



LEE COUNTY BOARD OF COUNTY COMMISSIONERS
COMPREHENSIVE PLAN AMENDMENT HEARING AGENDA

BOARD CHAMBERS

2120 MAIN STREET, FORT MYERS, FL 33901

WEDNESDAY, NOVEMBER 22, 2017

9:30 A.M.

- | | |
|---------------|--|
| CPA2015-00009 | CAPTIVA COMMUNITY PLAN (TRANSMITTAL) |
| CPA2017-00008 | CHAPTER 13 (TRANSMITTAL) |
| CPA2017-00003 | CAPITAL IMPROVEMENT/WATER SUPPLY
MANAGEMENT (ADOPTION) |
| CPA2017-00004 | NORTH FORT MYERS MIXED USE OVERLAY
EXPANSION (ADOPTION) |

CPA2017-00004

North Fort Myers
Mixed Use Overlay
Expansion

Summary Sheet
North Fort Myers Mixed Use Overlay Expansion
CPA2017-04

Request:

Amend Lee Plan Map 1, Page 6, to expand the Mixed Use Overlay on 56 properties, approximately 287.57 acres, located at the intersections of US 41 and Diplomat and Littleton Roads, and the intersection of North Tamiami Trail and Pine Island Road, and along North Key Drive in North Fort Myers.

LPA Motion:

The LPA recommends the Board of County Commissioners *transmit* CPA2017-04. The motion was passed 7 to 0.

Transmittal Hearing:

A motion was made to *transmit* CPA2017-00004. The motion was passed 5 to 0.

BRIAN HAMMAN	<u>AYE</u>
LARRY KIKER	<u>AYE</u>
FRANK MANN	<u>AYE</u>
JOHN MANNING	<u>AYE</u>
CECIL L. PENDERGRASS	<u>AYE</u>

Public Comments:

There was no public comment concerning the proposed amendments.

Objections, Recommendations, and Comments:

Lee County received responses from the following review agencies addressing the transmitted amendment:

- Florida Department of Economic Opportunity,
- Florida Department of Environmental Protection,
- Florida Department of Transportation,
- Florida Department of Agriculture and Consumer Services, and
- Southwest Florida Regional Planning Council.

There were no objections or comments concerning the proposed amendments.

Staff Recommendation:

Staff recommends the Board of County Commissioners adopt the amendment as it was transmitted to the state reviewing agencies.

LEE COUNTY ORDINANCE NO. _____
North Fort Myers Mixed Use Overlay Expansion
(CPA2017-00004)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE NORTH FORT MYERS MIXED USE OVERLAY EXPANSION (CPA2017-00004) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP; LEGAL EFFECT OF “THE LEE PLAN”; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan (“Lee Plan”) Policy 2.4.1. and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners (“Board”); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (“LPA”) held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on August 28, 2017; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on September 20, 2017. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to North Fort Myers Mixed Use Overlay Expansion (CPA2017-00004) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the September 20, 2017 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies’ written comments; and,

WHEREAS, on November 22, 2017, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "North Fort Myers Mixed Use Overlay Expansion Ordinance (CPA2017-00004)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends Lee Plan Map 1, Page 6, known as North Fort Myers Mixed Use Overlay Expansion (CPA2017-00004).

The corresponding Staff Reports and Analysis, along with all attachments and application submittals for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION FIVE: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held

unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SEVEN: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION EIGHT: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

THE FOREGOING ORDINANCE was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____. The vote was as follows:

John E. Manning	_____
Cecil L Pendergrass	_____
Larry Kiker	_____
Brian Hamman	_____
Frank Mann	_____

DONE AND ADOPTED this 22nd day of November 2017.

ATTEST:
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
_____, Chair

DATE: _____

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

County Attorney's Office

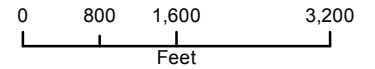
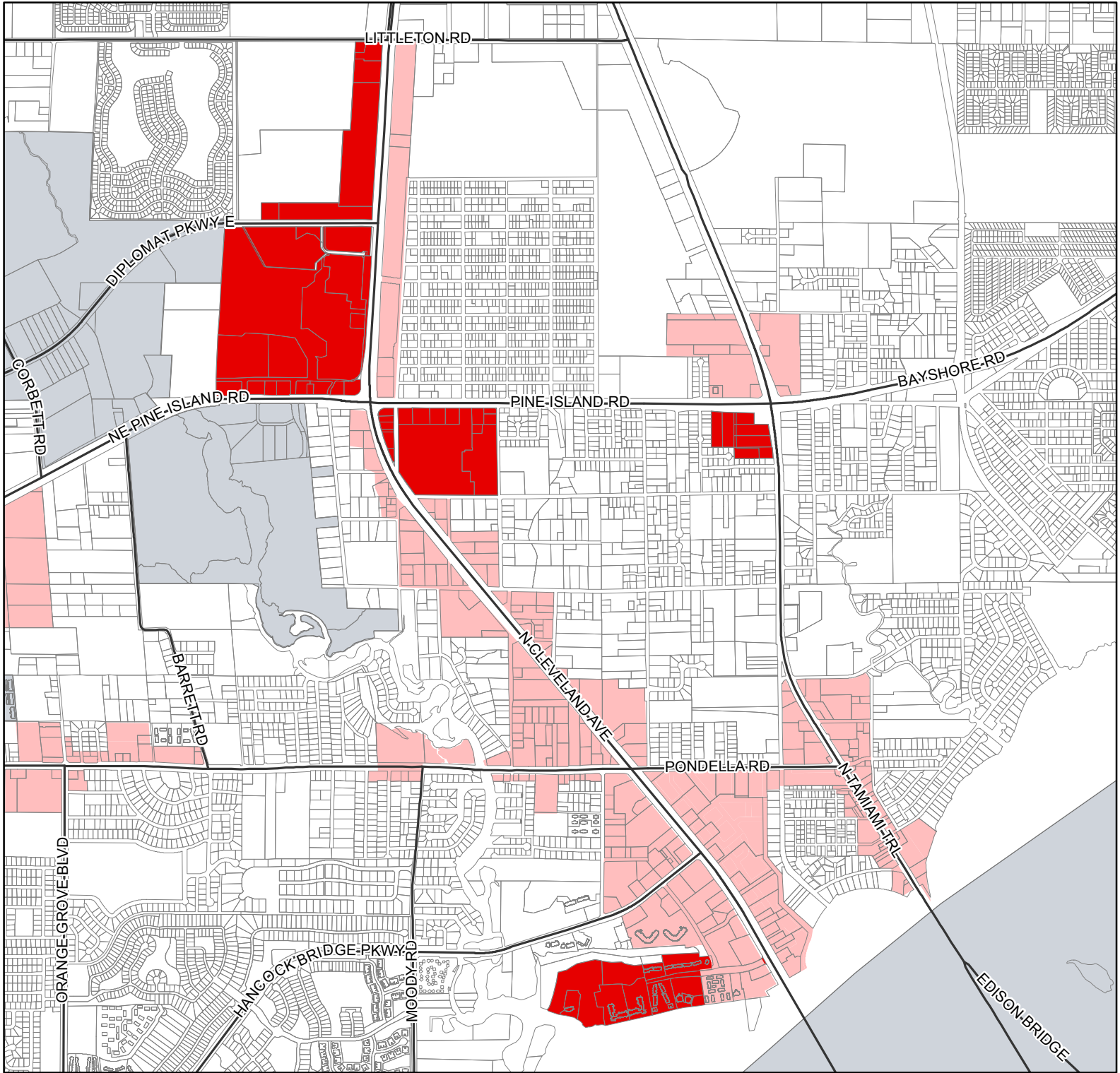
Exhibit A: Adopted revisions to Map 1 (Adopted by BOCC November 22, 2017)

CPA2017-00004 Mixed Use Overlay

Exhibit A

Legend

- Parcels
- Mixed Use Overlay (existing)
- Mixed Use Overlay (additions)
- City Limits



Map Generated: July 2017



STAFF REPORT FOR
CPA2017-04: North Fort Myers
Mixed Use Overlay Expansion
County Initiated Map Amendment to the Lee Plan



Applicant:

Board of County Commissioners

Representative:

Department of Community Development

Commissioner

District: 4

Property Size:

56 properties;
287.57± Acres

Current FLUC:

Intensive & Central Urban

Current Zoning:

C-1A, MH-2, CPD, RPD, C-1, AG-2, TFC-2, CG, CS-1

Attachments:

Location Map
FLUM Existing
FLUM Proposed

Hearing Dates:

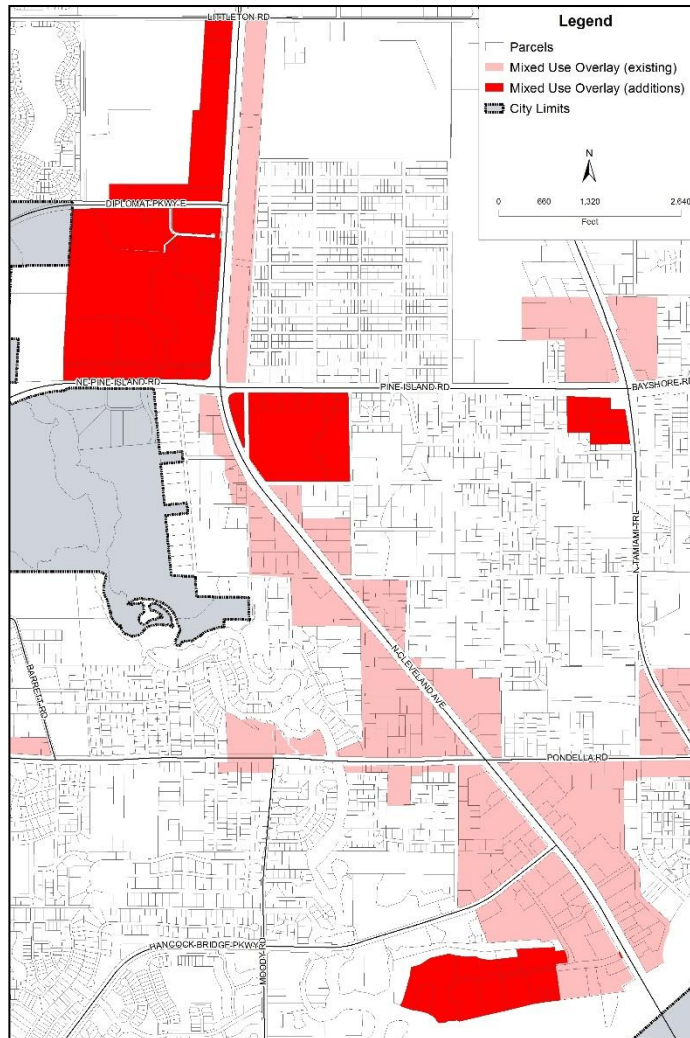
LPA:
8/28/2017

BoCC Transmittal:
9/20/2017

BoCC Adoption:
11/22/2017

REQUEST

Amend Lee Plan Map 1, Page 6, to expand the Mixed Use Overlay on 56 properties, approximately 287.57 acres, located at the intersections of US 41 and Diplomat and Littleton Roads, and the intersection of North Tamiami Trail and Pine Island Road along North Key Drive in North Fort Myers.



PROJECT SUMMARY

The amendment would add properties located in North Fort Myers to the Mixed Use Overlay. The overlay was designed to encourage mixed use development in areas of the county suitable for combination of commercial and residential uses. The Mixed Use Overlay incentivizes properties in conventional zoning districts to maximize their development potential by allowing density/intensity calculations to be based on both the residential and non-residential areas of developments.

PROPERTY LOCATION

There are four distinct areas, consisting of 56 parcels that are proposed to be added to the North Fort Myers Mixed Use Overlay. They are generally located along US 41 from Littleton Road to Pine Island Road, at the intersections of US 41 and Pine Island Road, Business 41 and Pine Island Road, and the western end of North Key Drive.

RECOMMENDATION

Staff recommends that the Board of County Commissioners *transmit* the map amendment provided in Attachment 1 based on the analysis and findings of this staff report. Staff also requests that the Board direct staff to review community specific policies and regulations in the Lee Plan and the Land Development Code that conflict with the development standards permitted within the Mixed Use Overlay and propose amendments where appropriate.

PART 1 BACKGROUND

As set forth in the Lee Plan, the Mixed Use Overlay (Map 1, Page 6) identifies “locations desirable for mixed use that are located in close proximity to: public transit routes; education facilities; recreation opportunities; and existing residential, shopping and employment centers.” The Mixed Use Overlay was adopted by Lee County Ordinance 07-15 on May 16, 2007, as recommended by staff in CPA2005-37. The Staff Report for CPA2005-37 provided that:

“The intent of the Mixed Use Overlay is to designate areas where commercial activity can occur with the added element of residential uses. In order to implement many of the principles of Smart Growth and New Urbanism it is critical that the selection of these sites follow a firm set of criteria. The objective specifies the desired development pattern will be mixed use, traditional neighborhood, and transit oriented designs. Clearly, transit oriented developments require close proximity to transit routes. Currently, Lee County’s only transit system is the Lee Tran bus system. Therefore, overlay locations will be evaluated for proximity to existing and future routes on this system. When possible, access to multiple routes is preferred to allow residents access to a greater array of destinations from a single site as well as access to the site from a variety of areas of the county without the need to transfer between routes.”

The Mixed Use Overlay does not increase cost or regulatory burdens on developers and property owners, but rather allows for greater diversity of uses. Moreover, properties in the Mixed Use Overlay that are developed according to the mixed use standards will help create a more compact form of development that will minimize the per capita cost of public services and infrastructure such as transportation and utilities facilities.

The CPA2017-01 Comprehensive Plan Amendment has also added new aspects to the Mixed Use Overlay. These Growth Management amendments are intended to align Lee County’s Land Use and Transportation Goals based on the Board’s strategic policy priority of managing growth. The Board of County Commissioners transmitted the Growth Management amendments to the Lee Plan to the state on June 21, 2017.

On May 2, 2017 the Board of County Commissioners gave staff direction to review properties along State Route 41 and Business 41 in North Fort Myers to determine if additional lands should be included in the Mixed Use Overlay in order to encourage redevelopment. The properties analyzed in this report include 56 parcels in four distinct areas in the Intensive Development and Central Urban future land use categories (see Attachment 2 for list of properties).

The Intensive Development future land use categories allows for densities from 8 to 30 dwelling units per acre (with Greater Pine Island Transferable Density Units), while the Central Urban future land use category allows for densities of 4 to 20 dwelling units per acre (with Greater Pine Island Transferable Density Units). They are described in Lee Plan as follows:

POLICY 1.1.2: The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, East Fort Myers west of I-75, and South Fort Myers. 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 encouraged to be developed as described in Policy 2.12.3., where appropriate. As Lee County develops as a metropolitan complex, 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 eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum total density is twenty-two dwelling units per acre (22 du/acre). The maximum total density may be increased to thirty dwelling units per acre (30 du/acre) utilizing Greater Pine Island Transfer of Development Units.

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 with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. 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 total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units.

These two categories are two of the most intense future land use categories within unincorporated Lee County.

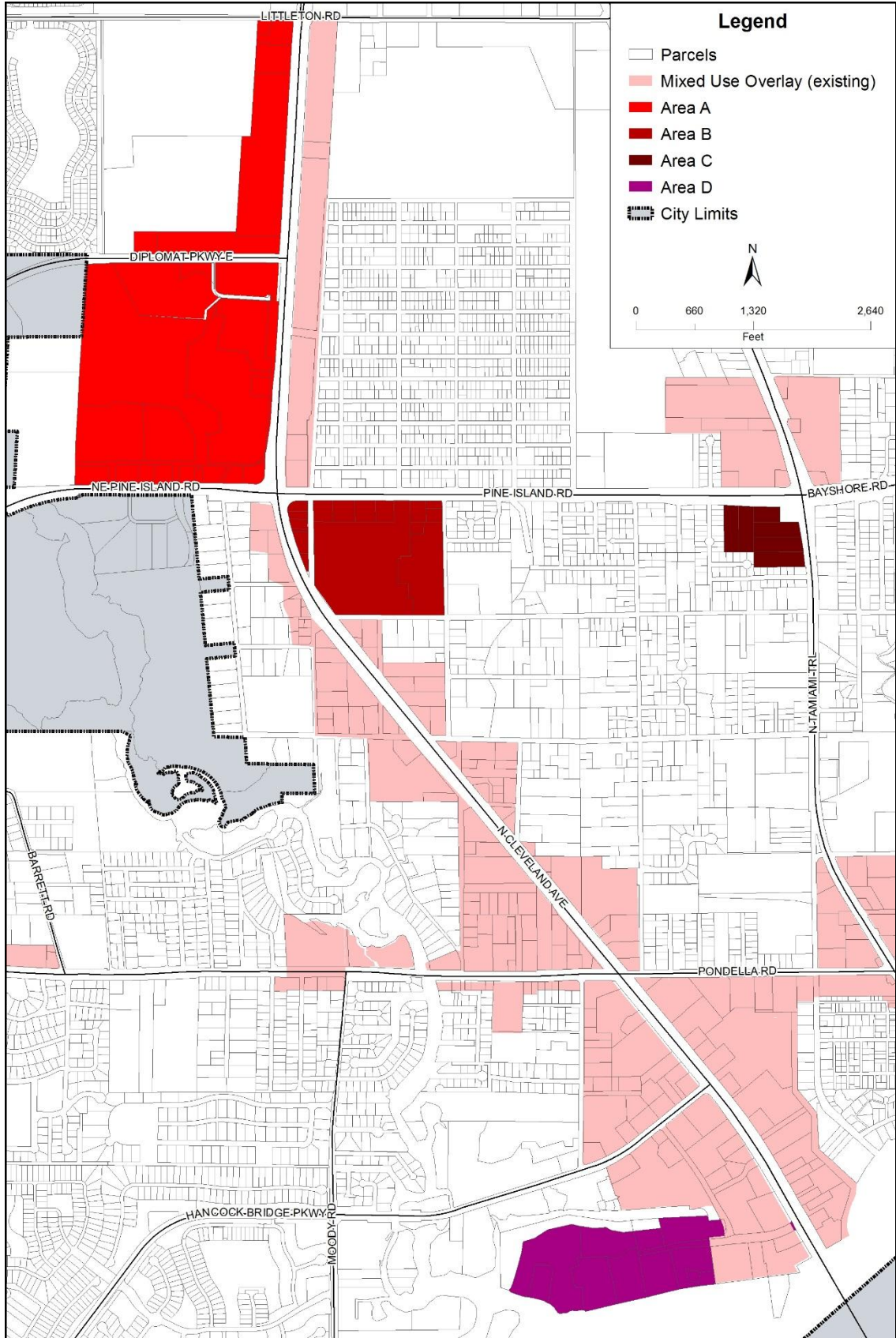
PART 2 STAFF DISCUSSION AND ANALYSIS

STAFF DISCUSSION

1. OVERLAY EXPANSION AREAS

The Mixed Use Overlay is for properties that are desirable for mixed use, identified by proximity to public transit, education facilities, recreational opportunities, and existing residential, shopping and employment centers.

The properties proposed to be added to the North Fort Myers Mixed Use Overlay exist in four areas. They include an area directly south of Littleton Road down to Pine Island Road on the west side of US 41 (Area A), one at the southeast corner of the intersection of Pine Island and US 41 (Area B), another one at the southwest corner of Business 41 and Pine Island Road (Area C), and the southernmost area is located along North Key Drive just north of the Caloosahatchee River (Area D). The properties proposed to be added in this amendment have been reviewed to determine if they are appropriate to be included in the overlay.



Area A is across the street from existing Mixed Use Overlay properties. This area, which includes a strip mall development with retail, restaurant, and entertainment-related uses and includes the northernmost properties being added in this overlay. The Future Land Use Category is predominantly Central Urban, with the exception of two properties at the southern end, which are Intensive Development. Most of these properties are either part of Commercial or Residential Planned Developments (RPD or CPD zoning districts). There is some C-1A, AG-2, and MH-2 zoning.

To the southeast is Area B, which includes numerous retail and fast-food uses. This area is largely built-out, but may benefit from being in the Mixed Use Overlay if redevelopment happens in the future. The Future Land Use Category is entirely Intensive Development. The zoning districts C-1, CC, and CPD.

Area C, at the southwest corner of the intersection of Tamiami Trail and Pine Island, has a number of vacant properties. These properties are suitable for a variety of residential and commercial-type developments. The Future Land Use Category is mostly Central Urban, except for 41 Pine Island Road, which is Intensive Development. The zoning districts are AG-2, TFC-2, CG, C-1A, CS-1 and R-1.

Area D is predominantly condominium development. Located along the Caloosahatchee River waterfront, this area could benefit from being added to the Mixed Use Overlay if some of the vacant properties were developed. The Future Land Use Category is Intensive Development and the zoning district is CT.

2. INTENT OF AMENDMENT

This map amendment seeks to address the growing population of Lee County in North Fort Myers. According to BEBR projections, by 2040 the population of North Fort Myers will have grown 56%, from 45,553 persons in 2016 to 71,058 persons. The population of North Fort Myers relative to the county as whole will remain around 7% through 2040. Shown below is a map of the Lee County residential population densities in 2010 and 2040 projections based MPO projected distribution, showing relatively higher densities throughout the county's Future Urban Areas, including North Fort Myers.

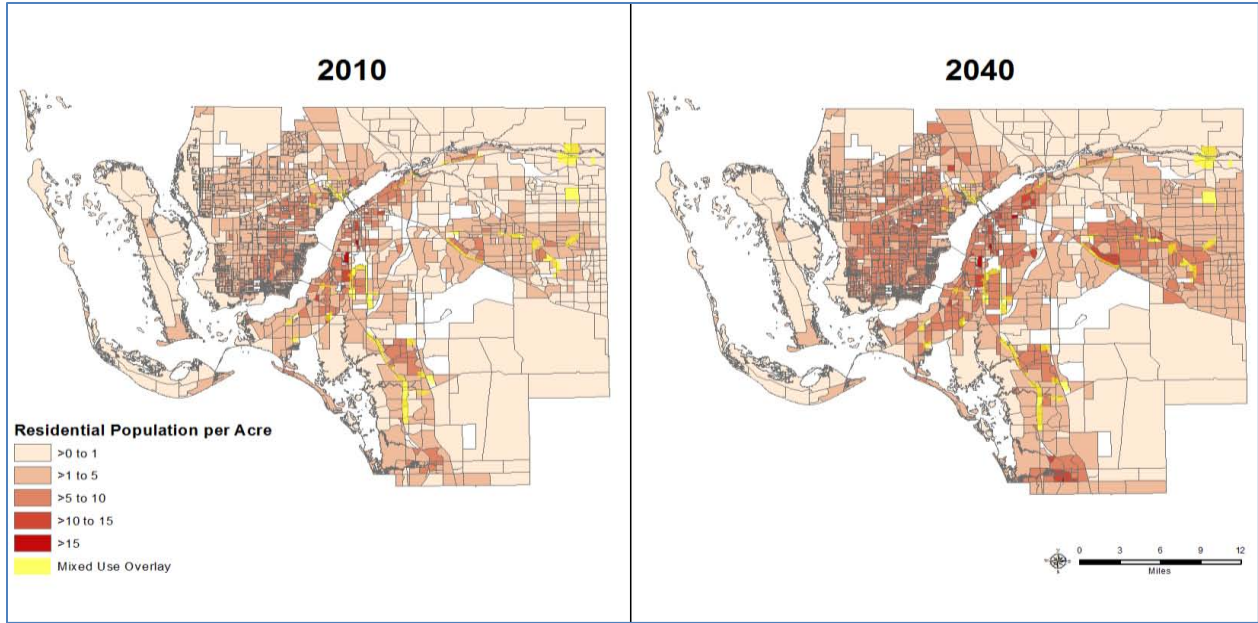


Figure 1: 2010 and 2040 (Projected) residential population densities per acre.

The proposed amendment will also help to accommodate anticipated employment density in the areas in Lee County where employment is projected to increase. Figure 2, shows employment density based on 2010 employment data and the 2040 Transportation Model adopted by the MPO.

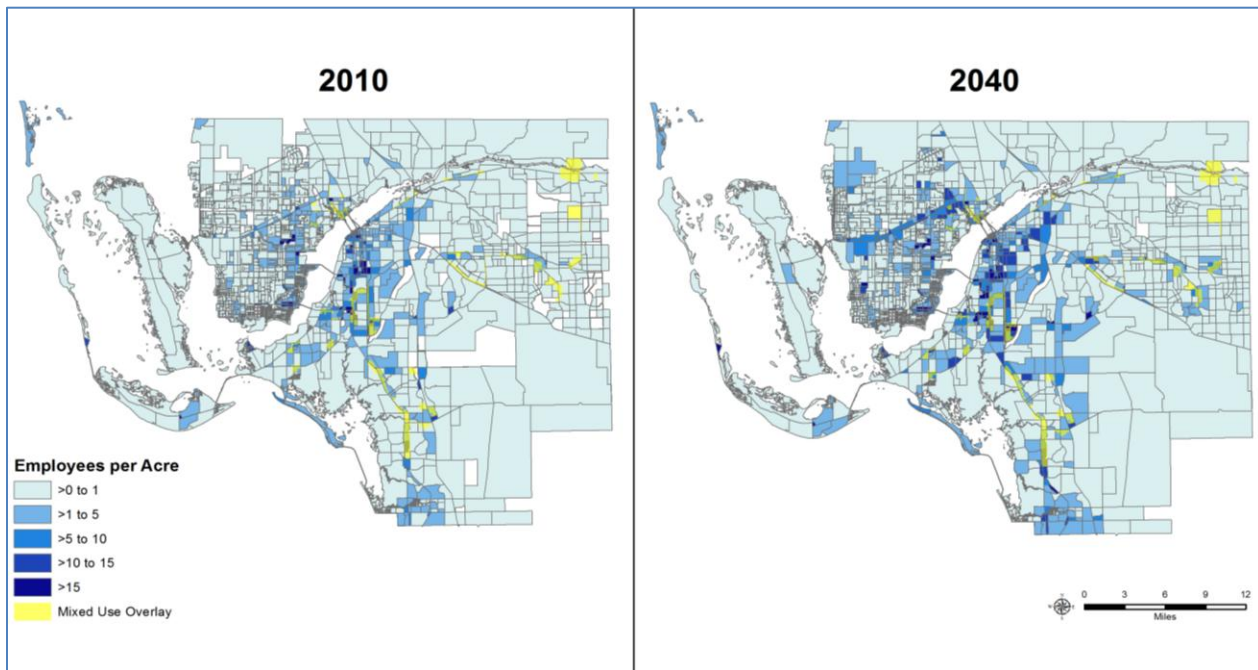


Figure 2: 2010 and 2040 (Projected) employment densities per acre.

Adding properties to the Mixed Use Overlay that are located in the Intensive Development and Central Urban future land use categories along major transportation corridors in North Fort Myers

will help to accommodate the projected 2040 population and employment distribution within the Future Urban Areas of Lee County.

2. LEE PLAN ANALYSIS

Staff has reviewed the identified properties and determined that **including the subject properties within the Mixed Use Overlay is consistent with the Lee Plan**. The Lee Plan analysis is provided below.

The Lee Plan Vision Statement identifies six themes of great importance. The first of these addresses growth patterns and encourages a clear distinction between urban and rural areas. Including these properties in the Mixed Use Overlay will help to enhance the distinction between urban and rural areas within North Fort Myers. Their inclusion within the Mixed Use Overlay will allow properties to develop in a more urban form of development.

Developers should work to make sure any future development coordinates with the Lee Plan, as there are number of objectives and policies that govern uses and activities in the overlay. Objective 2.1 states that, “Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services”. These properties have access to arterial roadways, transit services, utilities, and open space. Adding these properties to the Mixed Use Overlay would encourage contiguous and compact growth patterns in appropriate areas, and are therefore consistent with Objective 2.1 of the Lee Plan.

Lee Plan Policy 2.1.1 provides that “Most residential, commercial, industrial and public development is expected to occur within the designated Future Urban Areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.” The properties in this amendment are all within the Intensive Development or Central Urban future land use categories. The Growth Management Amendments transmitted on June 21st, 2017 identified Intensive Development and Central Urban land use categories as Future Urban Areas. Therefore, the proposed amendment will encourage additional residential, commercial, and industrial uses within Lee County’s Future Urban Areas. This will help to prevent the intrusion of mixed uses into established single-family neighborhoods designated as Suburban on the future land use map. Since adding these properties will only potentially increase residential, commercial, industrial and public development in Future Urban areas, they conform with Policy 2.1.1 of the Lee Plan.

Policy 2.12.1 states that the County encourages and promotes clustered, mixed use development within certain Future Urban Area land use categories to spur cluster development and smart growth where sufficient infrastructure exists to support development and the economic well-being of the county. It further states mixed use development is to “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.” The properties included within this amendment are clustered at major intersections in North Fort Myers. Sufficient infrastructure exists in these places to allow for diversified uses (commercial, residential, light industrial, and public), and for transit and pedestrian oriented projects, and is therefore consistent with Policy 2.12.1 of the Lee Plan.

Policy 2.12.3 states that future development within Intensive Development and Central Urban (the two Future Land Use Categories assigned to all properties in this overlay) are encouraged to include two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use). It goes on to state, “When residential use is one of the three uses proposed, in a mixed use development, residential densities may be developed as provided for under the Glossary: “Mixed Use”, “Mixed Use Building”, and “Density.” These properties already have commercial (mostly retail) or residential (mostly condominiums). Adding the subject properties to the Mixed Use Overlay will promote redevelopment of the subject properties to include a mixture of uses. Given the potential of these properties to develop with multiple uses, it can be strongly argued that their addition to the Mixed Use Overlay fulfills Policy 2.12.3.

Lastly, Policy 11.2.1 (proposed in the Growth Management amendments) identifies criteria for lands to be added to the Mixed Use Overlay. These criteria are listed below:

1. Located within the extended pedestrian shed of established transit routes; and
2. Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways; and,
3. Located within the Intensive Development, Central Urban, or Urban Community future land use categories; and,
4. Availability of adequate public facilities and infrastructure; and,
5. Will not intrude into predominantly single-family residential neighborhoods.

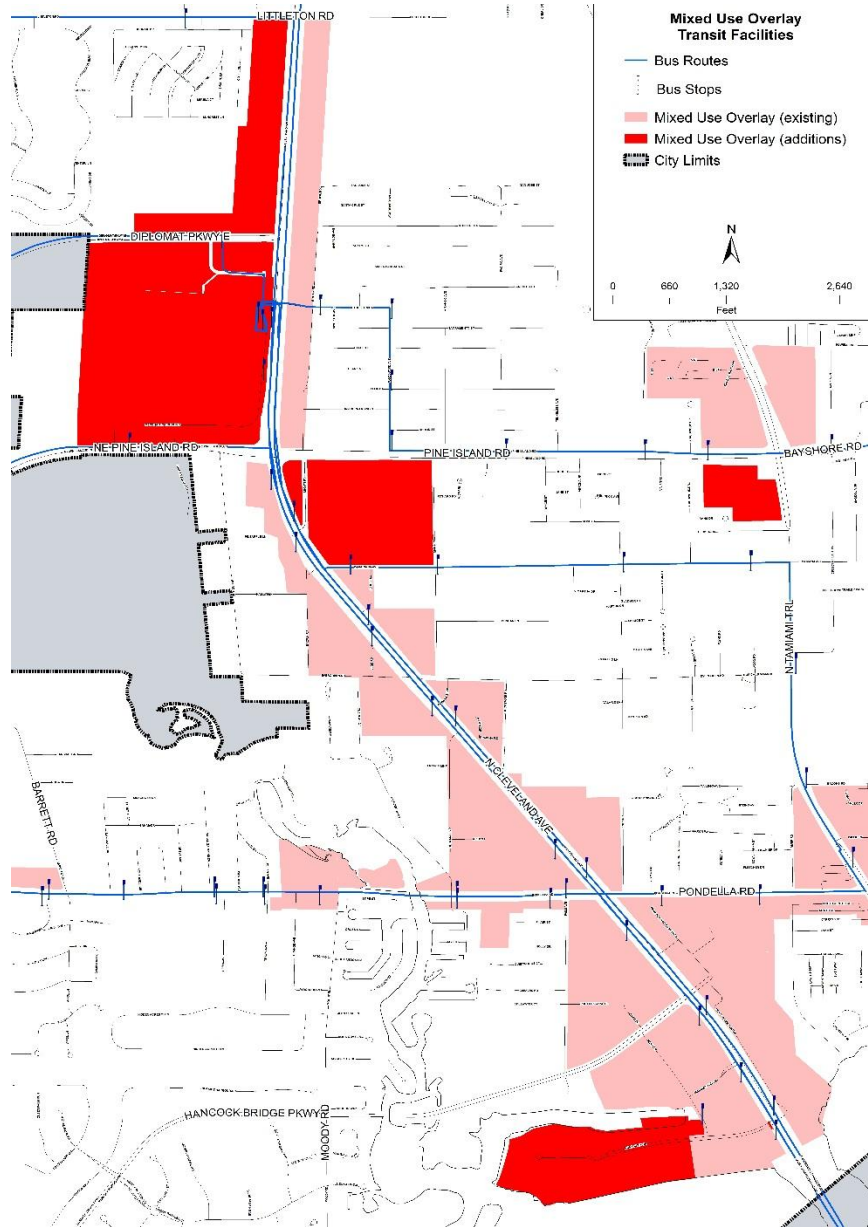


Figure 3: Transit Facilities in proximity to areas proposed to be added to MUO.

Staff has reviewed the properties included in the proposed plan amendment and has found that all of the properties are within a ½ mile of a Lee Tran bus stop as demonstrated in Figure 3 below.

In addition the properties have access to the following pedestrian facilities as shown if Figure 4:

- Sidewalks exist for the properties on US 41 and Business 41.
- An undesignated bicycle lane, sidewalk, and shared use path lie north of the properties at the intersection of Pine Island Road and US 41. A sidewalk also runs south, and a share use path and paved shoulder run east to west.

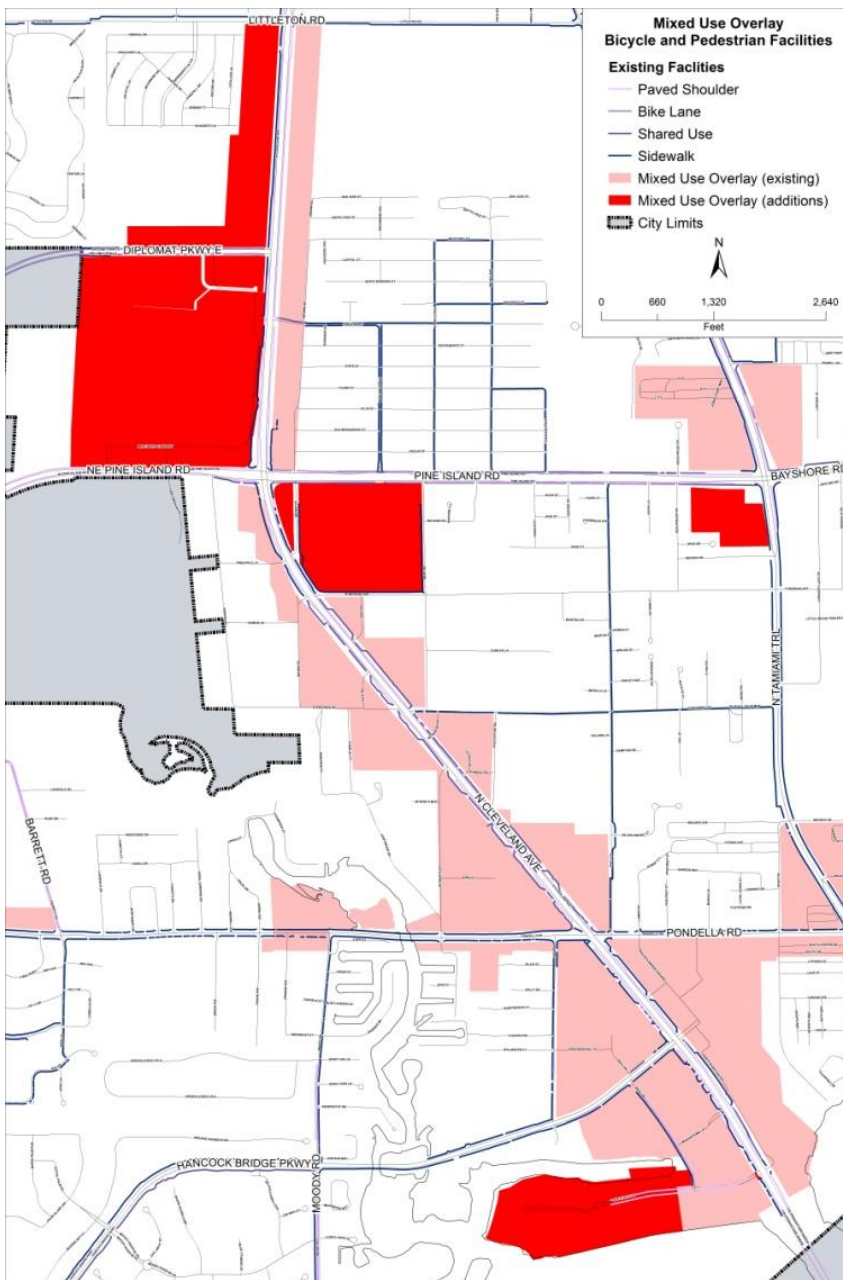


Figure 4: Pedestrian and bicycle facilities in proximity to areas proposed to be added to MUO.

All of the properties to be added are Intensive Development and Central Urban and none of these properties are in single-family neighborhoods as required by Policy 11.2.1. Therefore, addition of these properties to the Mixed Use Overlay is consistent with Policy 11.2.1.

The proposed additions to the Mixed Use Overlay will also be consistent with the North Fort Myers Community Plan as outlined in Goal 28 of the Lee Plan. This community plan describes the uses, activities, character, projects, and initiatives encourage community livability and economic vitality. A number of these policies refer specifically to the Mixed Use Overlay.

There are policies in both the North Fort Myers community plan and Land Development Code (LDC) requirements that will limit the potential benefits of being located within the Mixed Use Overlay. Within the LDC, these include regulations for architectural

standards, use limitations, landscape buffers, and setbacks that supersede the alternative development standards that are permitted within the Mixed Use Overlay, thus increasing development requirements and providing suburban development standards.

Policy 28.1.4 states, “To support the diversity of housing types available, the North Fort Myers Community supports utilizing the Mixed Use Overlay to apply to small scale mixed use projects with residential above or adjacent to retail and service uses.” The addition of these properties along with the recently adopted Growth Management amendments will help to provide diverse housing types within small-scale mixed use developments; therefore, the addition of these parcels are consistent with Policy 28.1.4. In addition, the proposed amendment is consistent with Policy 28.1.10, which is to increase affordability of housing units by allowing smaller dwelling units within the Mixed Use Overlay. The added Mixed Use Overlay properties will further these policies of the North Fort Myers Planning Community.

The Plan also includes Policy 28.2.5: Designation of Neighborhood Centers, which identifies areas within the North Fort Myers Community that are appropriate for moderate intensity, pedestrian-oriented, mixed use development. With the exception of the area along North Key Drive, the properties that are proposed to be added to the Mixed Use Overlay by this amendment are in areas listed in Policy 28.2.5. Adding the Mixed Use Overlay to these properties will help to achieve “pedestrian-oriented, mixed use development.” The proposed amendment is consistent with Policy 28.2.5

Objective 28.7 recognizes the importance of redeveloping the “North Fort Myers Downtown Waterfront” area. In addition, Policy 28.7.3 states, “The land use component of Downtown Waterfront will include land uses that assist in completing North Fort Myers employment base, and broaden housing base for those who will be employed by the new center.” The properties at North Key Drive will be in this Downtown Waterfront area and their addition to the Mixed Use Overlay will allow for design standards that enhance the employment base, housing types and activities in this area. The proposed amendment is consistent with Objective 28.7 and Policy 28.7.3.

PART 3 INFRASTRUCTURE ANALYSIS

The following is a summary of the infrastructure and services available to the subject properties. Any development or redevelopment of the properties within this amendment will be reviewed to determine if adequate infrastructure is available at the time of rezoning or development order. The inclusion of these properties within the Mixed Use Overlay does not increase the density or intensity allowable by the Lee Plan.

Potable Water

The subject properties are located within the Lee County Utilities Future Service Area as depicted on Map 6 of the Lee Plan. Potable water lines are in operation adjacent to the properties.

Sewer

The subject properties are in the Florida Governmental Utility Authority service area.

Solid Waste

Disposal of the solid waste from developments within the subject properties will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made to maintain long-term disposal capacity at these facilities to allow for growth.

Fire/EMS

The subject properties will be served by the North Fort Myers Fire Department and the Lee County Emergency Medical Services.

Transportation

The subject properties are located on major roadways. The 2016 Concurrency Report indicates that US 41 is a six-lane median divided arterial roadway operating at a Level of Service (LOS) "C" between Pondella Road and Pine Island Road. US 41 is a four-lane median divided arterial roadway operating at a LOS "C" between Pondella Road and Pine Island Road, operating as LOS "B" between Pine Island Road and Littleton Road, and operating at LOS "D" between Fountain Interchange and North Key Drive. Future development of the properties will be reviewed to determine if adequate transportation infrastructure is available at the time of rezoning or development order.

Transit

The subject properties are all within the extended pedestrian shed of a Lee Tran Bus Route as follows:

- The area to be added along North Key Drive is served by LeeTran Routes 140 and 595.
- The area to be added at the intersection of Pine Island Road and US 41 is served by LeeTran Routes 140, 590, and 595.
- The area to be added at the intersection of Pine Island Road and Business 41 is served by LeeTran routes 590 and 595.
- The area to be added along US 41, between Littleton Road and Pine Island Road is served by Lee Tran routes 140, 590, and 595.

Education

All of the properties discussed within the proposed amendment are within the West School Concurrency Service Area (CSA). Future development of the properties will be reviewed to determine if adequate educational facilities are available at the time of rezoning or development order.

PART 4 CONCLUSION

Placement of the properties discussed in this staff report into the Mixed Use Overlay is consistent with Lee Plan policies specifically related to the Mixed Use Overlay and the North Fort Myers Community Planning area as discussed in this report. In conclusion this amendment provides opportunities for development or redevelopment that will:

- Provide for diverse mix of housing types, sizes, prices, and rents;
- Allow for pedestrian connections with surrounding land uses and properties;
- Encourage infill development within Lee County's Future Urban Areas;

- Encourage use of Lee County's existing infrastructure and public services; and
- Incentivize development and redevelopment at important points along Cleveland Avenue and Tamiami Trail.

Staff recommends that the Board of County Commissioners **transmit** the proposed amendment to amend the Mixed Use Overlay to add the properties identified in this staff report and shown in Attachment 1. Staff also recommends that the Board direct staff to review community specific policies and regulations in the Lee Plan and the Land Development Code that conflict with the alternative development standards permitted within the Mixed Use Overlay and propose amendments where appropriate.

**PART 5
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: August 28, 2017

A. LOCAL PLANNING AGENCY REVIEW:

Staff provided a brief presentation for the proposed amendment which covered consistency with the Lee Plan, Board direction, and staff recommendation. Following staff's presentation, members of the LPA asked questions about appropriateness of the properties added to the overlay, notification of property owners, and the regulations within the Mixed Use Overlay.

No members of the public spoke in favor of or against the proposed amendments.

A member of the LPA asked for clarification on the differences in the level of development intensity allowed by the proposed change. Another asked about the benefit of adding already-developed properties to the Mixed Use Overlay. Staff discussed the regulations regarding the Mixed Overlay and the North Fort Myers community provided in the Lee Plan.

Two members of the LPA expressed concern that the changes requested at the meeting were not discussed with the affected community. Staff explained that the North Fort Myers Civic Association was aware of the changes and welcomed them. Staff also noted that the regulations would not add any additional restrictions on development.

B. LOCAL PLANNING AGENCY RECOMMENDATION:

A motion was made to recommend that the Board of County Commissioners transmit CPA2017-00004. The motion was passed 4 to 0.

VOTE:

NOEL ANDRESS	<u>AYE</u>
DENNIS CHURCH	<u>AYE</u>
JIM GREEN	<u>AYE</u>
CHRISTINE SMALE	<u>ABSENT</u>
STAN STOUDE	<u>ABSENT</u>
GARY TASMAN	<u>AYE</u>
JUSTIN THIBAUT	<u>ABSENT</u>

PART 6
BOARD OF COUNTY COMMISSIONERS
TRANSMITTAL HEARING FOR PROPOSED AMENDMENT

DATE OF PUBLIC HEARING: September 20, 2017

A. BOARD REVIEW:

Staff provided a brief presentation for the proposed amendments, which covered consistency with the Lee Plan, reasons for the proposed amendments, and staff recommendation. No members of the public spoke in favor the proposed amendments, as none was present. Commissioner Hamman pointed out the drawing of the potential Mixed Use project from the PowerPoint presentation. Hamman discussed this drawing favorably, suggesting that future development of a similar nature would benefit a number of communities in Lee County, in addition to North Fort Myers.

B. BOARD ACTION:

A motion was made to transmit CPA2017-00004 as recommended by staff. The motion was passed 4 to 0.

VOTE:

BRIAN HAMMAN	<u>AYE</u>
LARRY KIKER	<u>AYE</u>
FRANK MANN	<u>AYE</u>
JOHN MANNING	<u>ABSENT</u>
CECIL L. PENDERGRASS	<u>AYE</u>

PART 7
STATE REVIEWING AGENCIES'
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS

Comments from the State Reviewing Agencies were due to Lee County by October 25, 2017.

A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

Lee County received responses from the following review agencies addressing the transmitted amendment:

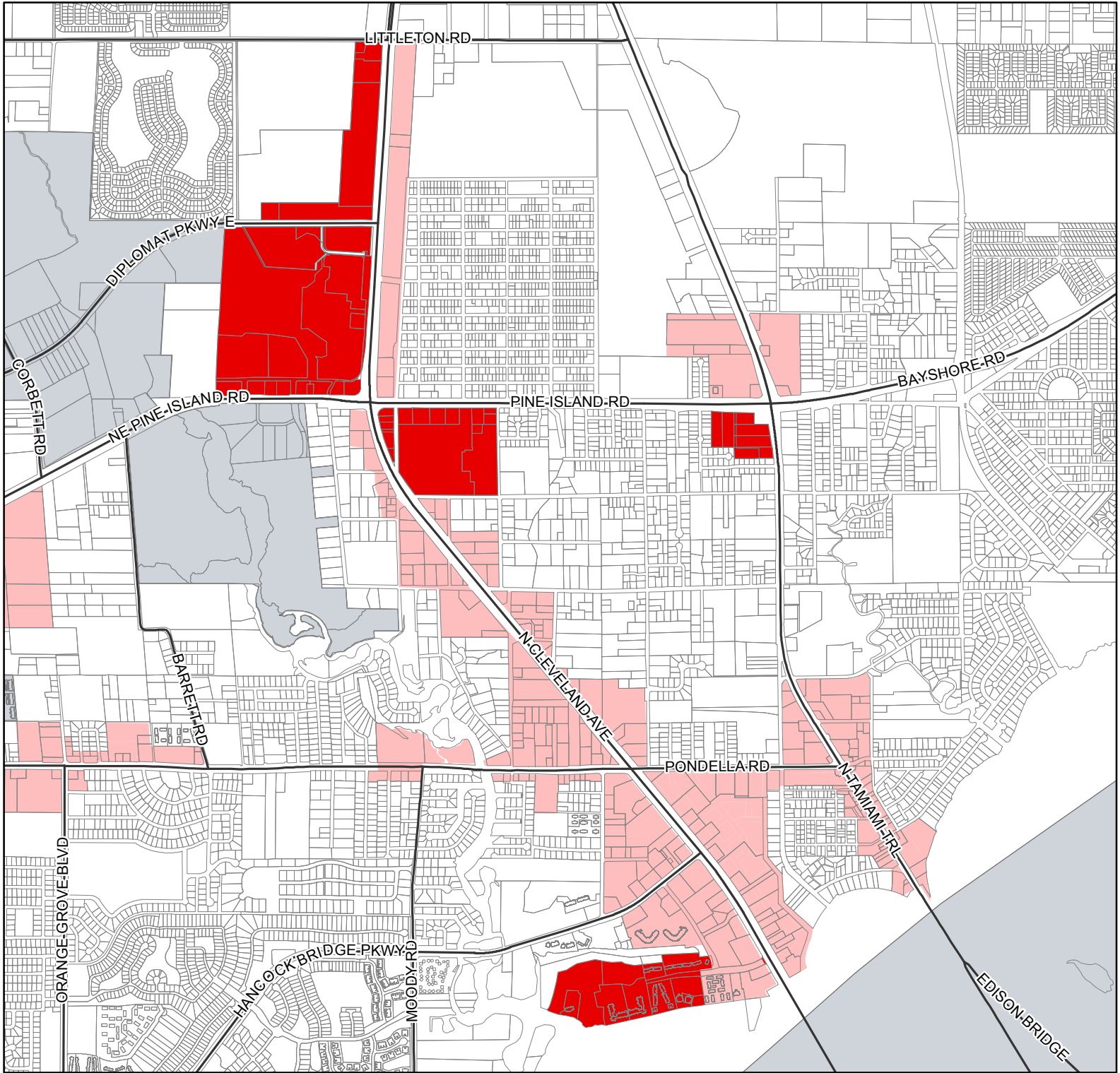
- Florida Department of Economic Opportunity,
- Florida Department of Environmental Protection,
- Florida Department of Transportation,
- Florida Fish and Wildlife Conservation Commission, and
- South Florida Water Management District.

There were no objections or comments concerning the amendments.

B. STAFF RECOMMENDATION

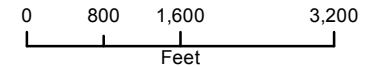
Staff continues to recommend that the Board of County Commissioners **adopt** the amendments as proposed by staff to the Lee Plan as provided in Attachment 1.

CPA2017-00004 Mixed Use Overlay



Legend

- Parcels
- Mixed Use Overlay (existing)
- Mixed Use Overlay (additions)
- City Limits



Map Generated: July 2017



Attachment 2 - North Fort Myers Parcels to be added to the Mixed Use Overlay

STRAP #	Address	Use	FLUC	Owner	Zoning	Size
Area A						
34-43-24-00-00001.003C	15999 N Cleveland Ave	Gas station	Central Urban	7-Eleven, Inc	C-1A	1.97 acres
34-43-24-00-00001.0030	15991 N Cleveland Ave	Vacant	Central Urban	Avesta Development, LLC	C-1A (91.08%), MH-2 (7.56%)	2.99 acres
34-43-24-00-00001.3020	15781 N Cleveland Ave	Vacant	Central Urban	Hallin Family LLC	CPD (66.35%), C- 1A (30.92%), MI-I-2 (2.72%)	19.43 acres
34-43-24-00-00001.3050	Undetermined	Vacant	Central Urban	Cooper Street Property, Inc	CPD (48.21%), CPD (41.15%), RPD (8.4%)	14.53 acres
34-43-24-00-00001.303A	Diplomat Parkway E	Vacant	Central Urban	Diplomat Capital LLC	RPD (96.59%), CPD (3.41%)	12.49 acres
34-43-24-00-00001.3030	Access undetermined	Vacant	Central Urban	Diplomat Capital LLC	RPD (77.68%), CPD (21.66%)	38.13 acres
34-43-24-00-00001.003B	8671 Littleton Rd	Gas station	Central Urban	Hamza Properties, Inc	C-1 (82.44%), MI- I-2 (17.56%)	0.55 acres
34-43-24-00-00001.0010	3121 NE Pine Island Rd	Vacant	Central Urban	Clemons Naomi W	AG-2	0.35 acres
34-43-24-03-000Q0.0000	3131 NE Pine Island Rd	Vacant	Central Urban	Stonegate Bank	CPD	1.10 acres

Attachment 2 - North Fort Myers Parcels to be added to the Mixed Use Overlay

STRAP #	Address	Use	FLUC	Owner	Zoning	Size
34-43-24-03-0000H.0000	3071 NE Pine Island Rd	Retail store	Central Urban	Hart Centers Nine LLC	CPD	7.27 acres
34-43-24-03-0000I.0000	3031 NE Pine Island Rd	Home improvement retail store	Central Urban	Home Depot USA Inc	CPD	11.15 acres
34-43-24-03-0000C.00CE	Merchant's Crossing C/E	Vacant/lake	Central Urban	RB Merchant's LLC, RD Management LLC	CPD	44.7 acres
34-43-24-03-0000A.0000	15351 N Cleveland Ave	Retail store	Central Urban	RB Merchant's LLC, RD Management LLC	CPD	8.15 acres
34-43-24-03-0000B.0000	15201 N Cleveland Ave	Retail store	Central Urban	RB Merchant's LLC, RD Management LLC	CPD	21.75 acres
34-43-24-03-0000G.0000	15151 N Cleveland Ave	Restaurant	Central Urban	SCF RC Funding LLC	CPD	1.05 acres
34-43-24-03-0000K.0000	3021 NE Pine Island Rd	Vacant	Central Urban	Loforti Richard V Tr	CPD	1.82 acres
34-43-24-03-0000M.0000	3041 NE Pine Island Rd	Bank	Central Urban	Wachovia Bank NA	CPD	1.21 acres
34-43-24-03-0000N.0000	3051 NE Pine Island Rd	Fast food restaurant	Central Urban	CRC Investors LLC	CPD	0.87 acres
34-43-24-03-0000O.0000	3061 NE Pine Island Rd	Fast food restaurant	Central Urban	McDonalds Corp	CPD	1.02 acres
34-43-24-03-0000P.0000	3111 NE Pine Island Rd	Fast food restaurant	Central Urban	Pop Holdings LP	CPD	0.79 acres
34-43-24-03-0000R.00000	3141 NE Pine Island Rd	Vacant	Intensive Development	Stradastell Acquisition LLC	CPD	0.83 acres
34-43-24-03-0000S.0000	15051 N Cleveland Ave	Bank	Intensive Development	Sun Bank of Lee County	CPD	1.14 acres

Attachment 2 - North Fort Myers Parcels to be added to the Mixed Use Overlay

STRAP #	Address	Use	FLUC	Owner	Zoning	Size
Area B						
03-44-24-02-00000.0070	571 Pine Island Rd	Bank	Intensive Development	Bank of America	C-1	1.19 acres
03-44-24-92-00000.0060	565 Pine Island Rd	Bank	Central Urban	SunCoast Credit Union	C-1A	1.19 acres
03-44-24-02-00000.0050	555 Pine Island Rd	Fast food restaurant	Intensive Development	Sri Real Estate Properties, LLC	C-1	1.276 acrea
03-44-24-02-00000.0040	547 Pine Island Rd	Restaurant	Intensive Development	NFM Pizza Venutre, LLC	C-1	1.15 avres
03-44-24-02-00000.0030	545 Pine Island Rd	Fast food restaurant	Intensive Development	Wal-Mart Stores East LP	CPD	25.12 acres
03-44-24-02-00000.0130	525/535 Pine Island Rd	Retail store	Intensive Development	Myers Sand Realty LLC	CPD	9.40 acres
03-44-24-02-00000.013A	515 Pine Island Rd	Cell phone retailer	Intensive Development	Myers Sand Realty LLC	CPD	0.46 acres
03-44-24-02-00000.0020	451 Pine Island Rd	Detention pond	Intensive Development	State of FL DOT	CPD	0.98 acres
03-44-24-02-00000.001A	445 Pine Island	Vacant	Intensive Development	Southwest Florida Properties	CPD	0.37 acres
03-44-24-06-00000.0010	14900 N Cleveland Ave	Vacant	Intensive Development	TLC Properties, Inc	CC	0.325 acres
03-44-24-01-00000.007B	14910 N Cleveland Ave	Furtniture retail store	Intensive Development	Granitstein Jeff TR	C-1	0.76 acres

Attachment 2 - North Fort Myers Parcels to be added to the Mixed Use Overlay

STRAP #	Address	Use	FLUC	Owner	Zoning	Size
03-44-24-01-00000.007E	14930 N Cleveland Ave	Pawn shop	Intensive Development	Asset Recover 911, LLC	C-1	0.15 acres
03-44-24-01-00000.007D	14940 N Cleveland Ave	Cell phone retailer	Intensive Development	Investment LLC	C-1	0.50 acres
03-44-24-01-00000.0070	14950 N Cleveland Ave	Auto repair busines	Intensive Development	TNT of Lee County Inc	C-1	0.45 acres
03-44-24-01-00000.007A	14990 N Cleveland Ave	Car wash	Intensive Development	TNT of Lee County Inc	C-1 (64.41%), C-1 (35.59%)	0.56 acres
03-44-24-02-00000.0010	1770 Many Rd	Cell phone retailer	Intensive Development	Southwest Florida Properties	C-1	0.65 acres

Attachment 2 - North Fort Myers Parcels to be added to the Mixed Use Overlay

STRAP #	Address	Use	FLUC	Owner	Zoning	Size
Area C						
02-44-24-04-00002.0000	1765 N Tamiami Trl	Vacant	Central Urban	Thomas E Woodyard Trustee	AG-2 (68.81%), C-1 (31.18%)	2.04 acres
02-44-24-04-00003.0000	1733 N Tamiami Trl	Vacant	Central Urban	Conger Jacob Trust	TFC-2 (45.01%), CG (34.13%), CG (20.85%)	2.085 acres
02-44-24-04-00004.0000	1701 N Tamiami Trl	Vacant	Central Urban	Zbigniew J Ecker	RS-1 (65.92%), C-1 (34.08%)	2.19 acres
02-44-24-04-00001.0000	41 Pine Island Rd	Vacant	Central Urban (11.69%), Intensive Development (88.31%)	Thomas E Woodyard Trustee	C-1A	1.16 acres
02-44-24-04-00036.0000	51 Pine Island Rd	Vacant	Central Urban	Thomas E Woodyard Trustee	CS-1 (65.57%), TFC-2 (23.43%)	1.99 acres
02-44-24-04-00036.0010	71 Pine Island Rd	Vacant	Central Urban	Thomas E Woodyard Trustee	CS-1 (77.11%), TFC-2 (22.89%)	2.00 acres

Attachment 2 - North Fort Myers Parcels to be added to the Mixed Use Overlay

STRAP #	Address	Use	FLUC	Owner	Zoning	Size
Area D						
11-44-24-17-00000.00CE (multiple)	North Shore Place PHA+B/3350 North Key Dr	Condominiums	Intensive Development	North Shore Place C/E	CT	3.40 acres
11-44-24-18-00000.00CE (multiple)	North Shore Place PHA-B/3350 North Key Dr	Condominiums	Intensive Development	North Shore Place C/E	CT	0.41 acres
11-44-24-10-00004.0010	3334 North Key Drive	Condominiums	Intensive Development	NSP Site C LLC	CT	0.62 acres
11-44-24-11-00000.00CE (multiple)	3400 North Key Dr (includes 3354 North Key Dr, 3364 North Key Dr, 3376 North Key Dr, 3386 North Key Dr, 3394 North Key Dr, 3396 North Key Dr)	Condominiums	Intensive Development	Bay Harbor Condo Assoc.	CT	3.92 acres
11-44-24-13-00000.00CE	Schooner Bay Enterprise C/E	Condominiums	Intensive Development	Schooner Bay Enterprise	CT	4.27 acres
11-44-24-12-00000.00CE (multiple)	Schooner Bay Columbia Condo C/E	Condominiums	Intensive Development	Schooner Bay Columbia	CT	5.13 acres
10-44-24-10-0030C.0000	North Key C/E	Open Space for condo development	Intensive Development	Coastal Living Villas Inc	CT	11.08 acres
10-44-24-20-00000.00CE (multiple)	Moorings Point C/E	Condominiums	Intensive Development	Moorings Point Condo Phi I	CT	1.94 acres
10-44-24-20-0000F.8060 (multiple)	4510 North Key Dr	Condominiums	Intensive Development	(many)	CT	0.15 acres
11-44-24-10-0030C.0000	3461 North Key Dr	Vacant	Intensive Development	Coastal Living Villas Inc	CT	4.14 acres

Attachment 2 - North Fort Myers Parcels to be added to the Mixed Use Overlay

STRAP #	Address	Use	FLUC	Owner	Zoning	Size
11-44-24-16-00000.00CE (multiple)	Key Harbour Condo C/E	Condominiums	Intensive Development	Key Harbour Condo	CT (99.26%)	1.55 acres
11-44-24-24-00000.00CE (multiple)	Shipyards Villas (3341 North Key Dr, 3345 North Key Dr, 3347 North Key Dr, 3351 North Key Dr, 3355 North Key Dr)	Condominiums	Intensive Development	Shipyards Villas C/E	CT (97.44%), RM-2 (2.56%)	4.35 acres

Total
acreage is
287.57
acres