

LEE COUNTY BOARD OF COUNTY COMMISSIONERS

LEE COUNTY COMPREHENSIVE PLAN
And
ZONING HEARING AGENDA

Wednesday, August 3, 2016

9:30AM

CPA2016-00001	AIRPORT DEV. SCHEDULES UPDATE - TRANSMITTAL HEARING
CPA2016-00004	RSW NOISE ZONE UPDATE - TRANSMITTAL HEARING
DCI2015-00032 Z-16-012	LUCKETT RD TRUCK & AUTO PLAZA
REZ2016-00002 Z-16-015	JEAN BOULEVARD REZONING
REZ2016-00001 Z-16-014	SIMON SAYS ETC REZONE
DCI2015-00033 Z-16-013	THREE OAKS MARKETPLACE
DRI2015-00009 & DCI2015-00024 Z-16-008	THREE OAKS 106 RPD (CONTINUED FROM THE 6/22/2016 BoCC HEARING)

NOTICE
OF PUBLIC HEARING

The Lee County Board of County Commissioners will hold public hearings on Wednesday, August 3, 2016 in the Board Chambers at 2120 Main Street, Ft. Myers, FL. Beginning at 9:30 a.m., the Board will consider proposed amendments to the Lee County Comprehensive Plan (Lee Plan) and zoning applications for the following cases.

Lee County Comprehensive Plan Amendments:

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

CPA2016-00001

AIRPORT DEVELOPMENT SCHEDULES UPDATE

Update Table 5(a), for Southwest Florida International Airport, to consolidate future development into a single phase; update Table 5(b), for Page Field Airport, to consolidate future development into a single phase, and add 25,000 square feet for a multi use hangar; and update Lee Plan Future Land Use and Transportation Elements to reflect these changes and make consistent throughout the Lee Plan.

CPA2016-00004

RSW NOISE ZONE UPDATE

Update Lee Plan Map 1, Page 5 of 8 Titled " Special Treatment Areas' (Airport Noise Zone Map) and related Lee Plan Policy 1.7.1 to be consistent with the 2013 Southwest Florida International Airport Part 150 Noise Study.

Zoning Cases:

DCI2015-00032

LUCKETT RD TRUCK & AUTO PLAZA

Amend the Industrial Planned Development (IPD) known as Lockett Road Truck and Auto Plaza, Phase II, approved per Lee County Zoning Resolution Z-90-104, to add and rezone a 0.88± acre parcel along Hamilton Drive from Agricultural (AG-2) to IPD.

Located at 6231 Hamilton Drive, Fort Myers Planning Community, Lee County, FL.

REZ2016-00002

JEAN BOULEVARD REZONING

A request to rezone 2.5± acres from Agricultural (AG-2) to General Industrial (IG).

Located at 7801 Jean Boulevard, San Carlos Planning Community, Lee County, FL.

REZ2016-00001

SIMON SAYS ETC REZONE

Rezone a 1.7± acre property from Commercial (C-1A) to General Commercial (CG).

Located at 1165 Pondella Road, Cape Coral Planning Community, Lee County, FL.

DCI2015-00033

THREE OAKS MARKETPLACE

Rezone 40.1± acres from Agricultural (AG-2) to Mixed Use Planned Development (MPD) to permit a maximum of 400,000 square feet of commercial, industrial and retail uses (including a minimum of 30,000 square feet of commercial and a minimum of 30,000 square feet of industrial) and a maximum of 130 hotel rooms. Maximum building height proposed is 65 feet. The project will be served by public potable water and sanitary sewer service. Development blasting is not requested.

Located at 8901 / 9151 Alico Road, Gateway/Airport Planning Community, Lee County, FL

DRI2015-00009 & DCI2015-00024

THREE OAKS 106 RPD

A request for the Seventh Amendment to Lee County Development of Regional Impact Number DRI 4-8485-54 to eliminate 1,346,000 square feet of retail and office uses and to allow up to a maximum of 400 residential dwelling units (single-family and/or two-family attached).

Rezone 105.5± acres from Commercial Planned Development (CPD) to Residential Planned Development (RPD) to allow up to a maximum of 400 residential dwelling units (single-family and/or two-family attached) with a maximum building height of up to 35 feet. The project will connect to potable water and sanitary sewer service. No development blasting is being requested.

Located on the southwest corner of Alico Road and Three Oaks Parkway, San Carlos 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.

With respect to the above zoning cases, 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.

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 Baker at 1500 Monroe St., Ft. Myers, FL 33901 (239-533-8585 or at jl baker@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 Baker through the Florida Relay Services, 711.

CPA2016-00004

**RSW NOISE ZONE
UPDATE**

Summary Sheet

RSW Noise Zone Update, CPA2016-04

Request:

Amend Lee Plan Map 1, Page 5, Special Treatment Areas, to update the noise zones associated with the Southwest Florida International Airport and adopt new language into Lee Plan Policy 1.7.1.

LPA Motion:

The LPA recommended that the Board of County Commissioners transmit the amendment as recommended by staff.

NOEL ANDRESS	<u>AYE</u>
JOHN CASSANI	<u>AYE</u>
DENNIS CHURCH	<u>AYE</u>
JIM GREEN	<u>ABSENT</u>
STAN STOUDE	<u>AYE</u>
ROGER STRELOW	<u>AYE</u>
GARY TASMAN	<u>ABSENT</u>

Staff Recommendation:

Staff recommends that the Board of County Commissioners *transmit* the proposed amendment to the state reviewing agencies.

Public Concerns:

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



**COMPREHENSIVE PLAN
AMENDMENT**

**CPA2016-04
RSW NOISE ZONE
UPDATE**

Port Authority Initiated Amendment

**Board of County Commissioners
Transmittal Hearing Staff Report**

8/3/2016

**STAFF REPORT
COMPREHENSIVE PLAN AMENDMENT
CPA2016-04**



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

Staff Report Publication Date: June 17, 2016

**PART I
APPLICATION SUMMARY**

A. PROJECT NAME:

RSW Noise Zone Update

B. APPLICANT:

Lee County Port Authority

C. REPRESENTATIVE:

Laura DeJohn, Johnson Engineering

D. PROPOSED LEE PLAN AMENDMENTS:

Amend Lee Plan Map 1, Page 5, Special Treatment Areas, to update the noise zones associated with the Southwest Florida International Airport and adopt new language into Lee Plan Policy 1.7.1.

**PART II
RECOMMENDATION AND FINDINGS OF FACT**

A. RECOMMENDATION:

Staff recommends that the Board of County Commissioners *transmit* the proposed amendment.

B. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Board of County Commissioners as the Board of Port Commissioners initiated this amendment on March 14, 2016.
- The map included in the proposed amendment is required by Chapter 163.3177 of the Florida Statutes, and the proposed amendment will ensure that the Lee Plan remains consistent with the Florida Statute requirements.
- The updated map will depict the most up-to-date data from Lee County Port Authority.
- The map is based on data generated by the 2013 Part 150 Noise Study required by Title 14 of the Code of Federal Regulations.
- Lee Plan Policy 1.7.1 addresses the uses permitted within various noise zones surrounding Southwest Florida International Airport.
- No substantive changes, just clarification and simplification of existing procedures are proposed for Policy 1.7.1.
- The expansion of Noise Zone B will not impact land designated for residential uses per the Lee Plan Future Land Use Map (FLUM).

**PART III
BACKGROUND and ANALYSIS**

Part 150, Title 14 of the Code of Federal Regulations requires the definition and depiction of noise zones for airports. Florida State Statutes 163.3177(6)(a)2.g, (6)(a)3.b, (6)(a)11, and (6)(b)2.d require that the Lee Plan address compatibility of airports with adjacent land uses. Lee Plan Policy 1.7.1 describes the different categories of airport noise zones and the uses permitted and notice requirements within each category.

MAP 1, Page 5, Special Treatment Areas: Airport Noise Zones

The existing and proposed Airport Noise Zone maps are shown in attachment 1. The changes in the proposed noise zones are the result of data gathered during the 2013 Part 150 Noise Study required by Title 14 of the Code of Federal Regulations. The existing noise zone map uses data from the Part 150 Study completed in 2006. The data used in

these studies come from federally-regulated multi-year Noise Compatibility Plan and Noise Exposure Maps that are updated periodically.

The expansion of Noise Zone B, which does not permit any residential development, will not impact land designated for residential uses per the Lee Plan Future Land Use Map (FLUM). Neither population projections nor total population capacity of the Lee Plan FLUM are affected by this update.

Policy 1.7.1: Airport Noise Zones

The proposed amendment to Policy 1.7.1 is shown below in strikethrough/underline format:

POLICY 1.7.1: ~~The Airport Noise Zones cover areas subject to varying levels of airport related noise. By 2006 and every 5 years thereafter,~~ In conformance with Airport Noise Compatibility Planning outlined in Title 14 of the Code of Federal Regulations (CFR) Part 150, the Port Authority will update the aviation forecasts and associated noise contours for the Southwest Florida International Airport when warranted by operational changes and will initiate an amendment to the Airport Noise Zone Overlay Map to reflect the findings of this study the updates as applicable. In addition to meeting the requirements of the underlying Future Land Use Map categories, properties within the Noise Zone Overlay must meet the following:

~~Airport Noise Zone A~~Airport Property is limited to uses that are compatible with airports and air commerce, including but not limited to those necessary to provide services and convenience goods to airline passengers, those generally associated with airport operation, and related development. Upon disposition of any Port Authority property, the land is then subject to the Noise Zone as applicable based on the most recent Composite Day-Night Average Noise Level (DNL) Noise Contours map for Southwest Florida International Airport approved by the Federal Aviation Administration.

~~Airport Noise Zone B~~ does not permit any residential units, places of worship, libraries, schools, hospitals, correctional institutions or nursing homes. However, residential units, including mobile or manufactured homes, that were lawfully existing as of June 27, 2000 will be treated as legally permitted uses and may be replaced with a new mobile or manufactured home or conventional single family construction as long as such replacement would be otherwise allowed by the Land Development Code. However, an existing conventional home may not be replaced with a new mobile or manufactured home. One conventional single family home is permitted on each lot in a plat properly recorded before June 27, 2000 if such use would have been permitted on the lot prior to June 27, 2000. Airport Noise Zone B requires formal notification as provided for in the Land Development Code. ~~through recording of the Airport Noise Zone in the official County records of potential noise and over flights and applies to all development, both existing and new, within the zone.~~

~~Airport Noise Zone C and D~~ allows existing and new construction and land uses as would otherwise be permitted by the Land Development Code. ~~However, this~~ These

~~zones requires formal notification as provided for in the Land Development Code through recording of the Airport Noise Zone in the official County records of potential noise and over flights and applies to all development, both existing and new, within the zone.~~

~~Airport Noise Zone D allows existing and new construction and land uses as would otherwise be permitted by the Land Development Code. However, this zone requires formal notification through recording of the Airport Noise Zone in the official County records of potential noise and aircraft over flights associated with future training activity and applies to all development, both existing and new, within the zone.~~

The proposed changes do not create any substantive differences to this policy. The added reference to Title 14 of the Code of Federal Regulations simply notes the authority under which the noise study is conducted. The change to Zone A clarifies the status of any land that is no longer owned by the Port Authority in regards to Noise Zone regulations. The changes to Zones B, C, and D do not change any of the existing permitted uses for any of the zones. The proposed changes simplify the language and preclude potential future regulatory conflicts by removing a specific process and replacing it with a general requirement. The process is provided for in the Lee County Land Development Code. The applicant proposed to remove the reference to training activity in the language for Zone D making the description identical to that of Zone C; staff has combined the descriptions of the two zones in order to reduce redundancy within the Lee Plan.

PART IV CONCLUSION

Text Amendment: The proposed amendment to Policy 1.7.1 removes overly complicated language from several parts of the policy. It also specifies the process for updates to noise zones and clarifies the applicability of noise zones on former airport property.

Map Amendment: The proposed amendment provides an update to an existing Lee Plan map required by Florida Statutes. The Lee Plan Airport Noise Zone Map (Map 1, Page 5, Special Treatment Acres) will be up to date using the most recent data available. This amendment contributes toward maintaining as high a level of accuracy in the Lee Plan as possible.

Staff recommends that the Board of County Commissioners **transmit** the proposed amendment based on the findings of fact provided on Part II of this staff report.

**PART V
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: June 27, 2016

A. LOCAL PLANNING AGENCY REVIEW:

The applicant's representative gave a brief presentation regarding the proposed amendment. This was followed by a presentation from staff, which highlighted the basis and findings of fact.

LPA members asked about possible effects of the proposed noise zones boundaries on Lee County's island communities such as Captiva and Fort Myers Beach. Representatives of the Port Authority clarified that the revised boundaries would not change impacts to these areas. The LPA also requested clarification about the references to the 2006 and 2013 federal noise studies. Staff and Port Authority representatives clarified that the existing noise zones are based on the 2006 study and the proposed noise zones are based on the 2013 study.

No members of the public addressed the LPA concerning the proposed amendment.

A motion was made to recommend that the Board of County Commissioners transmit the amendment. The motion was passed by a 5 to 0 vote.

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

1. **RECOMMENDATION:** The LPA recommended that the Board of County Commissioners transmit the amendment to the Lee Plan as proposed by staff.

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

C. VOTE:

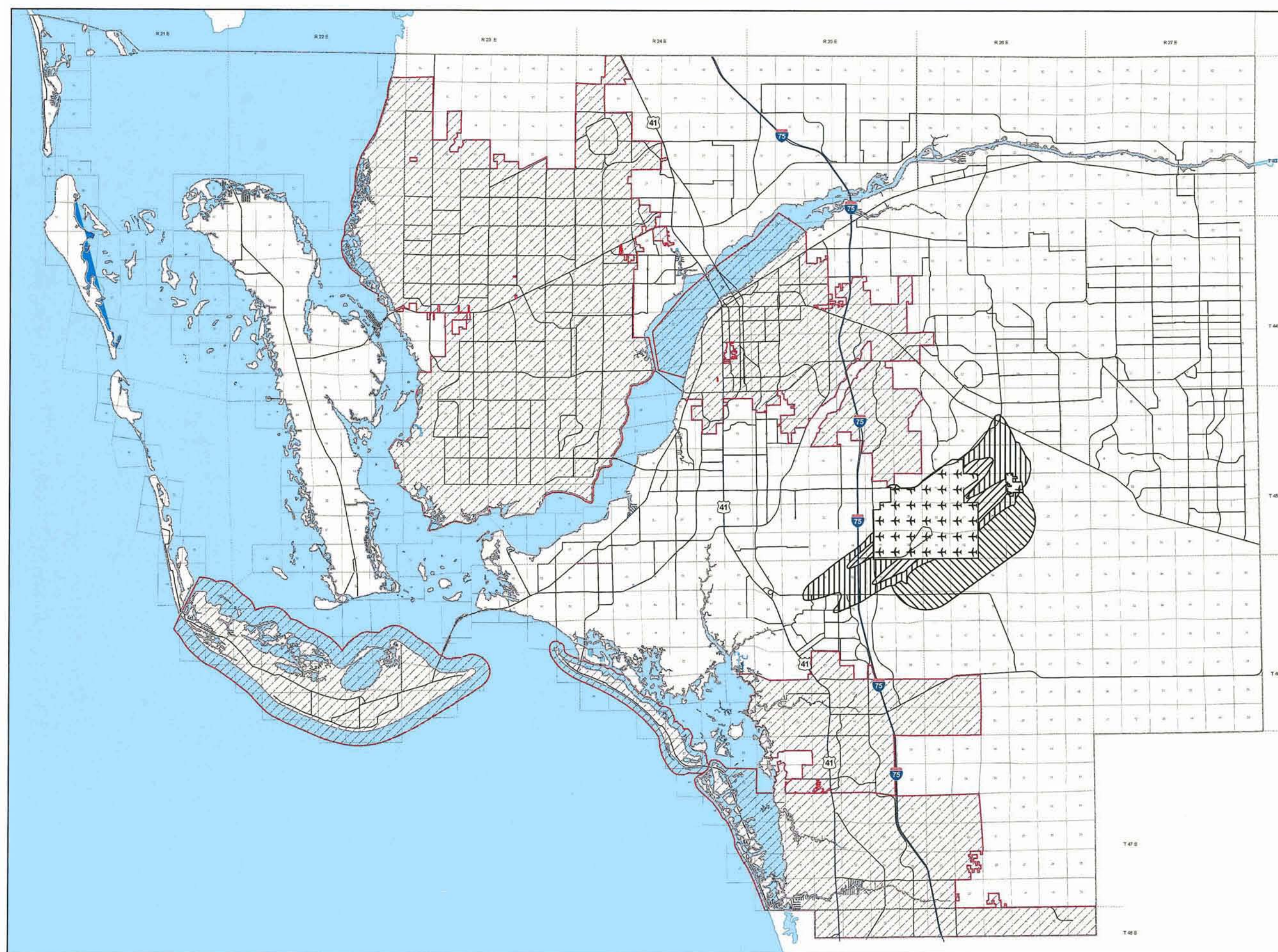
NOEL ANDRESS	<u>AYE</u>
JOHN CASSANI	<u>AYE</u>
DENNIS CHURCH	<u>AYE</u>
JIM GREEN	<u>ABSENT</u>
STAN STOUER	<u>AYE</u>
ROGER STRELOW	<u>AYE</u>
GARY TASMAN	<u>ABSENT</u>

**PART VI
BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: August 3, 2016

- 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 L. PENDERGRASS	_____

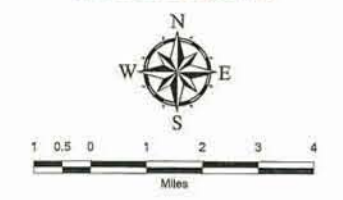


SPECIAL TREATMENT AREAS

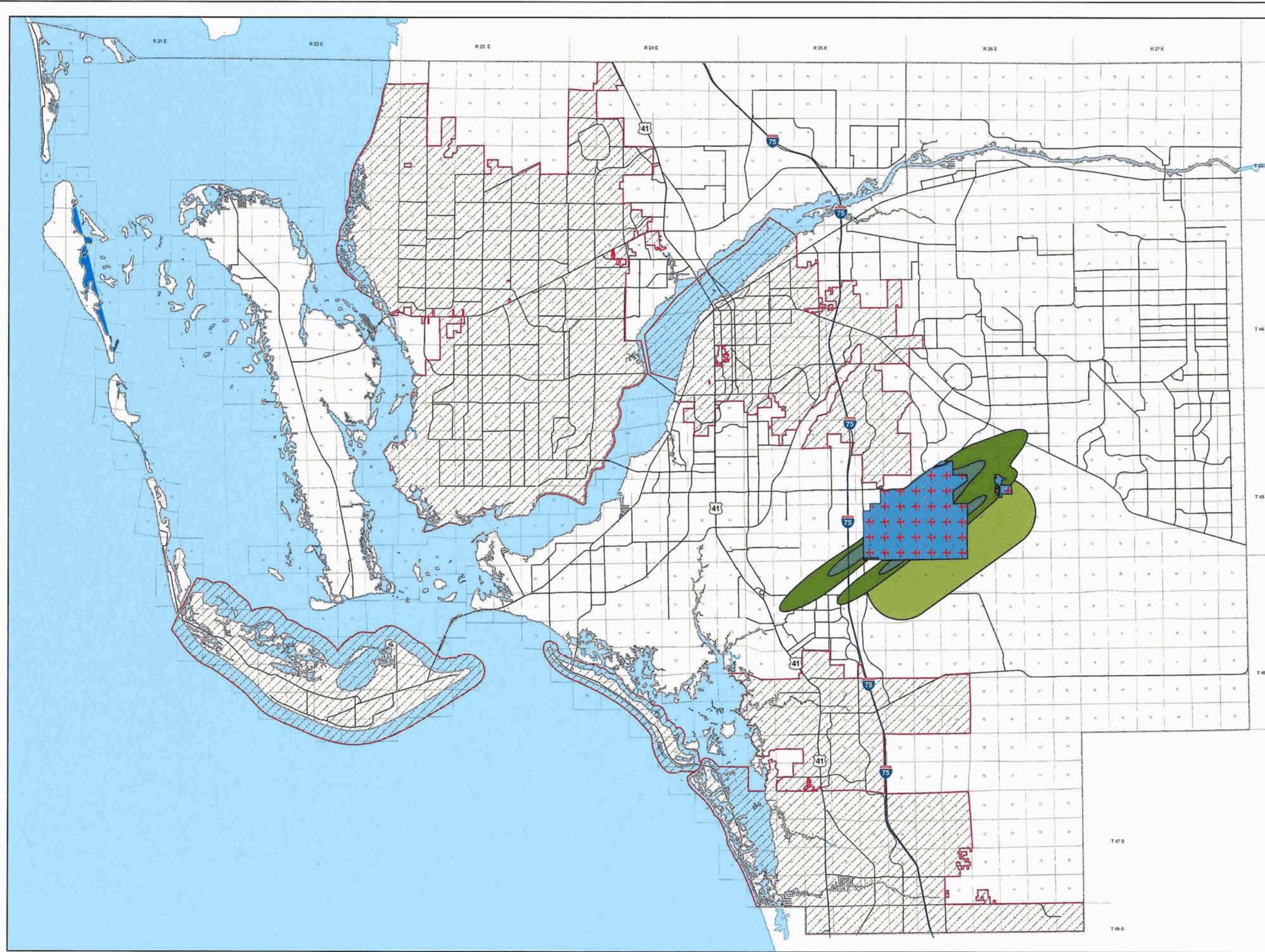
Legend

-  Airport Noise Zone A
-  Airport Noise Zone B
-  Airport Noise Zone C
-  Airport Noise Zone D
-  City Limits

CPA2016-00004
EXISTING







Map Generated: May 2016
 City Limits current to date of map generation
 Last Amended: August 13, 2007
 Amended by Ordinance No. 00-22, 03-15, & 07-09



SPECIAL TREATMENT AREAS

Legend

-  City Limits
- NOISE_ZONE**
-  Airport Noise Zone A
-  Airport Noise Zone B
-  Airport Noise Zone C
-  Airport Noise Zone D

**CPA2016-00004
PROPOSED**



Map Generated: June 2016
 City Limits current to date of map generation
 Last Amended: August 13, 2007
 Amended by Ordinance No.
 00-22, 03-15, & 07-09