



June 22, 2020

VIA E-Mail

John Manning
District One

Cecil L Pendergrass
District Two

Ray Sandelli
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
Department of Economic Opportunity
Division of Community Development
107 East Madison Street, MSC 160
Tallahassee, FL 32399-4120

**Re: Small Scale Amendment to the Lee Plan
June 17, 2020 Adoption Hearing
CPA2015-00005 Bay Harbour Marina Village
Adoption Submission Package**

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163.3187(1), this submission package constitutes the adoption of the small-scale Comprehensive Plan Amendment known locally as CPA2015-00005 (Bay Harbour Marina Village). The Lee County Board of County Commissioners held an adoption hearing for this plan amendment on June 17, 2020 starting at 9:30 a.m. This amendment packet includes the final action and adopting ordinance for the following amendment:

CPA2015-00005: Amend Lee Plan Map 1, Page 1, the Future Land Use Map, to change the future land use category for a 7.47 acre property from Industrial Development and Suburban to Central Urban. (Adopted by Ordinance #20-07).

There have been no other small-scale comprehensive plan amendments this calendar year. Therefore, the total number of acres for small scale amendments approved by Lee County in the 2020 calendar year is 7.47 acres. The adopted small-scale comprehensive plan amendment is not within an area of critical state concern, nor does it involve a site within a rural area of critical economic concern.

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
Department of Community Development Planning Section
P.O. Box 398
Fort Myers, Florida 33902-0398
(239) 533-8585, Fax (239) 485-8344
E-mail: bdunn@leegov.com

This package includes one paper copy and two CD ROM copies, in PDF format, of the adopted amendment and supporting data and analysis. All documents and reports attendant to this submission are also being sent, by copy of this cover, to:

Sincerely,

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



for
Mikki Rozdolski
Manager, Community Development Operations

The News-Press media group

news-press.com A GANNETT COMPANY

Attn:
LCBC-COUNTY ADMINISTRATION
2115 2ND ST
FORT MYERS, FL 33901

STATE OF FLORIDA COUNTY OF LEE:
Before the undersigned authority personally appeared Nicholas Kersbaum, 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:

06/05/2020

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 5th of June 2020, by legal clerk who is personally known to me.

Affiant

Vicky Felty

Notary State of Wisconsin, County of Brown

My commission expires

of Affidavits 1

This is not an invoice

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

The Lee County Board of County Commissioners will hold a public hearing to consider the adoption of proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, June 17, 2020. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers, 2120 Main Street in Downtown Fort Myers.

The Board proposes to adopt an ordinance amending the Lee Plan as follows:

CPA2015-00005, Bay Harbour Marina Village Small Scale Amendment: The request is to Amend Lee Plan Map 1, Page 1, the Future Land Use Map, to change the future land use categories for a 7.47 acre property from Industrial Development and Suburban to the Central Urban future land use category. The property is located along Main Street on San Carlos Island.

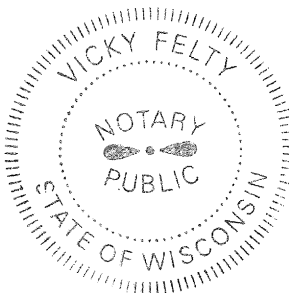
Copies of this Notice and the proposed ordinance are available for inspection or copying during regular business hours at the Minutes Office of the Clerk of Courts of Lee County, by calling 239-533-2328. The Minutes Office is located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. 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 Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

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

AD#4208442

6/5/2020



LEE COUNTY ORDINANCE NO. 20-07

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN TO ADOPT A SMALL SCALE AMENDMENT (CPA2015-00005) PERTAINING TO BAY HARBOUR MARINA VILLAGE; PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN MAP 1, THE FUTURE LAND USE MAP; LEGAL EFFECT OF THE "LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY; INCLUSION IN CODE, CODIFICATION AND SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6, provide an opportunity for private individuals to request amendment to the Future Land Use Map through a small scale amendment public hearing process; and

WHEREAS, the Local Planning Agency ("*LPA*") held a public hearing on the adoption of the proposed amendment on December 14, 2015. At that hearing the LPA found the proposed amendment to be consistent with the Lee Plan and recommended that the Board adopt the amendment; and

WHEREAS, the Board held a public hearing for the adoption of the proposed amendment on November 16, 2016. At that hearing, the Board moved to continue the proposed amendment CPA2015-00005 pertaining to Bay Harbour Marina Village, amending Map 1 of the Lee Plan, the Future Land Use Map.

WHEREAS, the Board held a public hearing for the adoption of the proposed amendment on June 17, 2020. At that hearing, the Board approved a motion to adopt the proposed amendment CPA2015-00005 pertaining to Bay Harbour Marina Village, amending Map 1 of the Lee Plan, the Future Land Use Map. The subject property consists of seven parcels located on San Carlos Island, on the north side of Main Street, east of San Carlos Boulevard. The property is approximately 7.47 acres and has three different zoning designations: Light Industrial (IL), Marine Industrial (IM) and Commercial (C-2). The property is currently used as a self storage facility.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted a public hearing to review a proposed small scale amendment to the Future Land Use Map Series of the Lee Plan. The purpose of this ordinance is to adopt the amendment to the Lee Plan discussed at that meeting and later approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." This amending ordinance may be referred to as the "Bay Harbour Marina Village (CPA2015-00005)".

SECTION TWO: ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN FUTURE LAND USE MAP SERIES, MAP 1

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment to the Future Land Use Map Series, Map 1, the Future Land Use Map to change the future land use category for a 7.47 acre property from Industrial Development and Suburban to Central Urban. The subject parcel is located at 1195 Main Street, Fort Myers Beach, FL 33931. The corresponding staff report and analysis, along with all attachments for this amendment, are adopted as "support documentation" for the Lee Plan.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

SECTION FOUR: MODIFICATION

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

SECTION FIVE: GEOGRAPHIC APPLICABILITY

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

SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

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

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

SECTION EIGHT: EFFECTIVE DATE

The small scale Lee Plan amendment adopted by this ordinance will be effective 31 days after adoption unless challenged within 30 days after adoption. If challenged within 30 days after adoption, the small scale amendment to the Lee Plan will not be effective until the Florida Department of Economic Opportunity or the Administrative Commission issues a final order determining the small scale amendment is in compliance with Florida Statutes, Section 163.3184. No development orders, development permits or land uses dependent on this amendment may be issued or commence before the amendment has become effective.

Commissioner Pendergrass made a motion to adopt the foregoing ordinance, seconded by Commissioner Manning. The vote was as follows:

John E. Manning	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Nay

DONE AND ADOPTED this 17th day of June 2020.

ATTEST:
LINDA DOGGETT, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: Michelle Butler
Deputy Clerk

BY: Brian Hamman
Brian Hamman, Chair

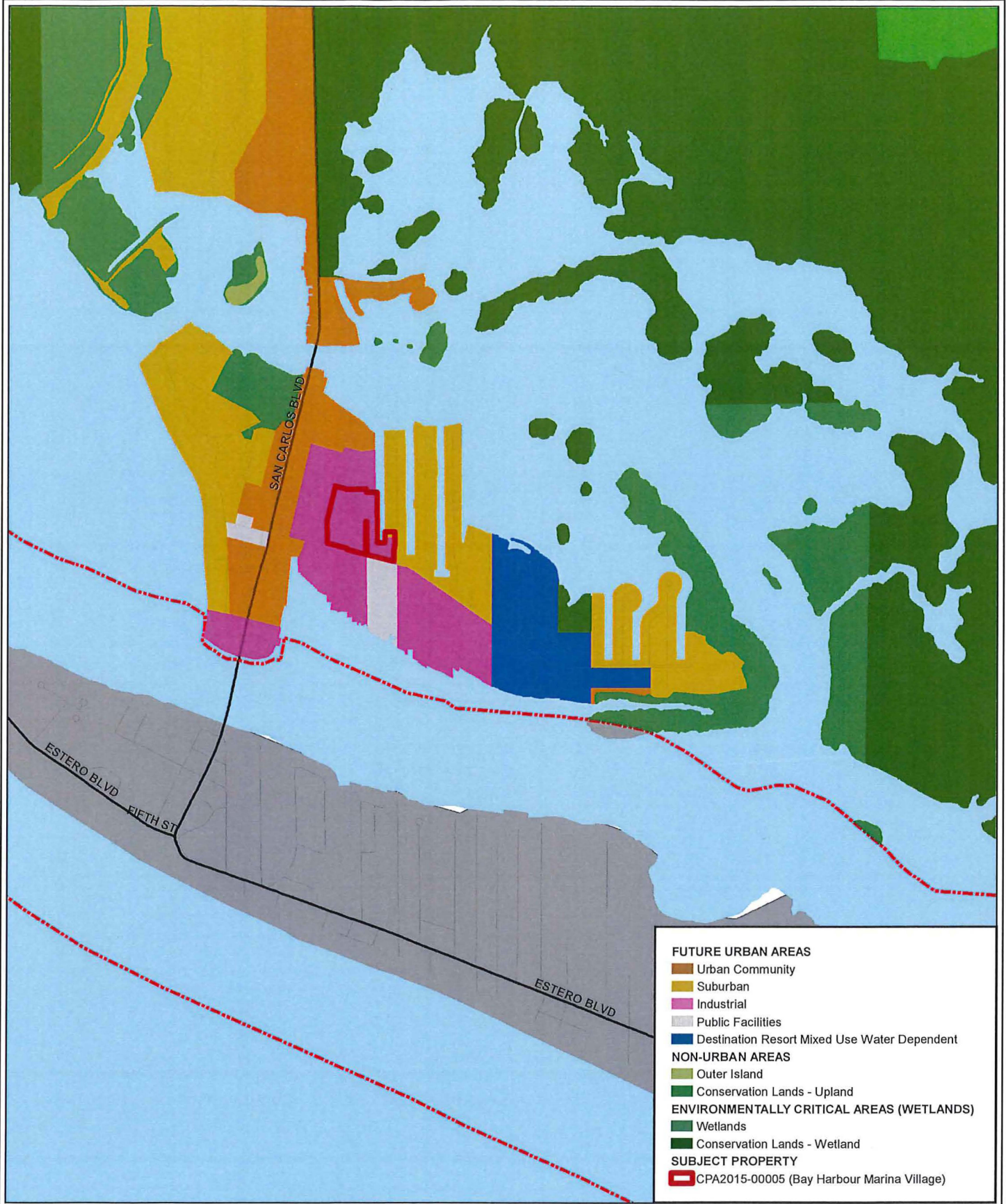
DATE: June 17, 2020



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

Michael D. Jacob
Michael D. Jacob
Managing Assistant County Attorney
Lee County Attorney's Office

- Exhibit A: Future Land Use Map 1, Page 1, Existing
- Exhibit B: Future Land Use Map 1, Page 1, Proposed



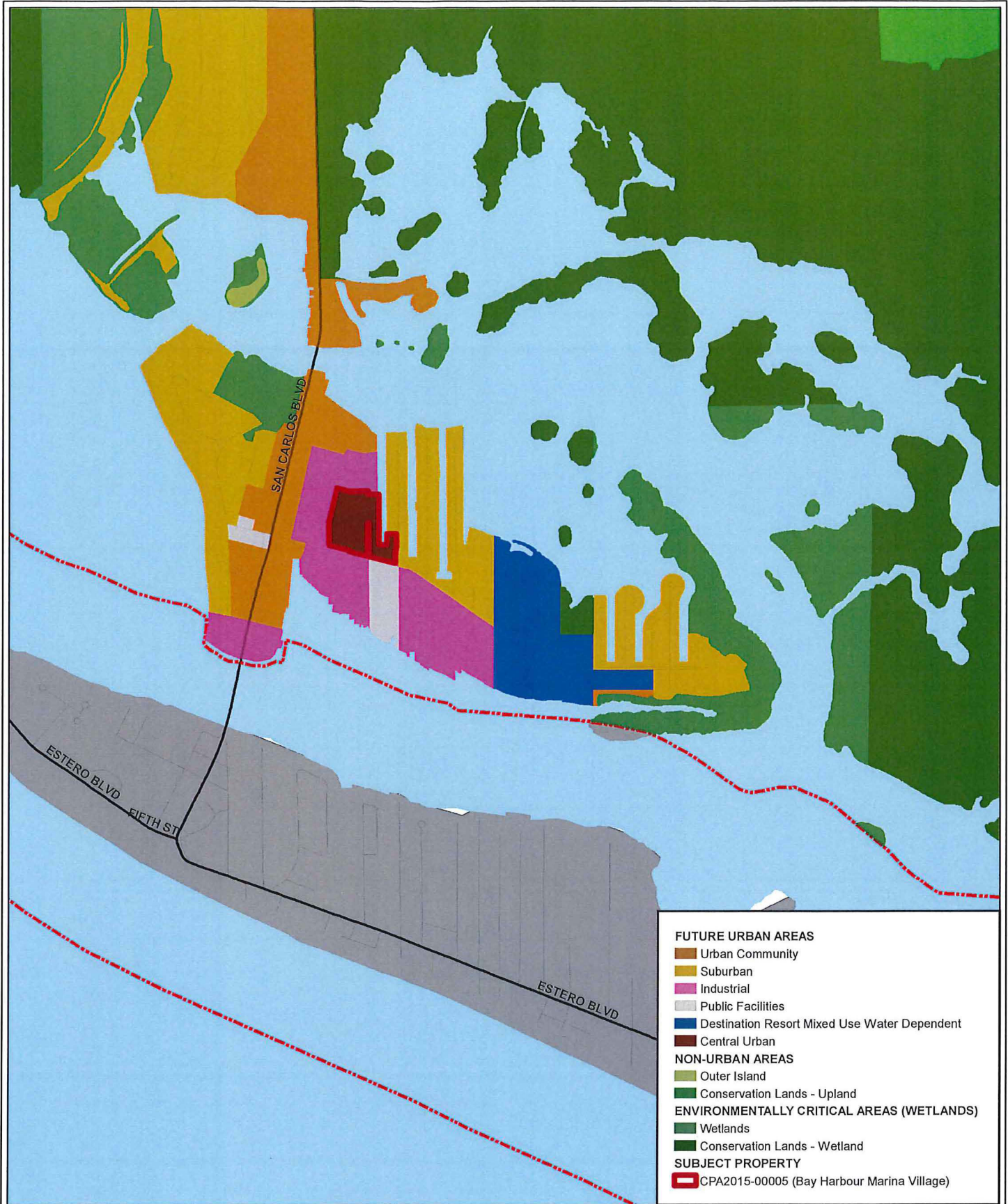
- FUTURE URBAN AREAS**
- Urban Community
- Suburban
- Industrial
- Public Facilities
- Destination Resort Mixed Use Water Dependent
- NON-URBAN AREAS**
- Outer Island
- Conservation Lands - Upland
- ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)**
- Wetlands
- Conservation Lands - Wetland
- SUBJECT PROPERTY**
- CPA2015-00005 (Bay Harbour Marina Village)

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

Map Generated May 2020



CPA2015-00005 - Bay Harbour Marina Village
EXHIBIT A
EXISTING LEE PLAN
FUTURE LAND USE MAP



LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

Map Generated May 2020

CPA2015-00005 - Bay Harbour Marina Village
EXHIBIT B
PROPOSED LEE PLAN
FUTURE LAND USE MAP

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 20-07

(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD

DESCRIPTOR: Planning

OTHER KEYFIELD

DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Bay Harbour Marina Village

(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: 89-02 AMENDMENT #2: _____

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: _____ ; REPEAL #3: _____

REPEAL #2: _____ ; REPEAL #4: _____

(Others Repealed: List All That Apply): _____

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: _____

KEYFIELD 1 CODE: _____ KEYFIELD 2 CODE: _____

KEYFIELD 3 CODE: _____



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

June 17, 2020

Honorable Linda Doggett
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attn: Melissa Butler

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lee County Ordinance No. 20-07, which was filed in this office on June 17, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

RECEIVED

By MButler at 3:50 pm, Jun 17, 2020

STAFF REPORT FOR

CPA2015-05: Bay Harbour Marina Village

Privately Initiated **Small Scale Map** Amendment to the Lee Plan



Applicant:

Southern Comfort
Storage, LLC

Representative:

Russell Schropp,
Henderson, Franklin,
Starnes & Holt, P.A.

Size:

7.47± acres

Location:

Main Street,
San Carlos Island

Commissioner District:

#3

Attachments:

FLUM Existing
FLUM Proposed

Hearing Dates:

LPA: 12/14/2015

BoCC: 11/16/2016

BoCC: 6/17/2020

REQUEST

Amend Lee Plan Map 1, Page 1, the Future Land Use Map, to change the future land use category for a 7.47 acre property from Industrial Development and Suburban to Central Urban.¹

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 **adopt** the proposed amendment to designate the subject property Central Urban on the future land use map as shown in Attachment 1.

¹ The original request included an amendment to Lee Plan Map 1, Page 6, Special Treatment Areas, to add the subject property to the Mixed Use Overlay.

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 amendment, the applicant must demonstrate consistency with the Lee Plan, including the proposed amendment, 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.

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, a boatyard, marina and a storage facility.

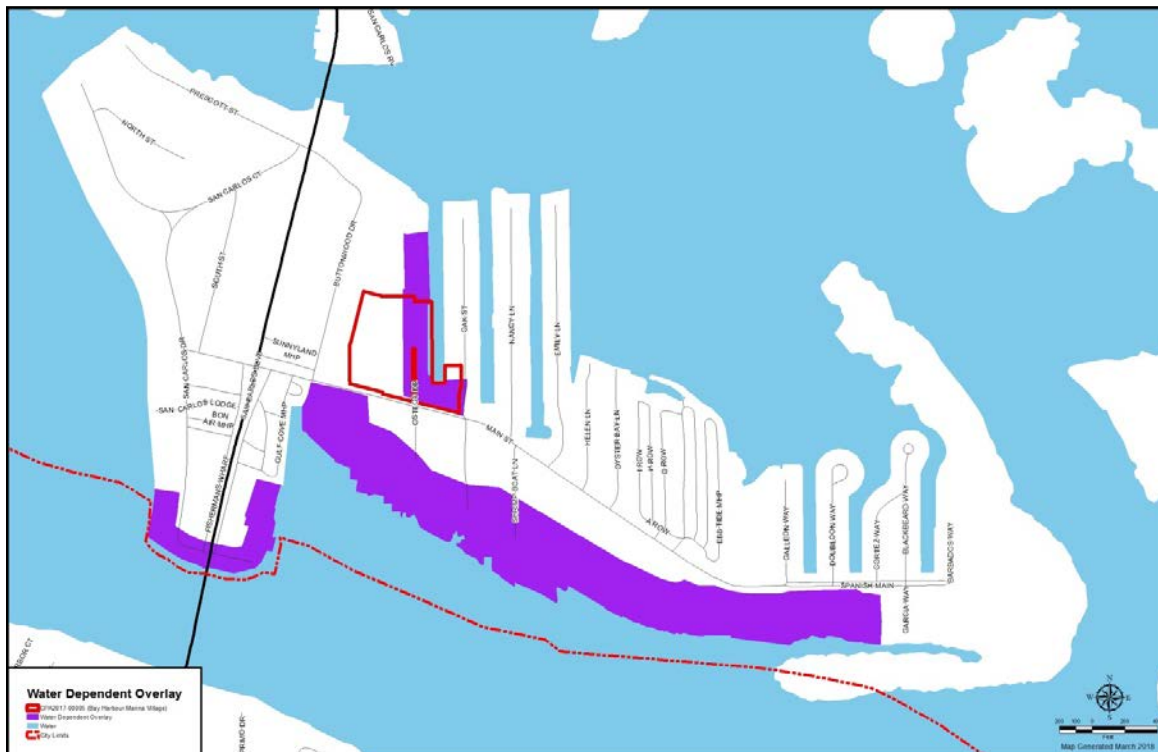
The property located at 821 Oak Street is in the Suburban future land use category. The lot on Oak Street that is within the Suburban future land use category would be allowed one dwelling unit. The Suburban future land use category allows residential uses up to 6 units an acre, but does not allow industrial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

FIGURE 2: WATER DEPENDENT OVERLAY MAP



Existing Zoning:

The subject property contains eight parcels. The properties are zoned IM Marine Industrial, IL Light Industrial, C-2 Commercial and MH-2 Mobile Home.

In 2007, a Special Exception and Variance (SEZ2006-00010, 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 (SEZ2007-00041/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.

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.

To the north and west of the subject property are commercial and industrial uses, mainly for warehousing and distribution. South of the property across Main Street are industrial marina uses. This includes the San Carlos Isle Maritime Park, a Lee County owned Community Facility Planned Development. To the east of the subject property are residential uses consisting mainly of mobile homes with some single family residences.

Approximately one-quarter mile to the east, located on both the north and south sides of Main Street, is the approved project known as Ebtide. This property is on approximately 36 acres and includes: 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. This project has a maximum building height of 230 feet.

**PART 2
STAFF DISCUSSION AND ANALYSIS OF PROPOSED AMENDMENTS**

Proposed Future Land Use Category:

The proposed amendment will designate the subject property Central Urban. Lee Plan Objective 1.1 describes the County's future urban lands as areas intended to "provide for a full range of urban activities." Under Objective 1.1, the Central Urban future land use category is described in Lee Plan Policy 1.1.3 as follows:

***POLICY 1.1.3:** The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area with future development in this category encouraged to be developed as a mixed-use, as*

described in Objective 11.1, where appropriate. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units. (Ordinance No. 94-30, 02-02, 09-06, 16-07)

The Central Urban Future Land use Category is the one of the most intense categories in the Lee Plan; with only Intensive Development and General Interchange being more intense. A variety of uses are permitted in this category and developments that are mixed-use are encouraged. The types of uses that can be accommodated, in addition to industrial uses, include commercial retail, commercial office uses, and residential. Removing the subject property from the Industrial and Suburban future land use category to the Central Urban category allows for a mix of uses, including industrial, which will support and strengthen the economic base of this area of Lee County.

Removing Land from the Industrial Development Category:

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 Central Urban 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 Central Urban.
- 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.

Table 1(b):

The subject property is located within the "Iona-McGregor" planning community. Table 1(b) allocates a total of 375 acres for residential use in the Central Urban future land use category portion of the Iona-McGregor planning community. There are currently 360 acres of Central Urban existing in Iona-McGregor, leaving 15 acres available. The applicant is requesting residential development on approximately 7.47 acres which can be accommodated by the existing residential allocation in Table 1(b).

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 Central Urban future land use category will allow a maximum of 10 units an acre (15 units an acre using Bonus Density) and is in keeping with the existing surrounding neighborhoods.

**TABLE 1
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 Central Urban future land use category allows for the consideration of bonus density of up to 15 units per acre. Bonus density for site-built affordable housing development may be considered within the Coastal High Hazard Area (Policy 101.3.7). If bonus density is pursued, 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.

Water Dependent Overlay:

The Central Urban future land use category will not inhibit the location of water-dependant uses on the subject site. The Central Urban 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. 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. As provided in Florida Statutes Section 163.3180, transportation concurrency is not required.

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. 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.

FDOT, District One, recently completed an Operational Analysis to indentify 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). Improvements identified by the analysis 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: 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 ¾ mile ADA service area. Development on the property would require consistency with LDC Sec. 10-442 with regards to the required transit facilities.

Utilities: 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: 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: Fire and EMS service will be provided by the Fort Myers Beach Fire Control District.

Police: The Lee County Sheriff will provide law enforcement services primarily from the West District office in Fort Myers.

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 FINDINGS OF FACT AND RECOMMENDATION

Findings of Fact:

- The applicant submitted an application to amend the Future Land Use Map on June 18, 2015.
- The subject property has been designated in the Industrial Development future land use category since the adoption of the Lee Plan in 1984.
- The Central Urban Future Land Use Category is compatible with the subject property's location.
- The proposed amendments are consistent with the intent of the Water-Dependent Overlay.
- The subject property has access to Main Street, a collector road.
- The local transportation network is projected to function at LOS "F" with or without the proposed amendment in the year 2020.
- Removing the subject property from the Industrial Development future land use category to a category that will allow for a mix of uses, including industrial, will support and strengthen the economic base of this area of Lee County.
- The subject property is 7.47 acres, which is considered a small scale amendment by Florida Statutes. Its relatively small size will not have a substantial impact on the amount of industrial designated land within Lee County.

Recommendation: The Board of County Commissioners should *adopt* the proposed amendment.

PART 4 LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: December 14, 2015

A. LOCAL PLANNING AGENCY REVIEW:

Staff gave a brief overview of the proposed amendment and recommended that it be adopted.

Following the staff presentation the applicant's representatives gave an overview of the project. Their presentation indicated that the "Industrial" classification is limited to industrial uses and that the purpose of the plan amendment is to allow for residential uses and commercial uses in addition to the industrial uses on the subject property. The applicant's representatives discussed additional details of the request including a review of the subject property, surrounding uses, economic use of the property, and transportation impacts. They noted that a companion rezoning is also pending.

One member of the LPA noted that the property was designated as a water dependent overlay and that those areas have special protection. The applicant responded that proposed project would maintain the existing water dependent uses.

Members of the LPA also asked about transportation impacts of the project and if intersection improvements were planned. The applicant's representatives responded that this type of review was typically done at the zoning phase of the development.

One member of the LPA asked how the traffic analysis accounted for the 200 public parking spaces within the proposed parking garage. The applicant responded that the 200 spaces are intended to be open to the public for those going to the beach. The traffic associated with the 200 public parking spaces would be reviewed in terms of intersection analysis, etc. once the project gets into the zoning and development order processes.

Members of the LPA had a discussion about the impact of the 200 public parking spaces. The applicant reminded the LPA that what is before them today is the request to change from "Industrial" to "Central Urban," and that the specific design of the project would be discussed in the zoning case.

Following this, one member of the LPA requested clarification about the analysis that was used to determine consistency with the Lee Plan on Page 4 of the staff report. Staff clarified that this paragraph is introductory to the entire analysis of consistency with surrounding future land use categories and uses on the island as well as an analysis of applicable Lee Plan provisions. Staff reiterated that the density range that is allowed in the Central Urban Future Land Use category is consistent with the densities already existing on the Island as many of the densities on the Island are higher than would be permitted today because they have existed before the Lee Plan was adopted in 1984.

One member of the LPA asked how the proposed amendment would affect Lee County's population accommodation. Staff stated this analysis was completed as part of Table 1(b) and that no amendments are needed to accommodate the additional units.

Another member of the LPA asked about transportation impacts to the surrounding road network and was concerned that this project would cause issues for the people who live in the area. He asked what the County's plans were to help mitigate this issue.

Staff responded that the details of the traffic analysis would be part of the development order and zoning processes. In terms of specific mitigation requirements, it was mentioned that the Ebtide project had a requirement to upgrade the condition of Main Street to a Class A standard and to add sidewalks. There is an expectation that this project will be held to the same standard as it moves forward. In addition, State DOT is preparing an analysis for San Carlos Boulevard. They are considering the addition a dedicated trolley lane and other improvements to San Carlos Boulevard. Staff feels the current request by this applicant is supportable.

Sixteen members of the public provided comments to the LPA concerning the proposed amendment. Some of the members of the public were in favor of the proposed amendment. Others expressed concern about losing industrial lands on San Carlos Island, additional traffic, and compatibility with the surrounding developments.

Some members of the LPA expressed concern about adding density within the Coastal High Hazard Area. Staff noted that the critical evacuation routes would not be exceeded because the residents

would be evacuating north bound off the Island area. The traffic constraints on San Carlos Boulevard are south bound in the other direction.

Other members of the LPA expressed support for the proposed amendment because it could: have a positive economic impact; take some of the congestion out of the Time Square area due to the public parking; allow for continued water-dependant uses; and, allow for a mixture of uses more compatible with the adjacent residential uses than the industrial uses that would be allowed in the existing Industrial Development future land use category.

A motion was made to recommend that the Board of County Commissioners not adopt the proposed amendment because it is inconsistent with the Comprehensive Plan. The motion was called and passed 5-2.

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

1. RECOMMENDATION:

The LPA recommended that the Board of County Commissioners *not adopt* the amendment to the Lee Plan.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The LPA did not accept the basis and recommended findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	<u>AYE</u>
TIMOTHY BROWN	<u>AYE</u>
DENNIS CHURCH	<u>AYE</u>
JIM GREEN	<u>AYE</u>
RICK JOYCE	<u>AYE</u>
DAVID MULICKA	<u>NAY</u>
GARY TASMAN	<u>NAY</u>

D. STAFF RESPONSE TO LPA RECOMMENDATION:

Staff continues to recommend the Board of County Commissioners *adopt* the proposed amendments to the Lee Plan for the following reasons:

- Due to the relatively small size of the property and the close proximity of residential uses, the Central Urban future land use category is more appropriate than the existing Industrial Development future land use category.
- Policy 101.1.4 allows for comprehensive plan amendments that increase density within the Coastal High Hazard Area to provide appropriate mitigation to help satisfy hurricane evacuation or shelter requirements. Mitigation requirements have been incorporated into Chapter 2, Article XI of the Land Development Code which is applicable to all residential developments requiring a development order within the Coastal High Hazard Area.

- The density allowed by the Central Urban future land use category, including the potential use of bonus density, is compatible and consistent with nearby residential uses.
- The proposed amendments to the Lee Plan would allow for development densities and intensities similar to the Ebtide Mixed Use Planned Development (MPD) further east on Main Street, without the use or creation of a new land use category.
- The water dependent uses that were previously located on the site will be retained and incorporated into the property's redevelopment.

**PART 5
BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: November 16, 2016

A. BOARD REVIEW:

The applicant requested, and the Board of County Commissioners agreed, to remand the case back to staff.

B. BOARD ACTION:

A motion was made that the BOCC *remand* CPA2015-05 back to staff as requested by the applicant. The motion was called and passed.

C. VOTE:

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

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

DATE OF ADOPTION HEARING: June 17, 2020

A. BOARD REVIEW:

The County Attorney’s Office provided a brief presentation that addressed project background and the applicant’s request for relief under Florida Statutes. Following questions from the members of the Board, the applicant’s representatives provided additional detail about the proposed small scale amendment and the changes to the rezoning request that were the result of the request for relief process and the special magistrate’s recommendation (See Staff Report for RFR2019-00002).

Twenty-five members of the public spoke. Twelve Members from the public spoke against the request. Items discussed included traffic, parking, project is too big, setbacks, height, and the regulatory process.

Twelve spoke in favor of the request. Items discussed included improvements to Main Street, redevelopment opportunity, improving blight, and promoting businesses.

One member of the public was neutral discussing the labor and construction financial aspects of the proposed development.

Following the public comment portion of the hearing the Applicant provided responses to the public testimony.

The Board asked staff and the applicant for clarification about concerns raised by the public and discussed the proposed project.

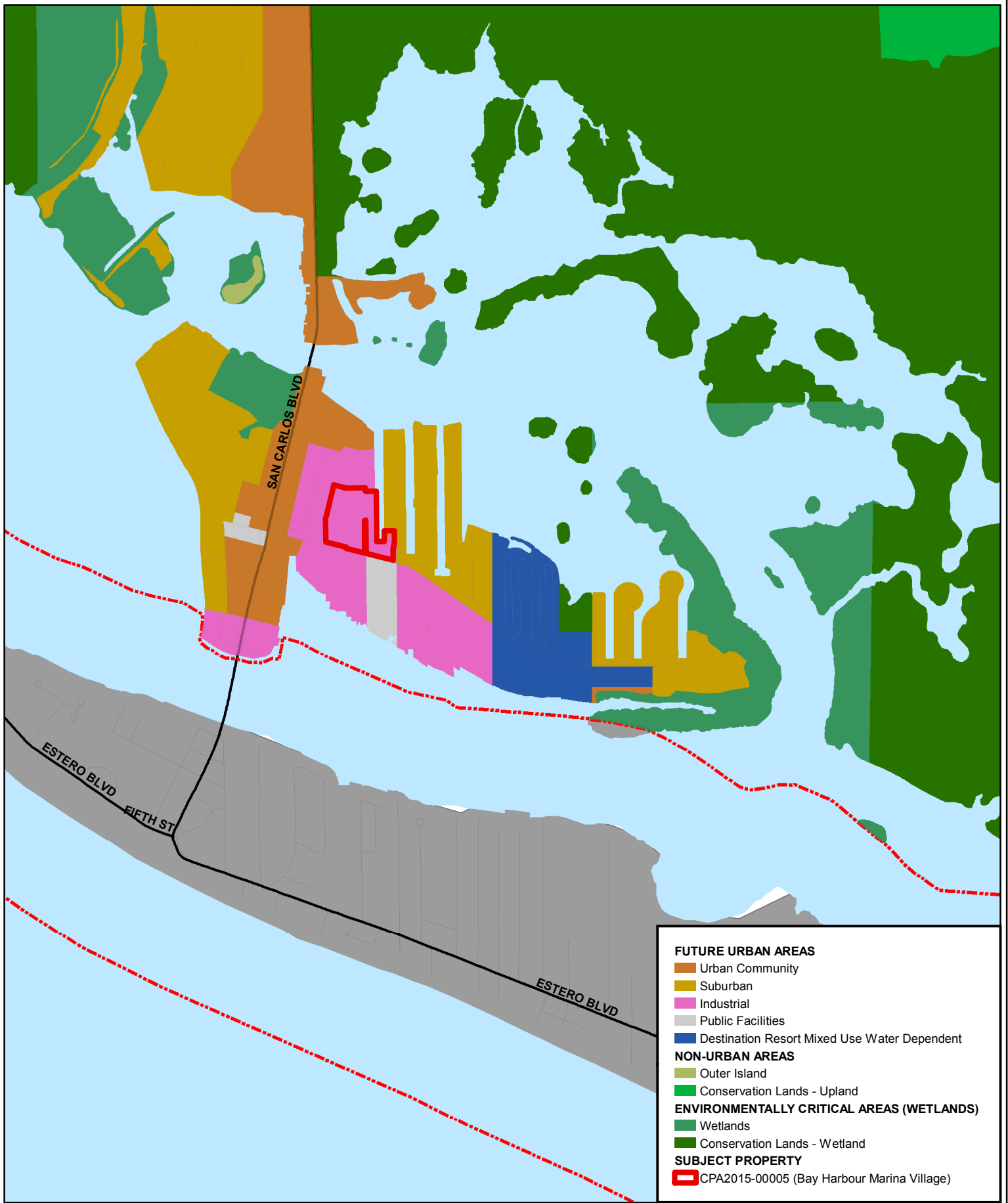
B. BOARD ACTION:

A motion was made to **adopt** CPA2015-00005 as recommended by staff. The motion was passed 4 to 1.

C. VOTE:

BRIAN HAMMAN	<u>AYE</u>
RAY SANDELLI	<u>AYE</u>
FRANK MANN	<u>NAY</u>
JOHN MANNING	<u>AYE</u>
CECIL L. PENDERGRASS	<u>AYE</u>

ATTACHMENT 1



FUTURE URBAN AREAS

- Urban Community
- Suburban
- Industrial
- Public Facilities
- Destination Resort Mixed Use Water Dependent

NON-URBAN AREAS

- Outer Island
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland

ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)

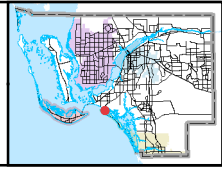
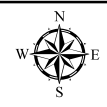
- Wetlands
- Conservation Lands - Wetland

SUBJECT PROPERTY

- CPA2015-00005 (Bay Harbour Marina Village)

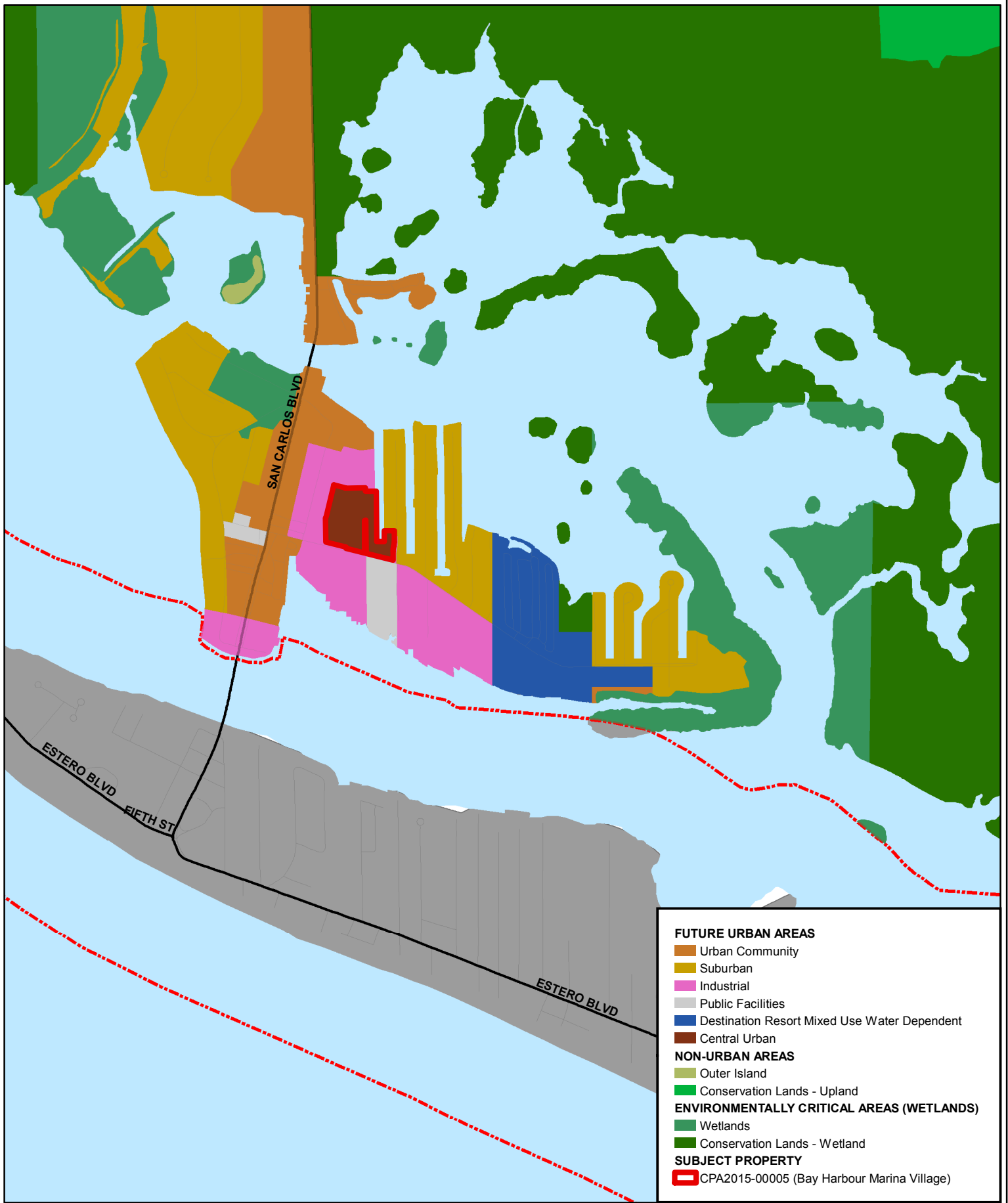
LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

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CPA2015-00005 - Bay Harbour Marina Village

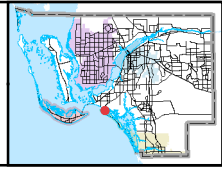
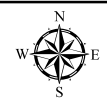
EXISTING LEE PLAN FUTURE LAND USE MAP



- FUTURE URBAN AREAS**
- Urban Community
- Suburban
- Industrial
- Public Facilities
- Destination Resort Mixed Use Water Dependent
- Central Urban
- NON-URBAN AREAS**
- Outer Island
- Conservation Lands - Upland
- ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)**
- Wetlands
- Conservation Lands - Wetland
- SUBJECT PROPERTY**
- CPA2015-00005 (Bay Harbour Marina Village)

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

Miles
Map Generated May 2020



CPA2015-00005 - Bay Harbour Marina Village

PROPOSED LEE PLAN FUTURE LAND USE MAP

TO VIEW APPLICANT MATERIALS,
CLICK THE LINK BELOW:

[Click Here](#)