



LEE COUNTY BOARD OF COUNTY COMMISSIONERS

ZONING HEARING AGENDA
and
LEE COUNTY COMPREHENSIVE PLAN

Wednesday, November 18, 2015

9:30AM

DCI2015-00005 Z-15-027	3550 COLONIAL BLVD AUTOMOBILE
DCI2015-00004 Z-15-025	CORKSCREW FARMS
CPA2015-00006	TREELINE 200 - TRANSMITTAL
CPA2014-00001	WATER SUPPLY WORK PLAN - TRANSMITTAL
CPA2015-00008	CAPITAL IMPROVEMENT ELEMENT - TRANSMITTAL

NOTICE
OF PUBLIC HEARING

The Lee County Board of County Commissioners will hold a public hearing on Wednesday, November 18, 2015 in the Board Chambers at 2120 Main Street, Ft. Myers, FL. Beginning at 9:30am, the Board will consider zoning applications and proposed amendments to the Lee County Comprehensive Plan (Lee Plan) for the following cases.

Zoning Cases

DCI2015-00005

3550 COLONIAL BLVD AUTOMOBILE

Rezone 9.79± acres from Special Commercial Office (CS-1) to Commercial Planned Development (CPD) to permit a maximum 65,000 square foot building for an automobile dealership, including showroom, parts and service department and a maximum of 300,000 square feet of outdoor vehicle display. Maximum building height proposed is 35 feet. No development blasting is requested. Development will connect to public potable water and sanitary sewer service.

Located at 3550 Colonial Blvd., Fort Myers Planning Community, Lee County, FL

DCI2015-00004

CORKSCREW FARMS

Rezone 1,361.1± ac. from Agriculture District (AG-2) to Residential Planned Development (RPD) to permit the development of up to 1,325 dwelling units, with maximum building heights of 45 feet. There is also a concurrent application to amend the Lee County Comprehensive Plan, CPA2015-00001, for text and map amendments. The proposed development will connect to public potable water and sanitary sewer service. No development blasting is proposed.

Located at 17501 Corkscrew Rd., SE Lee County Planning Community, Lee County, FL.

Copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Division, 1500 Monroe St., Ft. Myers, FL. Telephone 533-8585 for additional information.

If you did not appear before the Hearing Examiner or otherwise become a participant for that case in which you wish to testify, the law does not permit you to address the Board of County Commissioners.

Statements before the Board of County Commissioners regarding the zoning case will be strictly limited to testimony presented to the Hearing Examiner, testimony concerning the correctness of the findings of fact or conclusions of law contained in the record, or to allege the discovery of new, relevant information which was not available at the time of the hearing before the Hearing Examiner.

Lee County Comprehensive Plan (Lee Plan) Amendment

Interested parties may appear at the meeting and be heard with respect to the proposed plan amendments. Contact Janet Miller of the Lee County Division of Planning at 239-533-8585 for further information on obtaining a record.

CPA2015-00006

TREELINE 200

Amend Lee Plan Policy 1.3.2 and Table 1(a) to allow for multi-family residential uses within the General Interchange future land use category. Amend Table 1(b), Year 2030 Allocations, to accommodate residential development within the General Interchange future land use category.

CPA2014-00001

WATER SUPPLY WORK PLAN

Incorporate the Lee County Water Supply Facilities Work Plan into the Lee Plan as required by Florida Statute §163.3177(6)(c).

CPA2015-00008

CAPITAL IMPROVEMENT ELEMENT

Amend Lee Plan Capital Improvement Element Policies 95.1.1, 95.1.5, 95.1.6, 95.5.1 and 95.5.2 to allow future revisions to Lee Plan Tables 3, 3(a), and 4 by ordinance as permitted by Florida Statute §163.3177(3)(b).

If a participant decides to appeal a decision made by the Board of County Commissioners with respect to any matter considered at this hearing, a verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

Persons with disabilities who need an accommodation to participate in the hearing should contact Jamie Princing at 1500 Monroe St., Ft. Myers, FL 33901 (239-533-8585 or at jprincing@leegov.com). To ensure availability of services, please request accommodation as soon as possible, but preferably five or more business days prior to event. Persons using a TDD may contact Jamie Princing through the Florida Relay Services, 711.

CPA2015-00006

TREELINE 200

Summary Sheet

Treeline 200, CPA2015-06

Request: Amend Lee Plan Policy 1.3.2 and Table 1(a) to allow for multi-family residential uses within the General Interchange future land use category.

Amend Table 1(b), Year 2030 Allocations, to accommodate residential development within the General Interchange future land use category.

Location: While the text amendment would be applicable to all lands within the General Interchange future land use category, the applicant is seeking to develop multi-family residential uses on approximately 11 at the northeast corner of I-75 and Daniels Road.

LPA Motion:

The LPA recommended that the Board of County Commissioners transmit an amendment that does not include amendments to Table 1(b) in the North Fort Myers and Bayshore planning communities.

NOEL ANDRESS	<u>AYE</u>
TIMOTHY BROWN	<u>AYE</u>
DENNIS CHURCH	<u>ABSENT</u>
JIM GREEN	<u>NAY</u>
RICK JOYCE	<u>AYE</u>
DAVID MULICKA	<u>AYE</u>
GARY TASMAN	<u>ABSENT</u>

Staff Recommendation:

Staff continues to support the initial staff recommendation to **transmit** the proposed amendment including the amendments to Table 1(b) in the North Fort Myers and Bayshore Planning Communities. This would allow for uniform treatment of the General Interchange future land use category within Lee County.

Public Concerns:

No members of the public addressed the Local Planning Agency concerning the proposed amendment.



**COMPREHENSIVE PLAN
AMENDMENT**

**CPA2015-06
TREELINE 200**
Privately Sponsored Amendment

**Board of County Commissioners
Transmittal Hearing Staff Report
11/18/2015**

**LEE COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING SECTION**

**STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2015-06**

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 Review Agencies' Comments
	Board of County Commissioners Hearing for Adoption

Application submitted on: July 8, 2015

Application found sufficient on: September 23, 2015

Staff Report published on: October 16, 2015

**PART I
APPLICATION SUMMARY**

A. PROJECT NAME: Treeline 200

B. APPLICANT/REPRESENTATIVES:

John Gnagey, Treeline 200, LLC
Alexis V. Crespo, Waldrop Engineering, P.A.

C. REQUEST:

Amend Lee Plan Policy 1.3.2 and Table 1(a) to allow for multi-family residential uses within the General Interchange future land use category. Amend Table 1(b), Year 2030 Allocations, to accommodate residential development within the General Interchange future land use category.

PART II PROJECT SUMMARY

A. FUTURE LAND USE DESIGNATION AND BACKGROUND:

The proposed amendment will affect the uses allowed in the General Interchange future land use category. The General Interchange future land use category has been included in the Lee Plan since 1984 with the same language that exists today. However, between the years 1996 and 2000, the General Interchange future land use category was amended to allow residential uses. Ordinance 94-30, which became effective on July 25, 1996, not only amended the General Interchange category to allow residential uses but also provided criteria for approving the residential uses at time of zoning. The Policy, as it was amended in 1996, read as follows:

POLICY 1.3.2: *The General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial and light industrial/commercial.*

Residential uses may be permitted in the General Interchange areas in a manner that will maximize internal trip capture through on-site shopping and job creation designed to achieve a compact, pedestrian-oriented mixed use project. It will be consistent with the following requirements:

- 1. The zoning must be planned development zoning.*
- 2. All of the property contained within the Interchange area must be under unified ownership or control and must amount to no less than 160 acres.*
- 3. There will be a minimum commercial square footage of 500,000 s.f., which shall include a combination of retail and office uses.*
- 4. The minimum residential density will be 8 units per acre with 100 residential units permitted for every 100,000 s.f. of commercial use.*
- 5. The project shall demonstrate an internal capture rate of trips of not less than 10% of the residential trips generated for employment, shopping, and recreation.*
- 6. The commercial uses and square footage will provide on-site job opportunities equivalent to a minimum of 15% of the project's residents based on the following assumptions:*

- 1.5 job holders per dwelling unit;
- 2.0 jobs per 1,000 s.f. of retail; and
- 4.0 jobs per 1,000 s.f. of office.

7. *The residential uses will include an affordable housing component that demonstrates that not less than twenty-five percent (25%) of the residential uses would qualify as "affordable" housing pursuant to the income guidelines periodically updated by the U.S. Department of Housing and Urban Development.*

This language was removed from the General Interchange category by Ordinance 99-18 which became effective on January 19, 2000. The residential use and criteria were relocated to a newly created "Mixed-Use Interchange" future land use category. The Mixed-Use Interchange category was deleted from the Lee Plan in 2002 by Ordinance 02-02. Lee County has not allowed residential uses in any of the Interchange categories since that time.

The General Interchange future land use category is currently defined by Lee Plan Policy 1.3.2 and allows for uses such as service stations, hotels, restaurants, commercial retail, as well as tourist commercial. The Policy is reproduced below:

POLICY 1.3.2: *The General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial and light industrial/commercial. (Amended by Ordinance No. 94-30, 99-18)*

There are currently approximately 740 acres in the General Interchange future land use category within unincorporated Lee County located near the I-75 intersections at Daniels Road, Bonita Beach Road, and Bayshore Road (as shown on the Future Land Use Map, see Attachment 2).

B. CASE HISTORY:

Although the applicant owns a specific property within the General Interchange future land use category, the proposed amendment will affect all lands within this category. The applicant's property is located within the Arborwood Village Commercial Planned Development (CPD) located at the northeast quadrant of the intersection of I-75 and Daniels Road. The CPD is currently approved for up to 302,000 square feet of commercial uses. The applicant is proposing to amend the existing CPD to allow residential uses on a 10.98 acre tract. The Lee County Land Development Code permits multi-family residential uses in CPD zoning districts; however, they are currently not permitted within the property's General Interchange future land use category.

The applicant originally applied for a Small Scale Future Land Use Map amendment for their property that requested to redesignate their property from the General Interchange future land use category to the Central Urban future land use category. Following subsequent meetings with staff to discuss the application, the applicant elected to revise the application to a text amendment and request residential uses within the General Interchange future land use category.

C. APPLICANT'S REQUESTED AMENDMENTS:

The applicant's requested Lee Plan amendment contains three text amendments, which are summarized below:

- Amend Lee Plan Policy 1.3.2 to allow for multi-family residential uses within the General Interchange future land use category.
- Amend Lee Plan Table 1(a), Summary of Residential Densities, to assign a standard density range and a bonus density maximum to the General Interchange future land use category.
- Amend Table 1(b), Year 2030 Allocations, to accommodate residential development in the General Interchange future land use category located within the Gateway/Airport Planning District.

Attachment #1 identifies the staff recommended amendments, shown in strikethrough and underline format, as it relates to the existing Lee Plan.

**PART III
STAFF DISCUSSION AND ANALYSIS**

A. PLANNING STAFF DISCUSSION AND ANALYSIS:

The proposed amendment to the Lee Plan will allow multi-family residential uses within the General Interchange future land use category. To achieve this, the applicant is proposing the following text amendments to Policy 1.3.2 that describes the General Interchange future land use category:

POLICY 1.3.2: *The General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial, ~~and~~ light industrial/commercial, and multi-family dwelling units. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre).*

In the event that the Board of County Commissioners decides to adopt the proposed amendment to Policy 1.3.2, staff recommends that the following amendment should be made in order to remove a cross reference to a future land use category that no longer exists.

OBJECTIVE 1.3: INTERSTATE HIGHWAY INTERCHANGE AREAS. *Designate on the Future Land Use Map specialized categories for land adjacent to the interchanges of Interstate 75. It is important to make maximum beneficial use of these critical access points and at the same time avoid irreconcilable conflicts between competing demands, such as through traffic vs. local traffic, conservation vs. development, commercial development vs. industrial development, and tourist commercial facilities vs. general shopping facilities. Development in these areas must minimize adverse traffic impacts and provide appropriate buffers, visual amenities, and safety measures. Each interchange area is designated for a specific primary role: General, General Commercial, Industrial Commercial, Industrial, and University Village, ~~and Mixed Use.~~ Residential uses are only permitted in these categories in accordance with Chapter XIII or as provided in Policy 1.3.2. These areas are also considered Future Urban Areas.*

The Mixed-Use Interchange future land use category was deleted in 2002; however, Objective 1.3 was never updated to reflect the change. This amendment is proposed for housekeeping purposes.

Recently there was an amendment to the Lee Plan (CPA2013-00008, Estero Apartments), which redesignated approximately 8.57 acres from the General Interchange to the Intensive Development future land use category in order to allow

multi-family dwelling units. The Intensive Development future land use category has a standard density range of 8 to 14 dwelling units per acre and a maximum bonus density of up to 22 dwelling units per acre. While this property is now within the incorporated Village of Estero, it is worth noting that the amendment was supported by Lee County staff and unanimously approved by the Lee County Board of County Commissioners on June 18, 2014 by Lee County Ordinance 14-14.

Also within the Village of Estero, is another application requesting to re-designate approximately 27 acres from the General Interchange and 12 acres from the Urban Community future land use category to the Intensive Development future land use category in order to allow multi-family residential uses. This application is supported by staff, but will be considered and decided by the Estero Village Council.

Based on the previously approved and requested amendments of the same nature, discussions with staff, and the fact that residential uses have previously been allowed in the General Interchange future land use category, a text amendment to allow multi-family residential uses is appropriate.

Planning staff agrees with the density proposed by the applicant which is a minimum density of 8 dwelling units per acre and a maximum, achieved with bonus density, of 22 dwelling units per acre. As previously stated, the General Interchange future land use category, between 1996 and 2000, allowed for residential development and had a minimum density requirement of 8 dwelling units per acre. There was not an upper limitation for density. The current proposed density range is consistent with that of the Intensive Development future land use category and is an appropriate range for the locations of the General Interchange designations and the allowed intensity of uses within the category.

In addition to the text amendment to Policy 1.3.2, the applicant is proposing amendments to Lee Plan Tables 1(a) and 1(b) that will allow for residential development and densities consistent with the proposed amendment to Policy 1.3.2. The proposed amendment to Table 1(a) is internally consistent with the Lee Plan, and the required minimum density (as specified in the amendment to Table 1(a), Note 2) will help assure efficient use of the General Interchange future land use category.

The applicant is also proposing an amendment to Table 1(b) so that sufficient acreage will be available to allow the build-out of the applicant's approximate 11 acre site should the proposed changes to the Policy 1.3.2 be adopted. The applicant's proposed changes to Table 1(b) are shown below:

(Portion of) Table 1(b)
Gateway/Airport Planning Community

Future Land Use Category	Existing	Proposed
General Interchange	0	<u>11</u>

The applicant's amendment simply allocates 11 acres into the General Interchange for residential development which creates internal inconsistency within the Lee Plan. The population accommodation of the Lee Plan would be inconsistent with the Bureau of Economic and Business Research (BEBR) estimates of Lee County's population within the current 2030 planning horizon of the Lee Plan. Florida Statute §163.3177(1)(f)(3) requires that local comprehensive plans remain consistent with Office of Economic and Demographic Research projections which uses the BEBR projections. Therefore, staff recommends that the amendments to Table 1(b) be modified in order to maintain consistency with BEBR projections.

In addition, the amendment to Table 1(b), as proposed by the applicant, only allows for residential development on the 11 acres within the Gateway/Airport Planning Community. Since the General Interchange future land use category is also located within the Bayshore, Daniels Parkway, North Fort Myers and Southeast Lee County Planning Communities, staff finds it appropriate to amend Table 1(b) to accommodate additional residential acreage within these Planning Communities. Staff proposes that the allocation acreages in Table 1(b) be amended as shown in Attachment 1, which is based on an assumption that 5 to 30 percent of the General Interchange future land use category will be developed with multi-family uses. As modified by staff, there is consistency between the text and table amendments and internal consistency of the Lee Plan.

Consistency with the Lee Plan:

Planning staff has reviewed the proposed amendments and finds that, as modified, they are consistent with the intent of the Lee Plan when considered in its entirety. Discussion regarding consistency with specific Goals, Objectives and Policies of the Lee Plan is provided below:

Goal 2 of the Lee Plan is to *“provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.”*

Objective 2.12 and Policy 2.12.1 encourage the county to provide opportunities to create “Diversified Cluster Development,” specifically within certain Future Urban Areas. Objective 2.12 and Policy 2.12.1 are provided below:

OBJECTIVE 2.12: DIVERSIFIED CLUSTER DEVELOPMENT - *The County in several future land use categories allows the potential for a mixture of different land uses including: residential, commercial/office, research and development, and light industrial. (Added by Ordinance No. 09-06)*

POLICY 2.12.1: *The County encourages and promotes clustered, mixed use development within certain Future Urban Area land use categories to spur cluster development and smart growth within those areas of Lee County where sufficient*

infrastructure exists to support development, as well as continue to improve the economic well-being of the County; provide for diversified land development; and provide for cohesive, viable, well-integrated, and pedestrian and transit oriented projects. This is intended to encourage development to be consistent with Smart Growth principles. (Added by Ordinance No. 09-06)

The General Interchange future land use category is considered a Future Urban Area. As described by Policy 1.3.2, the category currently does not allow for residential uses, but does permit “a broad range of land uses that include tourist commercial, general commercial and light industrial/commercial.” The Lee Plan defines “mixed use” as development that contains both residential and other uses. The uses need not be in the same building if they are grouped together with limited separation and strong pedestrian interconnections. Allowing residential uses within the General Interchange future land use category provides for: diversified development; opportunities to create mixed use developments where residential and commercial uses are grouped together with limited separation; and development where sufficient infrastructure exists. The amendment promotes the benefits envisioned by Objective 2.12 and Policy 2.12.1. The proposed amendment is consistent with Lee Plan Goal 2, Objective 2.12 and Policy 2.12.1.

Goal 5 of the Lee Plan is “to provide sufficient land in appropriate locations on the Future Land Use Map...in attractive and safe neighborhoods with a variety of price ranges and housing types.” The proposed amendment will allow residential uses in existing Future Urban Areas without the need to convert non-urban, environmentally sensitive, or industrial lands for residential purposes. Therefore, the proposed amendment is consistent with Goal 5 of the Lee Plan.

Multi-family residential uses within the General Interchange future land use category will offer an opportunity to expand the mix of residential types, designs, densities, and prices in Lee County. This is consistent with Policy 135.1.9 of the Housing Element and Policy 158.1.9 of the Economic Element as reproduced below:

POLICY 135.1.9: *The county will ensure a mix of residential types and designs on a countywide basis by providing for a wide variety of allowable housing densities and types through the planned development process and a sufficiently flexible Future Land Use Map. (Amended by Ordinance No. 00-22)*

POLICY 158.1.9: *Lee County, in response to current and projected needs of Lee County residents, will encourage a diverse mix of housing types, sizes, prices, and rents by maintaining mixed use land use categories in the Future Land Use Element. (Amended by Ordinance No. 00- 22)*

B. ENVIRONMENTAL CONSIDERATIONS:

Lee Plan Policy 5.1.2 prohibits residential developments in areas where environmental or other site characteristics may endanger the residential community:

POLICY 5.1.2: Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

While the environmental site characteristics identified in this policy will be reviewed at the time of rezoning, it should be noted that the property that is owned by the applicant is not within any of these areas.

C. INFRASTRUCTURE AND SERVICES:

As previously stated, Objective 1.3 of the Lee Plan identifies the General Interchange future land use category as a Future Urban Area. Based on Objective 1.1, the Future Urban Area designation is *“based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services.”* Since the General Interchange future land use category is already considered a Future Urban Area, multi-family residential uses will not significantly affect the adequacy of public facilities or services.

Lee County Department of Transportation provided a memo (Attachment 3) on September 29, 2015 addressing the proposed amendment. The memo, in part, states:

“The uses of office and commercial are allowed within the General Interchange land use category, which have much higher trip generation rates than the multi-family residential use. Lee County DOT have no objection to the application since there are no additional traffic increase.”

As required by Lee Plan Policy 2.2.1 the availability of necessary public infrastructure and services will be evaluated again at time of zoning and/or development order.

PART IV
CONCLUSIONS, FINDINGS OF FACT, AND RECOMMENDATION

A. CONCLUSIONS:

Allowing multi-family residential uses within the General Interchange future land use category is consistent with the Lee Plan when considered in its entirety. The proposed amendment, as modified by staff, will:

- Locate residential uses within areas that, because of current allowable uses within the General Interchange future land use category, have typically been developed with commercial uses. Future development approval processes will require that the relatively compact multi-family residential developments be integrated with the existing and planned commercial developments located within the General Interchange future land use category. The Land Development Code specifically requires the construction of pedestrian connections between residential and commercial uses as well as to the mass transit network. These interconnections within and between the developments will help to reduce impacts on transportation facilities.
- Allow for efficient use of existing Future Urban Areas in Lee County that have access to available urban services without displacement of industrial, non-urban, or environmental lands. Public facilities and services such as utilities, law enforcement, fire and rescue services, and schools are available and continued availability will be reviewed on a case-by-case basis during the zoning and development order processes.
- Not increase the population accommodation of the Future Land Use Map or Table 1(b). The population accommodation of the Lee Plan will be consistent with the Bureau of Economic and Business Research (BEBR) estimates of Lee County's population within the current 2030 planning horizon.

B. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The applicant submitted an application to amend the Future Land Use Map on July 8, 2015 and revised the application to a text amendment on August 26, 2015.
- The subject property has been designated General Interchange since the Lee Plan was originally adopted in 1984.
- Multi-family residential uses are compatible with the uses currently allowed in the General Interchange future land use category.

- Approval and development of multi-family residential uses within the General Interchange future land use category will require additional review by Lee County through the rezoning and development order processes, including availability of public services and infrastructure.
- The proposed amendment will decrease traffic on the local transportation network.
- The residential densities proposed will have less impact on the transportation network than uses that are currently allowed within the General Interchange future land use category.
- The proposed amendment is specifically consistent with Lee Plan Goals 2 and 5, Objective 2.12, and Policies 2.12.1, 5.1.2, 135.1.9 and 158.1.9.
- The proposed amendment, as modified by staff, will not increase the population accommodation of the Future Land Use Map or Table 1(b).
- The applicant has also requested a rezoning to allow for residential uses on property near the Daniels and I-75 interchange (DCI2015-00018) located in the General Interchange.

C. RECOMMENDATION:

Staff recommends that the Board of County Commissioners **adopt** the proposed amendment as identified in Attachment 1.

PART IV - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: October 26, 2015

A. LOCAL PLANNING AGENCY REVIEW:

Staff gave a brief presentation regarding the proposed amendment. Followed by presentations from the applicant's representatives. They discussed their specific property as well as compatibility with surrounding properties and the proposed text change to the General Interchange future land use category. No members of the public were present, therefore, no public comment was heard.

One member of the LPA asked for clarification about the location of the General Interchange future land use category within Lee County. Staff identified the locations. A member of the LPA asked if staff had vetted the proposed amendment through the planning panels of affected community planning areas. Staff replied that they had not, nor is there a requirement in the Lee Plan or Land Development Code to do so. The amendment had been properly noticed and the required public hearings provide opportunity for public comment.

However, members of the LPA continued to express concern that planning community groups had not been made specifically aware of the proposed amendment.

A motion was made to recommend that the Board of County Commissioners transmit a LPA modified amendment that excludes Table 1(b) amendments in the General Interchange future land use category within the North Fort Myers and Bayshore planning communities. The motion was passed by a 4 to 1 vote.

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

1. RECOMMENDATION:

The LPA recommended that the Board of County Commissioners transmit an amendment that excludes Table 1(b) amendments in the General Interchange future land use category within the North Fort Myers and Bayshore planning communities.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The LPA generally accepted the basis and recommended findings of fact as advanced by staff, but believed that the proposed amendment should be vetted through community panels.

C. VOTE:

NOEL ANDRESS	AYE
TIMOTHY BROWN	AYE
DENNIS CHURCH	ABSENT
JIM GREEN	NAY
RICK JOYCE	AYE
DAVID MULICKA	AYE
GARY TASMAN	ABSENT

D. STAFF RESPONSE TO LPA RECOMMENDATION:

Staff continues to support its initial staff recommendation, including the amendments to Table 1(b) in the North Fort Myers and Bayshore Planning Communities, for the following reasons:

- Staff finds that the residential densities proposed are less intense and will provide greater compatibility with adjacent residential uses, consistent with Policy 5.1.5, than uses that are currently allowed within the General Interchange future land use category.
- The proposed amendment will allow for efficient use of existing Future Urban Areas in Lee County that have access to available urban services without displacement of industrial, non-urban, or environmental lands.
- The proposed amendment will allow for the construction of affordable housing near existing transportation facilities that will allow for easy access to employment within Lee County or in adjacent counties.
- Public facilities and services such as transportation facilities, utilities, law enforcement, fire and rescue services, and schools are available and continued availability will be reviewed on a case-by-case basis during the zoning and development order processes.
- Approval and development of multi-family residential uses within the General Interchange future land use category will require additional review by Lee County through the rezoning and development order processes.
- Staff's recommendation would allow for uniform treatment of the General Interchange future land use category within Lee County.

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

DATE OF TRANSMITTAL HEARING: November 18, 2015

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

BRIAN HAMMAN	_____
LARRY KIKER	_____
FRANK MANN	_____
JOHN MANNING	_____
CECIL PENDERGRASS	_____

Text Amendments:

OBJECTIVE 1.3: INTERSTATE HIGHWAY INTERCHANGE AREAS. *Designate on the Future Land Use Map specialized categories for land adjacent to the interchanges of Interstate 75. It is important to make maximum beneficial use of these critical access points and at the same time avoid irreconcilable conflicts between competing demands, such as through traffic vs. local traffic, conservation vs. development, commercial development vs. industrial development, and tourist commercial facilities vs. general shopping facilities. Development in these areas must minimize adverse traffic impacts and provide appropriate buffers, visual amenities, and safety measures. Each interchange area is designated for a specific primary role: General, General Commercial, Industrial Commercial, Industrial, and University Village, ~~and Mixed Use~~. Residential uses are only permitted in these categories in accordance with Chapter XIII or as provided in Policy 1.3.2. These areas are also considered Future Urban Areas.*

No amendments are proposed to policy 1.3.1.

POLICY 1.3.2: *The General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial, and light industrial/commercial, and multi-family dwelling units. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre).*

Table Amendments:

Table 1(a): Summary of Residential Densities (Attached)

Table 1(b): Year 2030 Allocations (Attached)

TABLE 1(a)
SUMMARY OF RESIDENTIAL DENSITIES ¹

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM ² (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY ³ (Dwelling Units per Gross Acre)
Intensive Development	8	14	22
<u>General Interchange</u>	8	14	<u>22</u>
Central Urban	4	10	15
Urban Community ^{4,5}	1	6	10
Suburban	1	6	No Bonus
Outlying Suburban	1	3	No Bonus
Sub-Outlying Suburban	1	2	No Bonus
Rural ¹⁰	No Minimum	1	No Bonus
Outer Islands	No Minimum	1	No Bonus
Rural Community Preserve ⁶	No Minimum	1	No Bonus
Open Lands ⁷	No Minimum	1 du/5 acres	No Bonus
Density Reduction/Groundwater Resource	No Minimum	1 du/10 acres	No Bonus
Wetlands ⁸	No Minimum	1 du/20 acres	No Bonus
New Community	1	6	No Bonus
University Community ⁹	1	2.5	No Bonus
Destination Resort Mixed Use Water Dependent ¹¹	6	9.36	No Bonus
Burnt Store Marina Village ¹²	No Minimum	160 Dwelling Units; 145 Hotel Units	No Bonus

CLARIFICATIONS AND EXCEPTIONS

- ¹ See the glossary in Chapter XII for the full definition of "density."
- ² Except in the General Interchange future land use category adherence to minimum densities is not mandatory but is recommended to promote compact development.
- ³ These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Housing Density Bonus Ordinance (No. 89-45, as amended or replaced) and the Transfer of Development Rights Ordinance (No. 86-18, as amended or replaced).
- ⁴ Within the Future Urban Areas of Pine Island Center, rezonings that will allow in excess of 3 dwelling units per gross acre must "acquire" the density above 3 dwelling units per gross acre utilizing TDRs that were created from Greater Pine Island Coastal Rural or Greater Pine Island Urban Categories.
- ⁵ In all cases on Gasparilla Island, the maximum density must not exceed 3 du/acre.
- ⁶ Within the Buckingham area, new residential lots must have a minimum of 43,560 square feet.
- ⁷ The maximum density of 1 unit per 5 acres can only be approved through the planned development process (see Policy 1.4.4), except in the approximately 135 acres of land lying east of US41 and north of Alico Road in the northwest corner of Section 5, Township 46, Range 25.
- ⁸ Higher densities may be allowed under the following circumstances where wetlands are preserved on the subject site:
(a) If the dwelling units are relocated off-site through the provisions of the Transfer of Development Rights Ordinance (No. 86-18, as amended or replaced); or
(b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, Outlying Suburban, or Sub-Outlying Suburban from preserved freshwater wetlands at the same underlying density as is permitted for those uplands. Impacted wetlands will be calculated at the standard Wetlands density of 1 dwelling unit per 20 acres. Planned Developments or Development Orders approved prior to October 20, 2010 are permitted the density approved prior to the adoption of CPA2008-18.
- ⁹ Overall average density for the University Village sub-district must not exceed 2.5 du/acre. Clustered densities within the area may reach 15 du/acre to accommodate university housing.
- ¹⁰ In the Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1du/2.25 acres.
- ¹¹ Overall number of residential dwelling units is limited to 271 units in the Destination Resort Mixed Use Water Dependent district.
- ¹² The residential dwelling units and hotel development portions of this redevelopment project must be located outside of the designated Coastal High Hazard Area in accordance with Lee Plan, Map 5.
- ¹³ See Policies 33.3.2, 33.3.3, and 33.3.4 for potential density adjustments resulting from concentration or transfer of development rights.

TABLE 1(b)
Year 2030 Allocation

[Proposed Amendment in Strike Through/Underline Format]

Future Land Use Category		Lee County Totals		Alva	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport		Daniels Parkway	
		Current	Proposed										Current	Proposed	Current	Proposed
Residential By Future Land Use Category	Intensive Development	1,376	1,376				20		27		250					
	Central Urban	14,766	14,766				225				230					
	Urban Community	18,425	18,285	520	485		637									
	Suburban	16,623	16,623				1,810				85					
	Outlying Suburban	4,105	3,957	30			40	20	2	500					1,700	<u>1,552</u>
	Sub-Outlying Suburban	1,548	1,548				367									
	Industrial	79	79								39		20	<u>20</u>		
	Public Facilities	1	1							1						
	University Community	850	850													
	Destination Resort Mixed Use Water Dependent	8	8													
	Burnt Store Marina Village	4	4					4								
	Industrial Interchange															
	General Interchange	60	143											11	2	<u>32</u>
	General Commercial Interchange															
	Industrial Commercial Interchange															
	University Village Interchange															
	New Community	900	900										900	<u>900</u>		
	Airport															
	Tradeport (Airport Commerce)	9	9										9	<u>9</u>		
	Rural	8,313	8,313	1,948			1,400	636							1,500	<u>1,500</u>
	Rural Community Preserve	3,100	3,100													
	Coastal Rural	1,300	1,300													
	Outer Island	202	202	5			1			150						
	Open Lands	2,805	2,805	250				590							120	<u>120</u>
Density Reduction/ Groundwater Resource	6,905	6,905	711									94	<u>94</u>			
Conservation Lands Upland																
Wetlands																
Conservation Lands Wetland																
Unincorporated County Total Residential	81,379	81,174	3,464	485			4,500	1,250	29	651	604		1,023	<u>1,034</u>	3,322	<u>3,204</u>
Commercial	12,793	12,793	57	52			400	50	17	125	150		1,100	<u>1,100</u>	440	<u>440</u>
Industrial	13,801	13,801	26	3			400	5	26		300		3,100	<u>3,100</u>	10	<u>10</u>
Non Regulatory Allocations																
Public	82,252	82,313	7,100	421			2,000	7,000	20	1,961	350		7,500	<u>7,500</u>	2,416	<u>2,477</u>
Active AG	17,027	17,027	5,100				550	150							20	<u>20</u>
Passive AG	45,859	45,835	13,549				2,500	109					1,491	<u>1,491</u>	20	<u>20</u>
Conservation	81,948	81,933	2,214	611			1,142	3,236	133	1,603	748		2,809	<u>2,798</u>	1,719	<u>1,733</u>
Vacant	22,116	22,299	1,953				226	931	34		45		300	<u>300</u>	20	<u>63</u>
Total	357,175	357,175	33,463	1,572			11,718	12,731	259	4,340	2,197		17,323	<u>17,323</u>	7,967	<u>7,967</u>
Population Distribution*	495,000	495,000	5,090	1,531			30,861	3,270	225	530	5,744		11,582	<u>11,977</u>	16,488	<u>16,375</u>

*Population Distribution for Unincorporated area of Lee County

TABLE 1(b)
Year 2030 Allocation

[Proposed Amendment in Strike Through/Underline Format]

Future Land Use Category		Iona/ McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres		Southeast Lee County	North Fort Myers		Buckingham	Estero	Bayshore	
							Current	Proposed		Current	Proposed			Current	Proposed
Residential By Future Land Use Category	Intensive Development				660	3	42	42		365	365		9		
	Central Urban	375	17		3,140		8,179	8,179		2,600	2,600				
	Urban Community	850	1,000		860	500	13,013	12,873				110	450		
	Suburban	2,488	1,975		1,200	675				6,690	6,690		1,700		
	Outlying Suburban	377				600				382	382		454		
	Sub-Outlying Suburban		25							140	140	66		950	950
	Industrial	5	5		10										
	Public Facilities														
	University Community		850												
	Destination Resort Mixed Use Water Dependent	8													
	Burnt Store Marina Village														
	Industrial Interchange														
	General Interchange								15	7	31		6	30	48
	General Commercial Interchange														
	Industrial Commercial Interchange														
	University Village Interchange	0													
	New Community														
	Airport														
	Tradeport (Airport Commerce)														
	Rural		90			190	14	14		500	500	50	635	1,350	1,350
	Rural Community Preserve											3,100			
	Coastal Rural					1,300									
	Outer Island	1				45									
Open Lands									45	45			1,800	1,800	
Density Reduction/ Groundwater Resource								4,000					2,100	2,100	
Conservation Lands Upland															
Wetlands															
Conservation Lands Wetland															
Unincorporated County Total Residential	4,104	3,962		5,870	3,313	21,248	21,108	4,015	10,729	10,753	3,326	3,254	6,230	6,248	
Commercial	1,100	1,944		2,100	226	1,420	1,420	68	1,687	1,687	18	1,700	139	139	
Industrial	320	450		900	64	300	300	7,246	554	554	5	87	5	5	
Non Regulatory Allocations															
Public	3,550	3,059		3,500	2,100	15,289	15,289	12,000	4,000	4,000	1,486	7,000	1,500	1,500	
Active AG					2,400			7,171	200	200	411	125	900	900	
Passive AG					815			18,000	1,556	1,532	3,619	200	4,000	4,000	
Conservation	9,306	2,969		188	14,767	1,541	1,541	31,359	1,317	1,317	336	5,068	882	864	
Vacant	975	594		309	3,781	8,106	8,246	470	2,060	2,060	1,000	800	512	512	
Total	19,355	12,978		12,867	27,466	47,904	47,904	80,329	22,103	22,103	10,201	18,234	14,168	14,168	
Population Distribution*	34,538	36,963		58,363	13,265	164,517	163,543	1,270	70,659	71,001	6,117	25,577	8,410	8,760	

*Population Distribution for Unincorporated area of Lee Cour

ATTACHMENT 3



DEPARTMENT OF TRANSPORTATION

Memo

To: Brandon Dunn, Principal Planner
Planning Division

From: Lili Wu
Sr. Transportation Planner

Date: Sept. 29, 2015

Subject: Treeline 200 (CPA2015-00006)

We have reviewed the above application which requests to allow for multi-family residential uses within the General Interchange land use category. The uses of office and commercial are allowed within General Interchange land use category which have much higher trip generation rates than the multi-family residential use. Lee County DOT have no objection to the application since there are no additional traffic increase.

cc: File