subject area and the impacts of amending the area from Suburban, a primarily residential future land use category, to the General Commercial Interchange category. The owners of the center understand the proposed change and have expressed their support of the amendment to the interchange category, reflecting the existing use of the property.

Staff recommends amending approximately 32.25 acres of the southwest quadrant from the Suburban and Intensive Development future land use categories to the General Commercial Interchange land use category. This area encompasses the RV center and portions of the S.R. 80 and I-75 right-of-way currently in the Suburban land use category.

Southeast Quadrant

The southeast quadrant of the study area is currently developed with two restaurants, two gas stations, and a hotel as well as four single family homes in the southern portion of the area along Orange River Boulevard. The study area covers approximately 30.68 acres and is designated General Commercial Interchange and Urban Community. The Urban Community portion of quadrant covers the eastern edge of the study area.

Staff has determined that the existing General Commercial Interchange future land use designation is appropriate for the area and proposes to amend a majority of the Urban Community designation in this quadrant to the General Commercial Interchange land use category. Most of the area is currently zoned Commercial Planned Development (CPD) covering the interchange type uses existing today. The General Commercial Interchange category encompasses the western portion of this area covering half of the CPD and three of the four homes to the south. Staff is proposing to amend the entire western portion of the area, with the exception of one single family parcel, from Urban Community to General Commercial Interchange, allowing the change to reflect the existing uses in this quadrant today.

Seven lots exist in the southern portion of the area and as mentioned previously, four of the lots contain single family homes. The remaining lots remain vacant. The single family lot in the southeast corner of the study area is currently designated Urban Community, while the remainder of the lots are designated General Commercial Interchange. The Urban Community land use category in place on the residential parcel in the southeast corner permits a density range of one to six dwelling units per acre on the 1.14 acre lot, with up to 10 units per acre including bonus density. Amending the lot to the interchange land use category could be detrimental to the property owner by removing the allowable density assigned to the property. Leaving the current land use designation in place continues the opportunity for residential development of the lot, yet does not preclude the owner from requesting an extension of interchange type uses per Policy 6.1.2.6 of the Lee Plan. This policy is reproduced below:

***Policy 6.1.2.6** Any contiguous property under one ownership may, at the discretion of the Board of County Commissioners, be developed as part of the interstate interchange, except in the Mixed Use Interchange district, provided the property under contiguous ownership to be developed as part of the interstate interchange does not extend beyond three-quarters of a mile from the interchange centerpoint. Applications seeking interstate uses outside of the interstate highway interchange area will be evaluated by the Board considering the following factors: percentage of the property within the interstate interchange; compatibility with existing adjacent land uses; and, compatibility with surrounding Future Land Use Categories. This is intended to promote planned developments under unified ownership and control, and to insure proper spacing of access points.*

In light of this policy, staff has concluded that the owner would have the option of extending the interchange uses, leaving the current land use designation in place. Leaving the designation in place would not take the existing residential density away from the subject parcel while leaving the possibility of extending the adjacent interchange uses.

Staff has also considered the three existing residential units in the southern portion of the area within the General Commercial Interchange land use category and have made similar conclusions. While the units and the vacant lots are currently in a land use category that does not permit residential uses, staff has concluded that most of the subdivided lots within the subject quadrant are likely to qualify for the construction of a dwelling unit through an administrative interpretation of the single family residence provisions of the Lee Plan, as would the lots in the northeast quadrant of the study area. Staff has concluded that leaving the residential lots in the existing land use designations would be the most appropriate action, where residential uses on the lots as they are configured today are not being removed from the properties and interchange uses are a valid option for those particular land owners as well.

Staff recommends amending approximately 6.71 acres of the southeast quadrant from the Urban Community future land use category to the General Commercial Interchange land use category. This area encompasses CPD zoning where a gas station and hotel exist.

B. CONCLUSIONS

Through the subject plan amendment proposal, staff has attempted to balance the existing and future land use designations of the area with a proposal that results in minimal impacts to existing residential uses while recognizing the value of preserving interchange areas for interchange type uses serving the traveling public as well as providing diversity and regional opportunities within the interchange areas of the County.

Planning staff proposes amending approximately 39 acres from the Intensive Development, Suburban, and Urban Community future land use categories to the General Commercial Interchange land use category in the interchange area of S.R. 80 and I-75. Staff recognizes that this is a unique interchange area and the routing of I-75 through existing platted neighborhoods has had a negative impact. The presence of I-75 has increased the number of interchange type uses mixing with established residential uses. Examples of this mixing of uses can be seen in the north-east and south-east quadrants of the interchange where residential uses are within General Commercial Interchange designations as well as the southwest quadrant where a regional interchange type use has been developed adjacent to the interstate to the east and adjacent to existing residential uses to the west. Additionally, typical interchange uses have been developed in the Urban Community area in the southeast quadrant of the interchange.

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 the demands on public infrastructure and services eventually if the proposed amendment is adopted because the General Commercial Interchange areas are intended for commercial uses without any residential uses. There will be no increase in the population accommodation capacity of the FLUM.

C. STAFF RECOMMENDATION

Amend the Future Land Use Map Series, Map 1, the Future Land Use Map, to redesignate approximately 39 acres of land located in the Interstate 75 and State Road 80 interchange area to General Commercial Interchange. Planning staff recommends that the Lee Plan Future Land Use Map, Map 1, be amended as depicted on Attachment 1.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF LPA PUBLIC HEARING: May 23, 2005

A. LOCAL PLANNING AGENCY REVIEW

Planning staff provided a brief summary of the proposed plan amendment and explained staff's recommendation for the subject area. Staff concluded that the proposed amendment would decrease the allowable density in the subject areas, lowering the demands on public infrastructure and services. One member of the LPA asked why staff was recommending commercial uses next to residential uses in the northeast quadrant. Staff explained that through this analysis staff does not recommend making any changes to the northeast quadrant. Staff explained that the designations for this quadrant have been in place since the establishment of the 1984 Lee Plan and any commercial development would be required to comply with buffering and setback requirements as required by the Land Development Code.

Several members of the public addressed the LPA regarding the northeast quadrant of the interchange area. The first member of the public stated that they represent the applicant of the small scale amendment that was recently reviewed by the LPA and the Board of County Commissioners. This member of the public disagreed with staff's recommendation and noted that they felt that an interchange future land use category in this quadrant would allow inappropriate commercial uses. This member of the public described that through the small scale amendment request they felt that the Urban Community designation for this quadrant was a compromise. This member of the public stated that evacuation would not be an issue due to the location of the quadrant and that the area is not a destination for tourist travel.

Another member of the public addressed the LPA stating that they live in the northwest quadrant of the interchange and are in a similar situation. This person stated that there are other interchange quadrants better suited for uses serving the traveling public. They also noted that the property in the northeast quadrant contains oak trees and palm trees and is not suited for commercial businesses and parking lots. They felt that the Central Urban designation would be too high for this area leaving Urban Community the best designation for the property. This member also mentioned that their home in the northwest quadrant has never flooded or been evacuated and that the development proposed through the previous small scale amendment request would improve the community compared to the existing commercial uses along S.R. 80.

Another member of the public noted that they are a member of the Morse Shores Civic Association and stated that the existing land use category in the northeast quadrant would appear to increase traffic, rather than decrease traffic. They felt that there are a sufficient amount of gas stations in the area and that the uses planned through the previous small scale amendment would be more compatible.

Another member of the public stated the northeast quadrant is a very prestigious and indigenous site this close to the interchange and would prefer that the area be amended to the Central Urban future land use category.

Another member of the Morse Shores Civic Association stated that the northeast quadrant was not meant for big box stores and supported an amendment to the Urban Community future and use category in this area.

Several of the LPA members provided discussion concerning the proposed amendment. One member of the LPA noted that they have seen no changes since the previous discussions held before the LPA and find that the northeast quadrant is an ideal area for the type of residential development being discussed. Another member agreed. One member found the amendment proposed by staff consistent. Another member had concerns with commercial uses next to existing residential uses. A motion was made to amend the future land use map to include staff's proposal for the southern quadrants and to amend the northeast quadrant to the Urban Community future land use category. The motion carried 3 to 2.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

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

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff regarding the southern quadrants of the interchange. The LPA recommended an additional amendment to the northeast quadrant of the interchange, amending the quadrant to the Urban Community land use category based on the LPA's previous discussions and recommendations for the interchange area.

C. VOTE:

NOEL ANDRESS	_____
	AYE
MATT BIXLER	_____
	NAY
DEREK BURR	_____
	NAY
RONALD INGE	_____
	AYE
CARLETON RYFFEL	_____
	AYE
FRED SCHILFFARTH	_____
	ABSENT
RAYMOND SCHUMANN	_____
	ABSENT

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

DATE OF TRANSMITTAL HEARING: June 1, 2005

A. BOARD REVIEW: Planning staff provided a summary of the proposed plan amendment and updated the Board with the LPA's recommendation for the interchange area. Staff concluded that the amendment, as proposed by staff, would decrease the allowable density in the subject areas and reflect the existing uses of the area.

Several members of the public addressed the Board regarding the northeast quadrant of the interchange area. A majority of the public who spoke were also in attendance at the LPA public hearing. The first member of the public stated that they represent the applicant of the small scale amendment that was recently reviewed by the Board. The representative noted that the General Commercial Interchange land use category is intended for shopping centers. They discussed that the interchanges should be evaluated on a quadrant by quadrant basis and that the CHHA is not an issue given the location of the amendment. The representative requested that the Board consider amending the northeast quadrant from General Commercial Interchange to Central Urban.

Another member of the public also representing this applicant spoke, describing the other interchanges in the County and pointed out that the northeast quadrant of the subject interchange is the only interchange area in the County that contains water front property such as this. They felt that Central Urban is the best designation for this quadrant.

Another member of the public addressed the Board. This member stated that they have lived in the northwest quadrant of the interchange area for the past 15 years and came to speak regarding the northeast quadrant. They felt that the CHHA is a general classification and history and past experience is a better guide and noted that their house has never been flooded. This member preferred to see other interchanges serve the traveling public. They also stated that this area is not part of the commercial node of the Caloosahatchee Shores Community Plan and supported a map amendment for the northeast quadrant to Central Urban.

Another member of the public from the Sun-N-Fun mobile home park adjacent to the southeast quadrant spoke stating that they were concerned about the impacts of the northeast quadrant and find that the development that the applicant for the previous small scale amendment had planned for the area is good. They stated that they preferred a map amendment to the northeast quadrant amending the area to the Central Urban land use category.

Another representative of the previously reviewed small scale amendment spoke to address the northeast quadrant. They stated that they were concerned by the denial of the small scale amendment and that they endorsed Central Urban in the northeast quadrant while others from the area preferred Urban Community with a lower density. The representative handed out a map with their recommendation for the interchange area consisting of General Commercial Interchange in the southern quadrants and Central Urban in the northeast. The representative read a letter into the record from the secretary of the Morse Shores Civic Association supporting an Urban Community redesignation for the northeast quadrant. The representative stated that if the area was

amended to Urban Community the applicant would have to use bonus density to achieve the 10 units per acre that they have envisioned and would prefer to amend the northeast quadrant to Central Urban to achieve this density without utilizing bonus density.

One member of the public from the Dos Rios subdivision in the northeast quadrant of the interchange addressed the Board. They stated that it is their intent to preserve the community. This member of the public passed out photos of past flooding in the area and noted that the applicant for the small scale amendment would be adding more docks than exist in the subject area today. They also stated that the pump station in this quadrant has overflowed and flooded the adjacent marina property. They added that the site contains hazardous waste and urged that whatever was done with the adjacent property that the contamination is removed.

The final member of the public to address the Board stated that they are the owner of the marina property in the northeast quadrant, part of which was the subject of the small scale amendment. They stated that the previous speaker was not stating the truth regarding their property and hoped that the Board would allow the proposal as presented through the small scale amendment. The owner stated that it would be an asset to the community.

One Board member had a question regarding the concerns of a conflict between local traffic and interstate traffic. Staff clarified that this discussion was made in the background information of the staff report and that in 1984 when the interchange land use categories were put in place, the intent was to prevent the mixing of local traffic with through traffic.

One member of the Board made a motion to transmit the proposed amendment with the LPA's recommendation that the northeast quadrant be amended to the Urban Community future land use category. Another member seconded the motion for discussion stating that this is a unique interchange and needs to be preserved in a special way. Another member questioned whether or not this motion would be in violation of the policy in the Lee Plan calling for reduced density in the CHHA. They noted that there are merits on both sides yet the comprehensive plan is clear. It is an interchange where you would cater to through traffic. They stated that a commercial planned development could be done in this quadrant preserving vegetation and protecting existing residents. This member found that the interchange area is to service the traveling public. Another Board member noted the uniqueness of the subject interchange and it is worth sending to the Department of Community Affairs for comment. The member who questioned the motion and its consistency with the comprehensive plan asked legal staff how the comprehensive plan policy involving reduced density in the CHHA pertains to the amendment as moved to transmit. The staff responded that the policy says to consider these areas for reduced densities, not that you must reduce densities. The motion to transmit carried 4 to 1.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board voted to transmit the proposed map amendment to the DCA, including the LPA's recommendation for the northeast quadrant.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff regarding the southern quadrants of the interchange. The Board also

accepted the LPA's recommendation for an additional amendment to the northeast quadrant of the interchange, amending the quadrant to the Urban Community land use category.

C. VOTE:

JOHN ALBION	AYE
TAMMY HALL	AYE
BOB JANES	AYE
RAY JUDAH	NAY
DOUG ST. CERNY	AYE

D. STAFF DISCUSSION:

Following the Board's recommendation at the transmittal hearing staff is providing further analysis regarding the northeast quadrant of the interchange. Per the Board's action, approximately 41.28 acres are being amended in the northeast quadrant from General Commercial Interchange to Urban Community. The Central Urban designation in the northernmost portion of this quadrant remains unchanged. This makes the total area being amended as part of this map amendment approximately 80 acres. A map depicting the proposed future land use map being transmitted for the interchange area is attached as Attachment 5.

As stated in staff's discussion of the subject area, if the entire area were to be redeveloped with the General Commercial Interchange category in place today, the area would qualify for approximately 330,000 s.f. of commercial development. Less the Central Urban area, the area would qualify for approximately 300,000 s.f. of commercial development. Staff previously compared the possibility of amending the quadrant to a residential land use category using the Suburban category as an example of a lower range of density and the Central Urban category as an example of a higher range of density. The proposed Urban Community category has a density range of 6 units/acre with up to 10 units/acre including bonus density. Staff estimate that if the area were placed in the Urban Community category potentially 412 units could be developed.

The Urban Community maximum density permits up to 10 du/acre. There are approximately 30 parcel acres in the subject area and approximately 41.28 acres proposed to be amended, including right of way area. Evaluating the maximum scenario means that a maximum of 412 dwelling units could be constructed on the property under the Urban Community designation. This equates to a population accommodation capacity of the FLUM of 861 persons (412 du's X 2.09 persons per unit). Staff concludes that this increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.

Commercial uses allocated by the Planning Communities Map and Table 1(b) are discussed in Part II of this report. The subject area is located within the "Fort Myers Shores" planning community. In this community there are 633 acres allocated for residential uses in the Urban Community land use category. Recent Planning Division data indicates that 280 acres of Urban Community land within this community are currently developed with residential uses, leaving a surplus of 353 acres that could be developed with residential uses in the Urban Community portions of this community before the year 2020.

The proposed amendment does not involve a significant increase in the population accommodation capacity and does not require an amendment to the acreage allocations of the "Fort Myers Shores" planning community. Amending the subject quadrant to the Urban Community designation would correct the non-conforming residential subdivision existing in the western portion of this quadrant today. As discussed in this report, residential uses in the General Interchange category are not permitted except in accordance with Chapter XIII of the Lee Plan. Amending the area to the Urban Community category, where residential uses are permitted, would address the existing non-conformance of the subdivision. In addition, amending the entire northeast quadrant would allow the existing residential uses as well as ensuring the possibility of residential development as an option for the property adjacent to the subdivision, whereas previously it was not. For informational purposes, the applicant for the small scale amendment in this quadrant that was originally denied by the Board has provided back up materials regarding their proposal to amend a 10 acre portion of this quadrant from General Commercial Interchange to Urban Community. The materials are attached to this report as Attachment 6.

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: August 19, 2005

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The Department of Community Affairs has raised objections to proposed amendment CPA 2004-13. The DCA objections are reproduced below:

OBJECTION

Land Use Suitability: *This is a proposal to change the land use designation of certain properties located within the southeast, southwest and northeast quadrants of the intersection of I-75 and State Road 80. The Department has no concerns with the proposed changes to the southwest and southeast quadrant.*

With respect to the proposal to change the land use designation on 41.28 acres of land located in the northeast quadrant from General Commercial Interchange to Urban Community the public facilities analysis for the amendment did not quantify the impact of the proposal on schools. There is a general statement in the staff report that according to the School Board, the amendment will not have any impact on schools; however it would be appropriate to show how the analysis of the impact on schools was derived in order to substantiate the statement. Above all, the proposal is inappropriate because the site is not suitable for the proposed designation. The subject site is located within the coastal high hazard area, and according to Map 9, of the Lee Plan, is within the 100-year floodplain that is subject to tidal flooding. This proposal has the potential to allow up to 412 dwelling units in this coastal high hazard area and would consequently expose a substantial population to the dangers of a hurricane and flooding. The proposal is, therefore, inconsistent with the state's requirement that comprehensive plans direct population concentrations away from known or predicted coastal high hazard areas, and also inconsistent with the requirement that future land uses be coordinated with appropriate topography, including flood prone areas. Lee Plan Policy 75.1.4 requires that the County limit the future population exposed to coastal flooding by assigning reduced density categories to properties within the coastal high hazard area. Goal 75 of the Lee Plan calls for the protection of human life and developed property from natural disasters, and Objective 75.1, mandates a reduced density for properties located within coastal high hazard areas. The proposed designation of Urban Community for this site is inconsistent with Objective 75.1 and Policy 75.1.4 and would not further Goal 75. The current designation of General Commercial Interchange that does not allow residential uses is clearly appropriate for this site and it is consistent with Policy 75.1.4, as well as with Objective 75.1, and furthers the intent of Goal 75. Chapter 163.3177(6)(a), (g)7., & 8., Florida Statutes (F.S.); Rule 9J-5.003(17); 9J-5.006(2)(b), & (3)(b)1., (c)1., & (4)(b)6.; 9J-5.012(3)(b)5., & 6., &(3)(c)7., Florida Administrative Code (FAC).

Recommendation: *It is recommended that the County not adopt the proposed amendment to the northeast quadrant.*

B. STAFF DISCUSSION

The DCA has objected to the amendment to the northeast quadrant of the interchange, finding that the site is not suitable for the proposed designation. The objection provides that the potential density in the Coastal High Hazard Area could expose a substantial population to the dangers of a hurricane and flooding. The DCA has found the proposal for the northeast quadrant inconsistent with state requirements that direct population concentrations away from coastal high hazard areas and with Lee Plan policies and have stated that the current designation is clearly appropriate for this site. The DCA has recommended that the County not adopt the proposed amendment to the northeast quadrant.

Lee Plan Objective 105.1 provides that allowable densities for undeveloped areas in the CHHA will be considered for reduction. Lee Plan Policy 105.1.4 specifies that through the plan amendment process land use designations in undeveloped areas in CHHA's will be considered for reduced categories, or the assignment of minimum allowable densities where density ranges are permitted, in order to limit population exposed to coastal flooding. The existing General Commercial Interchange category and the commercial uses allowed in this category achieve the intent of Lee Plan policy. Staff finds that in light of the recent increased storm activity there has been heightened sensitivity to increasing density in the Coastal High Hazard Area. The Governor has recently announced a Coastal High Hazard Study Committee as well. The DCA has recommended that the County not adopt the proposed amendment to the northeast quadrant and has provided that the department has no concerns with the proposed changes to the southern quadrants of the interchange.

Planning staff has reviewed the DCA's objections and recommendations and requested further review from the School District of Lee County regarding the impact of the proposal on schools. At the time the amendment went before the Board of County Commissioners the School District provided that the amendment would not have any impact on schools. At the time of the transmittal hearing the amendment did not involve any increase in residential density. The plan amendment proposal involved a reduction in residential density given that the General Commercial Interchange future land use category does not allow for residential units. Per the Board's action at the transmittal hearing, approximately 41.28 acres were proposed to be amended in the northeast quadrant from General Commercial Interchange to Urban Community. The School District has provided the following written comments dated September 28, 2005 regarding the amendment to the northeast quadrant (see Attachment 7).

"412 multifamily residential dwelling units would generate 45 new students creating a need for 2 new classrooms. 412 single family dwelling units would generate 145 new students creating a need for 6 new classrooms. In addition to the classrooms the Lee County School District would have a need for increasing staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated."

C. STAFF RECOMMENDATION

Upon considering and balancing the above issues and given the likelihood that the DCA will challenge the proposed amendment with regard to the northeast quadrant, staff recommends that the Board of County Commissioners adopt the proposed amendment to include only the proposed changes to the southern quadrants of the interchange at this time.

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

DATE OF ADOPTION HEARING: October 12, 2005

A. **BOARD REVIEW:** Planning staff provided a brief summary of the proposed plan amendment and explained that the ORC Report recommended that the County not adopt the amendment to the northeast quadrant due to the potential increase in density in the Coastal High Hazard Area (CHHA). Staff recommended the Board adopt the proposed amendment to include only the proposed changes to the southern quadrants of the interchange.

Several members of the public addressed the Board regarding the northeast quadrant of the interchange area. The first speaker was a lawyer representing an applicant of a previously proposed small scale amendment in this quadrant. The representative provided a packet titled *Response to ORC* that is attached to this report as Attachment #8. This attachment provides a discussion regarding the ORC Report and includes seven exhibits referencing contour lines, historical storm water levels, and sections of the Florida Statutes, Florida Administrative Code, and the Lee Plan that were discussed in the ORC Report. The representative discussed the ORC report and provided that the state requirements noted in the report are requirements that the comprehensive plan must include and assented that indeed the comprehensive plan does include these requirements. The representative noted that Exhibit A in the packet provided shows the location of the CHHA with the 5.3 contour provided by the Regional Planning Council.

The general manager of the Leeward Yacht Club project involved in the previous amendment addressed the Board and pointed out that part of the northeast quadrant is in the Water Dependent Overlay and is consistent with the Lee County Manatee Protection Plan. The representative discussed community support for the change to Urban Community in the northeast quadrant and also reviewed historic water levels for the area as recorded by the owners of the marina property. This information is included as Exhibit C in Attachment #8.

Another representative of the previous small scale amendment discussed the history of the interchange category in this area and that this category has been in place here since the 1984 plan. The representative provided that this amendment is adding 39 acres to the interchange category on the south side of the interchange and discussed the commercial allocations for the planning community. The representative concluded that preserving the interchange category here is not a reasonable concern. He also stated that Lee Plan policy gives discretion with regard to density reduction in the CHHA and does not mandate density reduction in this area. The representative also described how the Caloosahatchee Shores Community Plan encourages mixed use development to raise the quality of development in the area and he felt that the site is too unique for the interchange category and encouraged the Board to amend the northeast quadrant to Urban Community.

Over a dozen members of the public addressed the Board showing support for the amendment to the northeast quadrant. The public who spoke represented the East Lee County Council, several Civic Associations in the area, and the residents of the area. The members of the public supporting the amendment to Urban Community noted their desire to see the quadrant developed with mixed use rather than commercial interchange type uses,

stated their concern for the preservation of historical structures and tree cover on the site, found that the area already has enough interchange uses, and stated their support for the Leeward Yacht Club development proposal for this quadrant. One member of the public also provided that residential development here would benefit the manatee concentration in the area rather than commercial.

Two members of the public addressed the Board voicing their objections to the amendment to Urban community in the northeast quadrant. The first member to speak noted that the DCA ORC Report agreed with staff and stated that the marina site has a history of non-compliance. This member of the public stated that with four hurricanes in the last year high density in the CHHA is not proper and that commercial development here does not have to be strip malls, it could be innovative. Regarding manatees in the area, this member stated that marina site is not necessarily in compliance with the manatee protection plan, but is exempt from the manatee protection plan.

The second member to speak stated they are a resident of the Dos Rios subdivision in the subject quadrant and stated that they supported the previous speaker with regard to the site not being in compliance. This member of the public noted that residents of the area should not be threatened by a Walmart in this quadrant. The proposed change conflicts with the wishes of the subdivision. This member concurred with the DCA conclusion that the site is not suitable for the increased density and he did not want a tower in the neighborhood. This member concluded that there are water marks from high water on the buildings at the marina and the amendment to Urban Community would be placing the future population in danger.

A member of the Board asked for an overview from staff. Planning staff described that there has been somewhat of a fear factor for what could be built in this area today under the current designation. Staff stated that through the Board's zoning powers it could be ensured that development in this quadrant is compatible with surrounding uses. Staff also stated that they worked with the Regional Planning Council to establish the CHHA to be consistent with the state requirements and that the entire property is shown in the CHHA. Staff also noted that the Board has adopted an amendment to ensure that development in the CHHA is also evaluated as part of the zoning process. Staff stated that adopting the amendment for the northeast quadrant as proposed may place the county in the administrative hearing process. Staff stated that this hearing is approving a plan amendment and not a project and that the proposed land use category would continue to allow many of the same uses that the current category would allow today. This amendment will not eliminate commercial uses and does not guarantee mixed use. Staff also mentioned that this request is being driven by the residential market and noted the recent trend of a loss of commercial and industrial uses to residential development in the County.

Staff from the County Attorney's Office provided that if the amendment were adopted and challenged by the DCA the County would look to the private individual to provide the bulk of the expenses and defense. One member of the Board stated that they support mixed use but not in an interchange area suitable to serve the needs of the traveling public. This Board member discussed the possibility of widening I-75 to 10 lanes in the future and that we cannot take land set aside for the interchange and set residential uses right next to the highway. The Board member also stated that the proposed project is out of scale with the existing neighborhood and that the existing oak trees on the marina site must be protected through the County's open space requirements. This Board member also discussed the flooding of the property that was noted with Hurricane Charlie and stated that

it was fortunate not to have occurred at high tide. The Board member found that the proposal is inappropriate in the CHHA and is not consistent with the intent of the Interchange designations as it would be pulling motorists further onto collectors for those uses. This member stated that he does not support the amendment to the northeast quadrant.

Another member of the Board noted the unique situation of the subject quadrant and stated that as commissioners they must listen to the affected parties in these issues and acknowledge the community efforts that have been made in this area. This member also noted that the Board rarely disagrees with staff but in this case the unique character of the area could be destroyed and that the amendment to Urban Community would add community character and would be good for the area. Another Board member stated that they echoed the comments made by this commissioner.

One Board member restated that commercial development can still be placed in the subject quadrant with the proposed amendment and found that this amendment is an opportunity for the area. This member stated that this is the type of project that was envisioned by former Community Redevelopment Committee members for the area. The amendment would not allow the expansion of more interchange uses that already exist in the area. Because the area is in the CHHA it would not be favorable to rezone the area to a conventional zoning district. This Board member found that the amendment would result in Smart Growth where you could have residential next door to an existing boat yard that is already open to the public. This member felt that interchange uses should not be this close to the water and that this is a unique site. It was stated that this area of the County is unique in that residential development is catching up with existing commercial development.

A motion was made to adopt the proposed amendment as transmitted. One member of the Board added with regard to manatee issues that the marina is here regardless of the amendment and that docks can be addressed at the time of zoning. Another member of the Board stated that they support the motion in terms of the community's role in the amendment. The motion passed 4 to 1.

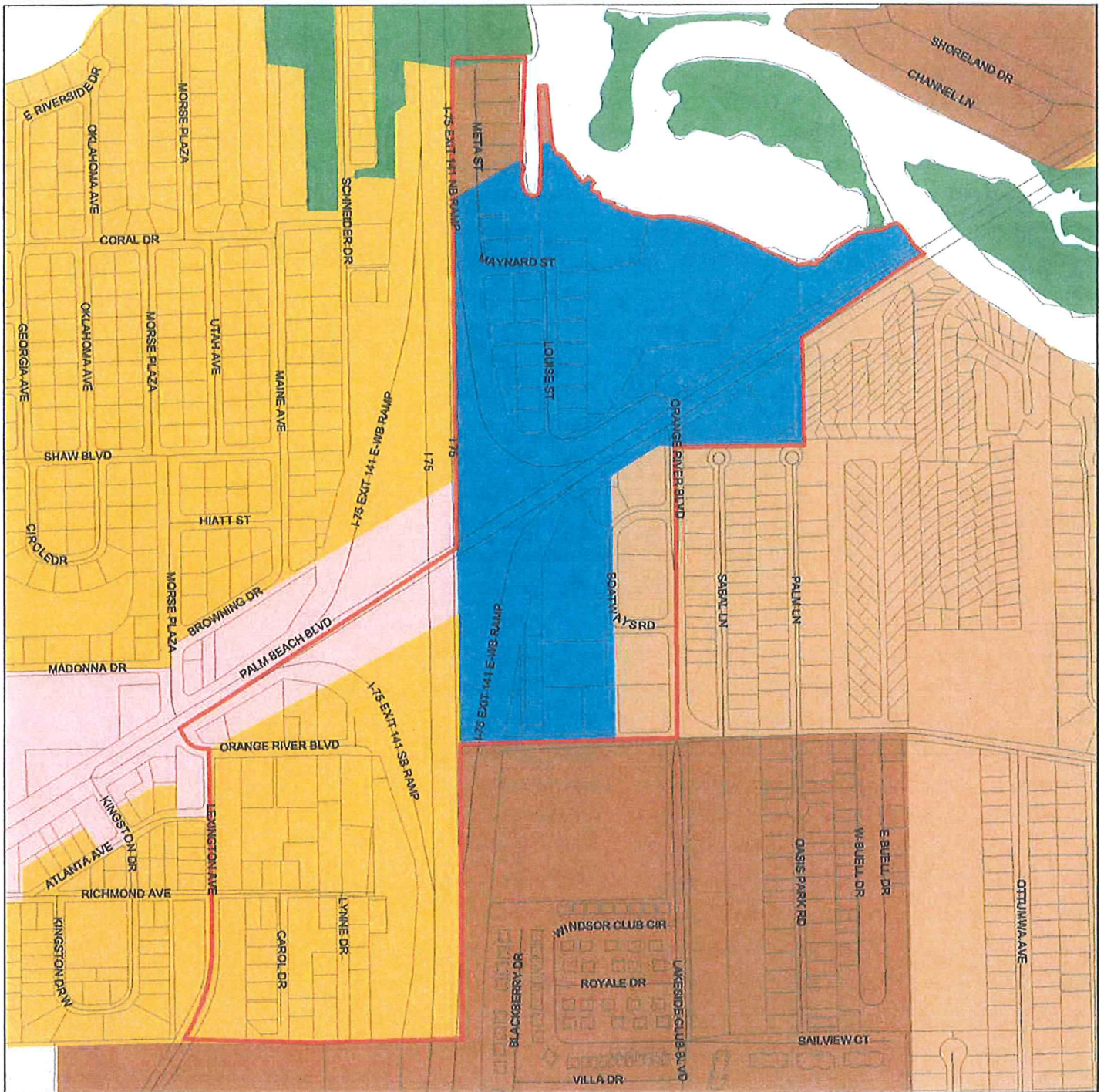
B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board voted to adopt the proposed map amendment as transmitted to the DCA (depicted on Attachment 5).
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff and the LPA regarding the southern quadrants of the interchange. The Board amended the northeast quadrant to the Urban Community land use category based on the findings discussed above.

C. VOTE:

JOHN ALBION	AYE
TAMMY HALL	AYE
BOB JANES	AYE
RAY JUDAH	NAY
DOUG ST. CERNY	AYE

CPA 2004-00013
 Future Land Use Map (Existing)



- Study Area**
- Future Land Use Designations**
- Intensive Development
 - Central Urban
 - Urban Community
 - Suburban
 - Public Facilities
 - General Commercial Interchange
 - Conservation Lands - Uplands
 - Wetlands
 - Conservation Lands - Wetlands

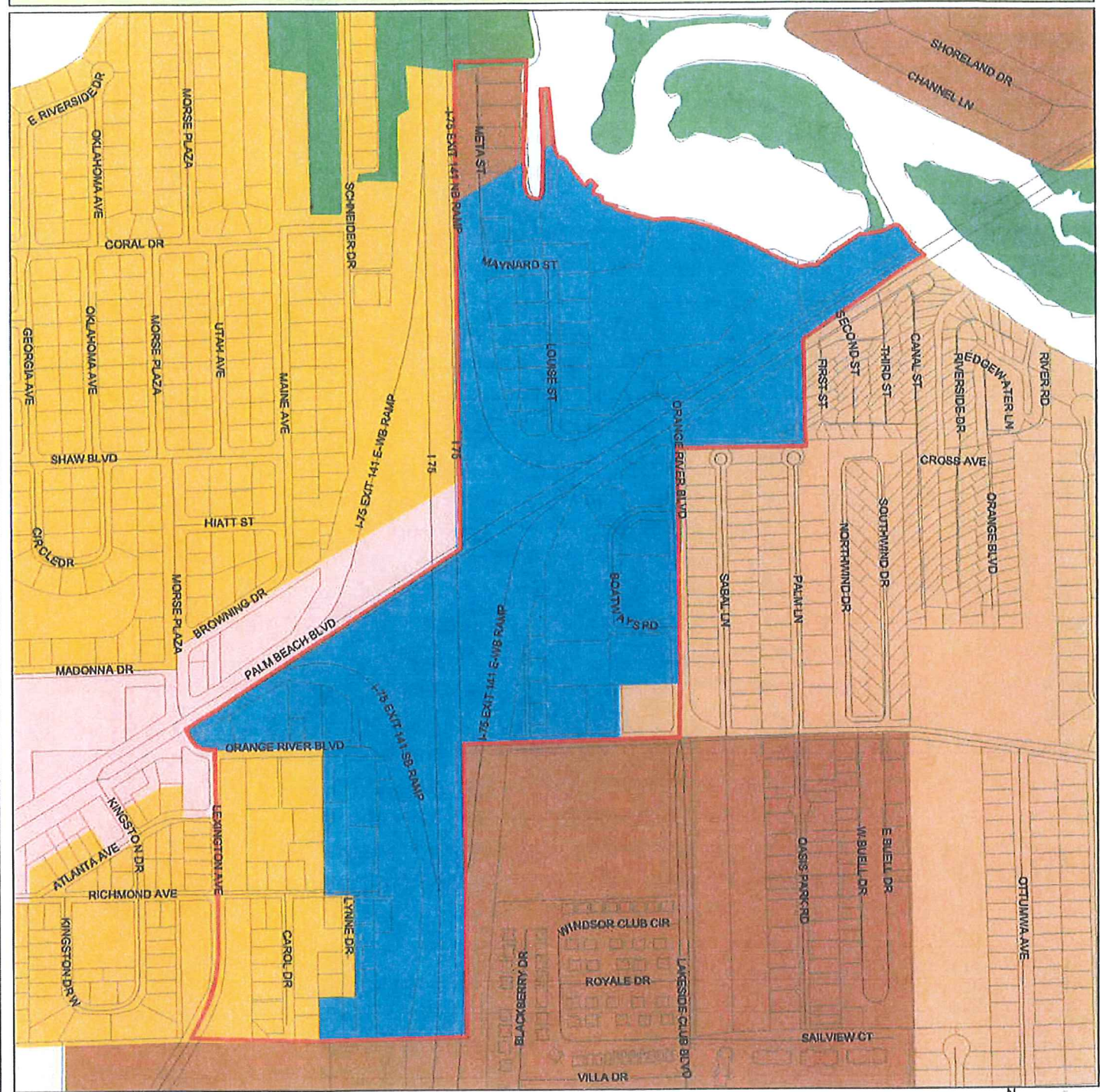
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LEE COUNTY
 SOUTHWEST FLORIDA
 DIVISION OF PLANNING

CPA 2004-00013

Future Land Use Map (Proposed)



Generated: April 2005
 Sources: Lee County DCD/Planning

Study Area	Suburban
Future Land Use Designations	Public Facilities
Intensive Development	General Commercial Interchange
Central Urban	Conservation Lands - Uplands
Urban Community	Wetlands
	Conservation Lands - Wetlands