



LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
ZONING  
and  
COMPREHENSIVE PLAN AMENDMENT HEARING  
AGENDA

Wednesday, August 8, 2018

9:30AM

DCI2018-00017  
**Z-18-018**

NORTH LEE COUNTY WATER TREATMENT PLANT

CPA2017-00009

115 TREELINE - TRANSMITTAL

**NOTICE OF PROPOSED AMENDMENT TO THE  
LEE COUNTY COMPREHENSIVE LAND USE PLAN  
(TRANSMITTAL HEARING)**

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, August 8, 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:

**CPA2017-00009, 115 Treeline:** Amend the future land use map from Tradeport and Wetlands to Urban Community and Wetlands on 115+/- acres located west of Treeline Avenue and south of Bavaria Road.

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 [jlguardia@leegov.com](mailto:jlguardia@leegov.com), at least five business days in advance.

**CPA2017-00009**

**115 TREELINE**

**Summary Sheet**  
**115 Treeline**  
**CPA2017-09**

**Request:**

Amend Lee Plan Future Land Use Map to designate 115 acres from Tradeport and Wetlands to Urban Community and Wetlands. Members of the LPA asked questions about the availability and need of industrial acreage, the changing conditions in the area since the original designation, infill, highest and best use of the land, proximity to I-75, airport, arterial roadways and transportation issues on Daniels Parkway.

**Public Comments:**

One member of the public raised concerns about drainage issues that were caused by the construction of Treeline Avenue and would like the applicant to help resolve the problem as construction moves forward.

**Staff Recommendation:**

Staff recommends the Board of County Commissioners *transmit* the amendment, as proposed by staff, to the state reviewing agencies.

**LPA Motion:**

A motion to find the request consistent with the Lee Plan and to recommend that the Board of County Commissioners *transmit* CPA2017-00009 as proposed by Staff. The motion was passed 4 to 2.

**VOTE:**

DENNIS CHURCH	NAY
FRANK FEENEY	ABSENT
JAMES INK	AYE
KRISTINE SMALE	AYE
STAN STOUDE	NAY
JUSTIN THIBAUT	AYE
HENRY ZUBA	AYE

## STAFF REPORT FOR

### CPA2017-09: 115 TREELINE

Privately Initiated Map Amendment to the Lee Plan



#### Applicant:

BJ Holdings of Fort Myers LLC

#### Representative:

Waldrop Engineering

#### Size:

115± acres

#### Location:

Gateway/Airport Planning Community

#### Commissioner

District: #2

#### Attachments:

FLUM Existing  
FLUM Proposed

#### Hearing Dates:

LPA: 5/21/2018  
BoCC: 8/08/2018

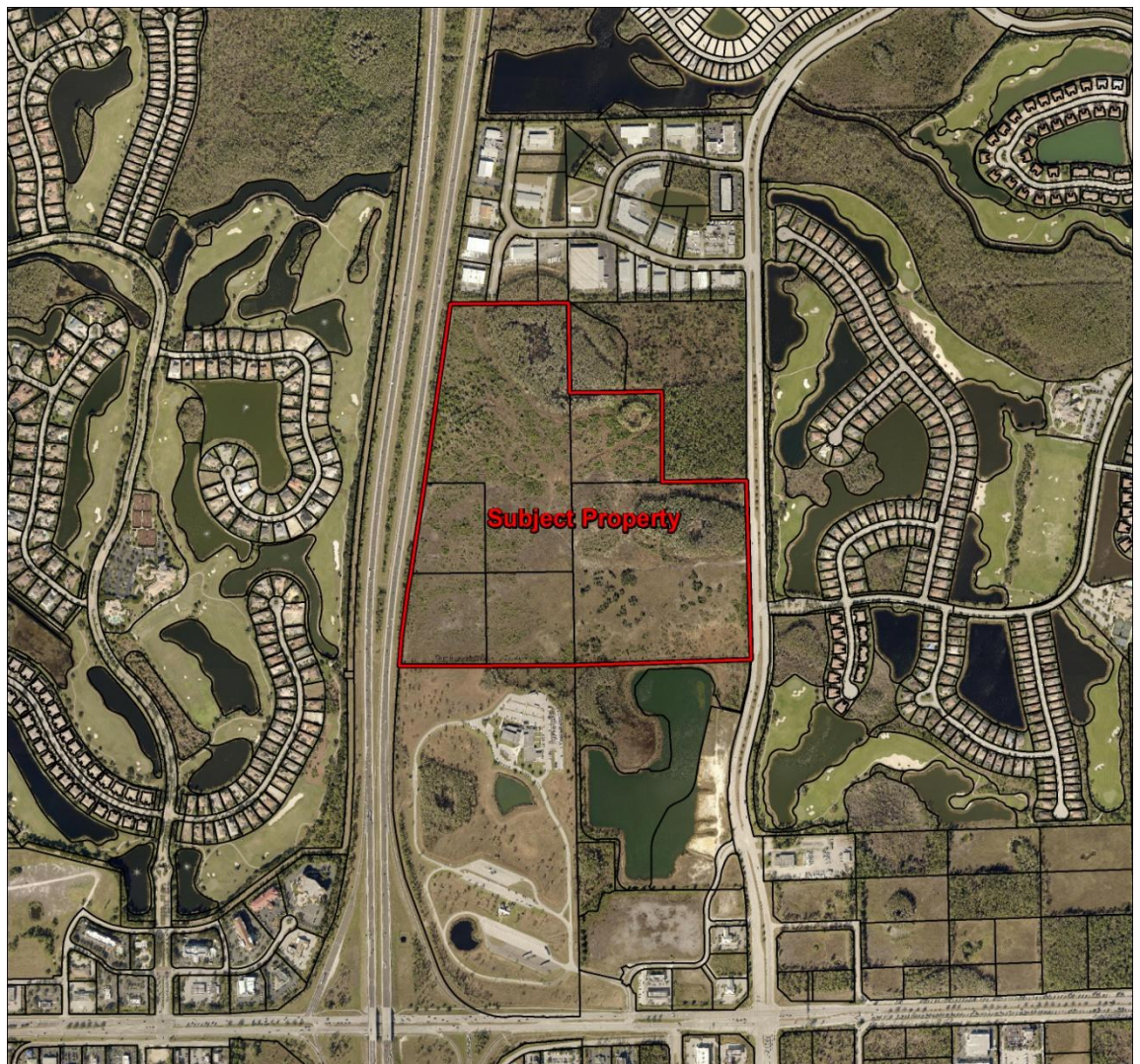
#### REQUEST

Amend Lee Plan Future Land Use Map to designate 115 acres from Tradeport and Wetlands to Urban Community and Wetlands.

#### PROJECT LOCATION

The subject property is located on the west side of Treeline Avenue, about a half-mile north of Daniels Parkway and approximately 1,600 feet south of Bavaria Road.

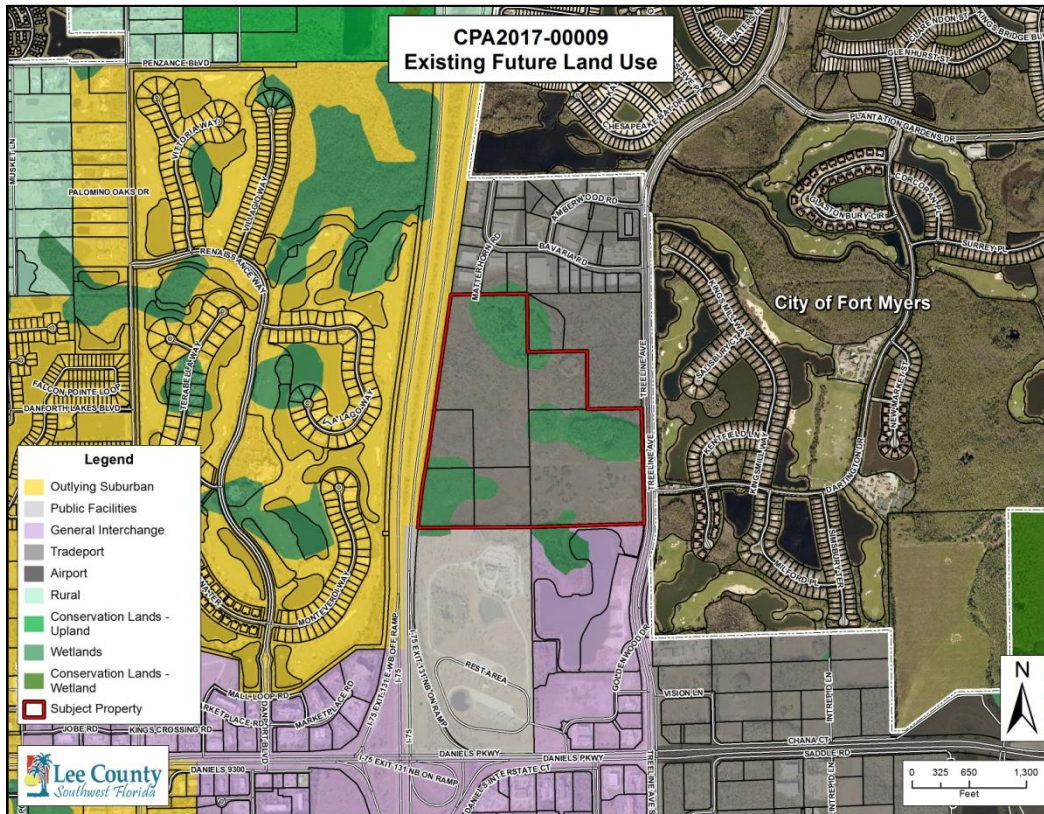
FIGURE A: AERIAL LOCATION MAP



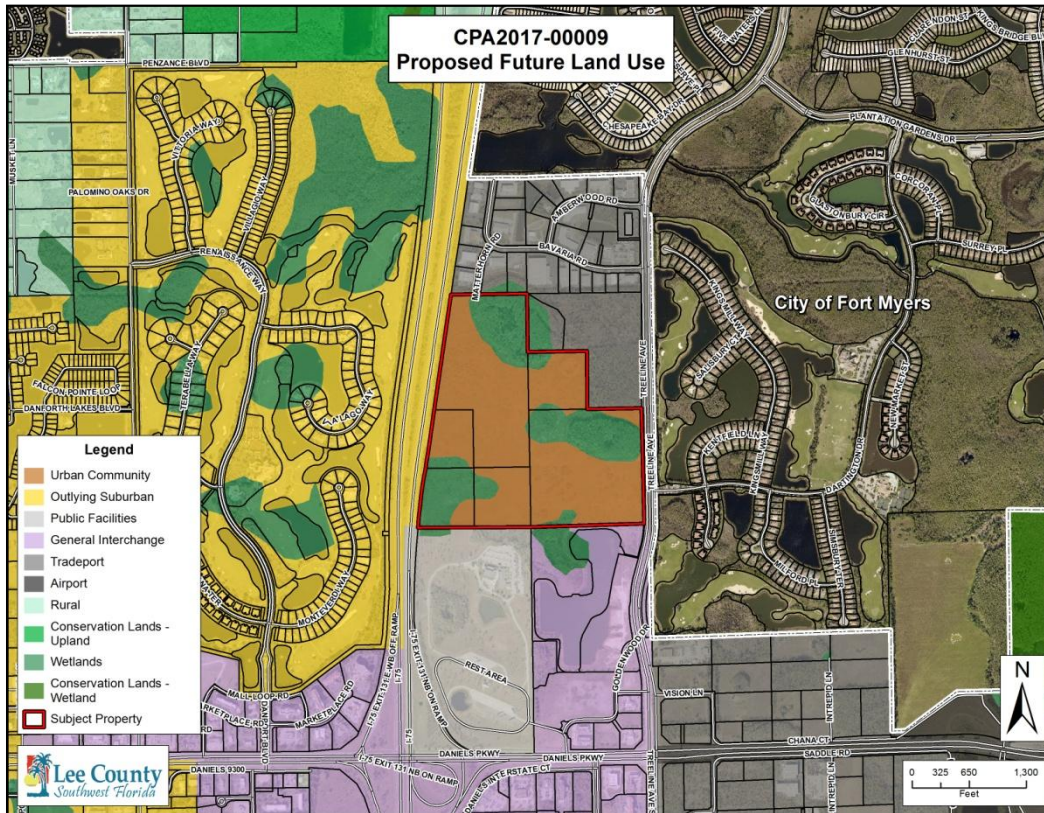
#### RECOMMENDATION

Staff recommends that the Board of County Commissioners **transmit** the amendment to designate the subject property to Urban Community and Wetlands based on the analysis and findings in this staff report.

**FIGURE B: EXISTING FUTURE LAND USE MAP**



**FIGURE C: PROPOSED FUTURE LAND USE MAP**



**Concurrent Application Review:** The applicant has also filed a companion rezoning application (DCI2018-00007) that is being reviewed concurrently with the plan amendment application. The applicant is seeking to rezone the subject property from Agricultural (AG-2) and Light Industrial (IL), 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 amendment, 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 composed of six parcels containing approximately 115± acres. It is located on the west side of Treeline Avenue, about a half-mile north of Daniels Parkway and 1,600 ± feet south of Bavaria Road. The City of Fort Myers’ city limits is located to the east of the subject property, on the other side of Treeline Avenue. The subject property is located in the Gateway/Airport Planning Community and is currently in the Tradeport and Wetlands future land use categories.

### **Gateway/Airport Vision Statement:**

The Gateway/Airport Planning Community has three components; the subject property is within the area anticipated to develop with high tech/clean industry businesses.

*The airport expansion and the completion of Florida Gulf Coast University are expected to energize the remaining area in this community, including the commercial and industrial components. This portion of the community is to the south and west of Gateway and the airport and extends west of I-75 along Alico Road. While this segment of the community is not expected to build out during the timeframe of this plan, the area will be much more urbanized with hi-tech/clean industry businesses. (Amended by Ordinance No. 04-16, 07-12, 09-14, 10-20)*

### **Current Future Land Use Categories – Tradeport and Wetlands:**

Fifty-three acres of the subject property is designated as Tradeport on the future land use map. Sixty-two acres are in the Wetlands future land use category. The Tradeport future land use category is limited to light manufacturing or assembly, warehousing, and distribution facilities; research and development activities; laboratories; ground transportation and airport related terminals or transfer facilities; hotels/motels, meeting facilities; and office uses. It does not allow residential land uses.

***POLICY 1.2.2:** The Tradeport areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year 2030. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; research and development activities; laboratories; ground transportation and airport related terminals or transfer facilities; hotels/motels, meeting facilities; and office uses. Stand alone retail commercial uses intended to support and compliment the surrounding business and industrial land uses are permitted if they are approved as part of a Development of Regional Impact (DRI) or Planned Development rezoning. Stand alone retail commercial uses are limited to 1 acre out of every 10 Tradeport and preserved wetland acres within the*

*project. To provide an incentive to preserve upland habitat, Developments of Regional Impact or Planned Developments may also receive additional stand alone retail acres at the rate of 1 additional acre out of every 10 acres of preserved and enhanced uplands within the project that protect wetlands, flowways or occupied listed species habitat. Ancillary retail commercial uses, related directly to the sale of products manufactured or services provided in the Tradeport, are allowed if they are part of a Planned Development. Residential uses, other than bona fide caretaker residences, are not permitted in this category. Caretaker residences are not permitted in the Airport Noise Zone B. Limerock mining may be approved through the Mine Excavation Planned Development rezoning process for the land designated Tradeport on the Future Limerock Mining map (Map 14.) Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. (Amended by Ordinance No. 94-30, 02-02, 03-04, 04-16, 07-09, 09-06, 10-14, 10-20, 10-3, 18-05)*

Development in Wetlands future land use category is limited to low density residential, limited recreation, open space and conservation. The wetlands onsite will remain designated in the Wetlands future land use category.

**OBJECTIVE 1.5: WETLANDS.** *Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended in F.S. 373.4211. (Ordinance No. 94-30)*

**POLICY 1.5.1:** *Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 114 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan. (Ordinance No. 94-30)*

#### **Existing Land Use:**

The subject property contains six undeveloped parcels zoned Light Industrial IL and Agricultural AG-2.

#### **Property History:**

##### Six Mile Cypress Watershed:

The subject property is within the Six Mile Cypress Watershed Basin area (Ordinance # 83-5). The County relies on SFWMD requirements that regulate post development discharge rates to ensure post-development rates remain at or below pre-development discharge rates. Project specific information would be required during the local development order process to allow for a thorough analysis of the site's stormwater management. SFWMD issues water management permits for projects with 2 acres of impervious surface or for projects over 10 acres in size. The permit limits the post development surface water discharge rate to no more than the pre-development rate. Similarly, Lee County reviews stormwater management for projects containing less than 10 acres or 2 acres impervious for consistency with LDC Section 10-321(f).

#### **Surrounding Properties:**

The surrounding properties are within the Tradeport, Wetlands, General Interchange, Public Facilities and Special Community/Conservation (City of Fort Myers) future land use categories and are zoned Industrial Planned Development (IPD), Commercial Planned Development (CPD), Residential Planned



Development (RPD), Agriculture (AG-2), and in the City of Fort Myers, Mixed Use Development Plan/Conservation (MDP-3/CON). Table 1 provides detailed information on the surrounding properties. Please also refer to the aerial map, Figure B, that provides the location and densities associated with the surrounding neighborhoods.

**TABLE 1  
SURROUNDING PROPERTIES INFORMATION**

	<b>Future Land Use/ Maximum Density</b>	<b>Zoning</b>	<b>Existing Use</b>
<b>North</b>	Tradeport & Wetlands	IPD	Airport Woods Commerce Center -Airport Woods IPD approved for 150,000 SF offices and retail & 520,000 SF of industrial. The following uses are located along the southern portion of the commerce center: Schwing Bioset, Sanders Laboratories Inc., American Tractor Systems, South Point Auto Body, Clive Daniel Warehouse, Marble/Tile Warehouse, Ardaman & Associates, Good Wheels, Fields Door & Hardware and a wireless communication tower.
<b>North (City of Fort Myers)</b>	Special Community & Conservation / 3 units an acre	Eastwood MDP-3 Conservation	Marina Bay residential community (Part of 6,500-unit Arborwood DRI with a gross density of 2.6 units an acre)
<b>Northeast</b>	Tradeport	IPD & AG-2	Vacant land owned by School Board; approved for 33,600 SF Commercial Retail & 64,800 SF of Industrial
<b>South</b>	General Interchange/ 22 units per acre	CPD	Vacant land; approved Arborwood Village CPD for 250,000 SF retail, 42,000 SF office, 10,000 SF essential services, 120 hotel rooms, 153 multi-family units/612 bed ALF. The density is 7 units an acre.
<b>South</b>	Public Facilities & Wetlands	AG-2	Rest area & FDOT office
<b>East (City of Fort Myers)</b>	Special Community/ Conservation 3 units an acre	MDP-3 Conservation	Treeline Avenue; Somerset at the Plantation and Islands at Somerset residential communities (Part of 6,500-unit Arborwood DRI with a gross density of 2.6 units an acre)
<b>West</b>	Outlying Suburban & Wetlands/ 3 units an acre & 1 unit per 20 acres	RPD	Interstate I-75; Renaissance Phase 2 260-unit residential community with density of 1.6 units an acre.

**FIGURE B**  
**SURROUNDING PROPERTIES AND DENSITIES MAP**



## PART 2

### STAFF DISCUSSION AND ANALYSIS OF PROPOSED AMENDMENTS

The applicant has proposed to amend the future land use classification of the subject property to Urban Community and Wetlands to allow for mixed residential uses.

The Urban Community future land Use designation allows residential, commercial, public and quasi-public, and limited light industry. Mixed use developments are encouraged. A maximum of 6 dwelling units an acre is permitted. Up to 15 dwelling units per acre would be allowed utilizing Greater Pine Island Transfer Development Units (TDUs).

***POLICY 1.1.4:** The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, South Fort Myers, Iona/McGregor, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Objective 11.1, where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units. (Ordinance No. 94-30, 02-02, 09-06, 10-10, 10-33, 16-07)*

Lands located to the south are in the General Interchange future land use category and lands located to the north are in the Tradeport future land use category. Approving the amendment to designate the subject property as Urban Community will allow similar commercial and industrial uses as allowed on the lands to the north and south in addition to residential uses.

The allowed residential densities in the area would transition from high to low from Daniels Parkway north. The maximum allowable density on the subject property would be less than the General Interchange area located to the south that allows up to a standard maximum density of 14 units an acre and up to 22 units an acre using bonus density (Policy 1.3.2). The maximum property density on the subject property (6-15 units an acre) would be higher than the golf course communities located to the east, west and north as provided in Table 1. Residential development on the subject property would be consistent with Objective 2.2 that encourages compact development where services exist and Policy 5.1.5 that protect residential areas from any encroachment of uses that would be destructive to the character and integrity of the area.

The Tradeport future land use category areas were designated based on their proximity to the Southwest Florida International Airport and to provide the commercial and industrial needs to support the airport. If approved, 53 acres would be removed from the Tradeport future land use category into the Urban Community category.

Conditions in the surrounding area have changed since the property was originally designated as Tradeport.

- The subject property is nestled between a mix of residential, commercial and industrial uses creating an infill parcel. Commercial interchange uses are to the south on Daniels Parkway including a gas station and a bank. Also to the south is a public rest area and FDOT office. The Airport Woods Commerce Center located to the north contains industrial warehouse and office uses. The vacant land owned by the School Board to the east of the subject property is approved for commercial and industrial uses and Somerset at the Plantation and Marina Village are residential. The developing land use pattern progresses from higher intensity to lower intensity from Daniels Parkway north. Allowing commercial, industrial and residential uses would allow the subject property to develop in keeping with the area's development pattern.

There are currently 13,801 acres of industrial-designated land in Lee County. The Gateway/Airport community has an allocation of 3,100 acres of industrial, of which 10 are built. There is adequate industrial acreage available to accommodate growth up to the year 2030.

#### **Transportation:**

Access to the property is from Treeline Avenue which is a paved four-lane median divided arterial roadway. To the south, Treeline Avenue links with Daniels Parkway which is a paved six-lane median divided arterial. Daniels Parkway is a controlled access roadway maintained by County. Daniels Parkway links to I-75. I-75 is a six-lane median divided freeway maintained by State.

The Transportation Circulation Analysis was reviewed based on a maximum of 487 multi-family dwelling units and 100,000 square feet of commercial uses. Approving the Lee Plan amendment request to designate the subject property to Urban Community and Wetlands will result in a **decrease** of 1,148 vehicles during the P.M. peak hour; however, Daniels Parkway will still fail with or without development on the subject property.

- The 5 year analysis indicates that Daniels Parkway from Palomino Lane to I-75, from Gateway Blvd to SR 82, and I-75 north and south Daniels Parkway are projected to operate at LOS "F" with and without the project in Year 2022.
- The Long Range 2040 Horizon LOS analysis indicates that Daniels Parkway from Palomino Lane to SR 82 is projected to operate at LOS "F" with and without the project in Year 2040. I-75 south of Daniels Parkway is projected to operate at LOS "E" with and without the project in Year 2040.

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.

#### **Environmental:**

A South Florida Water Management District Wetland jurisdiction obtained for the subject property identifies approximately 62 acres of Wetlands located within the subject property. The aforementioned jurisdictional determination supersedes the wetlands identified on the Future Land Use Map and their corresponding acreage for the subject property. Development within the Wetland future land use category may consist of very low density residential uses, with the maximum density being one dwelling unit per twenty acres. If the wetlands are not impacted; density may be relocated to the upland areas at the same density as permitted within those uplands (per footnote 8 in Table 1a) if wetlands are preserved.

### **Service Availability**

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

**Mass Transit:** The closest bus route is Route 50 along Daniels Parkway approximately ½ mile south of the property. The property is not within ¼ mile of a fixed route corridor, but is within the ¾ mile ADA corridor.

**Utilities:** The subject property has access to water and sewer services. It is within the Lee County Utilities future services area. Potable water lines are in operation adjacent to the property on Treeline Avenue. Wastewater lines are in operation along Daniels Parkway and Treeline Avenue South of Daniels. Potable water is available from the Corkscrew Water Treatment Plant. Sanitary sewer service is available from the Gateway Wastewater Treatment Plant.

**Solid Waste:** 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.

**Fire:** Fire service will be provided by the South Trail Fire Protection & Rescue Service District. In a letter dated September 6, 2017, South Trail Fire Protection indicated they are capable of providing fire protection.

**EMS:** The subject property has access to EMS services. In a letter dated October 2, 2017, Lee County Emergency Medical Services indicates they will be able to serve the property from Medic 35, located 2.4 miles west of the property, and a second EMS facility located 5 miles from the property.

**Police:** The Lee County Sheriff will provide law enforcement services primarily from the Central District office in Fort Myers. The Sheriff indicated in a letter dated September 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 school seat capacity to serve the subject property and the project's generation of middle and high school students can be served by the contiguous Concurrency Service area.

## **PART 3 CONCLUSIONS**

The Urban Community and Wetlands future land use categories on the subject property are consistent with the residential uses developing in the area. Commercial and light industrial uses would continue to be allowed under the Urban Community future land use category. If the property develops residentially, there is adequate industrial lands designated to accommodate growth up to the year 2030. Density, design and mitigation are guided by Lee Plan policies that will be enforced by the planned development rezoning.

The property has access to water, sewer, solid waste, fire, EMS, schools and transit. There are adequate services available to serve the property to accommodate the density and intensity allowed under the

Urban Community future land use category. Transportation is an issue with or without the amendment; however approval of this amendment would result in a decrease of 1,148 vehicles during the P.M. peak hour.

The Urban Community and Wetlands future land use classifications on the subject property are consistent with the Lee Plan. For the reasons discussed in this staff report, Staff recommends that the Board of County Commissioners **transmit** the map amendment to designate the subject property to Urban Community.

## **PART 4 ATTACHMENTS**

### **Attachment 1:**

- Existing Future Land Use Map
- Proposed Future Land Use Map

**Electronic File:** <https://www.leegov.com/dcd/planning/cpa/complansearch?case=CPA2017-00009>

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

DATE OF PUBLIC HEARING: May 21, 2018

**A. LOCAL PLANNING AGENCY REVIEW:**

The Applicant presented an overview of their 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.

One member of the public raised concerns about drainage issues that were caused by the construction of Treeline Avenue and would like the applicant to help resolve the problem as construction moves forward.

Members of the LPA asked questions about the availability and need of industrial acreage, the changing conditions in the area since the original designation, infill, highest and best use of the land, proximity to I-75, airport, arterial roadways and transportation issues on Daniels Parkway.

**B. LOCAL PLANNING AGENCY RECOMMENDATION:**

A motion was made to find the request consistent with the Lee Plan and to recommend that the Board of County Commissioners **transmit** CPA2017-00009 as proposed by Staff. The motion passed 4 to 2.

**VOTE:**

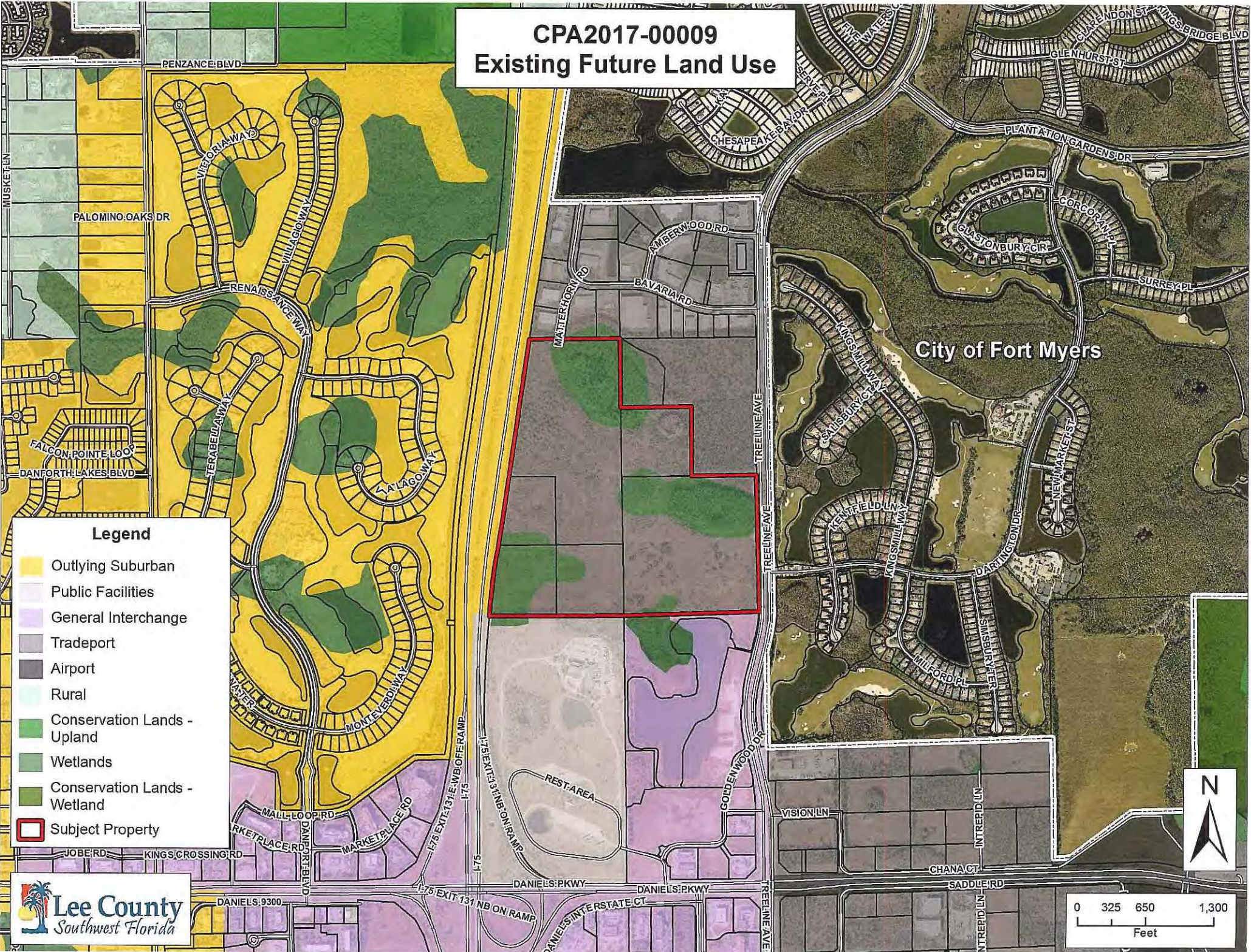
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**ATTACHMENT 1:**

**Existing Future Land Use Map  
Proposed Future Land Use Map**



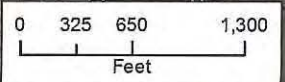
**CPA2017-00009**  
**Existing Future Land Use**



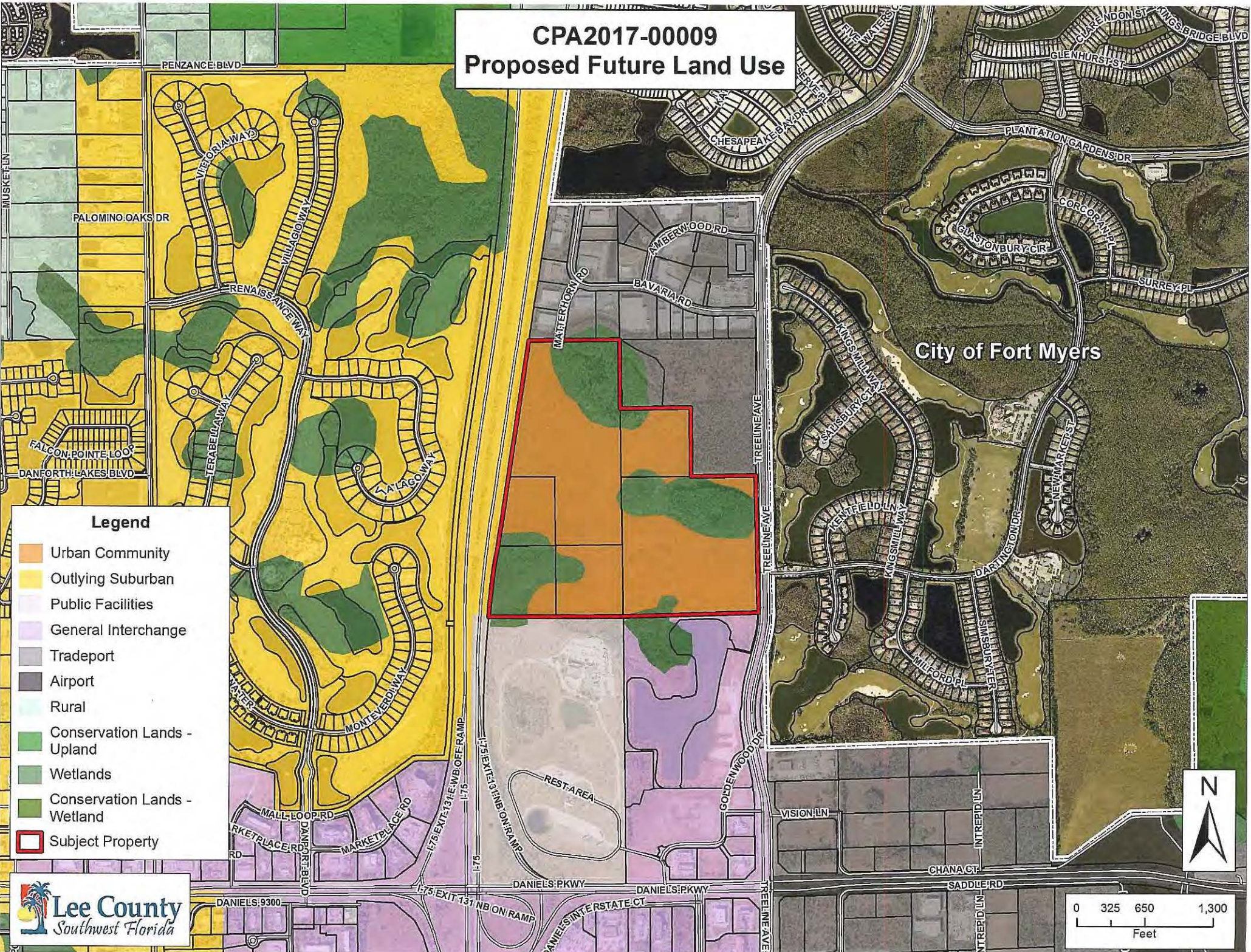
City of Fort Myers

**Legend**

- Outlying Suburban
- Public Facilities
- General Interchange
- Tradeport
- Airport
- Rural
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland
- Subject Property



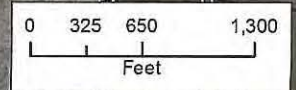
**CPA2017-00009**  
**Proposed Future Land Use**



City of Fort Myers

**Legend**

- Urban Community
- Outlying Suburban
- Public Facilities
- General Interchange
- Tradeport
- Airport
- Rural
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland
- Subject Property



**To view the 115 Treeline application materials, please click on link below:**

**[Click Here](#)**