



**LOCAL PLANNING AGENCY
ADMINISTRATION EAST BUILDING
2201 SECOND STREET, FORT MYERS, FL 33901
ROOM 118 (FIRST FLOOR)
MONDAY, JANUARY 25, 2021
9:00 AM**

If needed, the general public staging area will be in the Green Room (Room Number 130 – located next to the lobby reception desk at this same location).

AGENDA

1. Call to Order/Review of Affidavit of Publication/Pledge of Allegiance
2. Election of Officers
3. Public Forum
4. Approval of Minutes – December 7, 2020
5. Lee Plan Amendment
 - A. CPA2019-00007 Commerce Lake Parcel: Amend the Future Land Use Map (Map 1, Page 1) from Airport Lands and Wetlands to New Community and Wetlands, and update the Airport Noise Zone (Map 1, Page 5) on ±22 acres located at both northern corners of the intersection of Commerce Lakes Drive and Daniels Parkway. The amendment is needed to reflect changes to the airport boundaries.
6. Other Business
 - A. Request the LPA issue an evaluation and appraisal notification letter pursuant to section 163.3191, F.S. The letter will be submitted to the Florida Department of Economic Opportunity as notification that there is not a need to amend the Lee Plan to reflect changes in state requirements since the last Lee Plan update.
7. Adjournment

This meeting is open to the public. Interested parties may appear at the meeting and be heard. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

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

CPA2019-00007

**COMMERCE LAKE
PARCEL**

Representative:

Department of
Community Development

Property Location:

Northeast of RSW, At the
intersection of Commerce
Lakes Drive and Daniels
Parkway

Property Size:

±22.14 acres

Planning Community:

Gateway/Airport

Commissioner District:

District #2

Hearing Dates:

LPA: January 25, 2020

REQUEST

Amend the Future Land Use Map (Map 1, Page 1) from Airport Lands and Wetlands to New Community and Wetlands, and update the Airport Noise Zone (Map 1, Page 5) on ±22 acres located at both northern corners of the intersection of Commerce Lakes Drive and Daniels Parkway. The amendment is needed to reflect changes to the airport boundaries.

SUMMARY

The requested amendment will change the future land use category and airport noise zone for the “Commerce Lakes Parcel.” The Commerce Lakes Parcel consists of two parcels that are separated from contiguous airport property by Daniels Parkway, a four-lane divided arterial, and was deemed surplus to Southwest International Airport’s (RSW) future aviation operations or airport expansion by the Board of County Commissioners. As surplus, the Airport Lands future land use category is no longer the appropriate designation for these parcels; the proposed New Community future land use category will be consistent with the designations on adjacent properties located north of Daniels Parkway. Wetlands on these parcels will continue to be designated Wetlands on the future land use map.

The requested amendment will not change allowable intensity permitted on the parcels, but will allow for future development by non-Port Authority owners.

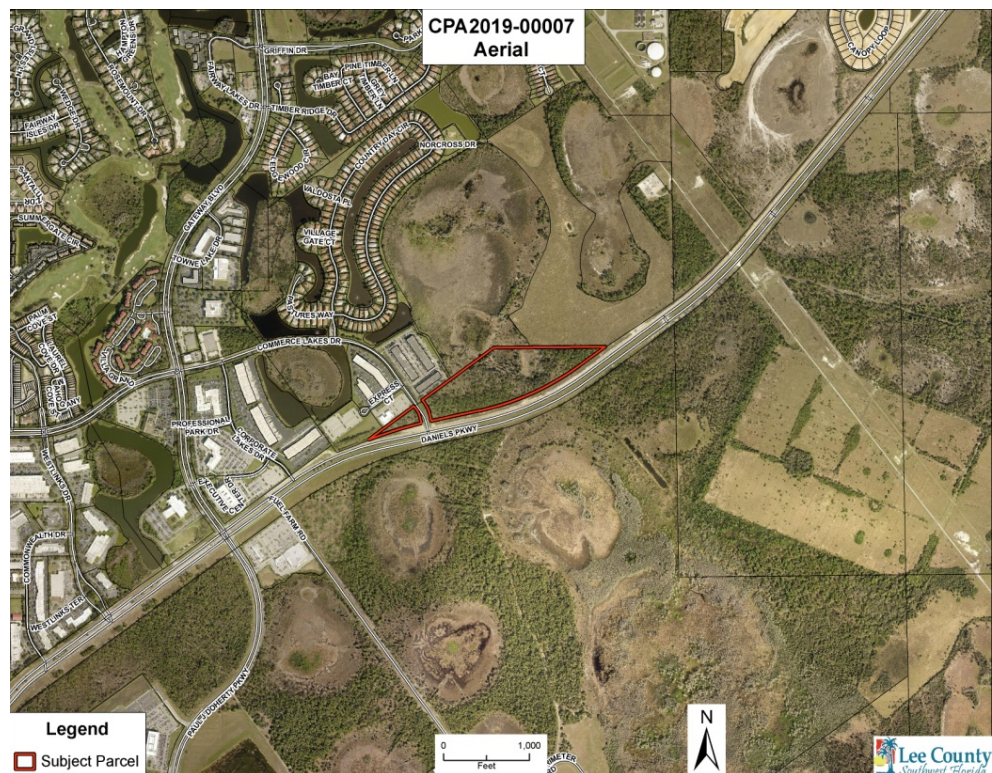


Figure 1: Aerial Location Map

RECOMMENDATION

Staff recommends that the Board of County Commissioners **transmit** CPA2019-00007, based on the analysis and findings provided in this staff report.

PART 1 BACKGROUND

The Commerce Lakes Parcel ("Parcel") was acquired by Lee County as part of the original airport land acquisition and has remained in the airport lands inventory since its acquisition, Port Authority staff determined it is not needed for aviation purposes and has been unsuccessful in leasing the property for a non-aviation use. On June 27, 2019 the Board authorized the sale of the approximately 22.14 acre Parcel as surplus property and directed the Department of Community Development to initiate the necessary Comprehensive Plan amendments to reflect the change in the airport boundaries.

There is also a concurrent rezoning for the subject property, DCI2020-00018, filed by 1227 Holdings, LLC who is under contract to purchase the property. 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 to provide concurrent review of the rezoning request.

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

PART 2 STAFF DISCUSSION AND ANALYSIS OF PROPOSED AMENDMENTS

Subject Property:

The Parcel is located northeast of RSW, on the north side of Daniels Parkway, and on either side (east and west) of the intersection of Daniels Parkway and Commerce Lakes Drive. It is within the Gateway/Airport planning community and is currently zoned as an Airport Operations Planned Development (AOPD).

Surrounding Properties:

Lands located to the north, east, and west of the Parcel, on the north side of Daniels Road, contain a mix of light industrial, commercial, and residential uses. These properties are zoned as Planned Unit Development (PUD) and Mixed Use Planned Development (MPD). This area is commonly known as "Gateway," and is in the New Community future land use category.

South of the Parcel is Daniels Parkway then land owned by the Lee County Port Authority, containing RSW. This property is zoned AOPD and is within the Airport Lands future land use category.

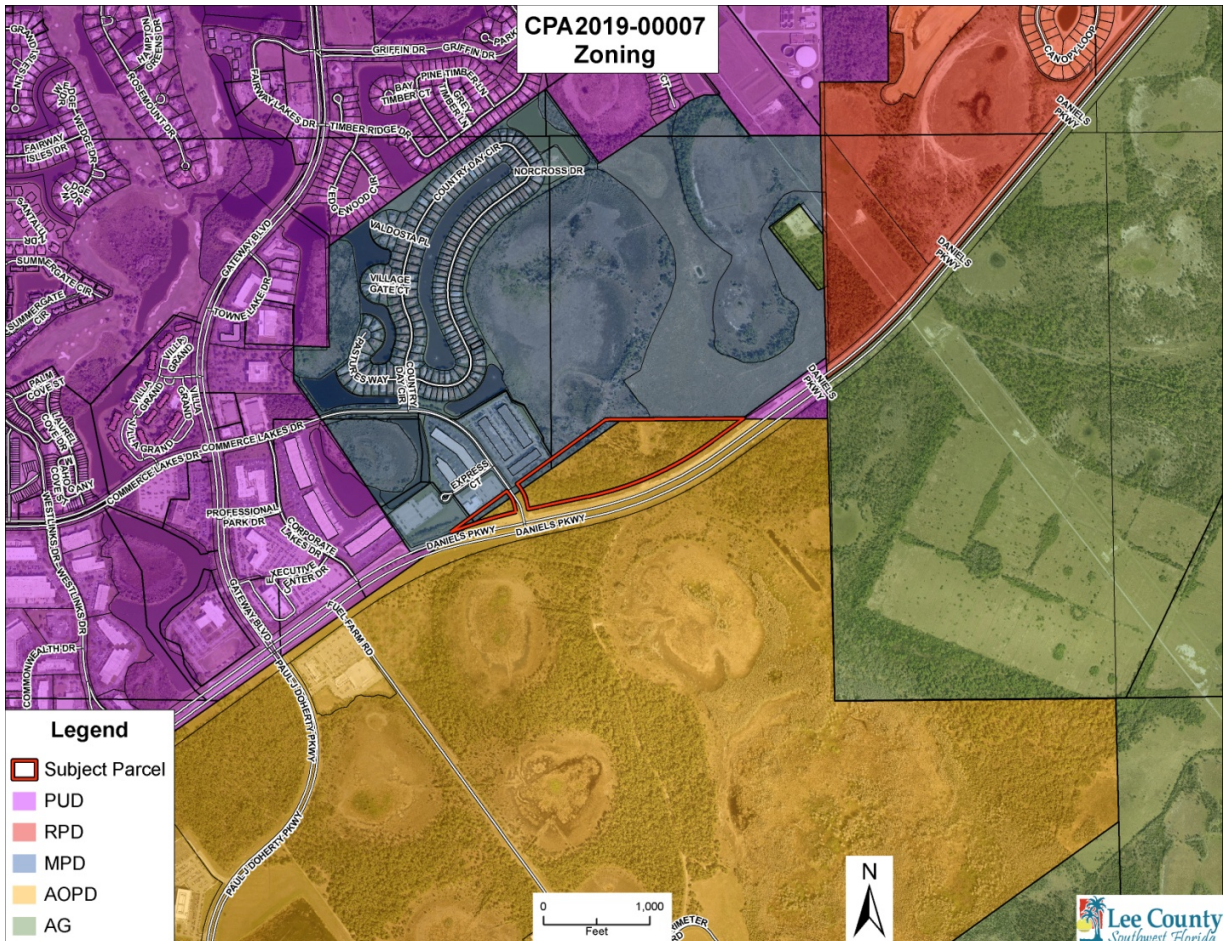


Figure 2: Surrounding Zoning

Current Future Land Use Categories:

The Parcel is currently designated as Airport Lands and Wetlands on the Future Land Use Map. These future land use categories are described in Policies 1.1.12 and 1.5.1.

Policy 1.1.12 provides that *“Allowable land uses and intensities within the Airport Lands future land use category are subject to the plans for the airport properties outlined in the Southwest Florida International Airport Master Plan Update...”* This land use category accommodates the Port Authority’s airports and projected need for growth in order to continue viable airport operations.

Policy 1.5.1 states that *“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 124 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.”*

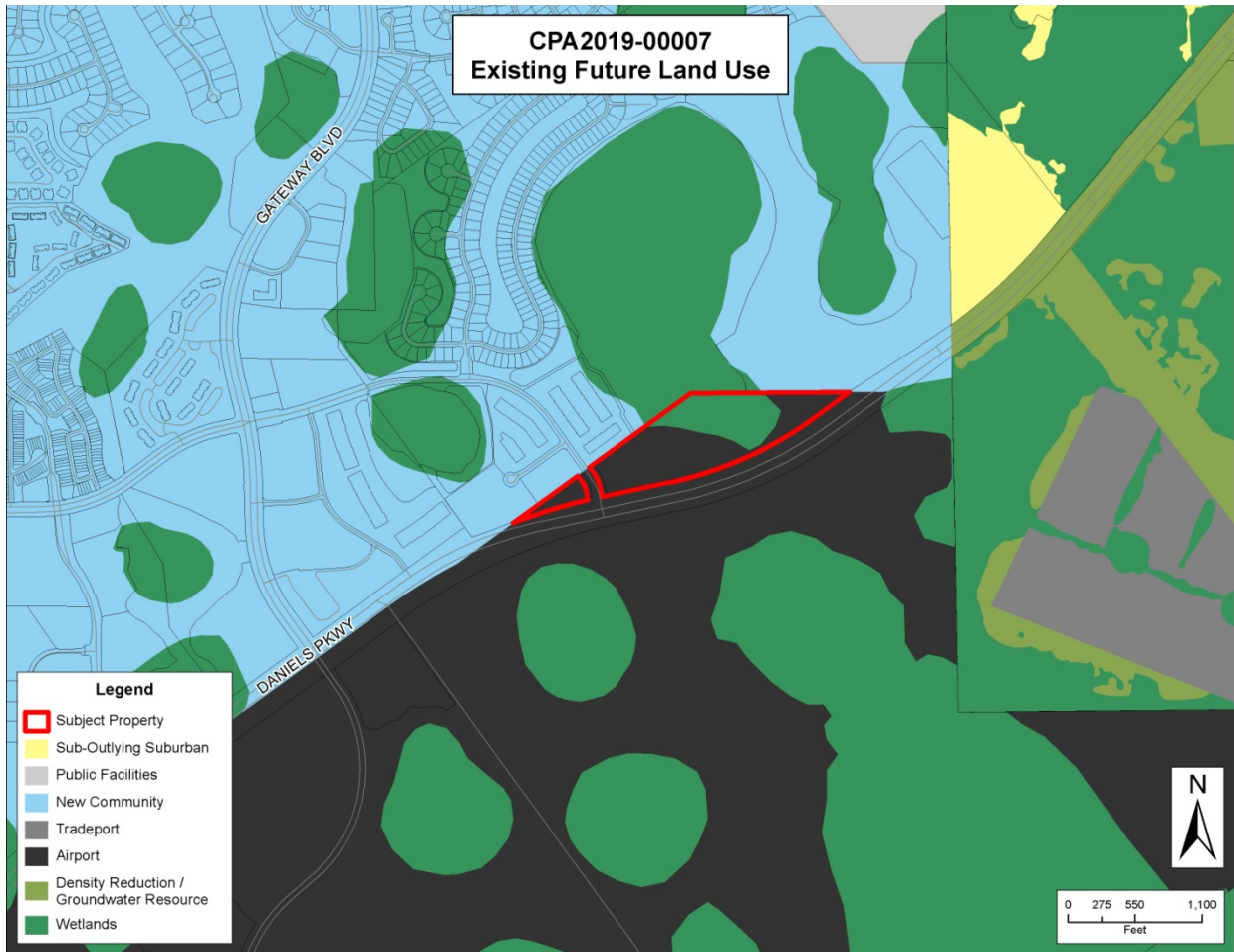


Figure 3: Existing Future Land Use Map

The Airport Lands future land use category describes land owned by the Port Authority and allows land uses and intensities consistent with the most recently adopted Airport Master Plan for each airport. Development in the Airport Lands future land use category requires approval through the AOPD zoning process. A change to the airport boundary, via the sale of surplus property, requires that the boundary of the Airport Lands future land use category also be amended to reflect the change in ownership and allow rezoning of the property to a non-AOPD zoning district.

Proposed Future Land Use Categories:

Upland areas within the Parcel currently in the Airport Lands future land use category are proposed to be re-designated to the New Community future land use category described in Policy 1.6.1. Wetland areas within the Parcel will remain designated as in the Wetlands future land category.

Development within the New Community future land use category must be, in part, *“capable of being planned and developed as a cohesive unit...land must be located such that the area is capable of being developed with a balance of residential and non-residential uses and that major impacts of the development are internalized and/or alleviated by infrastructure that is existing or will be funded privately.”*

The expansion of the New Community future land use boundary onto the Parcel and will allow for the Parcel to be developed in a manner that is cohesive and compatible with the existing development on contiguous New Community properties. Policy 1.6.1 requires the minimum land area of a New Community exceed 2,000 acres to ensure an appropriate balance of land uses. The New Community future land use category in the Gateway area, if expanded to encompass the Parcel, will include approximately 2,524 acres, and is consistent with Policy 1.6.1.

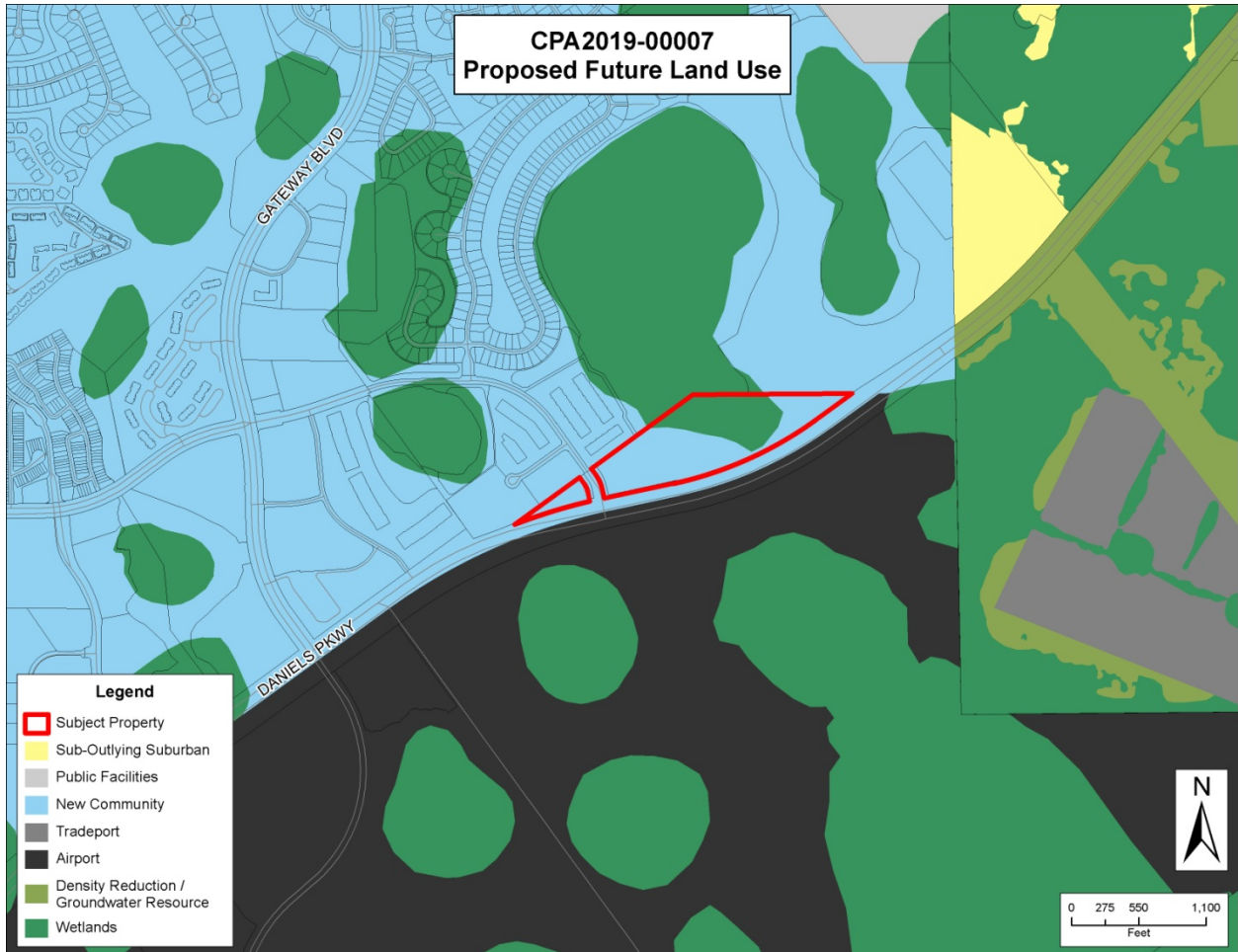


Figure 4: Proposed Future Land Use Map

The primary difference in uses allowed in the New Community future land use category and the Airport Lands future land use category is that New Community allows for residential uses. Staff notes that the concurrent rezoning request does not include residential uses; therefore the proposed change will have no impacts based on allowable uses or intensities.

Airport Noise Zones

The Parcel is currently identified in Airport Noise Zone A on Map 1, Page 5 of the Lee Plan. Policy 1.7.1 provides that Noise Zone A is the designation given to Airport Property and that “Upon disposition of any Port Authority property, the land is then subject to the Noise Zone as applicable based on the most recent Composite Day-Night Average Noise Level (DNL) Noise Contours map for Southwest Florida International Airport approved by the Federal Aviation Administration.”

To maintain consistency with Policy 1.7.1, Lee Plan Map 1, Page 5 will be amended to reflect the appropriate Noise Zone on the Parcel based on the most recent DNL Noise Contours map on the Parcel (see Attachment 1).

Growth Management/Compatibility:

Goal 2 discusses the need for appropriate growth management. Objective 2.2 specifies that new growth should be directed to future urban areas where adequate public facilities exist, as well as areas where contiguous development patterns can be created. The Parcel is in an area with adequate facilities and substantial development on all sides. Expansion of the New Community designation onto the Parcel will allow for contiguous development patterns and is consistent with Goal 2 and Objective 2.2 of the Lee Plan.

Policy 6.1.4 also states that commercial development will be approved only when compatible with adjacent existing and proposed land uses, as well as with existing and proposed public services and facilities. The proposed land use is compatible with the currently existing commercial development, and is located in an area that currently has appropriate programmed public services. The proposed amendment is consistent with Policy 6.1.4

Public Service Availability:

As previously stated, the proposed amendment to the Future Land Use Map will not change either the uses or the intensities of the subject property. The adequacy of the public facilities services will be reviewed as part of the zoning process, where the specific proposed uses and intensities can be evaluated.

Transit: The subject area is not within one-quarter mile of a fixed-route corridor. The area has not been identified as needing enhanced or additional transit services.

Utilities: There is sufficient capacity to provide potable water and sanitary sewer service to the Parcel. Service will be provided by Gateway Water Reclamation Facility.

Solid Waste: Solid waste collection services will be provided by Lee County using the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.

Fire: The Parcel will be served by the South Trail Fire Protection & Rescue Service District.

EMS: The primary ambulance for this location is located 4.3 miles from the property, with a secondary ambulance located 6.1 miles away.

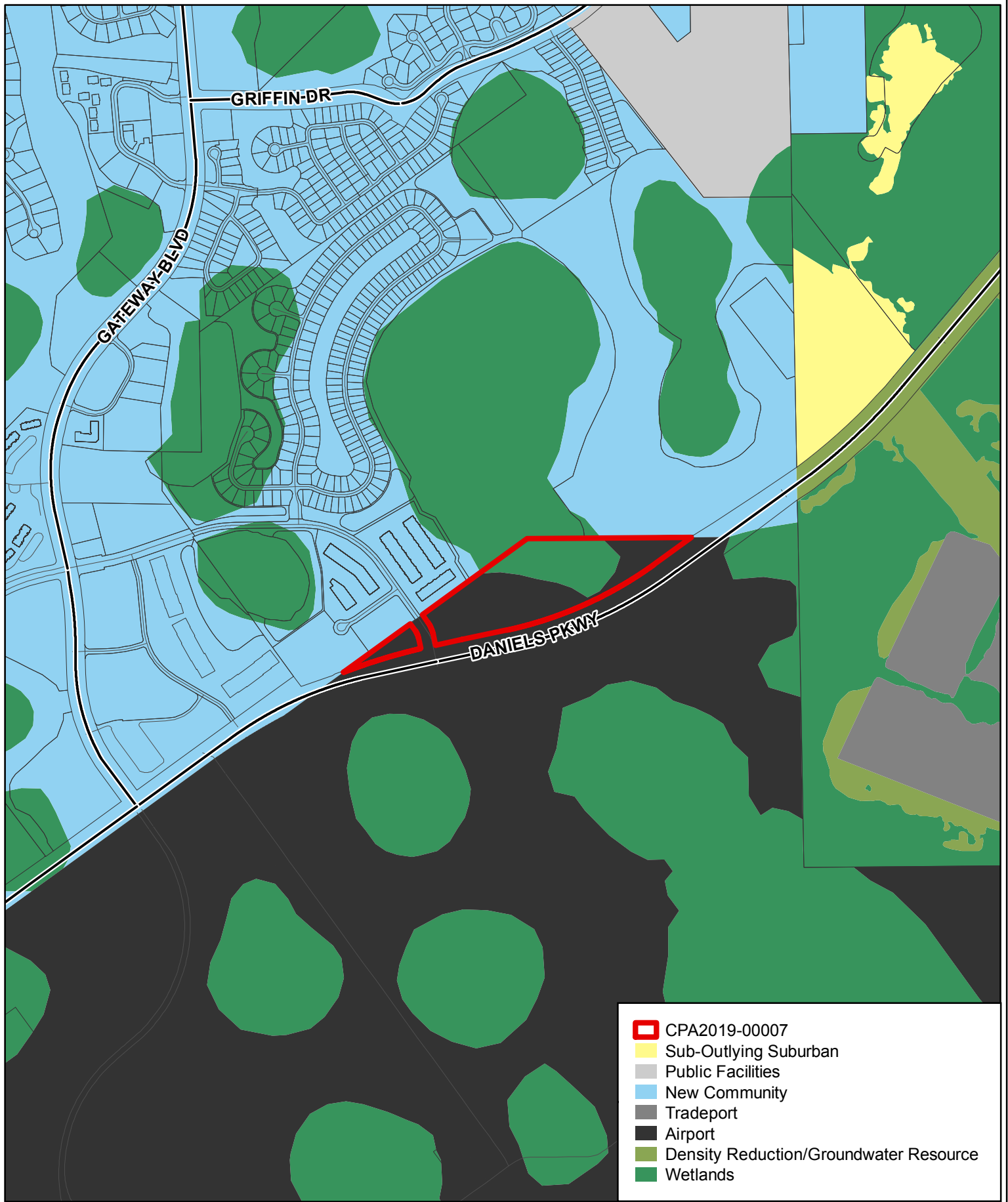
Police: The Lee County Sheriff will provide law enforcement services primarily from the Central District sub-station in Fort Myers. The Sheriff indicated in a letter dated October 2, 2020 that the development of the subject property will not affect the ability of the Lee County Sheriff's Office to provide core services at this time.

PART 4 CONCLUSIONS

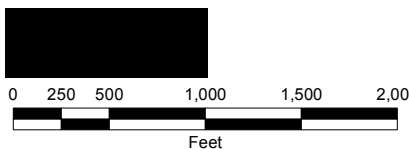
Board of County Commissioners initiated this amendment to maintain consistency with the Lee Plan since the existing Airport Lands future land use category and Airport Noise Zone A designations are only for lands owned by the Lee County Port Authority. The amendments will accommodate the sale of the surplus property to a private entity for development.

- The New Community future land use category and updated Airport Noise Zone will allow for privately developed commercial and/or light industrial uses on the subject property adjacent to a primarily light industrial area within the Gateway community.
- While New Community allows for residential uses and Airport Lands does not, there is no difference in the intensities of non-residential uses allowed in the existing and proposed future land use categories.
- A concurrent planned development rezoning application filed by the purchaser of the property is limited to commercial and light industrial uses; therefore the proposed future land use category will result in no increase in allowable densities or intensities.
- There is currently, and will continue to be, adequate public services to meet the demands of the New Community future land use category.

For the reasons discussed in this staff report, Staff recommends that the Board of County Commissioners *transmit* the proposed amendments.



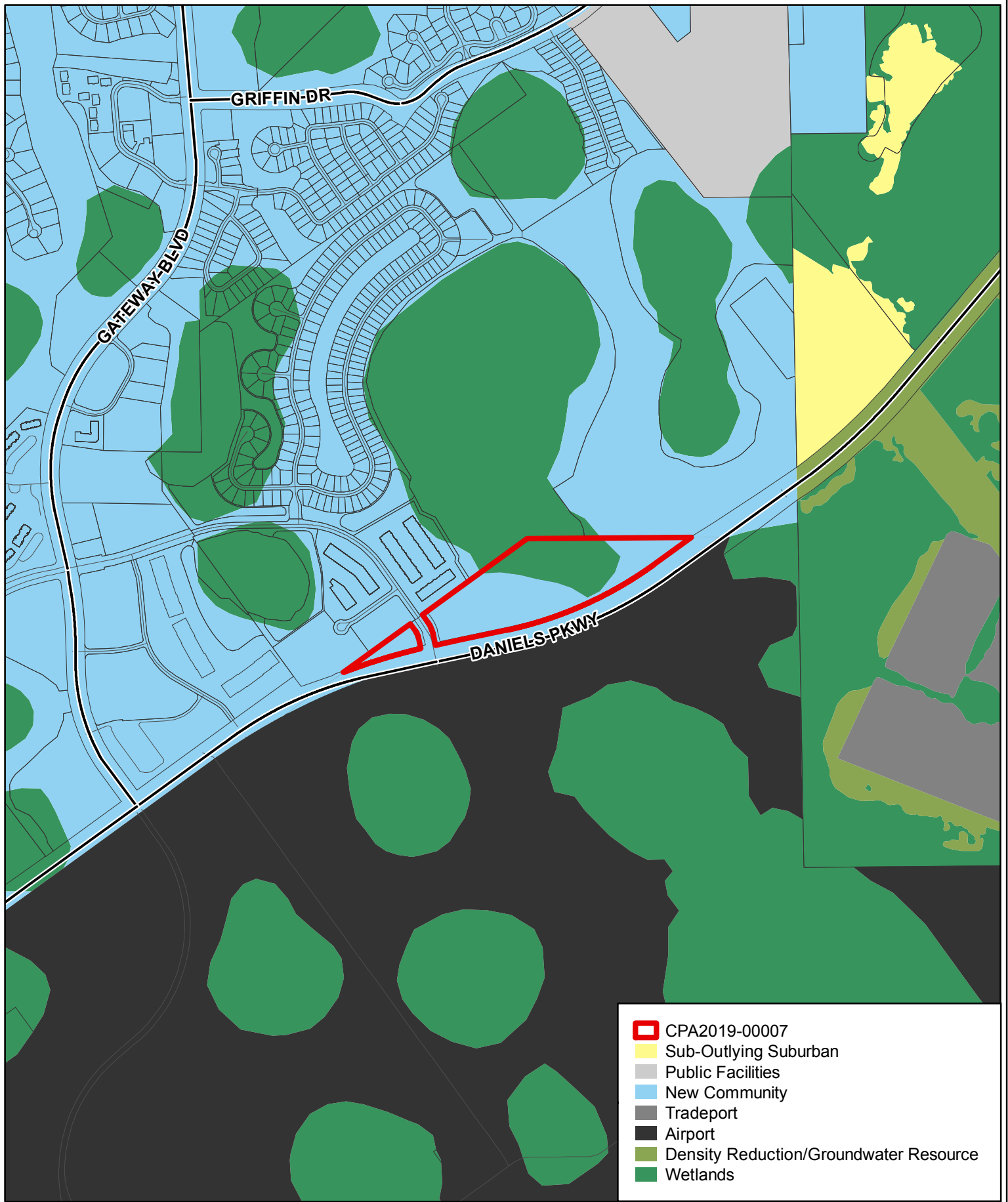
- CPA2019-00007
- Sub-Outlying Suburban
- Public Facilities
- New Community
- Tradeport
- Airport
- Density Reduction/Groundwater Resource
- Wetlands



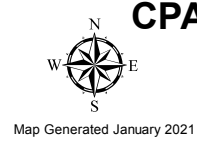
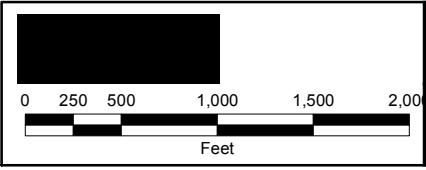
Map Generated January 2021

CPA2019-00007 - Commerce Lake Parcel

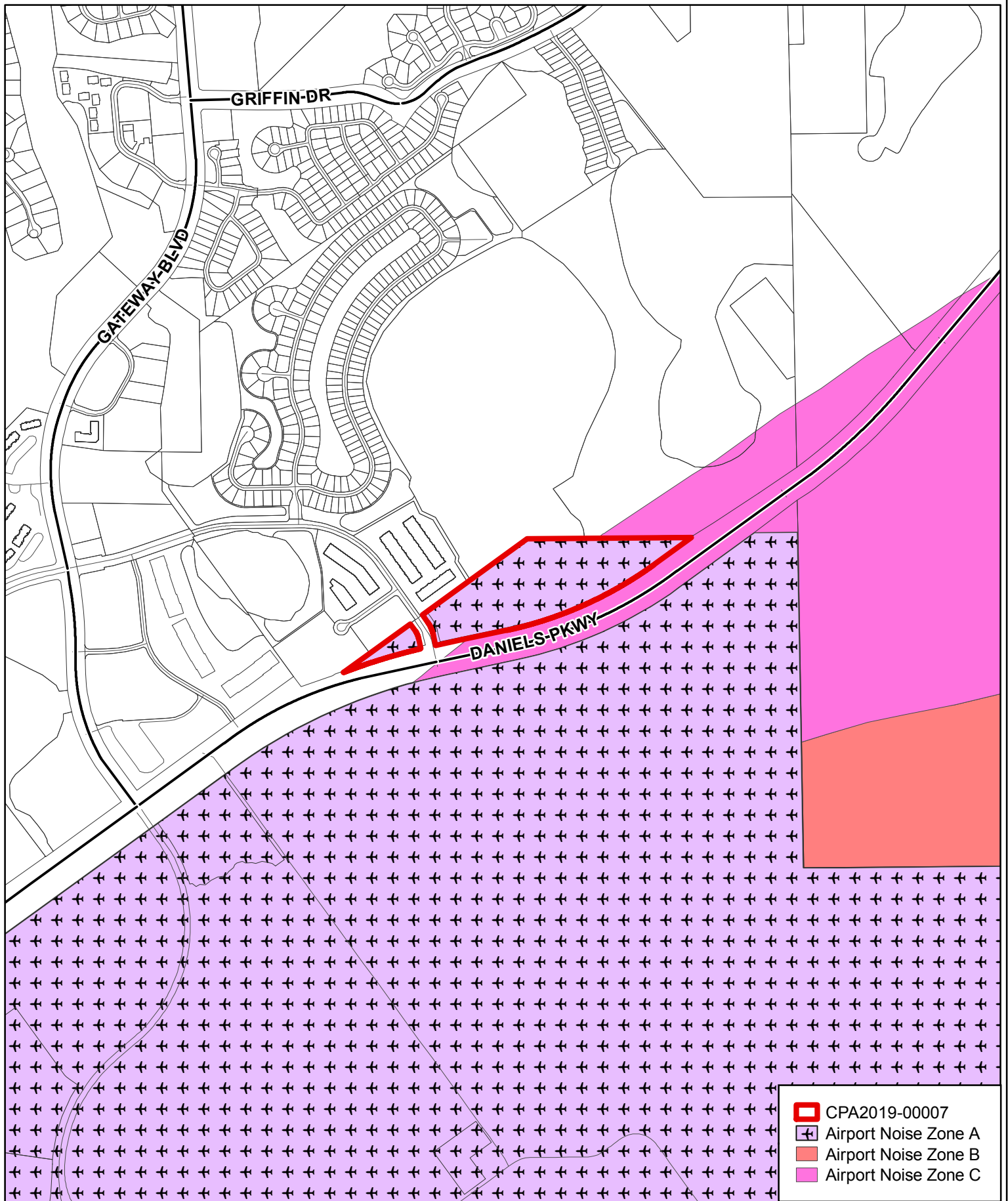
EXISTING LEE PLAN FUTURE LAND USE MAP



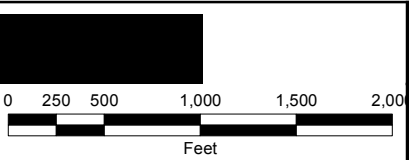
- CPA2019-00007
- Sub-Outlying Suburban
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- Airport
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CPA2019-00007 - Commerce Lake Parcel
PROPOSED LEE PLAN
FUTURE LAND USE MAP



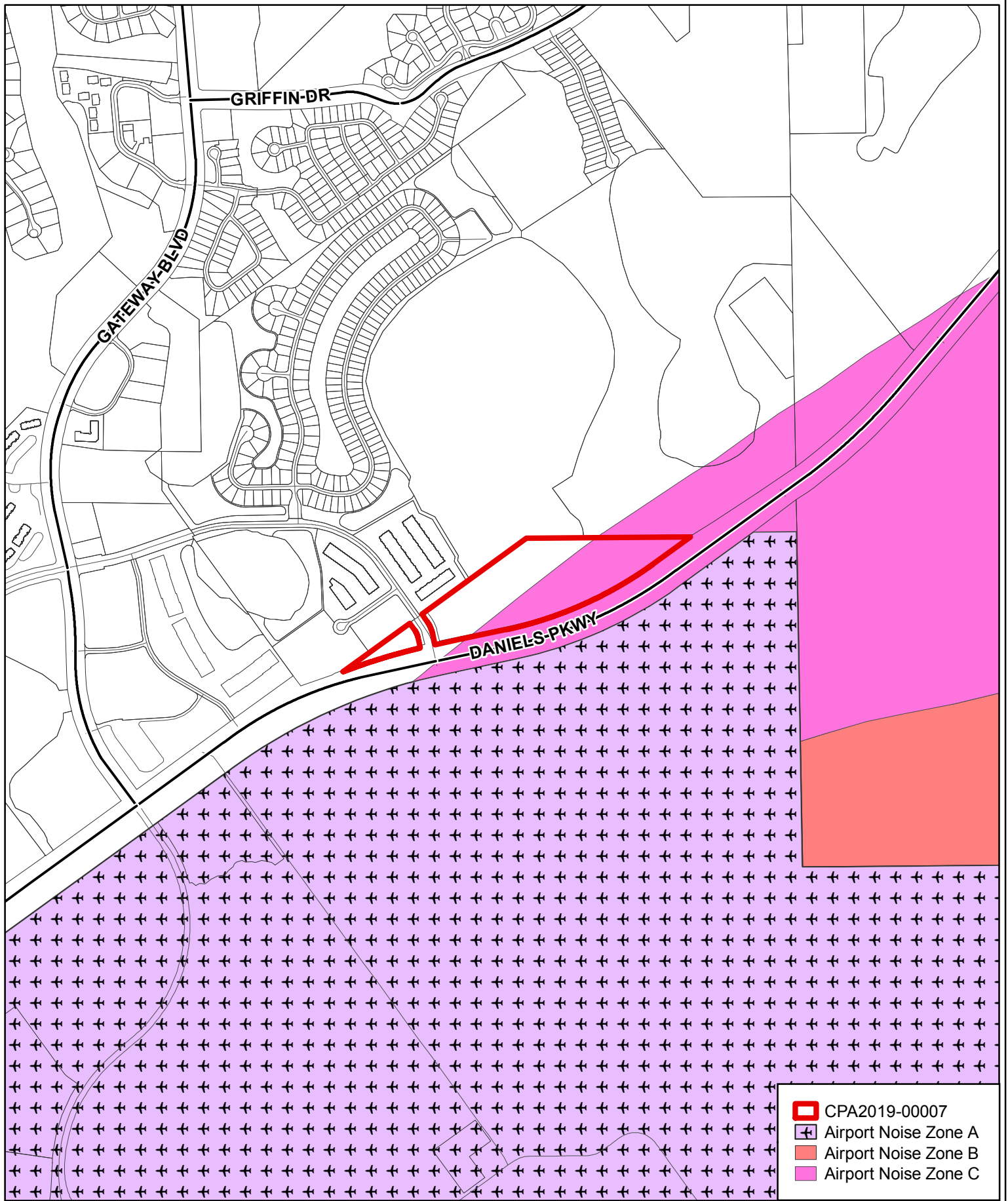
- CPA2019-00007
- Airport Noise Zone A
- Airport Noise Zone B
- Airport Noise Zone C



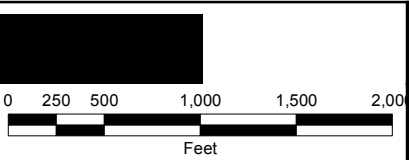
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CPA2019-00007 - Commerce Lake Parcel

EXISTING LEE PLAN AIRPORT NOISE ZONE MAP



- CPA2019-00007
- Airport Noise Zone A
- Airport Noise Zone B
- Airport Noise Zone C



Map Generated January 2021

CPA2019-00007 - Commerce Lake Parcel
PROPOSED LEE PLAN
AIRPORT NOISE ZONE MAP

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT

DATE: January 15, 2021

To: Local Planning Agency Members

FROM: Brandon Dunn

Principal Planner

RE: Evaluation and Appraisal Notification Letter

Florida Statute 163.3191 and Florida Administrative Code 73C-49 require that at least once every 7 years, each local government shall evaluate its comprehensive plan to determine if amendments are necessary to reflect changes in Chapter 163, Part II of the Florida Statutes since the last time the comprehensive plan was updated. Following this determination each local government is required to submit a letter to the Florida Department of Economic Opportunity (DEO), notifying the agency if amendments to the local comprehensive plan are necessary. Lee County's notification letter is due to DEO by May 1, 2021.

If a local government fails to submit its notification letter by the required date, the local government is prohibited from amending its comprehensive plan until such time as it complies with the requirement.

Staff annually reviews changes to Florida Statutes, including Chapter 163, Part II during and after state legislative sessions and has identified no changes that would necessitate amendments to the Lee Plan in order to maintain compliance.

In order to comply with F.S. Chapter 163.3191 and Administrative Code 73C-49, staff has prepared the attached letter, stating evaluation and appraisal amendments are not necessary to reflect changes in state requirements, and requests the LPA make a motion authorizing the LPA Chairperson to sign the required letter on behalf of Lee County.

If you have any questions, please contact me at bdunn@leegov.com or (239)533-8585.

Attachments:

Evaluation and Appraisal Notification Letter



Kevin Ruane
District One

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

January 25, 2021

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

Re: Evaluation and Appraisal Notification Letter

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163.3191, please consider this letter as Lee County's evaluation of its comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements since the last update of the comprehensive plan.

At this time, Evaluation and Appraisal amendments are not necessary to reflect changes in state requirements in Chapter 163, Part II, F.S., since the last update of the Lee Plan.

If you have any questions regarding this Evaluation and Appraisal Notification Letter, please contact Brandon Dunn with the Lee County Department of Community Development, Planning section at (239) 522-8585.

Sincerely,

Local Planning Agency

_____, Chairperson