

Grand Bay Comprehensive Plan Amendments

CPA2022-00006 & CPA2022-00007



Local Planning Agency

December 12, 2022

Applicant Representatives

Counsel: Steven C. Hartsell, Esq.



Planner: Stacy Ellis Hewitt, AICP
Engineer: Kenneth W. Kellum, P.E.



Environmental: Ashley Palmer



Transportation: Ted Treesh, PTP



Requests

- Amend Lee Plan Map 1-C to include 15.64 acres of the subject property in the Mixed-Use Overlay
- Amend Lee Plan Policy 5.1.10 to align how density is calculated with how it is defined in the Glossary and with existing processes
- Staff Found consistent with Lee Plan and Recommends Transmittal

Land Use & Planning

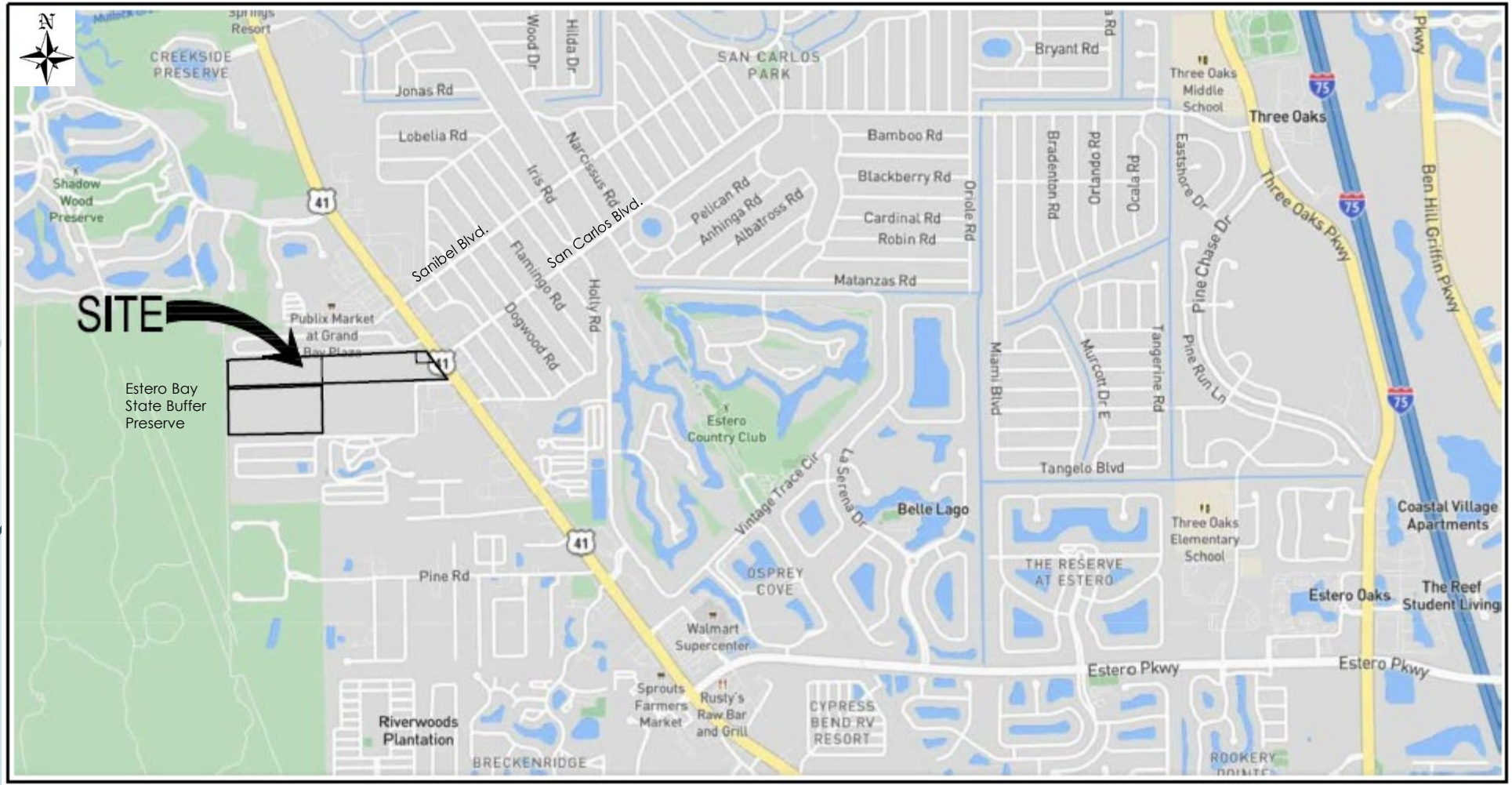
Stacy Ellis Hewitt, AICP



Concurrent Zoning per Chapter 163.3184(12), F.S.

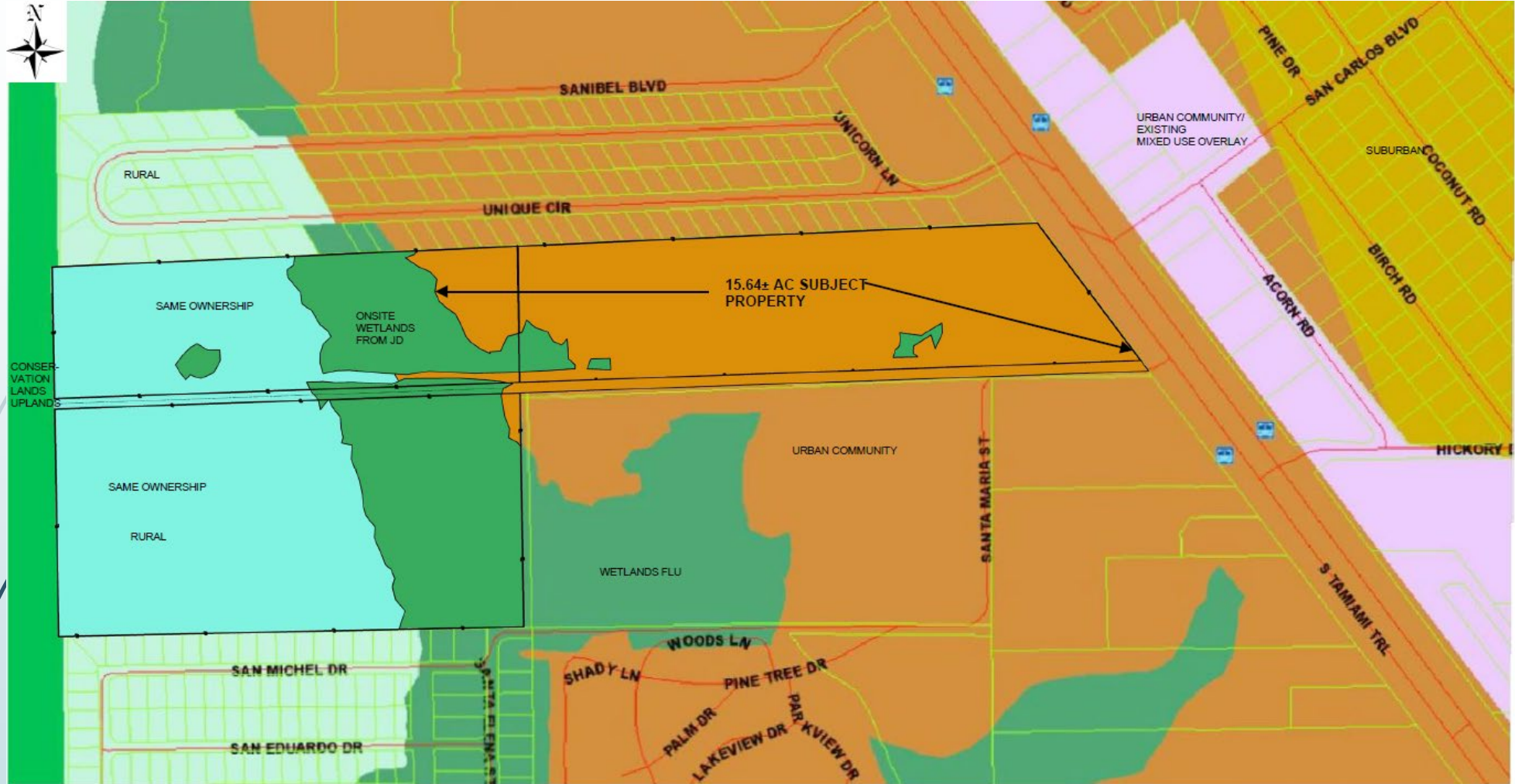
- Request to rezone ±46.33 acres from Mobile Home District (MH-1) and General Commercial District (CG) to Minor Mixed-Use Planned Development (MPD) to allow a maximum of 300 dwelling units (179 dwelling units, with 121 units of bonus density) and 30,000 square feet of commercial retail or office uses with a maximum height of 53 feet.
 - Clustered on the eastern side of the property
 - Allows for substantial preservation (30± ac/64%± of site) within the Coastal High Hazard Area, adjacent to the Estero Bay Preserve State Park

Area Location Map



- West side of U.S. 41/S. Tamiami Trail (arterial) at intersection with San Carlos Boulevard (major collector – intersection proposed for signalization by FDOT)
- Overall site 46.33 ac
- MUO request on eastern 15.64 ac

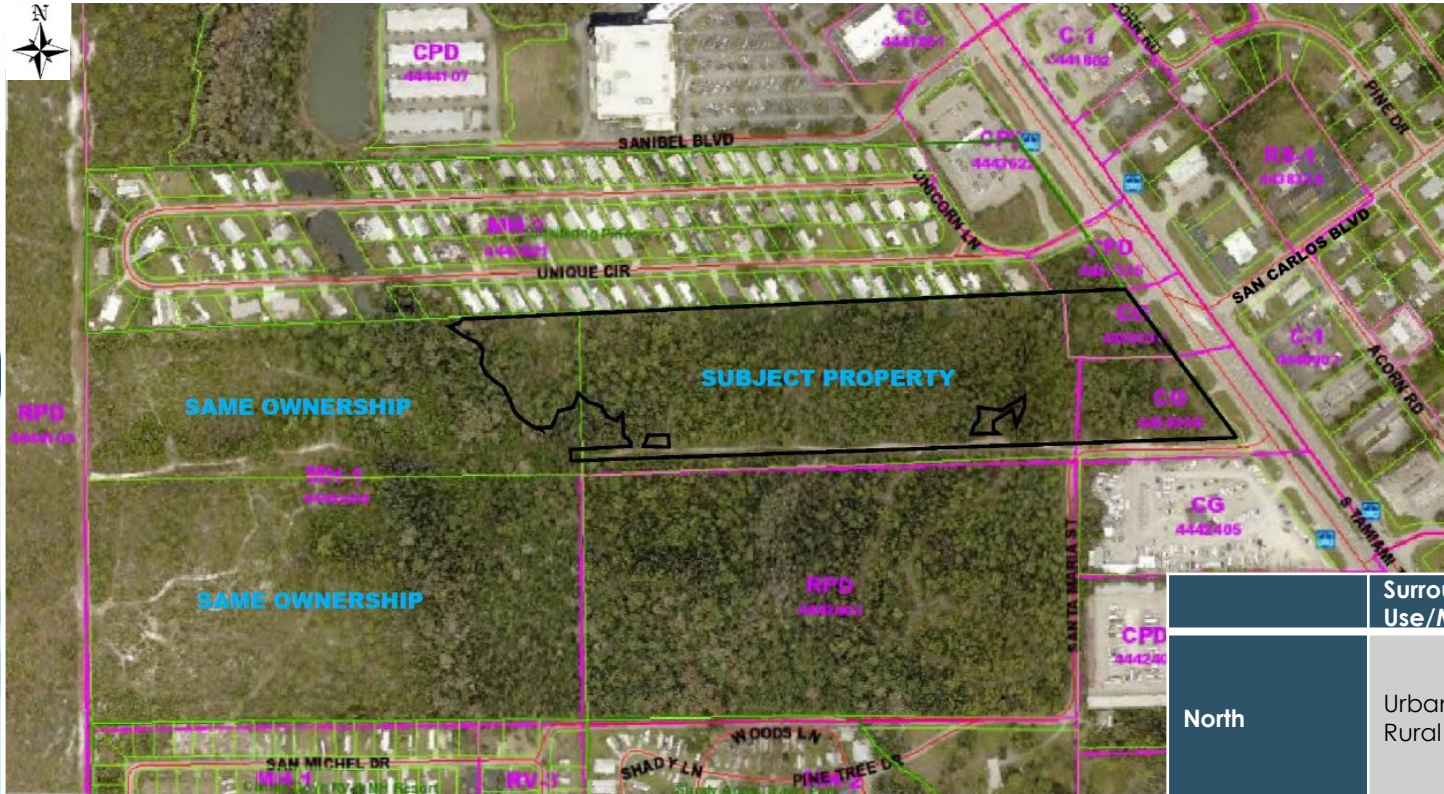
Future Land Use Map



➤ Future Land Use Categories:

- Urban Community – (all 15.64 ac proposed for MUO are within this category)
- Rural
- Wetlands

Subject & Surrounding Properties



➤ Subject Property

- 2.73± ac zoned CG
- 43.6± ac zoned MH-1
- Vacant with dirt trail
- Approved DO for access road to U.S. 41 aligning with San Carlos Boulevard

	Surrounding Future Land Use/Mixed Use Overlay	Surrounding Zoning	Surrounding Use
North	Urban Community, Rural & Wetlands	CPD fronting S. Tamiami Trail/US 41 then MH-2	Vacant commercial then Walgreens fronting US 41 then Shelter Pines Mobile Home Village (platted density 8.62± du/ac & built density 7.05± du/ac)
South			
West ½ of proposed RPD	Rural & Wetlands	MH-1 and RV-3	Calusa Cove RV Park platted for 6.55± du/ac
East 1/2	Urban Community & Wetlands	Estero Vista RPD & CG	Vacant with DO for 144 Multi-family (including bonus density) then Santa Maria Street & Marina Mikes Boat sales
East	US 41 then Urban Community & Mixed Use Overlay	C-1	Church, shopping centers, car wash
West	Urban Community/Wetlands/Rural then Conservation Lands Upland	Remainder of Grand Bay RPD then RPD	Proposed 30± ac preserve of Grand Bay RPD, then Estero Bay State Buffer Preserve

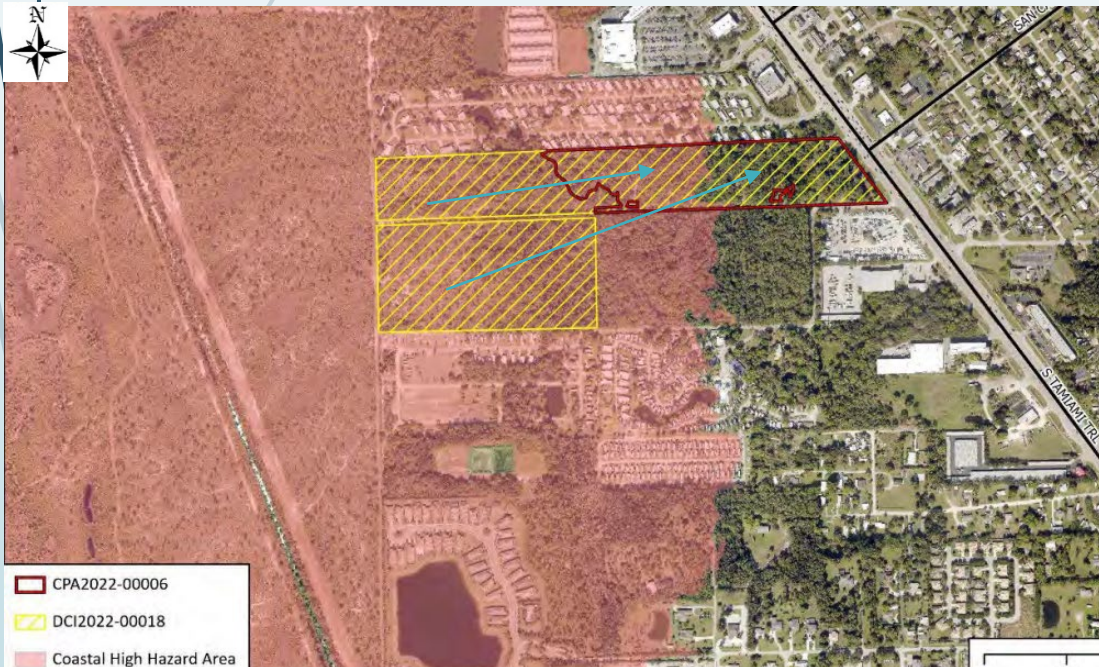
Result of Mixed Use Overlay

Without Mixed Use Overlay

- Maximum 297 DU & 30,000 SF Commercial
 - 20 single-family DU on well & septic within western Rural area which would require a road crossing of the Mullock Creek Floodway which bisects the site
 - 277 multiple-family DU on eastern portion of site

If Mixed Use Overlay Approved – Increase of 41 DU

- Maximum 338 DU & 30,000 SF Commercial
 - Allows clustering of 338 multiple-family DU on eastern Urban Community portion of site
 - 30± ac/64%± of site preserved & 20 potential well & septic removed adjacent to state preserve
 - Removes need for access across Mullock Creek Floodway
 - Clusters development out of the Coastal High Hazard Area as much as possible



Public Facilities

Fire: San Carlos Park Fire Protection & Rescue Service Station 51 is 0.76± mile from site – response time less than three minutes – able to provide fire suppression & prevention, emergency medical services and public education service.

Emergency Medical Services: Lee County EMS – Medic 9 is 0.9± mile from site +3 additional stations within 5 miles - adequate service availability

Utilities: Lee County Utilities has sufficient water & sewer capacity & lines in operation adjacent to site – developer funded enhancements such as line extensions may be required - **Water:** Pinewood Water Treatment Plant **Sewer:** Three Oaks Water Reclamation Facility

Public Transit: Lee County Transit: adjacent of a fixed route corridor – bus stop within ¼ mile, identified need of enhanced or additional services in area – developer funded enhancements may be required at DO

Schools: School District of Lee County: capacity is an issue within Concurrency Service Area (CSA) at elementary school level, however capacity is available within the adjacent CSA

Police: Lee County Sheriff's Office: sufficient capacity for service. South District offices in Bonita Springs

Solid Waste: Lee County Solid Waste is capable of providing collection service through franchised hauling contractors. Disposal at Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill

Traffic: Long Range & Short Range Analysis indicates all roadways within 3-mile radius anticipated to operate at or better than adopted LOS for 2027 and 2045.

Lee Plan Consistency

Meets Policy 11.2.1 criteria for adding property to Mixed Use Overlay:

1. Located within the extended pedestrian shed (1/2 mile/2,640') of established transit routes
 - ✓ **Route 240 & Route 140 Sunday only along U.S. 41 with bus stops 200±' to north & 320±' to south**
2. Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways (U.S. 41)
 - ✓ **Shared access road with Estero Vista RPD to south**
 - ✓ **Future parking lot interconnect required between commercial outparcel & CPD to north which connects to Unique Drive & commercial uses to north**
3. Located within the Intensive Development, Central Urban, or ✓ **Urban Community** future land use categories; and,
4. Availability of ✓ **adequate public facilities and infrastructure**; and
5. Will not intrude into predominately single-family residential neighborhoods.
 - ✓ **Not predominately single-family: Multiple-family under construction to south and relatively high-density mobile homes and vacant commercial to north**

Lee Plan Consistency

- ✓ **Policy 1.1.4 – Urban Community**: Relatively intense residential and commercial uses - future development encouraged to be mixed use – consistent with density
- ✓ Removes development potential from Rural FLU
- ✓ **Policy 11.2.2 – Mixed Use Overlay**: accommodate connection to adjacent uses
- ✓ **Policy 11.2.6 – Mixed Use Overlay**: utilize bonus density to encourage compact and functional development pattern
- ✓ **Policy 11.2.7 – Mixed Use Overlay**: infill development using non-residential uses in density calculations

Text Amendment

PROPOSED TEXT AMENDMENTS

FUTURE LAND USE ELEMENT

Policy 5.1.10: In those instances where contiguous land under single ownership is divided within two or more land use categories by the adoption or revision of the Future Land Use Map, the allowable number of dwelling units density under this Plan will be the sum of the allowable dwelling units densities for each land use category for each portion of the land. This density can be allocated The dwelling units may be distributed across the property provided that: the resultant development affords further protection to environmentally sensitive lands, if they exist on the property, and the number of dwelling units within any Future Non-Urban Area land use category does not exceed the density allowed in that future land use category.

~~1. The planned development zoning is utilized; and~~

~~2. No density is allocated to lands designated as non-urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and~~

~~3. The land was under single ownership at the time this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flow ways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and~~

~~4. The resultant planned development affords further protection to environmentally sensitive lands if they exist on the property.~~

- Overall site has 3 Future Land Use Categories
 - Urban Community, Rural & Wetlands
- Literal interpretation of 5.1.10.3 would have prevented transfer of 20 Rural du's abutting state preserve to Urban Community to east
- Approval facilitates preservation of western 30± acres and moves density out of Rural/Future Non-Urban Area
- Staff requested additional amendments to align policy with Lee Plan's definition of density and standard Lee County density practices
 - Removes arbitrary 1992 project specific language
- Request is consistent with Policy 5.1.10, as amended

Conclusion

- Staff finds consistent with Lee Plan and recommends transmittal
- Applicant in agreement with Staff Report
- Amendments are consistent with and in furtherance of the intent of the Lee Plan
- Respectfully Request recommendation of Transmittal





Backup Slides

Vegetation Map

SECTION: 20
TOWNSHIP: 46 S
RANGE: 25 E

0 100 200
SCALE FEET



FLUCCS	Description	Acreage
411E1	Pine Flatwoods Invaded by Exotics (10-25%)	12.86 ac.
411E3	Pine Flatwoods Invaded by Exotics (51-75%)	3.40 ac.
411E4	Pine Flatwoods Invaded by Exotics (76-90%)	5.03 ac.
416	Scrubby Pine Flatwoods	0.72 ac.
450	Mixed Exotic Upland Forest	11.93 ac.
617E4	Mixed Wetland Hardwoods Invaded by Exotics (76-90%)	9.88 ac.
619	Exotic Wetland Hardwoods	0.71 ac.
740H	Hydic Disturbed Land	0.17 ac.
8146	Dirt Road	1.63 ac.
Total		46.33 ac.

Notes:

1. Property boundary and surveyed wetland lines provided by Banks Engineering.
2. Mapping based on photointerpretation of 2021 aerial photography and ground truthing in January 2022.
3. Delineation of jurisdictional wetlands reviewed and approved by SFWMD on April 14, 2022.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

Protected Species Survey

SECTION: 20
TOWNSHIP: 46 S
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0 100 200
SCALE FEET



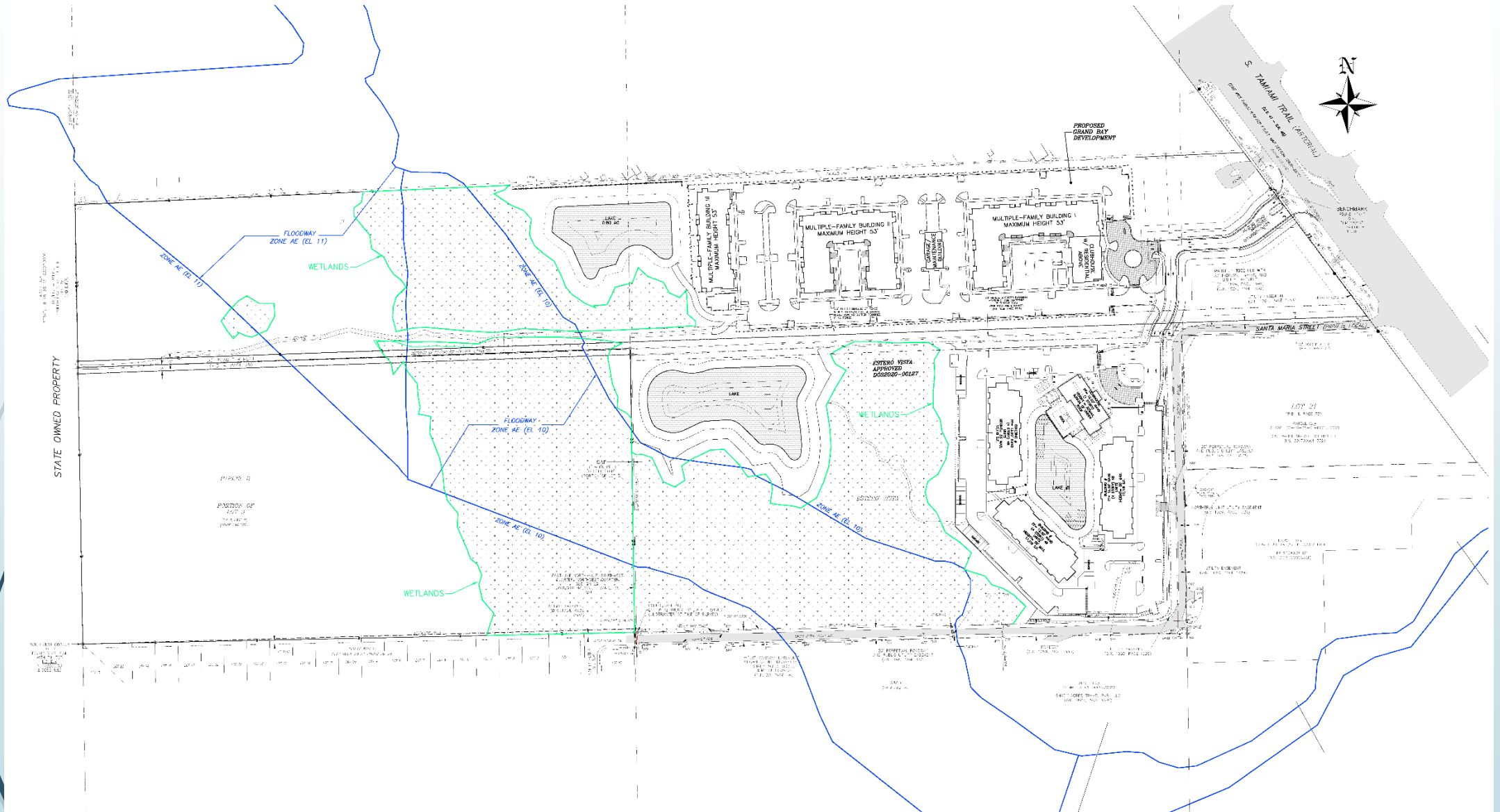
- ⊙ Potentially Occupied Gopher Tortoise Burrow (41)
- ⊠ Tree with Cavity (23)

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Development Map



FEMA Flood Map

