



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

August 15, 2018

Via E-Mail

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

**Re: Amendment to the Lee Plan
Transmittal Submission Package
August 8, 2018 Transmittal Hearing**

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, please find attached the proposed Comprehensive Plan Amendment, known locally as CPA2017-00009 (115 Treeline). The proposed amendment is being submitted through the expedited state review process as described in Chapter 163.3184. The amendment is as follows:

CPA2017-00009: Amend Lee Plan Future Land Use Map to designate 115 acres from Tradeport and Wetlands to Urban Community and Wetlands.

The Local Planning Agency held a public hearing for this plan amendment on May 21, 2018. The Board of County Commissioners voted to transmit the amendment on August 8, 2018. The proposed amendment is not applicable to an area of critical state concern. The Board of County Commissioners stated their intent to hold an adoption hearing following the receipt of the review agencies' comments.

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

Mr. Brandon Dunn, Principal Planner
Lee County Planning Section
P.O. Box 398
Fort Myers, Florida 33902-0398
(239) 533-8585
Email: bdunn@leegov.com

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 amendment and supporting data and analysis has 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

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

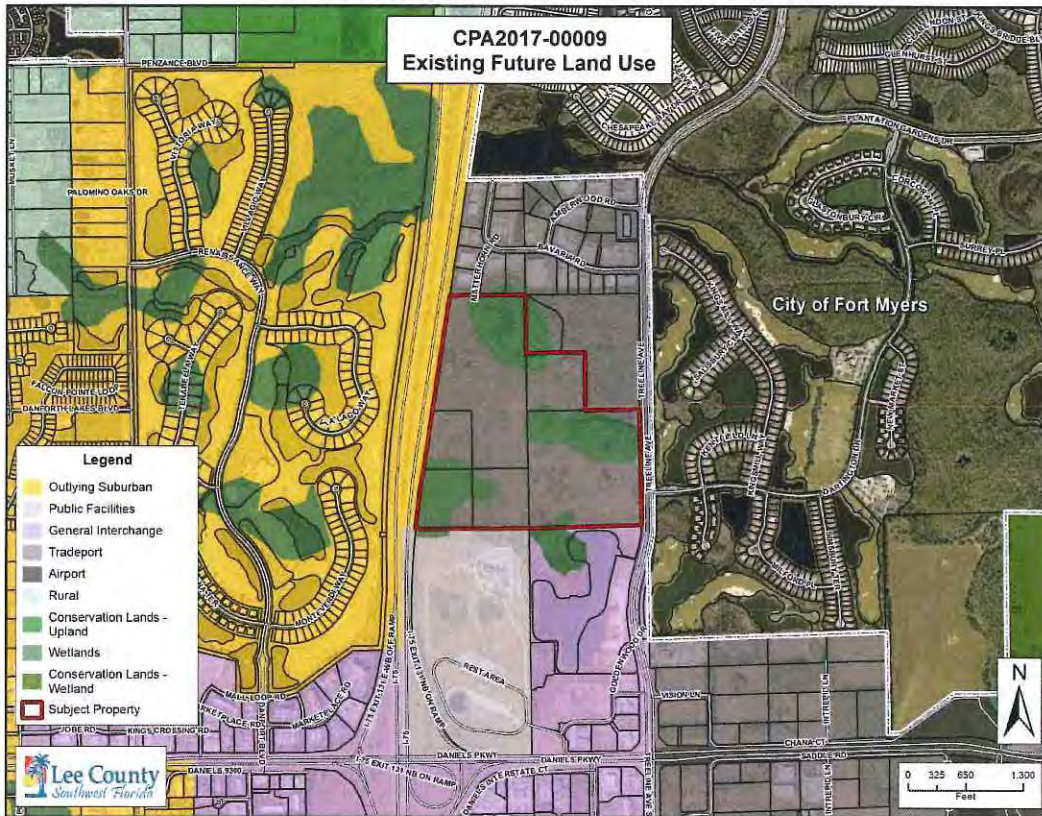
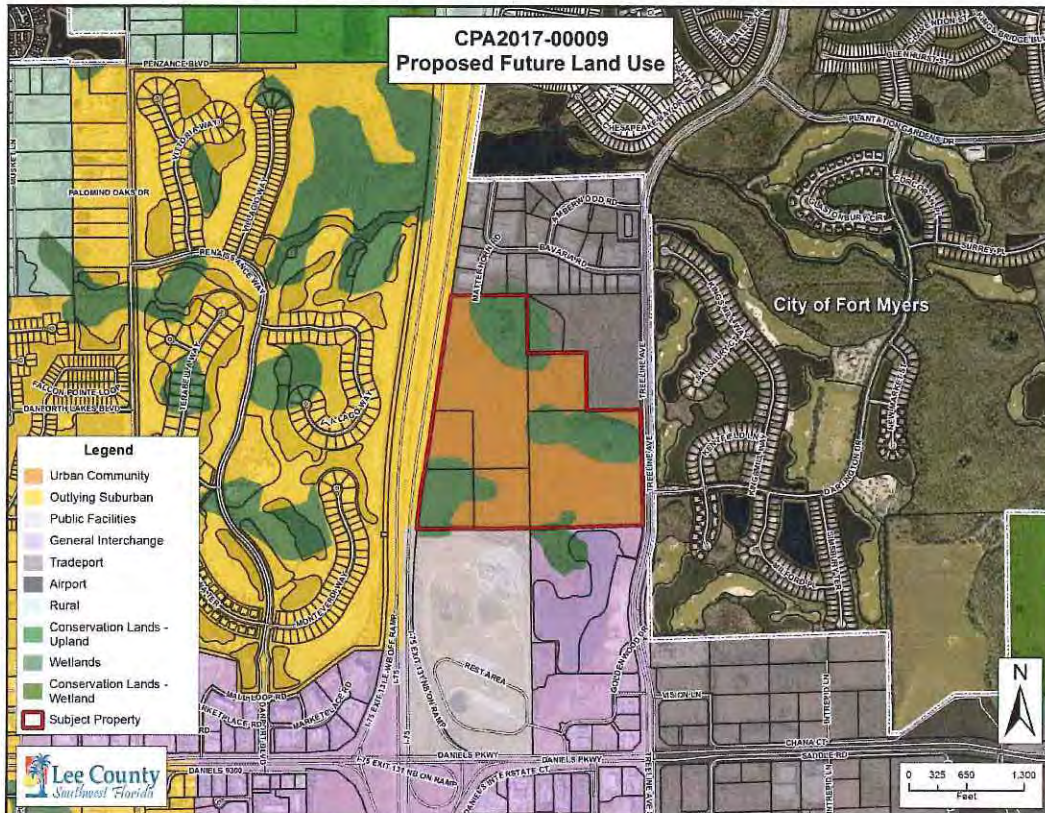


FIGURE C: PROPOSED FUTURE LAND USE MAP



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**

	Future Land Use/ Maximum Density	Zoning	Existing Use
North	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.
North (City of Fort Myers)	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)
Northeast	Tradeport	IPD & AG-2	Vacant land owned by School Board; approved for 33,600 SF Commercial Retail & 64,800 SF of Industrial
South	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.
South	Public Facilities & Wetlands	AG-2	Rest area & FDOT office
East (City of Fort Myers)	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)
West	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.

The Gateway/Airport community has approximately 5,349 acres of land in the Tradeport and Industrial Development future land use categories. Of the Tradeport and Industrial Development lands approximately 536 acres developed with more than 75 percent of that being for industrial uses. In addition, light industrial uses are also permitted within the Airport, General Interchange, Industrial Commercial Interchange, and New Community future land use categories which are found within the Gateway/Airport planning community. 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/compplansearch?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:

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

PART 6
BOARD OF COUNTY COMMISSIONERS
TRANSMITTAL HEARING FOR PROPOSED AMENDMENT

DATE OF PUBLIC HEARING: August 8, 2018

A. BOARD REVIEW:

Staff provided a brief presentation for the proposed amendment which covered consistency with the Lee Plan and the LPA and staff recommendation. The applicant offered to provide a detailed presentation. One member of the public addressed the Board concerning drainage issues caused by the construction of Treeline Avenue and requested that the applicant help resolve the water management issue as construction moves forward. The Board asked questions about water management permitting and timing. Staff and the applicant responded that the ERP applications would be reviewed concurrent with the zoning and development order applications.

B. BOARD ACTION:

A motion was made to transmit CPA2017-00009 as recommended by staff. The motion was passed 5 to 0.

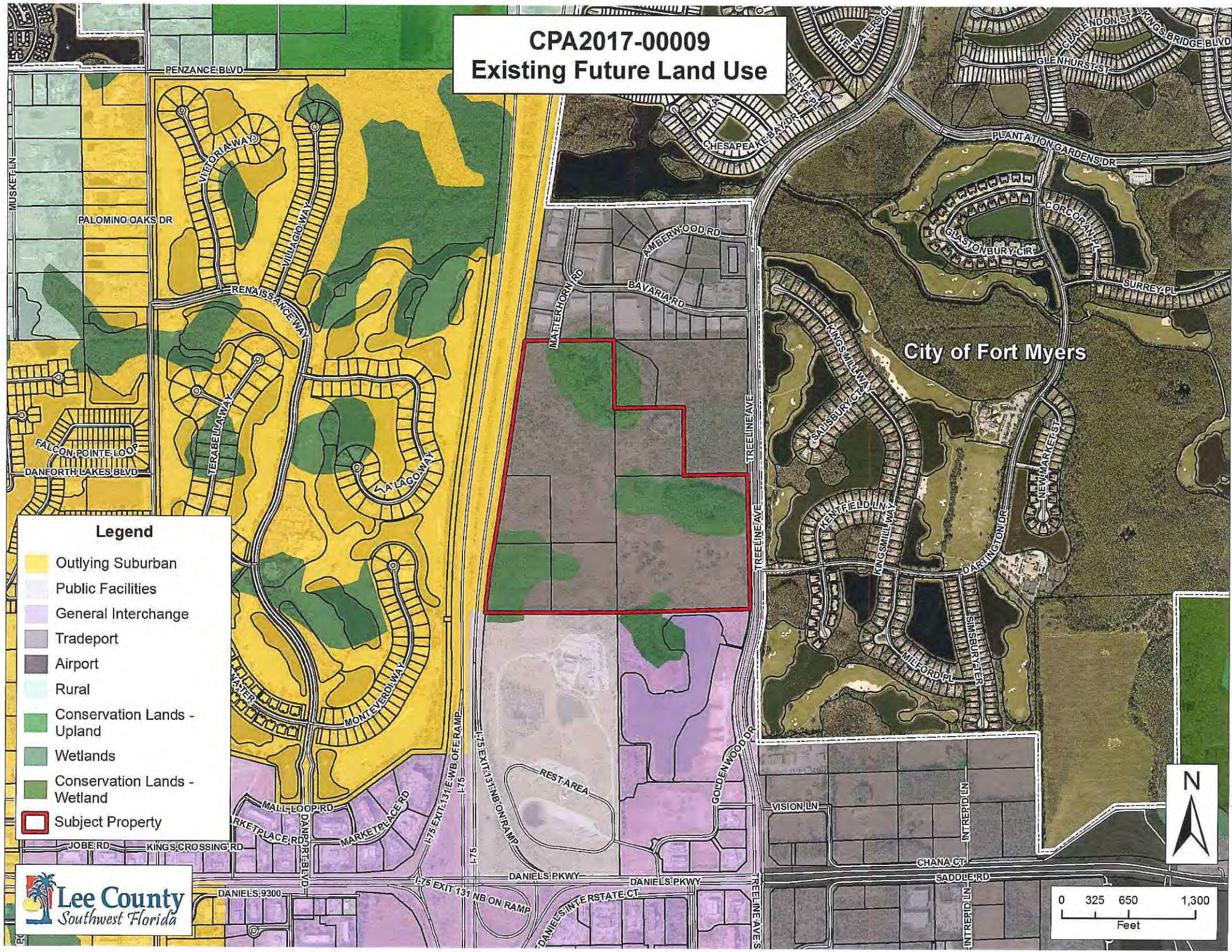
VOTE:

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

ATTACHMENT 1:

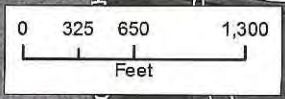
**Existing Future Land Use Map
Proposed Future Land Use Map**

CPA2017-00009 Existing Future Land Use

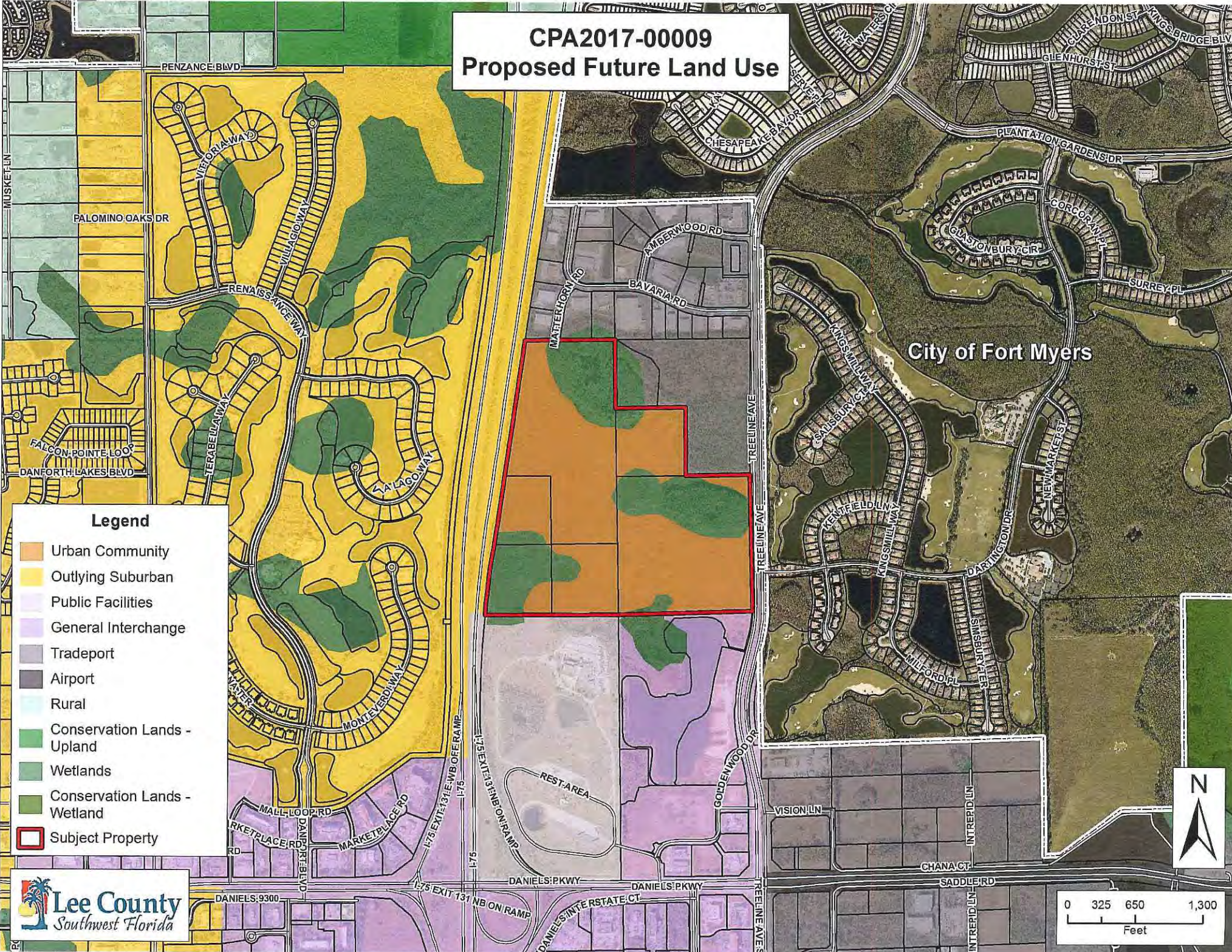


Legend

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



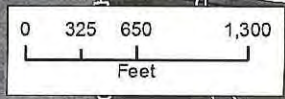
CPA2017-00009
Proposed Future Land Use



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](#)