



May 4, 2018

John Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison – MSC 160
Tallahassee, FL 32399-0800

**Re: CPA2017-05 Bay Harbour Marina Village DRMUWD
Amendment to the Lee Plan
Transmittal Submission Package
May 2, 2018 Transmittal Hearing**

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, please find attached the proposed Comprehensive Plan Amendments, known locally as **CPA2017-05 (Bay Harbour Marina Village DRMUWD)**. The proposed amendments are being submitted through the expedited state review process as described in Chapter 163.3184. The amendments are as follows:

Amend Lee Plan Future Land Use Map to designate 7.47± acres from the Industrial and Suburban future land use map categories to Destination Resort Mixed Use Water Dependent (DRWUMD) with accompanying text amendments. Amend Table 1(a) to allow bonus density in DRMUWD and amend Table 1(b), Year 2030 Allocations, to accommodate additional residential development in the DRMUWD future land use category.

The Local Planning Agency held a public hearing for this plan amendment on March 26, 2018. The Board of County Commissioners transmittal hearing was held on May 2, 2018. At the transmittal hearing, the Board of County Commissioners voted to transmit the attached Lee Plan amendment. The proposed amendment is not applicable to an area of critical state concern. The Board of County Commissioners has stated its intent to hold an adoption hearing following the receipt of the review agencies' comments.

The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendment is as follows:

Mr. Brandon Dunn, Principal Planner
Lee County Planning Section
P.O. Box 398
Fort Myers, Florida 33902-0398
(239) 533-8809
bdunn@leegov.com

The name of the local newspaper in which the Adoption Hearing was published is The News-Press, Fort Myers, Florida.

Included with this package are one paper copy and two CD ROM copies, in PDF format, of the proposed amendments and supporting data and analysis. By copy of this letter and its attachments, I certify that this amendments and supporting data and analysis have been sent on this date to the agencies listed below.

Sincerely,

**Lee County Department of Community Development
Planning Section**



Mikki Rozdolski
Manager, Community Development Operations

All documents and reports attendant to this transmittal are also being sent by copy of this cover in an electronic format to:

Comprehensive Plan Review
Department of Agriculture and Consumer Services

Tracy D. Suber
Department of Education

Plan Review
Department of Environmental Protection

Deena Woodward
Florida Department of State

Scott Sanders
Florida Fish and Wildlife Conservation Commission

Sarah Catala
FDOT District One

Margaret Wuerstle
Southwest Florida Regional Planning Council

Terry Manning, A.I.C.P., Senior Planner, Intergovernmental Coordination Section
South Florida Water Management District

The News-Press media group

news-press.com A GANNETT COMPANY

Attn:

LCBC-DEPT OF COMM DEVELOPMENT-
1500 MONROE ST
FORT MYERS, FL 33902

STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared Cheryl Eller, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

Notice Public Hearing

In the Twentieth Judicial Circuit Court was published in said newspaper in the issues of:

04/20/18

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 20th of April 2018, by Cheryl Eller who is personally known to me.

Milagros A. Isberto

Milagros A. Isberto

Notary Public for the State of Florida

My Commission expires July 11, 2020

NOTICE OF PROPOSED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN (TRANSMITTAL HEAR- ING)

The Lee County Board of County Commissioners will hold a public hearing to consider proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, May 2, 2018. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers at 2120 Main Street in Downtown Fort Myers. At the hearing, the Board will consider the proposed amendments for transmittal to the Florida Department of Economic Opportunity.

CPA2017-00005 – Bay Harbour Marina Village DRMUWD – Request to amend Lee Plan Future Land Use Map to designate 7.47+/- acres from the Industrial and Suburban future land use map categories to Destination Resort Mixed Use Water Dependent (DRMUWD) with accompanying text amendments. Amend Table 1(a) to allow bonus density in DRMUWD and amend Table 1(b), Year 2030 Allocations, to accommodate additional residential development.

This transmittal hearing is the first step in a two step public hearing process to amend the Lee Plan. A second hearing will follow the Department of Economic Opportunity's review of the application.

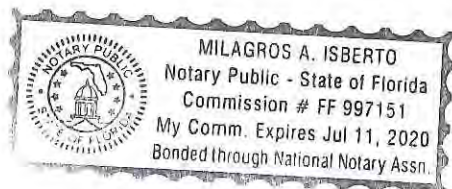
Documentation for the Proposed Comprehensive Plan Amendment is available at <https://www.leegov.com/dcd/planning/cpa>. This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

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

Lee County will not discriminate against individuals with disabilities. To request an accommodation, contact Joan LaGuardia, (239) 533-2314, Florida Relay Service 711, or jlaGuardia@leegov.com, at least five business days in advance.

AD#2865862, April 20, 2018

RECEIVED
APR 20 2018
COMMUNITY DEVELOPMENT



STAFF REPORT FOR

CPA2017-05: Bay Harbour Marina Village DRMUWD

Privately Initiated Text and Map Amendments to the Lee Plan



Applicant:

Southern Comfort
Storage, LLC

Representative:

Morris-Depew
Associates

Size:

7.47± acres

Location:

Main Street,
San Carlos Island

Commissioner

District: #3

Attachments:

FLUM Existing
FLUM Proposed
Table 1(a) Densities
Table 1(b) Population
Text Amendments

Hearing Dates:

LPA: 3/26/2018
BoCC: 5/02/2018

REQUEST

Amend Lee Plan Future Land Use Map to designate 7.47± acres from the Industrial and Suburban future land use map categories to Destination Resort Mixed Use Water Dependent (DRMUWD) with accompanying text amendments. Amend Table 1(a) to allow bonus density in DRMUWD and amend Table 1(b), Year 2030 Allocations, to accommodate additional residential development in the DRMUWD future land use category.

PROJECT LOCATION

The subject property is located approximately 580 feet east of San Carlos Boulevard on the north side of Main Street.

FIGURE 1: AERIAL LOCATION MAP



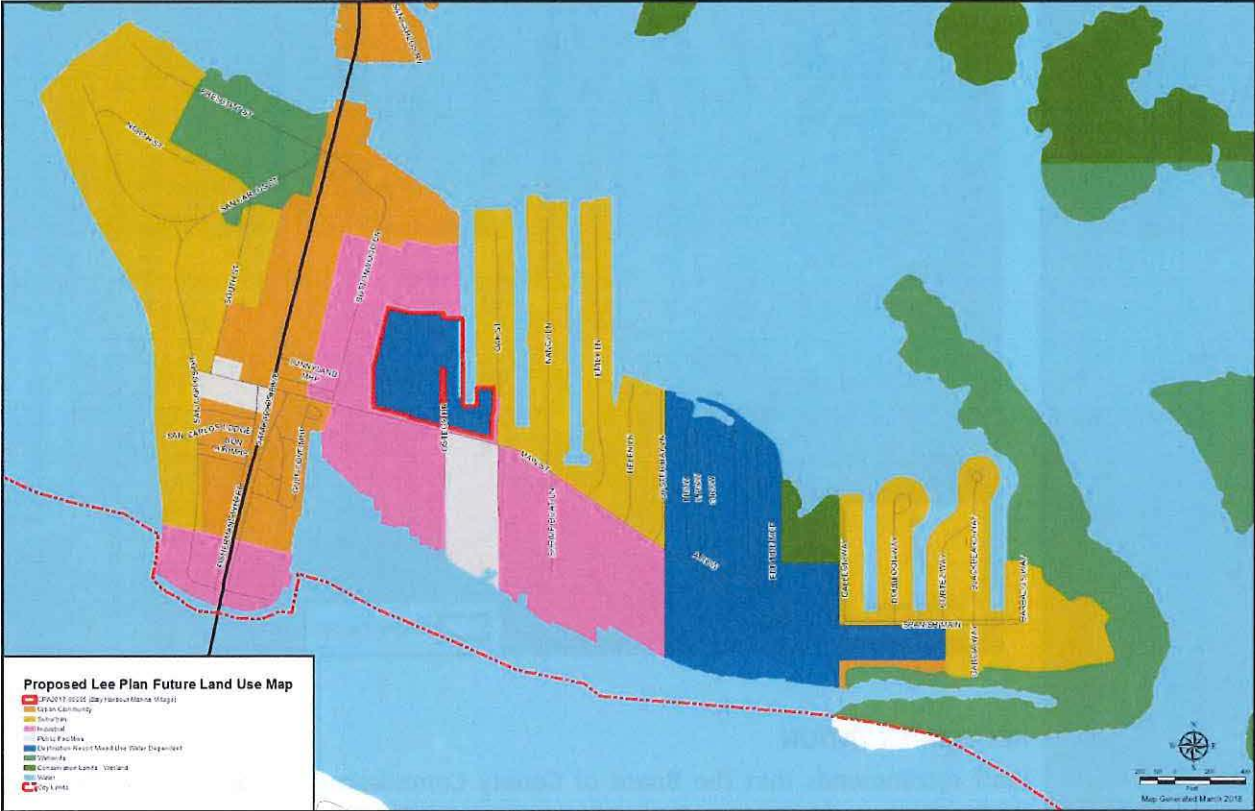
RECOMMENDATION

Staff recommends that the Board of County Commissioners **transmit** the amendments to designate the subject property to DRMUWD, amend Tables 1(a) and 1(b), and amend the text as proposed by staff (provided in Attachment 1) based on the analysis and findings in this staff report.

FIGURE 2: EXISTING FUTURE LAND USE MAP



FIGURE 3: PROPOSED FUTURE LAND USE MAP



Concurrent Application Review: The applicant has also filed a companion rezoning application (DCI2015-00015) that is being reviewed concurrently with the plan amendment application. The applicant is seeking to rezone the subject property from Light Industrial (IL), Marine Industrial (IM), Commercial (C-2), and Mobile Home Residential (MH-2) to Mixed Use Planned Development (MPD).

Florida Statutes Chapter 163.3184(12) provides that "At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this subsection." This requires Lee County provide concurrent review of the rezoning request.

Staff notes that even with the recommended adoption of the proposed map and text amendments, the applicant must demonstrate consistency with the Lee Plan, including the proposed amendments, in order for the companion rezoning to receive a favorable recommendation.

PART 1 PROPERTY INFORMATION

The subject property is approximately 7.47± acres and is located on the north side of Main Street, east of San Carlos Boulevard on San Carlos Island. The area of the subject property is located in the Iona McGregor Planning Community and is currently in the Industrial and Suburban future land use categories. A portion of the property is within the Water Dependent Overlay.

Iona McGregor Vision Statement:

As provided below, the San Carlos Island area, within the McGregor Planning Community, is anticipated to grow substantially through the year 2030.

Iona/McGregor - This Community is located primarily south of Gladiolus Drive west of Hendry Creek and contains all of the islands not included in the Town of Fort Myers Beach. This community primarily has lands designated as Central Urban, Urban Community, Suburban, and Outlying Suburban. There is also an industrial area located west of Pine Ridge road north and south of Summerlin Road. This community, due to its proximity to the area beaches, will continue to be a popular area for seasonal residents. This community has three discernible sub-areas: McGregor Boulevard/San Carlos Boulevard, Summerlin Road, and San Carlos Island.

The McGregor Blvd./San Carlos Blvd area will be approaching build out by 2030 and some of the older (pre 1980) developments will begin to redevelop to take advantage of a higher end market seeking a combination of quick beach access and closeness to urban services. This area will remain primarily residential with retail uses located at the major intersections.

The Summerlin Road Corridor will develop a new look by 2030 and will emerge as one of the county's primary medical service areas. This portion of the community will also continue to develop as a strong residential area with an influx of new gated communities.

The San Carlos Island area, which is nearly built out today, will continue to develop its infill areas while maintaining its marine oriented nature. Residents of this community will address current planning concerns in a comprehensive review of this area and future amendments to this plan will be made to address these concerns. This area is anticipated to grow substantially from today to 2030.

Current Future Land Use Categories – Industrial and Suburban:

The majority of the subject property is designated as Industrial Development on the future land use map. The Industrial Development future land use category is limited to industrial activities and mixtures of industrial, manufacturing, research, recreational uses, office complexes and limited commercial uses. It does not allow residential land uses.

***POLICY 1.1.7:** The Industrial Development future land use category plays an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These uses have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach. The Industrial Development future land use category is reserved mainly for industrial activities and selective land use mixtures. Appropriate land use mixtures include industrial, manufacturing, research, recreational uses and office complex (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. Retail, recreational and service uses are allowed as follows:*

- 1. Retailing and/or wholesaling of products manufactured or directly related to that manufactured on the premises; or,*
- 2. Recreational, service and retail uses may not exceed 20% of the total acreage within the Industrial Development future land use categories of each Planning Community.*

(Ordinance No. 94-30, 98-09, 99-15, 02-02, 09-06, 09-12, 10-14, 10-16, 10-20, 17-13)

The previous uses on the subject property located at 1185 Main Street included one single family dwelling unit that was built in 1958 and was allowed by right until it no longer existed, a boatyard, marina and a storage facility.

The property located at 821 Oak Street is in the Suburban future land use category. The lot on Oak Street that is within the Suburban future land use category would be allowed one dwelling unit. The Suburban future land use category allows residential uses up to 6 units an acre, but does not allow industrial land uses.

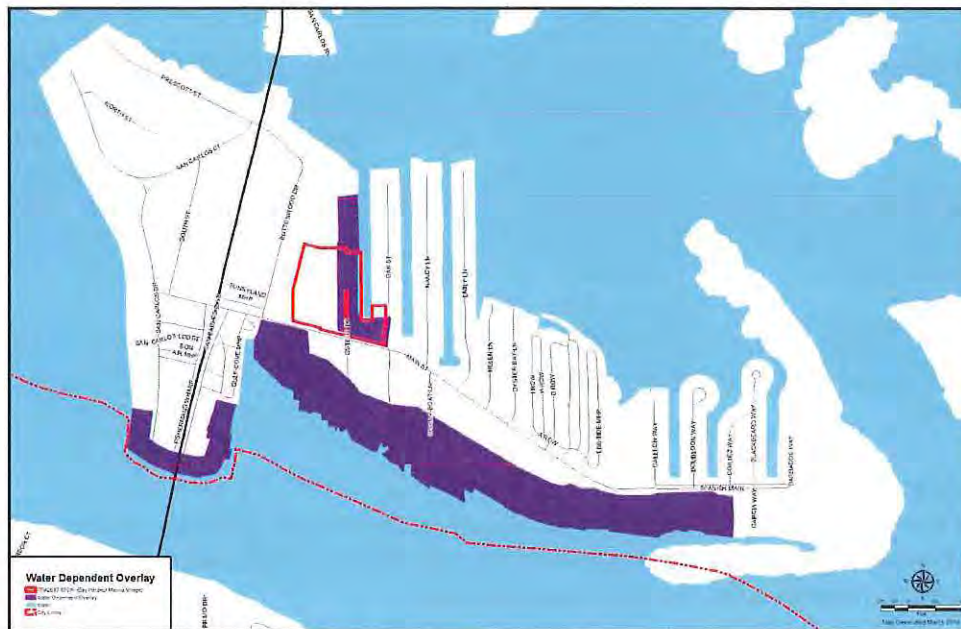
***POLICY 1.1.5:** The Suburban future land use category will consist of predominantly residential areas that are either on the fringe of the Central Urban or Urban Community future land use categories or in areas where it is appropriate to protect existing or emerging residential neighborhoods. This category provides housing near the more urban areas but does not provide the full mix of land uses typical of urban areas. Industrial land uses are not permitted. This category has a standard density range from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre). The maximum total density may only be increased to eight dwelling units per acre (8 du/acre) utilizing Greater Pine Island Transfer of Development Units except in areas that specifically prohibit bonus density. Other forms of bonus densities are not allowed.*

Water Dependent Overlay

A portion of the subject property is within the Water-Dependent Overlay zone which gives priority to water-dependent land uses (Policy 1.7.5). Lee Plan Objective 128.1 and Policy 128.4.2 identify specific requirements of the Water-Dependent Overlay that are intended to prevent the conversion of water-dependent uses by other forms of development unless approved at a public hearing.

Goal 12 provides that new development and substantial redevelopment within the Industrial development and DRMUWD land use categories on San Carlos Island will be permitted only in accordance with certain criteria (Objective 12.1). Policy 12.1.1 criteria require that development within the DRMUWD future land use category be consistent with the provisions of Goal 31 specific to the DRMUWD future land use category.

FIGURE 4: WATER DEPENDENT OVERLAY MAP



Existing Land Use:

The subject property contains eight parcels. The properties are zoned IM Marine Industrial, IL Light Industrial, C-2 Commercial and MH-2 Mobile Home. Table 2 provides specific information about the parcels within the subject property.

TABLE 1
SUBJECT PROPERTY PARCEL INFORMATION

Address	FLUM	Zoning	Existing Use
1135 Main Street	Industrial Development	IL	24,000 SF Warehouse (Southern Comfort Self Storage) 1 acre not in CHHA
1145 Main Street	Industrial Development	C-2	Vacant
1185 Main Street	Industrial Development	IM	1,300 SF Office (1 story) (previously a single family residence)
1195 Main Street	Industrial Development	IL	Vacant commercial, fence, boat docks (Prior use: Compass Rose Boat Yard and Marina)
19170 Seaside Drive (a/k/a Ostego)	Industrial Development	IM	Vacant
19210 Seaside Drive (a/k/a Ostego)	Industrial Development	IM	Vacant
19230 Seaside Drive (a/k/a Ostego)	Industrial Development	IM	Vacant
821 Oak Street	Suburban	MH-2	Vacant residential

Property History:

The Compass Rose boatyard and marina was previously located on the subject property. It has since been demolished as a result of Hurricane Charley damage. It contained boat slips, a self storage building, a partially developed marina, and a sales center.

In 2007, a Special Exception and Variance (SE2006-00010, VAR2006-00018) were approved to accommodate a dry boat storage facility 55 feet in height to replace two larger dry boat storage buildings with a 15 foot street setback.

In 2008, a Special Exception and Variance (SE2007-00041/VAR2007-00036) were approved to allow one dry boat storage building 65 feet in height. The boat storage was approved to contain a maximum floor area of 72,000 square feet and a maximum of 286 dry boat storage slips. The approval also allowed a maximum of 29 wet slips and 3 loading slips, a 7,200 square foot multipurpose building 35 feet in height (2-story complex) over parking, a member's facility/common space area that would encompass 4,600 square feet, a ships store occupying 500 square feet and a restaurant occupying 2,100 square feet. This has not been constructed to date.

In 2015, the applicant applied for a comprehensive plan amendment to change the subject property from the Industrial future land use category to the Central Urban future land use category and to add the lands into the Mixed Use Overlay (Bay Harbour Marina Village CPA2015-05). CPA2015-05 was heard before the LPA and they recommended that the BoCC not adopt the amendment. The LPA stated the request was inconsistent with the Lee Plan based on the potential impacts from increasing the density on lands located in the Coastal High Hazard Area. Traffic impacts were also discussed. The applicant requested, and the Board of County Commissioners agreed, to remand the case back to staff at the November 16, 2016 public hearing. The case is pending.

The applicant concurrently filed an application to rezone the property. The Bay Harbour Marina Village MPD (DCI2015-00015 and REZ2015-00009) proposed 113 dwelling units (including 38 workforce income on-site housing units), a marina with 286 dry slips, 29 wet slips, launching facility, 30,000 square feet commercial uses and a 500 space garage (200 spaces for the public). The Hearing Examiner recommended the Board of County Commissioners either deny or remand the request based on the proposed project's density and intensity. The Hearing Examiner recommended that the proposed density was inconsistent with the Lee Plan, negatively impacts the character of the surrounding area, and that urban services were not adequate to accommodate the development.

The applicant filed this comprehensive plan amendment (CPA2017-00005) and resubmitted DCI2015-00015 for a maximum of 113 residential dwelling units, 30,000 square feet of commercial office, retail and mini storage, a marina with a maximum of 29 wet and 286 dry boat slips, 4,000 square feet of civic space; and 200 publicly accessible parking spaces. The proposed maximum building height is 145 feet.

Surrounding Properties:

The surrounding properties are within the Industrial Development, Urban Community, Suburban, and Public Facilities future land use categories and are zoned Residential RM-2, Mobile Home MH-2, Industrial Marine IM, Light Industrial IL, Industrial Planned Development IPD, Community Facilities Planned Development CFPD, and Commercial C-2. Table 2 provides detailed information on the surrounding properties. Please also refer to the aerial map below that provides the location and densities associated with the surrounding neighborhoods.

**TABLE 2
SURROUNDING PROPERTIES INFORMATION**

	Future Land Use	Zoning	Existing Use
North	Urban Community	RM-2	Sportsman's Cove and Yacht & Racquet Club Condos
South	Industrial Development; Public Facilities	IM, IL, RM-2, IPD CFPD	Main Street; Gulf Marine Way & Supply, Inc. Warehouses; Vacant Industrial; Sea Air Beach Apartment; Lee County Office Building that contains the SW Florida Marine institute and the AMI Kids Southwest Florida, a treatment program for at risk children; Trico Shrimp Company
Southeast		IPD Port IL	Gulf Shrimp IPD - Beach Seafood Market & Grill Seafood Packing Plants; Parking area for Key West Express
East	Suburban	MH-2	Canal; residential manufactured homes and trailers along Oak Street, Nancy Lane, Emily Lane and Helen Lane
East	Suburban	MHPD	Canal Point MHPD (Oyster Bay) Manufactured Homes and trailers
East	Destination Resort Mixed Use Water Dependent	MPD	Vacant; San Carlos Island - Ebtide MPD is approved for mixed use development containing a 450 unit hotel with a 75,000 square foot convention center; 271 multi-family residential units; 10,000 square feet of commercial office; 85,000 square feet of commercial retail; and an existing marina. A maximum building height of 230 feet is allowed.
East	Suburban	MHPD	Port Carlos Cove MHPD Manufactured Homes
West	Industrial	C-2, IL	Warehouses, vacant lands

**FIGURE 5
SURROUNDING PROPERTIES AND DENSITIES MAP**



PART 2 STAFF DISCUSSION AND ANALYSIS OF PROPOSED AMENDMENTS

The applicant has proposed amendments to the Lee Plan that will allow for a mixed use development on 7.47 acres. The proposed amendments are summarized below:

1. **Amend the Future Land Use Map** to designate the subject property within the Destination Resort Mixed Use Water Dependent (DRMUWD) future land use category.
2. **Amend Table 1(a)** to allow for bonus density in the DRMUWD future land use category and increase the overall number of units permitted in the category.
3. **Amend Table 1(b)** to accommodate the proposed missed use development with the Iona McGregor Planning Community.

4. **Amend Goal 31** to allow the DRMUWD future land use category to include mixed use developments not initially considered at the time the future land use category was created.
5. **Amend Policy 31.1.1** to allow for bonus density within the DRMUWD if developed using affordable house for the bonus density units.
6. **Amend Policy 31.1.2** to lower the minimum size of development within the DRMUWD from 8 acres to 7 acres.
7. **Delete Policy 31.1.3** which requires adherence to “these Goals” and locational criteria for allowing the DRMUWD.
8. **Amend Policy 31.2.3** to allow all properties on San Carlos Island to be considered for the DRMUWD as opposed to only properties adjacent and contiguous to the existing DRMUWD properties.
9. **Amend Policy 31.3.6** to provide development parameters for the subject property.
10. **Amend Policy 31.6.1** to allow for bonus density within the DRMUWD if developed using affordable house for the bonus density units.
11. **Amend Policy 31.7.2** to clarify the type of development within the DRMUWD that must have or participate in airport shuttle service.
12. **Amend Policy 31.10.1** to allow for fee in lieu as a form of hurricane mitigation at the discretion of Lee County.

Staff discussion and analysis for each of the amendments identified above follows.

1. Future Land Use Map

The applicant has proposed to amend the Future Land Use Map to designate the subject property within the Destination Resort Mixed Use Water Dependent (DRMUWD) future land use category. If approved, 7.47 acres would be removed from the Industrial and Suburban future land use categories into the DRMUWD future land use category. Removing the subject property from the Industrial and Suburban future land use category to the DRMUWD category allows for a mix of uses, including industrial, which will support and strengthen the economic base of this area of Lee County.

In general, the County prefers to preserve land in the Industrial Development future land use category in order to reduce potential weakening of the County’s economic base. However, in this instance, removing the subject property from the Industrial Development category will support and strengthen the economic base of this area of Lee County as demonstrated by the following:

- The Master Concept Plan submitted with the concurrent zoning case demonstrates that the uses allowed under the Industrial Development future land use category will be retained on the subject site. The proposed development will add residential uses to the existing mix without removing commercial or industrial uses.
- The proposed DRMUWD future land use category allows for industrial uses in addition to commercial and residential uses. Future development will not be precluded from including industrial uses by being designated DRMUWD
- The subject property will remain in the Water-Dependent Overlay which supports and encourages development of uses that are allowable in both the Central Urban and the Industrial Development future land use categories.
- If the property was developed with only residential uses, its relatively small size will not have a substantial impact on the amount of industrial designated land within Lee County.

Staff recommends that the Board of County Commissioners amend the future land use map as proposed by the applicant.

2. Table 1(a)

The applicant is requesting to modify Table 1(a) to increase the allowable bonus density in the DRMUWD from 0 to 15 units and acre. **Staff supports this amendment providing the bonus units are limited to very low and/or low income housing units.**

3. Table 1(b)

Staff supports the request to amend Table 1(b) to increase the population accommodation in the DRMUWD future land use category to 15 residential acres and to decrease the Central Urban future land use category by 7 residential acres within the McGregor Iona community. The amendment is necessary to maintain the Board of County Commissioners adopted population allotted to each community through the year 2030.

4. Goal 31

Lee Plan Goal 31 DRMUWD was created in 2009 to assist with the redevelopment of areas along the waterfront that can support a blend of residential, resort, commercial and industrial land uses. The nine objectives and associated policies under Goal 31 provide development guidance to ensure aesthetically pleasing, quality projects that promote the character of the area and include transit, multi-modal transportation, open space, and consistency with growth management principals.

The applicant is proposing to amend Goal 31 as shown as underlined below:

Goal 31: Destination Resort Mixed Use Water Dependent (DRMUWD). *To establish a land-use category that considers the uniqueness of water dependant land, with existing antiquated zoning, and out-dated uses that will provide a mechanism to create an attractive, functioning mixed use destination resort or a mixed use development with affordable housing that can support destination resorts and contains civic-related components such as public parking, public spaces, access to waterfront, enhanced streetscape, etc. through well planned redevelopment.*

The proposed amendment would add an option of affordable housing mixed use developments with civic-related components. Staff does not support this amendment since it is unnecessary. Goal 31 as currently written allows mixed uses and does not preclude affordable housing or civic type uses on the land. **Staff recommends no changes to the Goal 31 text.**

5. Policy 31.1.1

The applicant is proposing to amend Policy 31.1.1 as shown in strike out and underline form below:

Policy 31.1.1 *These areas can best be characterized by their proximity to the water and need for redevelopment due to changes in the market and outdated development patterns. By virtue of their proximity to navigable water and availability of public services, these locations are suited to accommodate a mixture of uses that range between residential, resort, commercial and industrial type activities that benefit from access to the water front. As Lee County moves toward being a larger metropolitan area and a world class destination, these types of developments can offer a diverse living, working and vacationing experience that benefit the entire area while being environmentally friendly and economically viable. The density ranges from 6 dwelling units per acre to 9.36 dwelling*

units per acre, except that density may be increased to a maximum of 15 dwelling units per acre if the additional dwelling units are committed to affordable housing. Residential densities in developments that include commercial and residential uses in the same project or same building may utilize the total acreage of the development to calculate gross residential density. ~~be developed as provided for under the Glossary terms: "Mixed Use," "Mixed Use Building," and "Density."~~

The amendment language in Policy 31.1.1 includes that commercial and residential uses in the same project may utilize the total acreage of the development to calculate gross residential acreage. Staff does not support this amendment since it is redundant. Similar language is located in Policy 31.6.1 and allows density and intensities to be based on both residential and commercial acreages (double-dipping).

The applicant is also requesting to delete the Policy 31.1.1 reference to the definition of mixed use, mixed use building, and density. Staff does not support this amendment. A mixture of uses and mixed use buildings are at the essence of a DRMUWD development. The DRMUWD allows for dense (9.36 units an acre) residential, commercial, and industrial waterfront development on 7 acre parcels to stimulate redevelopment. The benefit of allowing "double dipping" residential and commercial acreage is based on supporting the waterfront uses with commercial and residential to economically incentivize redevelopment. The intent is to have mixed uses vertically as well as horizontally on the property. Deleting the mixed use references would remove the requirement to blend the uses and could result in separate commercial and residential land forms typical of suburban developments. There is also no need to delete the term density from Policy 31.1.1, since it provides general guidelines on how to calculate density and does not impede the ability to double-dip per Policy 31.6.1.

The type of affordability is not identified within the proposed text. The applicant is requesting bonus density to increase the allowable density to 15 units an acre. The application indicates that the applicant would commit to workforce housing which is 140% of the area median income. As discussed in the Bonus Density section of this report below, data and analysis has not been provided to indicate the benefit of significantly increasing the density in DRMUWD in exchange for workforce housing. The need for very low and low income housing is critical in Lee County and in keeping with wage earners in the tourist industry. Please refer to the bonus density discussion below on page 11 of this Staff Report.

Density and Intensity

As provided in Table 4, existing residential neighborhoods in the surrounding area range in density from 4.59 units an acre to 25 units an acre. Many of the developments were built prior to the adoption of the Lee Plan (December 21, 1984) and exceed the current allowable density limits. The DRMUWD future land use category will allow a maximum of 9.36 units an acre (15 units an acre using Bonus Density) and is in keeping with the existing surrounding neighborhoods.

**TABLE 4
SURROUNDING DENSITIES**

RESIDENTIAL COMMUNITY	FLUM/ Maximum Density	ACRES	UNITS/LOTS	DENSITY
Oak Street	Suburban (6 units/acre)	7.89	43	5.45
Nancy Lane ²	Suburban (6 units/acre)	10.52	74	7.03 ¹
Emily Lane ²	Suburban (6 units/acre)	8.47	88	10.39 ¹
Helen Lane ²	Suburban (6 units/acre)	5.11	65	12.72 ¹
Canal Pointe MHPD ²	Suburban (6 units/acre)	25.59	245	9.57 ¹
Oyster Bay Lane ²	Suburban & DRMUWD (6 units/acre; 9.36 units/acre)	1.49	21	14.09 ¹
San Carlos Island Ebtide	DRMUWD (9.36 units/acre)	29.23	271	9.27
Port Carlos Cove	Suburban & Wetlands (6 units/acre; 1 unit/20 acres)	33.79	155	4.59
Sunnyland Trailer Court	Urban Community & Industrial (10 units/acre bonus density; 0 units/acre)	1.28	34	26.56 ¹
Gulf Cove Mobile Home Park	Urban Community (10 units/acre bonus density)	3.77	60	15.92 ¹
Bonair Trailer Park	Urban Community (10 units/acre bonus density)	0.92	23	25.00 ¹
San Carlos Lodge	Urban Community (10 units/acre bonus density)	1.88	28	14.89 ¹

¹Exceeds current Lee Plan density regulations

²Canal Pointe MHPD includes Nancy, Emily, Helen and Oyster Bay Lanes

Bonus Density

The amendment request includes allowing bonus densities on lands located in the DRMUWD future land use category. As requested, allowing bonus density would increase the maximum density from 9.36 units per acre to 15 units per acre. The proposed 15 units an acre maximum would apply to existing and future DRMUWD designated lands. The maximum number of units would be determined during the planned development rezoning where the project location in the Coastal High Hazard Area would be analyzed and conditioned accordingly.

Workforce income level housing is for families making 140% of the Area Median Income. The Lee County Area Median Income (AMI) for a four person household is \$57,900. Therefore, a family of four meeting

the workforce income standard would earn a minimum of \$81,060 annually and would be able to afford \$2,026.50 monthly mortgage payments (\$270,000 home).

The Lee Plan focuses on meeting needs for low-and moderate-income households. Low-income households make less than 80% of the AMI and moderate-income households make 120% of the AMI. (Policy 5.1.8)

Based on a family of four, a very low income household would earn \$28,950 and be able to afford \$723.75 in monthly mortgage payments (\$95,000 home). a low income household would earn \$46,300 and be able to afford \$1,157.50 in monthly mortgage payments (\$150,000 home). A moderate income household would earn \$69,480 and be able to afford \$1,737 in monthly mortgage payments (\$270,000 home).

According to the US Census, the median household income on San Carlos Island in the last 12 months (Tract 601.01) was \$50,265 which is less than the \$81,060 annual household income that would be served by the proposed workforce bonus density units. Tract 601.01 encompasses San Carlos Island. See map below.



As provided by the applicant, "The proposed residential and affordable housing component would provide housing opportunities to the employees to the existing facilities south of Main Street. Expert testimony was also provided demonstrating that average rent within a 5 mile radius of the subject property is \$2,053 per month." The applicant has committed to 38 units that would be priced at \$2,026 which is approximately \$30 less than the average monthly rent of \$2,053 in the 5 mile radius.

The applicant provided that when they did their study, there were 45 properties available for lease with the average monthly rent of \$2,053. There was no data and analysis submitted to show if the jobs created onsite would yield households making \$81,060 annually or to show that the supply of workforce housing in the range of \$270,000/\$2,026 monthly is critically underserved in the area to justify an increase in the DRMUWD 9.36 units per acre density standard to 15 units per acre. The benefit of providing housing in the \$2,026 rental range does not appear to outweigh the increase in density allowed in the DRMUWD future land use category.

However, the need for very low and low income housing has continued to increase as wages have remained static and market rate housing prices have risen. According to the Clarion Group Support Study dated 2007, the gap continues to widen at a rapid rate.

The staff recommended amendment for Policy 31.1.1 is consistent with Objective 135.4, Policies 135.1.2 and 135.1.4. Objective 135.4 sets a priority for increasing the supply of very low and low income housing units. Policy 135.1.2 promotes efforts to form public-private partnerships to meet affordable housing needs and Policy 135.1.4 allows for housing bonus density to incentivize the construction of affordable housing units. Allowing bonus density in the DRMUWD category will encourage housing for very low and low income households through a public-private partnership.

Staff supports the following amendment language which is consistent with Objective 135.4, Policies 135.1.2 and 135.1.4:

Policy 31.1.1 These areas can best be characterized by their proximity to the water and need for redevelopment due to changes in the market and outdated development patterns. By virtue of their proximity to navigable water and availability of public services, these locations are suited to accommodate a mixture of uses that range between residential, resort, commercial and industrial type activities that benefit from access to the water front. As Lee County moves toward being a larger metropolitan area and a world class destination, these types of developments can offer a diverse living, working and vacationing experience that benefit the entire area while being environmentally friendly and economically viable. The density ranges from 6 dwelling units per acre to 9.36 dwelling units per acre, except that density may be increased to a maximum of 15 dwelling units per acre if the additional dwelling units are committed to very low and/or low income housing units. Residential densities in developments that include commercial and residential uses in the same project or same building may be developed as provided for under the Glossary terms: "Mixed Use," "Mixed Use Building," and "Density."

6. Policy 31.1.2

The applicant is proposing to amend Policy 31.1.2 as provided in strike out and underline form below.

Policy 31.1.2: Destination Resort Mixed Use Water Dependent location criteria:

- 1. Areas characterized by predominantly outdated RV type living facilities meant for temporary habitation without individual type land ownership or ~~and~~ depressed/underutilized water dependent waterfronts.***

The subject property does not contain nor does it have a history of RVs on site. Although not consistent as currently written, the proposed text amendment changing "and" to "or" would make it consistent since the site meets the underutilized water dependent waterfront criterion. The property previously contained the Compass Point marina and boatyard.

Staff supports this amendment. Approving this amendment will allow more properties to qualify for DRMUWD redevelopment. Both temporary habitation without individual type land ownership and underutilized water dependent waterfronts are significant issues spurring the need for revitalization.

2. *Located in areas characterized as predominantly impacted by a declining water dependant industry like commercial fishing or other and with a minimum of 7 8 acres of contiguous lands under unified control.*

The subject property is located in an area characterized as predominantly impacted by a declining water dependent industry. The survey indicates the subject property is 7.47 acres and does not meet the 8 acre standard; however the proposed text amendment to 7 acres would make it consistent.

Reducing the acreage to 7 will allow more properties to qualify for DRMUWD redevelopment. Based on Table 4, only one other residential community would qualify that does not qualify under the current regulations (Oak Street). Other properties would need to aggregate in order to have a minimum of 7 acres.

3. – 5. *No changes are proposed.*

The subject property does not meet the locational requirements without the proposed text amendments. The request currently meets the locational criteria outlined in Policy 31.1.2 (3), (4), and (5). If the proposed text amendments are approved, the request will also be consistent with Policy 31.1.2 (1) and (2). **Staff supports the amendments to 31.1.2 (1) and (2) as it will encourage suitable properties to develop consistent with DRMUWD standards.**

7. Policy 31.1.3

The applicant is proposing to amend Policy 31.1.3 as shown in strike out and underline form below:

~~*Policy 31.1.3 Destination Resort Mixed Use Water Dependant land use category will only be allowed, subject to the other requirements of these Goals, and in the areas as defined by the location criteria.*~~

The applicant is requesting to delete Policy 31.1.3 stating that is unnecessary. **Staff agrees that that all DRMUWD developments are subject to Goal 31 and this policy is not necessary. Staff finds that Policy 31.1.3 is redundant and that locational requirements are covered under Policy 31.1.2.**

8. Policy 31.2.3

The applicant is proposing to amend Policy 31.2.3 as shown in strike out and underline form below:

~~*Policy 31.2.3 Adjacent contiguous pProperties on San Carlos Island may be added to the category with an amendment to the Future Land Use Map and text. All existing and new developments must be under unified control for common areas.*~~

The request includes a text amendment to Policy 31.2.3 which would remove the requirement that DRMUWD designated properties be adjacent and contiguous which has been interpreted to mean that new DRMUWD designated properties would be required to be adjacent to existing DRMUWD designated lands. **Staff supports this amendment as it allows this and future requests to be considered.**

9. Policy 31.3.6

The applicant is proposing to amend Policy 31.3.6 as shown in strike out and underline form below:

Policy 31.3.6 The category must be developed with a mix of uses not to exceed:

1. Ebtide Parcel: 1711-2503 and 2020-2500 Main Street, San Carlos Island
 - Residential (Maximum of 271 dwelling units)
 - Lodging (Maximum of 450 hotel rooms)
 - Office (Maximum of 10,000 square feet)
 - Retail (Maximum of 98,000 square feet)
 - Marina (Maximum of 850 wet or dry boat slips)
 - Civic (Maximum of 10,000 square feet)
2. Bay Harbour Parcel: 1195 Main Street, San Carlos Island
 - Residential (Maximum of 113 dwelling units)
 - Office-Retail-Mini-Storage (Maximum of 30,000 square feet)
 - Marina (Maximum of 29 wet and 286 dry boat slips)
 - Civic (Minimum of 4,000 square feet and 200 publicly accessible parking spaces)

This amendment accommodates the proposed development the applicant has requested as part of the concurrent MPD zoning request. The maximum allowable development must be determined as part of the MPD where the site plan and conditions for potential impacts can be analyzed. The BoCC directed Staff to remove language from the Lee Plan that belongs in the Land Development Code. Since the original adoption of the DRMUWD category, Florida Statutes have been amended to allow concurrent zoning and these development parameters are not needed in the Lee Plan.

As such, **Staff recommends deleting Policy 31.3.6.**

~~**Policy 31.3.6** The category must be developed with a mix of uses not to exceed:~~

- ~~• Residential (Maximum of 271 dwelling units)~~
- ~~• Lodging (Maximum of 450 hotel rooms)~~
- ~~• Office (Maximum of 10,000 square feet)~~
- ~~• Retail (Maximum of 98,000 square feet)~~
- ~~• Marina (Maximum of 850 wet or dry boat slips)~~
- ~~• Civic (Maximum of 10,000 square feet)~~

10. Policy 31.6.1

The applicant is proposing to amend Policy 31.6.1 as shown in strike out and underline form below:

Policy 31.6.1: Mixed-use developments, as defined in the Lee Land Development Code containing both commercial and residential uses within the same development will provide for an interconnection of commercial with residential uses with pedestrian linkages. Mixed-use developments will be limited to an overall density of 9.36 dwelling units per acre at these locations, except that density may be increased to a maximum of 15 dwelling units per acre if the additional dwelling units are committed to affordable housing. Mixed-use developments that include commercial and residential uses within the same development will be allowed to use the entire site for density calculation.

Staff recommends deleting the existing density provision and not adding the bonus density to Policy 31.6.1 since it is duplicative of Policy 31.1.1:

Policy 31.6.1: Mixed-use developments, as defined in the Lee Land Development Code containing both commercial and residential uses within the same development will provide for an interconnection of commercial with residential uses with pedestrian linkages. ~~Mixed-use~~

developments will be limited to an overall density of 9.36 dwelling units per acre at these locations; Mixed-use developments that include commercial and residential uses within the same development will be allowed to use the entire site for density calculation.

11. Policy 31.7.2

The applicant is proposing to amend Policy 31.7.2 as shown in strike out and underline form below:

Policy 31.7.2: Each destination resort style development will establish or participate in an airport shuttle service to and from the Southwest Florida International Airport and the development. The shuttle services hours of operation will be determined based on market conditions and can be a fixed route shuttle or a point of demand service type or combination of both.

Staff does not support the request to add the term “destination resort style” to Policy 31.7.2. “Destination resort style” is an undefined term and should not be added without an accompanying definition. Undefined, the term would be difficult to apply and subject to different interpretations. The additional language is not necessary to accommodate the subject project.

12. Policy 31.10.1

The applicant is proposing to amend Policy 31.10.1 as shown in strike out and underline form below:

Policy 31.10.1: An agreement must be executed between the County and the property owner to mitigate the project’s hurricane sheltering and evacuation impacts. The agreement will include provisions, at the County’s option, either provide a fee in lieu pursuant to the Lee County requirements or to construct on site shelter to withstand Category 5 hurricane force winds and storm surge to accommodate residents in compliance with the following requirements:

1. On-site shelters and all required equipment and supplies for these facilities must comply with the following standards:
 - a. Elevation to the anticipated storm surge from a land falling Category 5 storm.
 - b. Construction to withstand winds of 200 mph in accordance with the Florida Building Code.
 - c. Construction with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code.
 - d. Equipped with emergency power and potable water supplies to last up to five days.
 - e. Protected with adequate ventilation, sanitary facilities, and first aid medical equipment.
2. Developer/operator must conduct annual training of the on-site shelter managers. The training is to be conducted by the Red Cross and approved by Lee County Emergency Management.
3. Developer/operator must submit a post storm recovery plan including post storm evacuation plan for review and approval by Lee County Emergency Management.

Staff supports the amendment to Policy 31.10.1 which provides, at the County’s option, to allow a fee in lieu of payment instead of constructing an onsite shelter. The amendment would allow the County to support the best option(s) available at the time of Development Order. Payment in lieu of is an option allowed to other developments per Land Development Code 2-485 and the Lee County Public Safety supports this text amendment.

Water Dependent Overlay

The Lee Plan amendments proposed by the applicant do not inhibit the location of water-dependant uses on the subject site. The DRMUWD future land use category allows for a wide variety of uses that integrate water dependent land uses such as wet and dry boat storage and limited light industrial uses with residential and commercial uses (Goal 31). Marina and boat related uses are consistent with the

intent of the Water-Dependent Overlay. Because the proposed Lee Plan amendments will not inhibit (and will potentially enhance the ability to continue) water-dependant uses on the subject property, the amendments do not conflict with Lee Plan Objective 128.1 and Policies 1.7.5 and 128.4.2.

Transportation

The subject property is located on Main Street which is a collector road. Main Street connects to San Carlos Boulevard. San Carlos Boulevard (State Road 865) is a 100 foot-wide state maintained arterial roadway that is the primary road to San Carlos Island and Fort Myers Beach. Estero Boulevard, located on Fort Myers Beach, is a constrained arterial roadway.

The five year analysis and the long range analysis (2040) indicate that San Carlos Boulevard from Estero Boulevard to Main Street, from Summerlin Road to Kelly Road and Estero Boulevard from Voohis Street to Center Street are projected to operate at LOS "F" with and without the project in Year 2022 and Year 2040.

The LOS "F" is inconsistent with Policy 37.1.1. However, several roadway segments in the study area are shown to operate at LOS "F" before the project trips are added to the network and therefore considered as pre-existing deficiencies not caused by the change in land use. As provided in Florida Statutes Section 163.3180, transportation concurrency is not required.

Traffic is expected to remain an issue with or without development on the subject property. Transportation concurrency is not required per Florida Statutes Section 163.3180. Therefore, the request is consistent with Objectives 2.1, 2.2 and Policy 39.2.1 that supports mixed use and infill development. FDOT, District One, has recently completed an Operational Analysis to identify a series of mobility improvements to San Carlos Boulevard. The analysis is on the segment of San Carlos Boulevard from South of Estero Boulevard to Summerlin Road (CR 869). The State is currently holding a series of workshops to present potential improvements for public input in order to move forward to the next phase of development. The potential improvements are anticipated to help ease some of the traffic concerns.

Service Availability

There are adequate potable water, sanitary sewers, solid waste, police, fire/EMS, schools and mass transit services to accommodate the proposed development:

Mass Transit: Consistent with Objective 31.7, residents and workers on the subject property will have access to mass transit. The closest bus route is Route 400. Route 400 traverses San Carlos Boulevard between Summerlin Square and to Lovers Key State Park located on Estero Boulevard. The closest southbound stop location is 700 feet west of the site along Main Street. The closest northbound stop location is 660 feet west of the site on San Carlos Boulevard. The subject property is within the 1/4 mile service area of a fixed route service and within the 3/4 mile ADA service area. Development on the property would require consistency with LDC Sec. 10-442 with regards to the required transit facilities.

Utilities: Consistent with Policies 2.2 and 31.1.1, the subject property has access to water and sewer services. It is within the Lee County Utilities future services area. Potable water and sanitary sewer lines are in operation adjacent to the property. Potable water is available from the Green Meadows Water Treatment Plant. Sanitary sewer service is available from the Lee County Fort Myers Beach Wastewater Treatment Plant.

Solid Waste: Consistent with Policies 2.2 and 31.1.1, the subject property has access to solid waste services. Solid waste collection services will be provided by Lee County using the Lee County Resources Recovery Facility and the Lee-Hendry Regional Landfill. Garbage and recycling collections will require the owner/or the Management Company to secure a service agreement for the collection and an agreement for the lease of waste containers from the County's MSW and Recycling Collection Franchise Hauler.

Fire/EMS: The subject property has access to fire and EMS services and is consistent with Policies 2.2 and 31.1.1. Fire and EMS service will be provided by the Fort Myers Beach Fire Control District and at this time the physical infrastructure of stations is adequate. However, as provided in the service availability letter dated July 14, 2017, potential impacts include:

"1.) Life Safety Division through increased number of required annual inspections, and construction related inspections 2.) EMS service deliver model 3.) Water rescue and marine firefighting capabilities are limited to shoreline operations only and this project will most certainly increase the number of vessels in our inland waterways. 4.) Aerial capabilities of our Ladder Truck will not be sufficient based on total of height of structures beyond (5) Stories in height."

These items will be addressed as part of the planned development rezoning and will be conditioned as necessary to mitigate for potential impacts.

Police: The subject property has access to police services which is consistent with Policies 2.2 and 31.1.1. The Lee County Sheriff will provide law enforcement services primarily from the West District office in Fort Myers. The Sheriff indicated in a letter dated June 27, 2017 that the development of the subject property will not affect the ability of the Lee County Sheriff's Office to provide core services at this time.

Schools: There is adequate elementary and middle school seat capacity to serve the subject property and the project's generation of high school students can be served by the contiguous Concurrency Service area.

PART 3 CONCLUSIONS

The DRMUWD future land use category on the subject property will promote mixed use waterfront redevelopment on the site. Redevelopment would create a variety jobs and would help spur redevelopment on the island. The majority of the subject property is located in a Coastal High Hazard Area. Density, design and mitigation are guided by Lee Plan policies that will be enforced by the planned development rezoning.

The DRMUWD future land use category allows for a maximum of 9.36 units an acre and, if approved, up to 15 units an acre bonus density. The 15 units an acre is in keeping with the existing densities in the area that range from 4.59 units an acre to 25 units an acre. If approved and as recommended by staff, the bonus density units would serve very low and low income household earning under \$69,479 annually providing much needed housing opportunities to the tourism related service industry employees.

The property has access to water, sewer, solid waste, fire, EMS, schools and transit and there are adequate services available to serve the property to accommodate the additional density and intensities allowed under the DRMUWD future land use category. Transportation is an issue with or without the redevelopment of the subject property. FDOT is working on improvements to San Carlos Boulevard to help with the traffic issues.

The DRMUWD future land use classification on the subject property is consistent with the Lee Plan providing Lee Plan Policies 31.1.2 (1) and 31.1.2 (2) are amended as provided in Attachment 1.

For the reasons discussed in this staff report, Staff recommends that the Board of County Commissioners **transmit** the amendments to designate the subject property to DRMUWD, amend Tables 1(a) and 1(b), and amend the text as proposed by staff as provided in Attachment 1.

PART 4 ATTACHMENTS

Attachment 1:

- Existing Future Land Use Map
- Proposed Future Land Use Map
- Proposed Changes to Table 1 (a)
- Proposed Changes to Table 1 (b)
- Proposed Revised Staff Text Amendments

Electronic File: <https://www.leegov.com/dcd/planning/cpa/compplansearch?case=CPA2017-00005>

PART 5
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: March 26, 2018

A. LOCAL PLANNING AGENCY REVIEW:

The Applicant presented an overview of their text and map amendment request and consistency with the Lee Plan.

Staff provided a brief presentation for the proposed amendment which covered consistency with the Lee Plan and the staff recommendation. Affordable housing bonus density that would be limited to onsite units for very low and low income households was discussed.

Fourteen members of the public spoke against the request raising concerns about increasing the density, development character, amount of development on the site, location in a Coastal High Hazard Area, traffic concerns, canal width insufficient for increased boat traffic, and inconsistency with the Lee Plan.

Five members of the public spoke in favor of the request based on the need to redevelop the blighted area, would stimulate jobs and housing, and would improve property values.

Members of the LPA asked questions about housing income levels and bonus density. They also clarified that project details would be addressed at the time of zoning. Two motions failed before the third motion carried 5 to 1. Stan Stouder opposed the motion due to concerns with consistency between the Coastal High Hazard Area and the proposed increased density and height.

B. LOCAL PLANNING AGENCY RECOMMENDATION:

A motion to find the request, as modified by staff that would allow bonus density with only very low and low affordable housing, consistent with the Lee Plan and to recommend that the Board of County Commissioners transmit CPA2017-00005 as proposed by Staff. The motion was passed 5 to 1 with one member abstaining.

VOTE:

DENNIS CHURCH	AYE
FRANK FEENEY	AYE
JAMES INK	ABSTAIN
KRISTINE SMALE	AYE
STAN STOUDER	NAY
JUSTIN THIBAUT	AYE
HENRY ZUBA	AYE

PART 6
BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT

DATE OF TRANSMITTAL HEARING: May 2, 2018

A. BOARD REVIEW:

The Applicant gave a brief presentation outlining the text and map request. The Applicant and Staff were in agreement with the text amendments provided in the revised Attachment 1.

Ten members of the public spoke against the request raising concerns about increasing the density, development character, amount of development on the site, location in a Coastal High Hazard Area, flooding, traffic concerns, Emergency management's ability to serve residents, changes to the location requirements, and inconsistency with the Lee Plan.

Five members of the public spoke in favor of the request based on the need to redevelop the blighted area, would stimulate jobs and housing, and would be an asset to the community.

Staff gave a brief presentation and made a recommendation that the BOCC transmit the proposed amendment as provided in the revised Attachment 1 which included moderate income housing as a bonus density option.

The Board discussed the need for affordable housing, the density and intensity of the proposed project, potential for stimulating the economy with jobs, improving a blighted area, and the potential of improving the community's quality of life. Additional information would need to be provided at the time the concurrent zoning is presented. This would include infrastructure impacts, project size and scale.

B. BOARD ACTION:

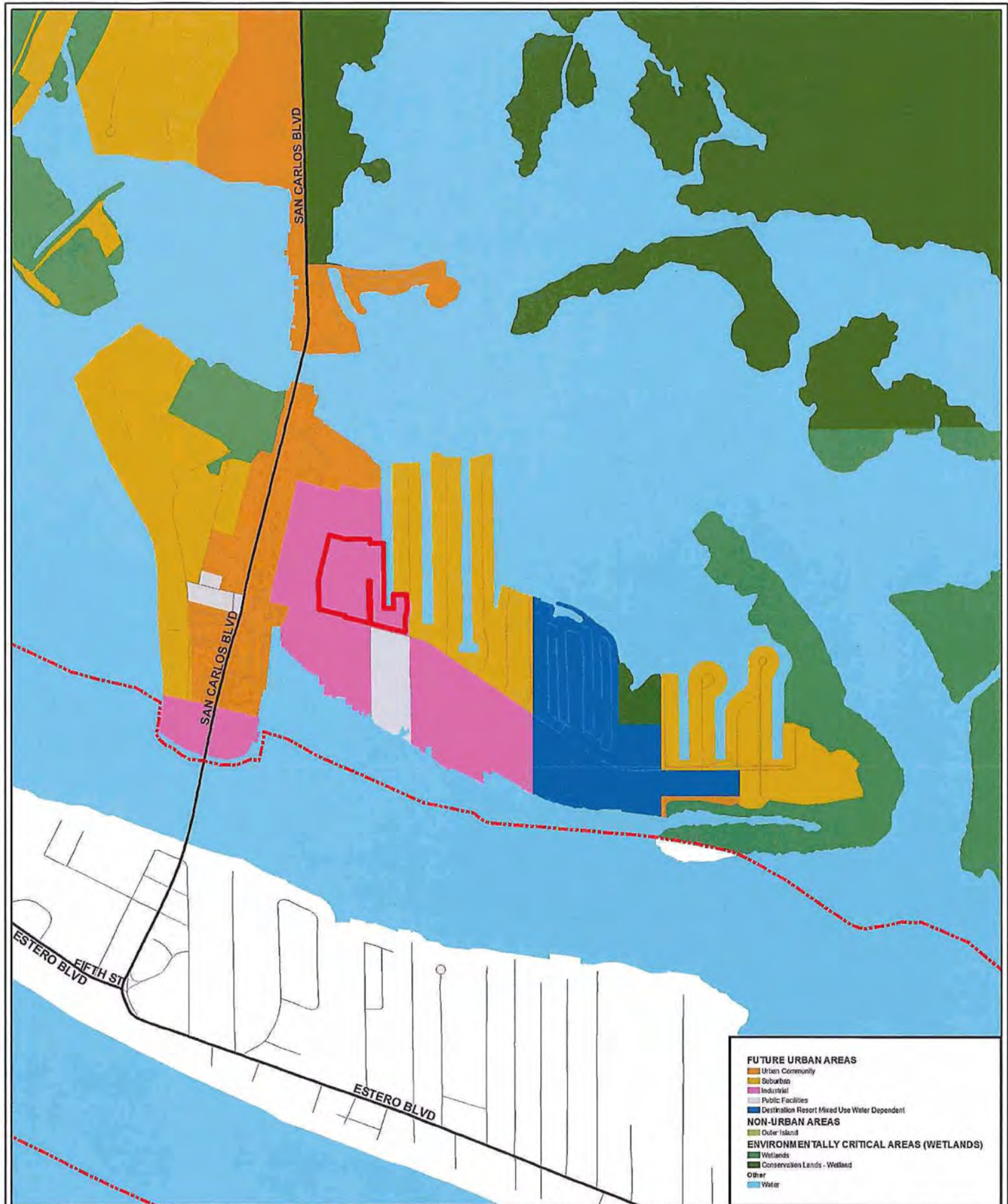
A motion was made that the BOCC *transmit* CPA2017-05 as recommended by staff and including the revised Attachment 1. The motion was called and passed 3-1.

VOTE:

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

ATTACHMENT 1:

**Existing Future Land Use Map
Proposed Future Land Use Map
Proposed Changes to Table 1 (a)
Proposed Changes to Table 1 (b)
Staff Recommended Revised Text Amendments**



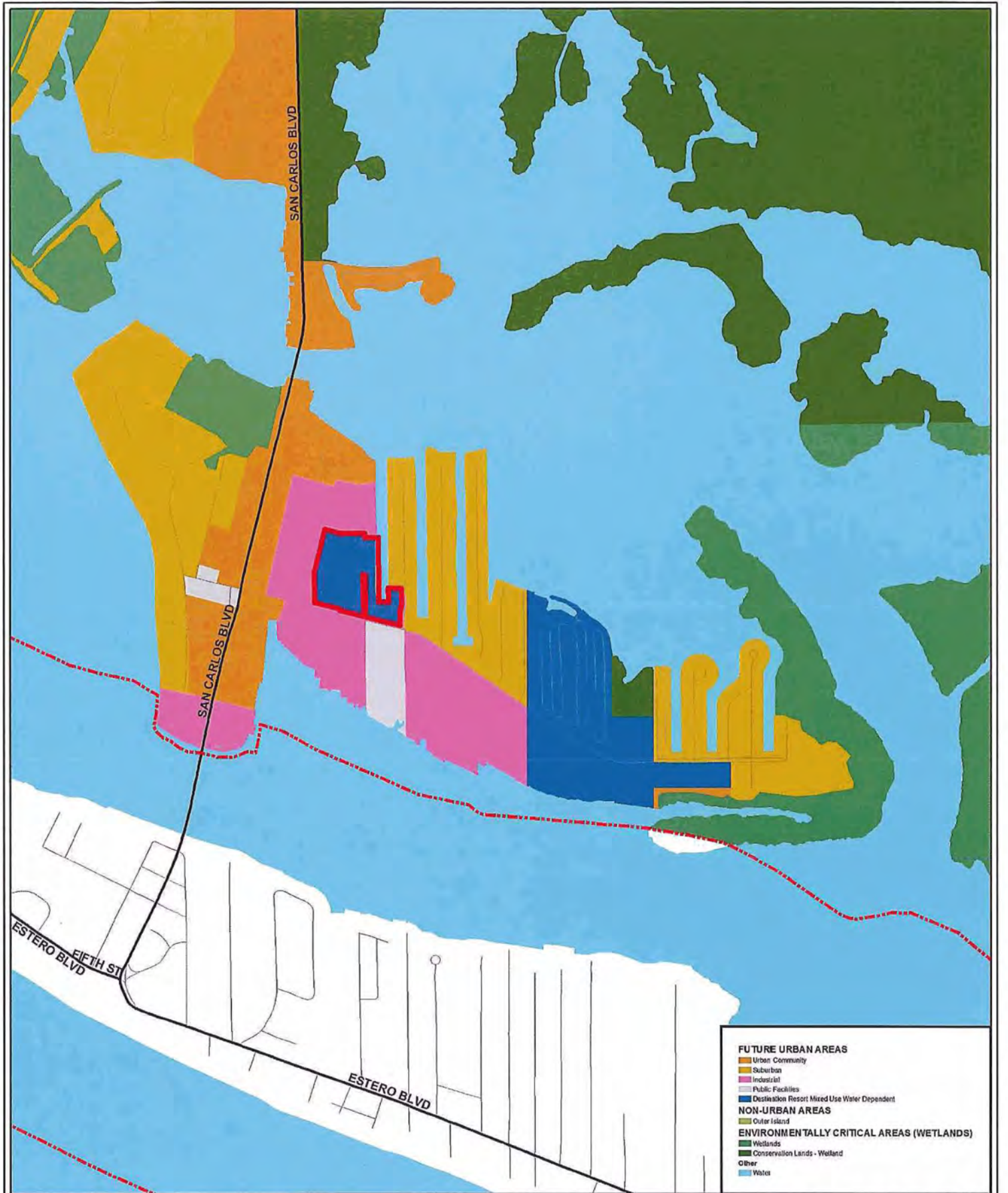
LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

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Miles

Map Generated September 2017

CPA2017-00005 - Bay Harbour Marina DRMUWD

**EXISTING LEE PLAN
FUTURE LAND USE MAP**



LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

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Miles

Map Generated September 2017

CPA2017-00005 - Bay Harbour Marina DRMUWD

PROPOSED LEE PLAN

FUTURE LAND USE MAP

**Bay Harbour Marina
Comprehensive Plan Amendment**

TABLE 1(a)

SUMMARY OF RESIDENTIAL DENSITIES¹

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 ¹⁴	8	14	22
General Interchange ²	8	14	22
Central Urban ¹⁵	4	10	15
Urban Community ^{4,5,16}	1	6	10
Suburban ¹⁷	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 15
Burnt Store Marina Village ¹²	No Minimum	160 Dwelling Units; 145 Hotel Units	No Bonus
Coastal Rural ¹⁸	No Minimum	1 du/2.7 acres	No Bonus

CLARIFICATIONS AND EXCEPTIONS

- ¹See the glossary in Chapter XII for the full definition of “density”.
- ²Except in the General Interchange future land use category adherence to minimum densities is not mandatory but is recommended to promote compact development.
- ³These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Bonus Density Program identified in chapter 2 of the Land Development Code.
- ⁴Within 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 TDUs that were created from Greater Pine Island (see Policy 14.3.14), or transfer dwelling units in accordance with Policy 14.3.4.
- ⁵In all cases on Gasparilla Island, the maximum density must not exceed 3 du/acre.
- ⁶Within the Buckingham area, new residential lots must have a minimum of 43,560 square feet.
- ⁷The 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 Allico Road in the northwest corner of Section 5, Township 46, Range 25.
- ⁸Higher densities may be allowed under the following circumstances where wetlands are preserve on the subject site:
- (a) If the dwelling units are relocated off-site through the provision of Transfer of Development Rights Ordinance (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, Sub-Outlying Suburban, from preserved freshwater wetlands at the same underlying density as permitted for those uplands. Impacted wetlands will be calculated at the standard Wetlands density of 1 dwelling units 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.
- ⁹Overall 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.
- ¹⁰In the Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1 du/2.25 acres.
- ¹¹Overall number of residential dwelling units is limited to ~~271~~ 384 units in the Destination Resort Mixed Use Water Dependent district.
- ¹²The 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.
- ¹³See Policies 33.3.2, 33.3.3, and 33.3.4 for potential density adjustments resulting from concentration or transfer of development rights.
- ¹⁴The maximum total density may be increased to 30 du/acre utilizing Greater Pine Island TDUs.
- ¹⁵The maximum total density may be increased to 20 du/acre utilizing Greater Pine Island TDUs.
- ¹⁶The maximum total density may be increased to 15 du/acre utilizing Greater Pine Island TDUs.
- ¹⁷The maximum total density may be up to 8 du/acre when utilizing Greater Pine Island TDUs.
- ¹⁸The standard maximum density is 1 du/2.7 acres unless the “Adjusted Maximum Density” of 1 du/acre is achieved in accordance with requirements of Policy 1.4.7 and Chapter 33 of the Land Development Code.

TABLE 1(b)
Year 2030 Allocation

Future Land Use Category		Lee County Totals	Northeast Lee County	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/Airport	Daniels Parkway
Residential By Future Land Use Category	Intensive Development	1,376				20		27		250			
	Central Urban	14,766				225				230			
	Urban Community	18,285	520	485		637							
	Suburban	16,623				1,810				85			
	Outlying Suburban	3,957	30			40	20	2	500				1,552
	Sub-Outlying Suburban	1,548				367							
	Commercial												
	Industrial	79								39		20	
	Public Facilities	1							1				
	University Community	850											
	Destination Resort Mixed Use Water Dependent	8-15											
	Burnt Store Marina Village	4					4						
	Industrial Interchange												
	General Interchange	125										11	32
	General Commercial Interchange												
	Industrial Commercial Interchange												
	University Village Interchange												
	Mixed Use Interchange												
	New Community	900										900	
	Airport												
	Tradeport	9										9	
	Rural	8,313	1,948			1,400	636						1,500
	Rural Community Preserve	3,100											
	Coastal Rural	1,300											
	Outer Island	202	5			1			150				
	Open Lands	2,805	250				590						120
	Density Reduction/ Groundwater Resource	6,905	711									94	
	Conservation Lands Upland												
	Wetlands												
	Conservation Lands Wetland												
Unincorporated County Total Residential		81,156	3,464	485		4,500	1,250	29	651	604		1,034	3,204
Commercial		12,793	57	52		400	50	17	125	150		1,100	440
Industrial		13,801 13,794	26	3		400	5	26		300		3,100	10
Non Regulatory Allocations													
Public		82,313	7,100	421		2,000	7,000	20	1,961	350		7,500	2,477
Active AG		17,027	5,100			550	150						20
Passive AG		45,835	13,549			2,500	109					1,491	20
Conservation		81,933	2,214	611		1,142	3,236	133	1,603	748		2,798	1,733
Vacant		22,317	1,953			226	931	34		45		300	63
Total		357,175	33,463	1,572		11,718	12,731	259	4,340	2,197		17,323	7,967
Population Distribution (unincorporated Lee County)		495,000	5,090	1,531		30,861	3,270	225	530	5,744		11,977	16,375

TABLE 1(b)
Year 2030 Allocation

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
Residential By Future Land Use Category	Intensive Development				660	3	42		365		9	
	Central Urban	375-368	17		3,140		8,179		2,600			
	Urban Community	850	1,000		860	500	12,873			110	450	
	Suburban	2,488	1,975		1,200	675			6,690		1,700	
	Outlying Suburban	377				600			382		454	
	Sub-Outlying Suburban		25						140	66		950
	Commercial											
	Industrial	5	5		10							
	Public Facilities											
	University Community		850									
	Destination Resort Mixed Use Water Dependent	8-15										
	Burnt Store Marina Village											
	Industrial Interchange											
	General Interchange							15	31		6	30
	General Commercial Interchange											
	Industrial Commercial Interchange											
	University Village Interchange											
	Mixed Use Interchange											
	New Community											
	Airport											
	Tradeport											
	Rural		90			190	14		500	50	635	1,350
	Rural Community Preserve									3,100		
	Coastal Rural					1,300						
	Outer Island	1				45						
	Open Lands								45			1,800
	Density Reduction/ Groundwater Resource							4,000				2,100
	Conservation Lands Upland											
	Wetlands											
	Conservation Lands Wetland											
Unincorporated County Total Residential		4,104	3,962		5,870	3,313	21,108	4,015	10,753	3,326	3,254	6,230
Commercial		1,100	1,944		2,100	226	1,420	68	1,687	18	1,700	139
Industrial		320-313	450		900	64	300	7,246	554	5	87	5
Non Regulatory Allocations												
Public		3,550	3,059		3,500	2,100	15,289	12,000	4,000	1,486	7,000	1,500
Active AG						2,400		7,171	200	411	125	900
Passive AG						815		18,000	1,532	3,619	200	4,000
Conservation		9,306	2,969		188	14,767	1,541	31,359	1,317	336	5,068	864
Vacant		975	594		309	3,781	8,246	470	2,060	1,000	800	530
Total		19,355	12,978		12,867	27,466	47,904	80,329	22,103	10,201	18,234	14,168
Population Distribution (unincorporated Lee County)		34,538	36,963		58,363	13,265	163,543	1,270	71,001	6,117	25,577	8,760

CPA2017-00005
Staff Recommended Text Amendments
Revised

Policy 31.1.1 These areas can best be characterized by their proximity to the water and need for redevelopment due to changes in the market and outdated development patterns. By virtue of their proximity to navigable water and availability of public services, these locations are suited to accommodate a mixture of uses that range between residential, resort, commercial and industrial type activities that benefit from access to the water front. As Lee County moves toward being a larger metropolitan area and a world class destination, these types of developments can offer a diverse living, working and vacationing experience that benefit the entire area while being environmentally friendly and economically viable. The density ranges from 6 dwelling units per acre to 9.36 dwelling units per acre, except that density may be increased to a maximum of 15 dwelling units per acre if the additional dwelling units are committed to very low, low and/or moderate income housing units. Residential densities in developments that include commercial and residential uses in the same project or same building may be developed as provided for under the Glossary terms: "Mixed Use," "Mixed Use Building," and "Density."

Policy 31.1.2: Destination Resort Mixed Use Water Dependent location criteria:

1. Areas characterized by predominantly outdated RV type living facilities meant for temporary habitation without individual type land ownership and or depressed/underutilized water dependent waterfronts.
2. Located in Areas characterized as predominantly impacted by a declining water dependant industry like commercial fishing or other and with a minimum of & 7 acres of contiguous lands under unified control.
3. Areas within coastal wind zones depicted as 100 Year Flood Plains, as illustrated on Map 9 of the Lee Plan.
4. Areas with direct access to existing roadways and navigable bodies of water.
5. Areas with multiple zoning districts that may not be compatible with each other.

Policy 31.2.3 ~~Adjacent contiguous pProperties~~ on San Carlos Island may be added to the category with an amendment to the Future Land Use Map and text. All existing and new developments must be under unified control for common areas.

~~**Policy 31.1.3:** Destination Resort Mixed Use Water Dependant land use category will only be allowed, subject to the other requirements of these Goals, and in the areas as defined by the location criteria.~~

~~**Policy 31.3.6** The category must be developed with a mix of uses not to exceed:~~

- ~~• Residential (Maximum of 271 dwelling units)~~
- ~~• Lodging (Maximum of 450 hotel rooms)~~
- ~~• Office (Maximum of 10,000 square feet)~~
- ~~• Retail (Maximum of 98,000 square feet)~~
- ~~• Marina (Maximum of 850 wet or dry boat slips)~~
- ~~• Civic (Maximum of 10,000 square feet)~~

31.3.76: (Renumber)

Policy 31.6.1: Mixed-use developments, as defined in the Lee Land Development Code containing both commercial and residential uses within the same development will provide for an interconnection of commercial with residential uses with pedestrian linkages. Mixed-use developments will be limited to an overall density of 9.36 dwelling units per acre at these locations, except that density may be increased to a maximum of 15 dwelling units per acre if the additional dwelling units are committed to very low, low and/or moderate income housing units. Mixed-use developments that include commercial and residential uses within the same development will be allowed to use the entire site for density calculation.

Policy 31.10.1: An agreement must be executed between the County and the property owner to mitigate the project's hurricane sheltering and evacuation impacts. The agreement will include provisions, at the County's option, either provide a fee in lieu pursuant to the Lee County requirements or to construct on site shelter to withstand Category 5 hurricane force winds and storm surge to accommodate residents in compliance with the following requirements:

1. On-site shelters and all required equipment and supplies for these facilities must comply with the following standards:
 - a. Elevation to the anticipated storm surge from a land falling Category 5 storm.
 - b. Construction to withstand winds of 200 mph in accordance with the Florida Building Code.
 - c. Construction with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code.
 - d. Equipped with emergency power and potable water supplies to last up to five days.
 - e. Protected with adequate ventilation, sanitary facilities, and first aid medical equipment.
2. Developer/operator must conduct annual training of the on-site shelter managers. The training is to be conducted by the Red Cross and approved by Lee County Emergency Management.
3. Developer/operator must submit a post storm recovery plan including post storm evacuation plan for review and approval by Lee County Emergency Management.

To view the Bay Harbour Marina Village DRMUWD application materials, please click on link below:

[Click Here](#)