



John Manning
District One

October 7, 2020

Cecil L Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

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

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

**Re: Amendment to the Lee Plan
Transmittal Submission Package
CPA2020-00003, Inspiration at South Pointe Map Amendment**

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, please find attached the proposed Comprehensive Plan Amendment, known locally as CPA2020-00003 (Inspiration at South Pointe Map Amendment). The amendment is as follows:

CPA2020-00003, Inspiration at South Pointe:

Amend Lee Plan Map 1, Page 6 to extend the Mixed Use Overlay over +13.35 acres located on the north side of College Parkway.

The Local Planning Agency held a public hearing for the plan amendment on August 24, 2020. The Board of County Commissioners voted to transmit the amendment on October 7, 2020. The proposed amendments are 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 amendment 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 have been sent on this date to the agencies listed below.

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



Mikki Rozdolski
Manager, Community Development Operations

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

Comprehensive Plan Review
Department of Agriculture and Consumer Services

Mark Weigly
Department of Education

Plan Review
Department of Environmental Protection

Robin Jackson
Florida Department of State

Scott Sanders
Florida Fish and Wildlife Conservation Commission

Community Planning Services
FDOT District One

Margaret Wuerstle
Southwest Florida Regional Planning Council

Terry Manning, AICP, Senior Planner, Intergovernmental Coordination Section
South Florida Water Management District

Attn:
LCBC-DEPT OF COMM DEVELOPMENT-
1500 MONROE ST
FORT MYERS, FL 33901

STATE OF FLORIDA COUNTY OF LEE:

Before, the undersigned authority personally appeared Nicholas Kenton, 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 OF PROPOSED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN (TRANSMITTAL HEARING)
The Lee County Board of County Commissioners will hold a public

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

09/25/2020

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 25th of September 2020, by legal clerk who is personally known to me.

[Signature]
Affiant

[Signature: Shelly Hora]
Notary State of Wisconsin, County of Brown

8-25-23
My commission expires

of Affidavits 1

This is not an invoice

SHELLY HORA
Notary Public
State of Wisconsin

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, October 7, 2020. 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.

CPA2020-00003 - Inspiration at South Pointe: Amend Lee Plan Map 1, Page 6 to extend the Mixed Use Overlay to approximately 15 acres located on the north side of College Parkway near the intersection of College Parkway and South Pointe Boulevard. The applicant intends to develop the property with a mixture of commercial and multi-family residential use.

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> or at the Department of Community Development located at 1500 Monroe 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 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 ADRequests@lee.gov.com, at least five business days in advance.
AD#4379468 9/25/2020

RECEIVED
OCT 01 2020
COMMUNITY DEVELOPMENT

**STAFF REPORT FOR
CPA2020-00003:
Inspiration at South Pointe**
Privately Initiated Map Amendment to the Lee Plan



Applicant:
Zimmer Development
Company

Representative:
Gary Muller, AICP
Johnson Engineering, Inc.

Property Location:
8830 and 8910 College
Parkway

Size:
± 13.35 acres

Planning Community:
South Fort Myers

Commissioner District:
District #2

Attachments:
Existing and Proposed Map
1, Page 6

Hearing Dates:
LPA: August 24, 2020
Transmittal: October 7, 2020

REQUEST

Amend Lee Plan Map 1, Page 6 to extend the Mixed Use Overlay over +13.35 acres located on the north side of College Parkway.

SUMMARY

The requested amendment would allow the subject property to develop using the Mixed Use Overlay, which would allow for a mixture of commercial and multi-family residential uses.

PROPERTY LOCATION

The subject property is located on the north side College Parkway, near the intersection of College Parkway and South Pointe Boulevard. It is approximately one-half mile east of McGregor Boulevard, and approximately one-quarter mile to the west of Winkler Road.



Figure 1: Aerial Location of the subject property

RECOMMENDATION

Staff recommends that the Board of County Commissioners **transmit** the amendments to the Lee Plan as provided in Attachment 1 based on the analysis and findings provided in this staff report.

PART 1
PROPERTY INFORMATION

Subject Property

The ±13.35 acre subject property is located on the north of side College Parkway, approximately one-half mile east of McGregor Boulevard, and approximately one-quarter mile to the west of Winkler Road. Located in the South Fort Myers Planning Community, the property is composed of three parcels, each in the Intensive Development Future Land Use Category. The property is mostly vacant with the exception of existing structures used for agricultural purposes and is utilized as grazing fields for livestock.

The westernmost parcel is approximately ±.39 acres, and is zoned Mixed Use Planned Development (MPD). The center parcel is 8.01 acres and the easternmost parcel is 4.74 acres. The central and eastern parcels are zoned Agricultural (AG-2).

There is a concurrent application for rezoning on the subject property (REZ2020-00004) to rezone 13.35 acres from AG-2 and MPD to C-2.

South Fort Myers Planning Community

The South Fort Myers Planning community is located in the center of Lee County, and consisting of the most intensive land use categories, such as Intensive Development, Central Urban, and Urban Community, the South Fort Myers Planning Community allows for higher intensity development. It is considered a core area of the county, with increasing commercial and light industrial development along the US 41 corridor, and extending to the Metro Avenue corridor north of Daniels Parkway.

Intensive Development Future Land Use Category

The property is located within the Intensive Development Future Land Use Category, which is considered the most intense future land use category. As stated in Policy 1.1.2, this land use category allows for high densities and intensities of development, and encourages mixed-use centers.

POLICY 1.1.2: The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, East Fort Myers west of I-75, and South Fort Myers. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6), and office uses are encouraged to be developed as described in Objective 11.1, where appropriate. As Lee County develops as a metropolitan complex, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum total density is twenty-two dwelling units per acre (22 du/acre). The maximum total density may be increased to thirty dwelling units per acre (30 du/acre) utilizing Greater Pine Island Transfer of Development Units. (Ordinance No. 94-30, 09-06, 10-10, 16-07)

Surrounding Properties

There are several parcels both immediately adjacent to the application properties, as well as those separated by College Pointe Drive to the north, South Pointe Boulevard to the west, College Parkway to the south, and Winkler Road to the east.

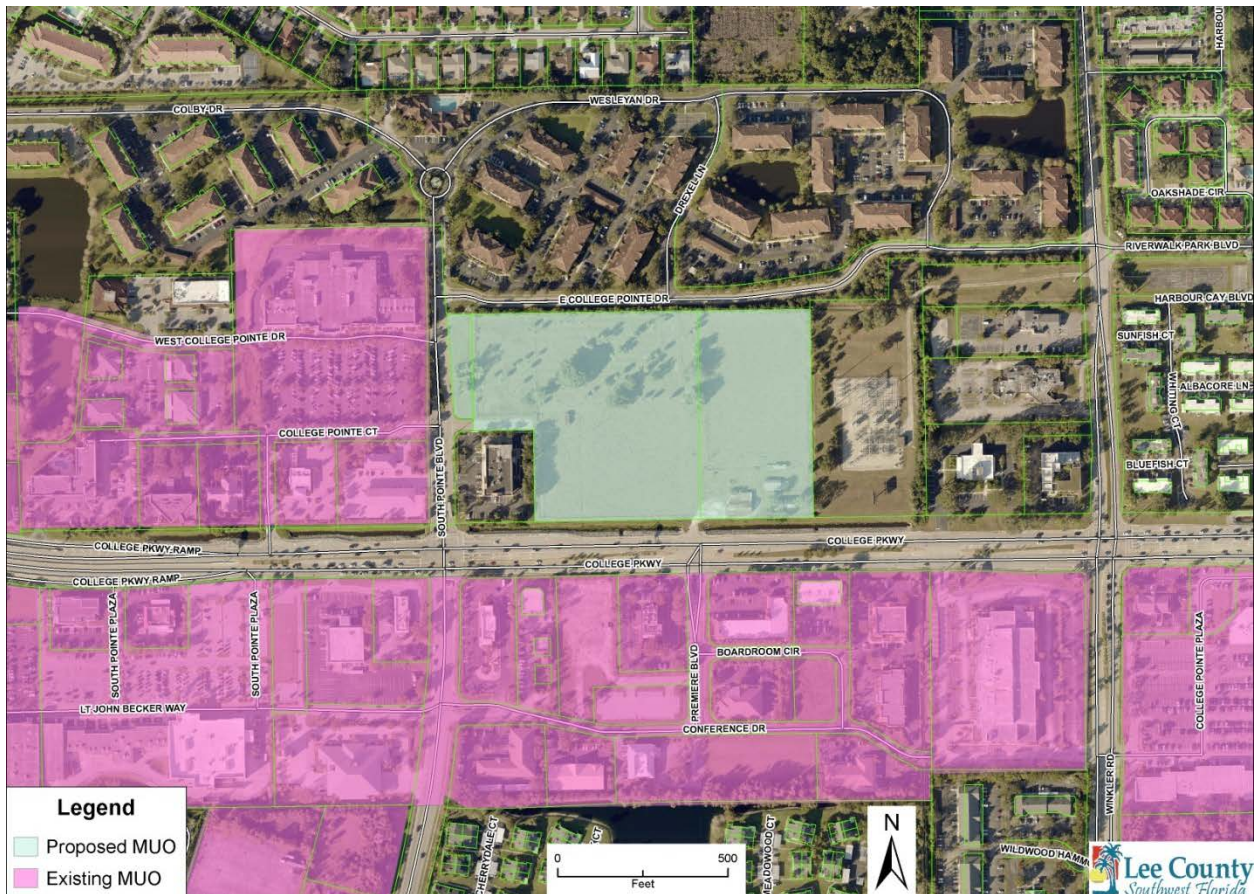


Figure 2: Surrounding Properties and Mixed Use Overlay (MUO)

North

The property located to the north of the subject property consists of multi-family development. It is within the Intensive Development future land use category, and is zoned Mixed Use Planned Development (MPD). Further to the north is single family development in the Suburban future land use category. East College Pointe Drive, a two-way street located between the multi-family property and the subject property, runs east-west. It currently serves to connect Winkler Road and South Pointe Boulevard, and offers southern access to the multi-family development.

East

The property immediately to the east of the subject property contains a Florida Power and Light substation. Further to the east are commercial uses near the intersection of College Parkway and Winkler Road. These properties are located within the Intensive Development future land use category, and include both Commercial Planned Development (CPD) and conventional commercial zoning districts (C1-A and CS-1).

South

The properties located to the south of the subject property, across College Parkway, consist of both stand-a-lone structures and multi-occupancy commercial buildings. Uses include restaurants, retail stores, offices, and a United States Postal service location, among other uses. These parcels are within

the Mixed Use Overlay, Intensive Development future land use category, and are zoned Community Commercial (CC).

West

Immediately adjacent to the subject property is an existing pharmacy located in a CPD. Further to the west, across South Point Boulevard, are a Publix-anchored shopping center, a gas station, and other commercial development, all of which is within the Mixed Use Overlay. All of these parcels are within the Intensive Development future land use category.

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

The Mixed Use Overlay is currently located to the west and south of the subject property. The applicant is requesting to extend the Overlay to include the subject property. The intent of the Mixed Use Overlay is to identify locations within Lee County that facilitate mixed use development and accommodate future growth in proximity to public transportation; various commercial and residential centers; educational facilities; and recreational opportunities.

Proposed expansion of the Mixed Use Overlay depends upon a number of criteria, including enabling continued pedestrian and automobile connections, location within specific future land use categories, and adequate public facilities and infrastructure. The subject property, being located in the South Fort Myers planning community, the Intensive Development future land use category and its adjacency to several mixed use properties and existing public facilities, serves to facilitate continued opportunities for the increasing population of this are of Lee County.

According to projections, by 2040 the population of South Fort Myers will have grown from 53,281 persons in 2019 to 64,892 persons. The population of South Fort Myers relative to the county as whole will remain around 6.5% through 2040. Figure 3, shown below, is a map of the Lee County residential population densities in 2010 and the 2040 projections based on MPO projected distribution, showing relatively higher densities throughout the county's Future Urban Areas, including South Fort Myers.

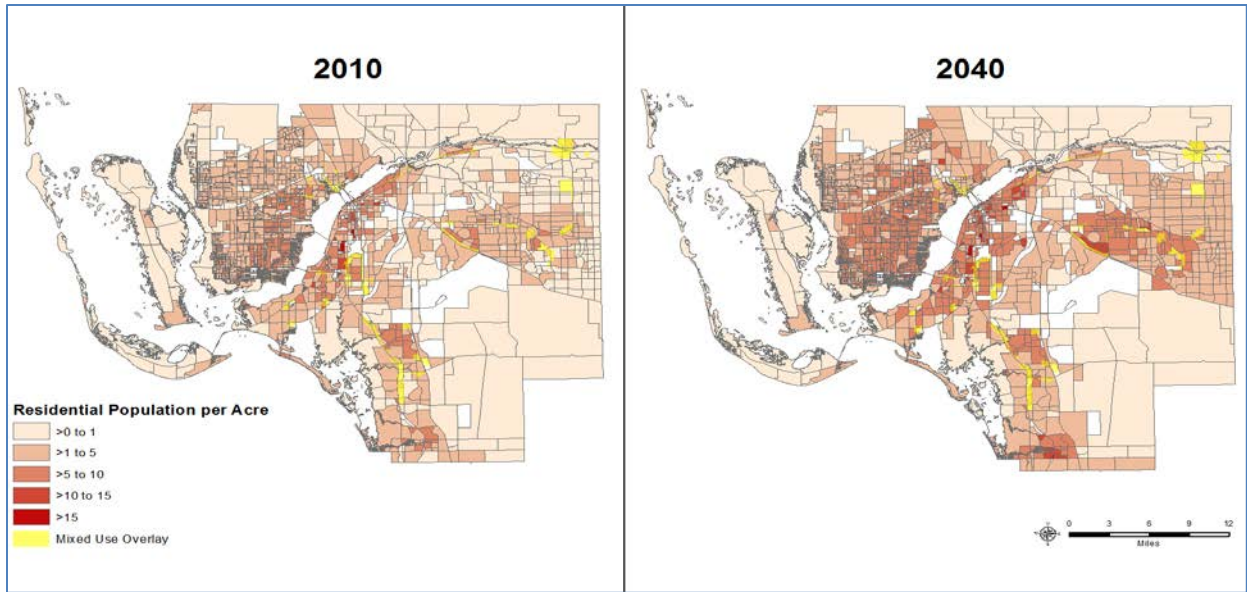


Figure 3: 2010 and 2040 (projected) residential population densities per acre.

The proposed amendment will also help to support anticipated employment density in areas of Lee County where employment is projected to increase. Figure 4, shows employment density based on 2010 employment data and the 2040 Transportation Model adopted by the MPO.

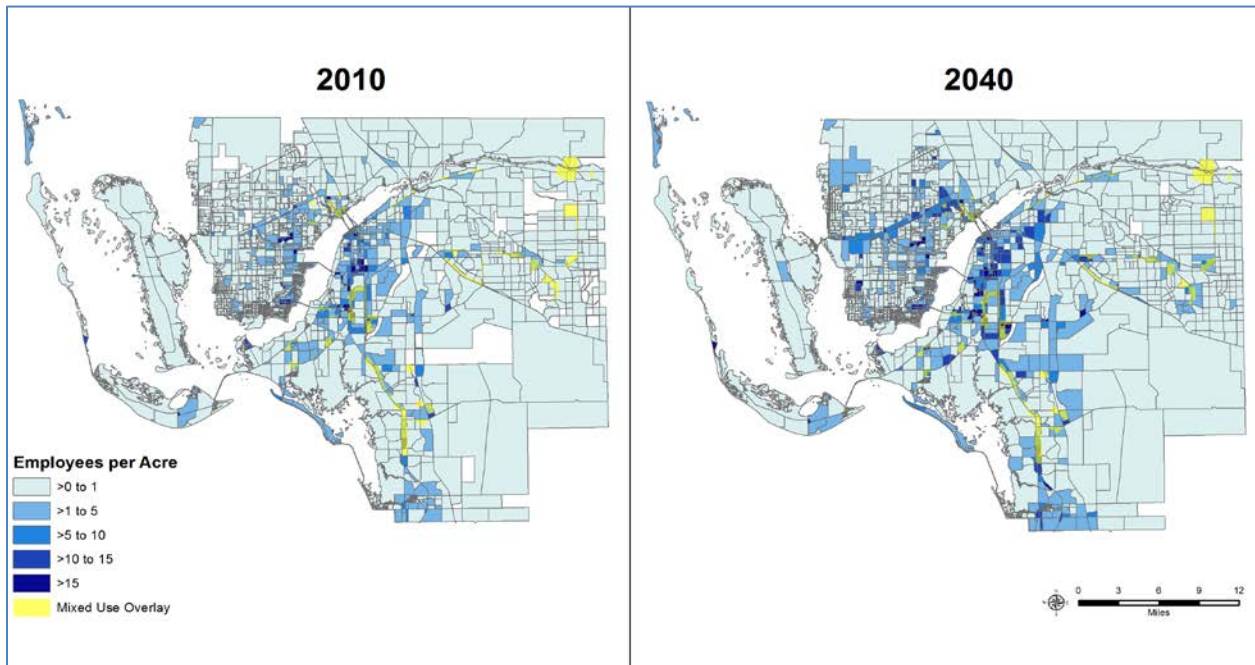


Figure 4: 2010 and 2040 (Projected) employment densities per acre.

Adding properties to the Mixed Use Overlay that are located in the Intensive Development future land use category in proximity to a major transportation corridor in South Fort Myers will help to accommodate the projected 2040 population and employment distribution within the Future Urban Areas of Lee County.

While the pharmacy immediately to the west is not currently within the MUO, staff recommends that it be included as shown in Attachment 1 in order to allow for greater cohesion and integration with adjacent development currently in the MUO if this property is redeveloped. However, since this property is currently developed it is not anticipated that the extension of the MUO to the pharmacy will result in additional or more intense development.

The extension of the Mixed Use Overlay will enable infill development by providing development regulations that create a more compact development pattern. Infill development capitalizes on previous investments in public services and infrastructure already located in the area surrounding the property proposed to be added. Additionally, compact development patterns can reduce strain on public services and encourage use of pedestrian facilities protecting the traffic-carrying capacity of nearby roads and streets.

Lee Plan Consistency

Staff finds that adding the subject properties to the Mixed Use Overlay is consistent with the following Lee Plan goals, policies, and objectives:

The Lee Plan, in **Policy 1.1.2**, identifies the Intensive Development future land use category as being well suited to accommodate high-density development, including planned mixed-use centers (as described in Objective 11.1). The subject property is in the Intensive Development land use category, and is located within an area that has, and will continue to, experience higher levels of density and intensity of development.

New growth in Lee County, as per **Objective 2.2**, is encouraged to be directed to areas where “adequate public facilities exist or are assured and where compact and contiguous development patterns can be created”. The subject property is located in an area of high density development, in which public facilities are already available. The development of this property with either commercial or multi-family residential (or a combination of the two) will allow for infill development within an already developed area, ensuring continued compact development patterns, consistent with Objective 2.2

Adding property to the Mixed Use Overlay as recommended would provide requirements and incentives for redevelopment and infill development of commercial uses that will protect the traffic-carrying capacity of roads and streets, consistent with **Policy 6.1.5 and Policy 6.1.10**.

Objective 11.1 and Policy 11.1.1 provide that mixed-use development should be encouraged “within certain future land use categories and at appropriate locations where sufficient infrastructure exists to support development”. The Mixed Use Overlay extends to properties adjacent to the west and south sides of the subject property. Both the subject property, and adjacent properties, are within the Intensive Development future land use category, as well as the South Fort Myers planning community, which currently has, and will continue to experience, higher intensity and density of development, as the area’s population increases.

This request is consistent with **Policy 11.2.1**, which outlines criteria for properties to be included within the Mixed Use Overlay.

Located within the extended pedestrian shed of established transit routes: A LeeTran route is within one quarter mile of the subject property, allowing for pedestrian access to an established transit route 30. Route 30 operates east to west, and is served by bus stop #208. Improvements may need to be

made to the bus stop (#208), as it does not currently meet the minimum requirements provided in the Land Development Code.

Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways: While an arterial roadway must be traversed to access development to the south of the subject property, interconnected side streets allow for access to properties adjacent to the west and north of the subject property, without the need to access an arterial roadway. Accessible properties immediately adjacent include the Publix shopping center (which also includes a nail salon, hair salon, Chinese restaurant, Goodwill, and a veterinarian office, among other businesses), a Chase Bank, and convenience store and gas station. Accessible properties to the east, which can currently be accessed via East College Pointe Drive and Winkler Road, include a spa and Sonny's BBQ restaurant. There are a number of accessible properties which are adjacent to McGregor, approximately a half mile in distance from the subject property. These include boutique shops, florist, and take out restaurant.

Located within the Intensive Development, Central Urban, or Urban Community future land use categories: The subject property is located within the Intensive Development future land use category.

Availability of adequate public facilities and infrastructure: There are adequate public facilities and infrastructure to serve the proposed development.

- **Fire:** In a letter dated March 20, the Iona-McGregor Fire Protection and Rescue Service District confirmed service availability, and did not identify any negative impacts to their emergency services.
- **Emergency Medical Services:** In a letter dated April 15, Lee County Emergency Medical Services indicated that, based on the proposed development, there would be adequate service capacity. There is a primary ambulance station (Medic 20) located .3 miles to the west. There are secondary stations and an ambulance within 4 miles of the development.
- **Police:** In a letter dated March 31, the Lee County Sheriff's Office confirmed service availability for the proposed development. Services will be provided from the West District substation in South Fort Myers.
- **Solid Waste:** In a letter dated March 24, Solid Waste confirmed that they are capable of providing solid waste collection for the approximately 400 residential units, and 20,000 square feet of development proposed.
- **Public Transit:** In a letter dated April 7, LeeTran confirmed that transit service is available at this location.
- **Schools:** In a letter dated May 28, confirmed that capacity would not be an issue, based off of the worst case scenario of future conditions, which include up to 400 multi-residential units.

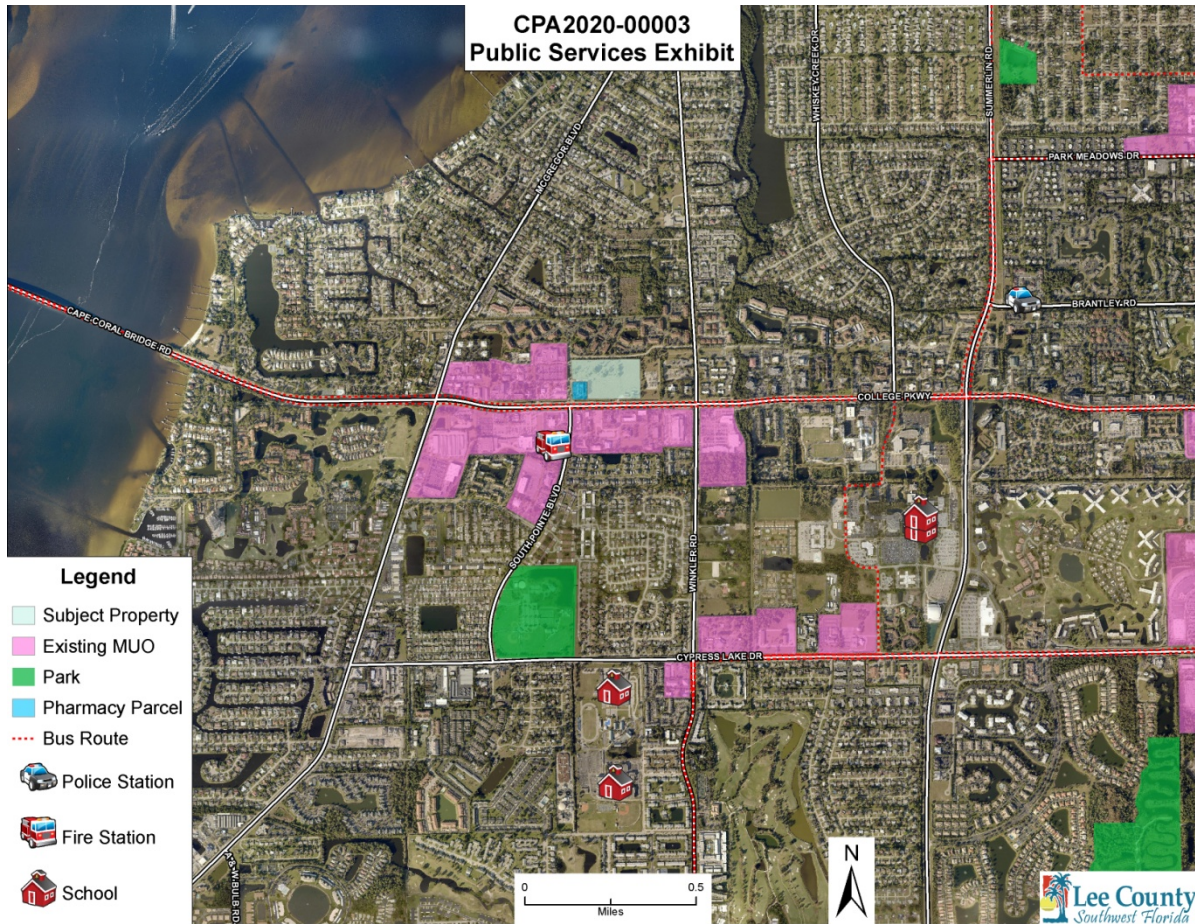


Figure 5: Location of Public Services and Facilities

The subject property is immediately adjacent to, or within walking distance of, a number of uses, including a grocery store, pharmacy, salon, restaurants, boutiques, and a veterinarian office. There are two public schools within two miles of the proposed development (Cypress Lake Middle School, and Cypress Lake High School). A campus for Florida Southwestern State College is approximately 2.1 miles from the proposed development. Gulf Coast Medical Center is within 5 miles of the proposed development. Rutenberg Park, which is located approximately .9 miles south of the subject property, is a county park with a number of amenities, including tennis courts, multi-use fields, and picnic shelters.

Will not intrude into predominately single-family residential neighborhoods: The property is not adjacent to, and does not intrude upon any predominantly single-family residential neighborhoods.

Policy 11.2.2 requires that development in the Mixed Use Overlay accommodate connections to adjacent uses. There are several adjacent and intersecting streets which allow access to adjacent uses, from the subject property, for both pedestrians and automobiles.

Finally, adding the pharmacy parcel to the MUO as recommended by staff is supported by **Policy 11.2.3** which gives the Board the discretion to extend the MUO boundary up to one-quarter mile to accommodate developments located partially within a Mixed Use Overlay or immediately adjacent to a Mixed Use Overlay.

PART 3
CONCLUSIONS

Adding the subject property and the adjacent pharmacy parcel to the Mixed Use Overlay is consistent with the Lee Plan. The properties are adjacent to the Mixed Use Overlay, are within the Intensive Development future land use property, have appropriate connecting infrastructure for pedestrians and automobiles, and will enable continued, integrated and appropriately located compact development. For the reasons discussed in this staff report, staff recommends that the Board of County Commissioners *transmit* the proposed amendment as shown in Attachment 1.

PART 4
LOCAL PLANNING AGENCY

DATE OF PUBLIC HEARING: August 24, 2020

A. LOCAL PLANNING AGENCY REVIEW:

The applicant's representatives provided a detailed presentation of the proposed amendments, the subject property, surrounding properties, and consistency with the Lee Plan. Following the applicant's presentation, staff provided a brief presentation which included a description of the surrounding properties, consistency with the Lee Plan, and staff recommendation. Following staff's presentation, an LPA member asked whether CVS ownership had been notified of this project and staff's recommendation.

There was no public comment concerning the proposed amendment at the LPA Hearing.

B. LOCAL PLANNING AGENCY RECOMMENDATION:

A motion was made to recommend that the Board of County Commissioners *transmit* CPA2020-00003, including staff's recommendation to include the adjacent property once the property owner is notified of the change. The motion passed 6 to 0.

RAYMOND BLACKSMITH	<u>AYE</u>
DUSTIN GARDNER	<u>AYE</u>
JAMES M. INK	<u>AYE</u>
ALICIA OLIVO	<u>AYE</u>
DON SCHROTENBOER	<u>AYE</u>
STAN STOUWER	<u>AYE</u>
HENRY ZUBA	<u>ABSENT</u>

**PART 5
BOARD OF COUNTY COMMISSIONERS
TRANSMITTAL HEARING**

DATE OF PUBLIC HEARING: October 7, 2020

A. BOARD REVIEW:

Staff provided a brief presentation for the proposed amendment which included an overview of the proposed amendment, Lee Plan consistency, and staff recommendation.

There was no public comment concerning the proposed amendment.

B. BOARD ACTION:

A motion was made to transmit CPA2020-00003 as recommended by staff and the LPA. The motion passed 4 to 0.

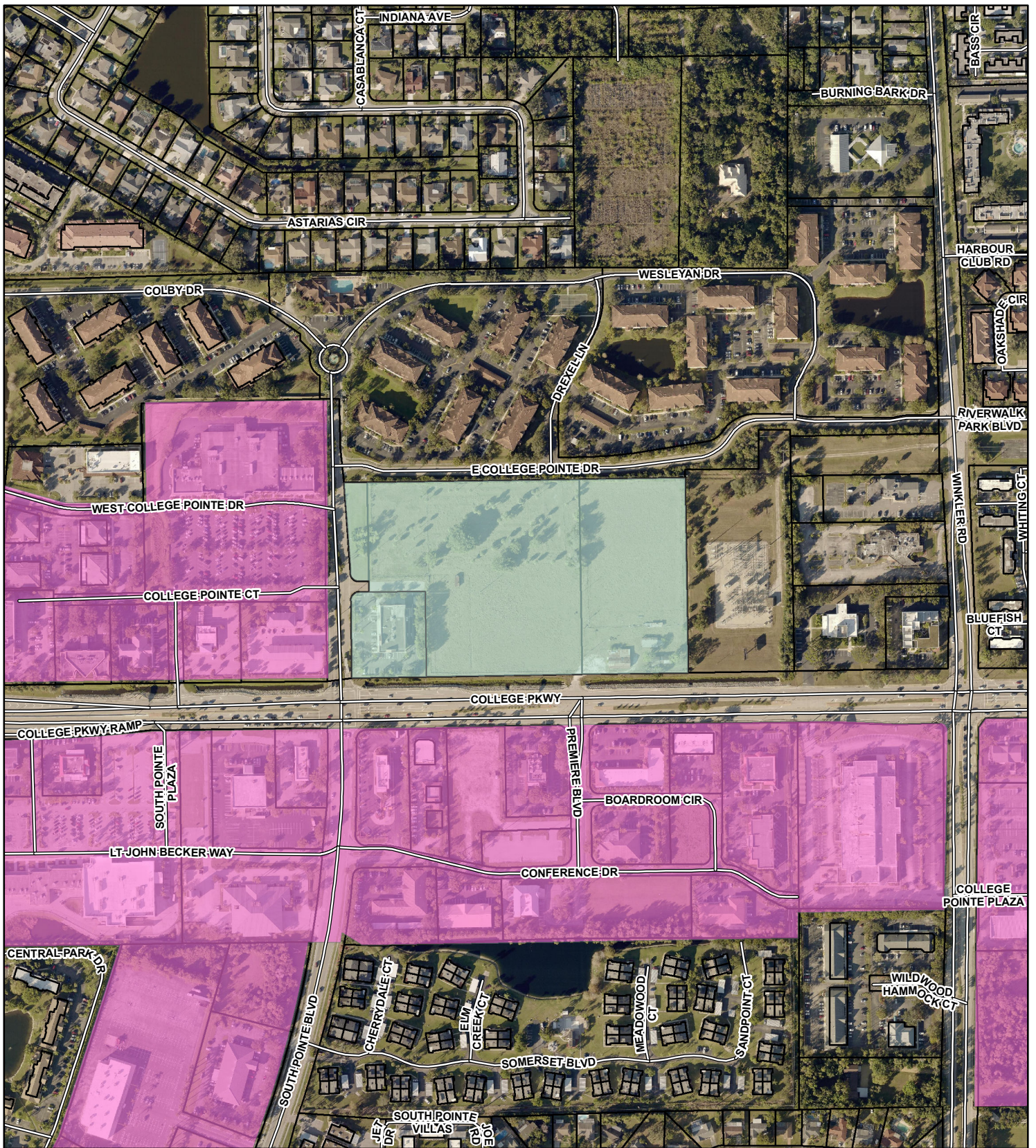
VOTE:

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

RAY SANDELLI

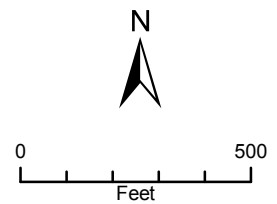
AYE

ATTACHMENT 1



CPA2020-00003
Inspiration at South Pointe
Existing and Proposed
Mixed Use Overlay

- Proposed MUO
- Existing MUO



TO VIEW APPLICANT MATERIALS,
CLICK THE LINK BELOW:

[Click Here](#)