

**BOARD OF COUNTY COMMISSIONERS**

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Bob Janes  
District One September 19, 2002

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Donald D. Stilwell  
County Manager

James G. Yaeger  
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Diana M. Parker  
County Hearing  
Examiner

Ray Eubank, Administrator  
Florida Department of Community Affairs  
Division of Community Planning  
Bureau of Local Planning  
2555 Shumard Oak Boulevard  
Tallahassee, FL. 32399-2100

Re: Amendments to the Lee Plan  
Transmittal Submission Package for the 2001/2002 Regular Amendment Cycle

Dear Mr. Eubank:

In accordance with the provisions of F.S. Chapter 163.3184 and of 9J-11.006, this submission package constitutes the transmittal of the proposed 2001/2002 Regular Amendment Cycle to the Lee Plan. The Local Planning Agency held public hearings for these plan amendments on the following dates: March 25, 2002; April 22, 2002; July 22, 2002; August 26, 2002. The Board of County Commissioners transmittal hearing for the plan amendments was held on September 4, 2002 and September 5, 2002. Per 9J-11.006(1)(a)(3), Lee County is requesting that the Department review the proposed amendments and provide an Objections, Recommendations, and Comments (ORC) Report. The proposed amendments are not applicable to an area of critical state concern. The Board of County Commissioners has stated its intent to hold an adoption hearing upon receipt of the ORC Report.

A summary of the plan amendment content and effect is attached to this letter. 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 amendments is as follows:

Mr. Paul O'Connor, AICP  
Lee County Planning Division Director  
P.O. Box 398  
Fort Myers, Florida 33902-0398  
(941)479-8585  
Fax (941)479-8319  
Email: [occonnops@leegov.com](mailto:occonnops@leegov.com)

Included with this package, per 9J-11.006, are six copies of the adopted amendment, and supporting data and analysis. By copy of this letter and its attachments I certify that these amendments have been sent to the Regional Planning Council, the Florida Department of Transportation (FDOT),

the Department of Environmental Protection, Florida Department of State, Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, Division of Forestry, and the South Florida Water Management District.

Sincerely,  
**DEPT. OF COMMUNITY DEVELOPMENT**  
**Division of Planning**



Paul O'Connor, AICP  
Director

All documents and reports attendant to this transmittal are also being sent, by copy of this cover, to:

David Burr  
Interim Director  
Southwest Florida Regional Planning Council

Mike Rippe, District Director  
FDOT District One

Executive Director  
South Florida Water Management District

Plan Review Section  
Department of Environmental Protection

Florida Department of State

Florida Fish and Wildlife Conservation Commission

The Department of Agriculture and Consumer Services, Division of Forestry

## 2001/2002 LEE PLAN AMENDMENT CYCLE

### SUMMARY OF PLAN AMENDMENT CONTENT AND EFFECT

- CPA 2001-09** Amends the Future Land Use text by adding a new Vision Statement, Goal, Objectives and Policies specific to the Bayshore Community. The Policies generally address Land Use, Transportation, Sewer and Water, and Parks and Recreation. The intent of the amendment is, in part, to provide for slow and steady growth in the Bayshore Community and to prevent incompatible uses such as mining and intense commercial uses from developing in the community.
- CPA 2001-10** Amends the Future Land Use text by adding a new Goal, Objective and ten Policies specific to the Captiva Island Community. The policies address such things as establishing a landscaping code for Captiva, creating a document clearing house to aid residents in monitoring development requests, a requirement for owners or agents for any rezoning, variance, or special exception to hold a public informational session on Captiva and a policy for Lee County to encourage and support efforts by Captivans to develop and submit ordinances that help maintain the historical character of the land. This is a privately initiated amendment sponsored, in part, by Lee County Government.
- CPA2001-11** Amends the Future Land Use Element, Policy 1.2.2, the Airport Commerce descriptor policy, to broaden the allowable uses and to establish relationships and criteria for those uses. Providing for Commercial Retail uses in Airport Commerce allows the County to better use the airport to attract new business in order to promote economic growth and diversification. Flexibility in the planning requirements for future business and industrial lands in the Airport Commerce category is of paramount importance. Commercial functions located within business and industrial parks provide beneficial services to employees. In addition Policy 1.2.2 is being amended by removing "and other hospitality services" due to the fact that it is not a defined term. The LDC does not have this as a use group or a defined use. Also, the Lee County Land Development Code (LDC) provides that caretakers residences can be approved in association with an industrial development, therefore Policy 1.2.2 is being amended to allow caretakers residences.
- CPA2001-12** The amendment adds to Policy 1.3.8 a specific access management plan for Alico Road in the vicinity of the I-75 interchange, and adds maps of the specific access management plans to the Future Land Use Map series. The addition of specific access management plans for the four County-maintained roads that connect to the interstate allows for a recognition of already-existing conditions and previous development approvals, rather than relying on the generalized spacing standards included in Policy 1.3.8. This action is a follow-

up to PAT 99-27, which added the specific access management plan for Corkscrew Road. Future amendments are anticipated to add the specific access management plans for Luckett Road and Bonita Beach Road.

- CPA2001-15** Amends the Future Land Use Map (FLUM) series to include in the Conservation Lands category those lands acquired by Lee County, the State of Florida (TIITF), and the private conservation foundation, the Calusa Land Trust, and reclassify an FDOT maintenance yard from the Conservation Lands FLUM category to the Public Facilities FLUM category.
- CPA2001-18** Amends the Future Land Use text by replacing the existing Vision Statement with new language, and by adding new policies and amending existing policies specific to the Pine Island Community. Amends the Future Land Use Map by creating a new Coastal Rural Land Use Category. Highlights of the Plan are the creation of the Coastal Rural Land Use Category which will replace the Rural designation on Pine Island and replace an additional 157 acres of land currently in the Outlying Suburban designation. Another policy changes the way development orders will be allocated once the 910 vehicle trip calculation has been reached. Other policies address changes to the sign regulations, architectural and site design standards, riparian areas, septic drainfields and historic building designation on Pine Island.
- CPA2001-22** Amends Map 12 of the Future Land Use Map Series, the Water Dependent Overlay (WDO) zones, by evaluating and updating the status of the overlay areas and the Goals, Objectives and Policies that pertain to the WDO zones. This amendment addresses 40 WDO zones, of which 6 are proposed for amendment. The remaining zones do not present compelling reasons for amendment. As currently codified, the Lee Plan Goals, Objectives, and Policies sufficiently address WDO concerns.
- CPA2001-23** Amends the Future Land Use Map series, Map 20, The “Contiguous Agricultural Parcels Over 100 Acres” map by updating the overlay to reflect current conditions. Changes to the map include mapping lands that are currently in agricultural use and meet the other criteria outlined in Objective 9.1 (as proposed in this amendment). Objective 9.1 is being amended to clarify the criteria for selecting properties to be included on the overlay map. The existing Lee Plan language does not match the parcels that are shown on the current overlay. The adopted 1994 Overlay included parcels that were smaller than 100 acres; however, Objective 9.1 states “Place all existing active and passive agricultural uses on all parcels in excess of 100 acres...” The revised language clarifies that Ag parcels less than 100 acres in size will only be included on the overlay if they are contiguous to other Ag uses resulting in an “Ag Area” larger than 100 acres. The new language clarifies that properties must be outside of Future Land Use Categories that are anticipated to develop with urban uses during the life of the plan. Finally, language is added to require this overlay to be reviewed every 2 years.

- CPA2001-24** This amendment simply updates Table 2(b), Recommended Operational Improvements on Constrained Roads, to reflect the latest thinking on operational improvements for the constrained roads. The table is also being expanded to include all of the constrained roads, whether an operational improvement is identified at this time or not, to avoid any confusion when comparing to Table 2(a) (the list of constrained roads). A note is also being added to make clear that, even if no specific operational improvement is identified in the table at this time, operational improvements may be determined to be necessary in relation to specific development requests.
- CPA2001-27** Amends the Community Facilities and Services Element, Goal 40: Coordinated Surface Water Management and Land Use Planning on a Watershed Basis by adding a new Objective and Policy regarding incorporation of green infrastructure into the surface water management systems of proposed developments, and providing definitions for green infrastructure and flow-way in the Glossary. Incorporating green infrastructure and flow-ways into surface water management design will help protect the groundwater and surface water in Lee County. Also, green infrastructure furthers Lee County's efforts in achieving EPA's non-degradation water quality criteria for stormwater discharges to designated Outstanding Florida Waterways and compliance with future total maximum daily loads established for impaired water-bodies.
- CPA2001-28** Amends the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program. Lee Plan Policy 70.1.1 requires a Capital Improvements Program to be prepared and adopted on an annual basis. Florida Statute 163.3177(3)(b) requires that the Capital Improvements Element of the comprehensive plan be amended annually to reflect the modifications of the adopted Capital Improvement Program (CIP). This amendment incorporates the most recently adopted CIP in the Capital Improvements Element.
- CPA2001-31** Amends Policy 80.1.7 of the Conservation and Coastal Management Element by updating the policy to reflect a new percentage for replacement values and revising the target date when development regulations will require implementation of this policy. At this time the Lee County Land Development Code addresses these issues through Sections 6-405 and 6-472. The amendment also changes modifications to buildings from 20% to 25% of its replacement value which is consistent with the Federal Emergency Management Agency's current threshold. Additionally the amendment changes the policy language from 'one or more losses of \$1,000.00 or more' to a repetitive loss as defined by the Federal Emergency Management Agency. The intent of the policy has been recorded into the county regulations.

**CPA2001-32**

Amends the Intergovernmental Coordination Element and the Community Facilities Element to bring the element into compliance with the provisions of F.S. Chapter 163.3177. In order to comply with the provisions of F.S. Chapter 163.3177 the Lee Plan should be amended to include a new policy in the Intergovernmental Coordination Element, under Goal 109, that refers to Goal 46: Education as the source for coordinating the comprehensive plan with the plans of the school board. Staff also recommends that a new policy, under Goal 46: Education, be adopted to address the coordination of population projection planning.

**CPA2001-33**

Amends the Build Back Policy of the Procedures and Administration Element by replacing references to the term "cost" with the term "value." The proposed amendment will clear up language differences between the Lee Plan and what is contained in the Lee County Post Disaster Ordinance No. 95-14. Both of the terms "replacement cost" and "replacement value" are found in the Post Disaster Ordinance. By replacing the current term "replacement cost" with the term "replacement value," structure damage will be defined to account for variability in the market, such as labor and materials.

**CPA2001-35**

Amends all elements of the Lee Plan, where applicable, by replacing references to the Lee County Regional Water Supply Authority with Lee County Utilities or the Division of Natural Resources in conjunction with the County taking over the responsibilities of the Water Supply Authority. The Lee County Regional Water Supply Authority is referenced in several instances throughout the Lee Plan with regard to their role in water resource issues. The Lee County Regional Water Supply Authority was officially dissolved as of June 30, 2001. Most of the functions of the Lee County Regional Water Supply Authority have been taken over by Lee County Utilities and Lee County Division of Natural Resources.

**CPA 2001-11  
BoCC SPONSORED  
AMENDMENT  
TO THE**

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LEE COUNTY COMPREHENSIVE PLAN

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**THE LEE PLAN**

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DCA Transmittal Document

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*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(941) 479-8585*

September 5, 2002

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA 2001-11**

✓	<b>This Document Contains the Following Reviews:</b>
✓	<b>Staff Review</b>
✓	<b>Local Planning Agency Review and Recommendation</b>
✓	<b>Board of County Commissioners Hearing for Transmittal</b>
	<b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b>
	<b>Board of County Commissioners Hearing for Adoption</b>

STAFF ANALYSIS PREPARATION DATE: August 23, 2002

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

**2. REQUEST:**

Amend the Future Land Use Element, Policy 1.2.2, the Airport Commerce descriptor policy, to broaden the allowable uses and to establish relationships and criteria for those uses.

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. REVISED RECOMMENDATION:**

Staff concurs with the changes proposed by the Local Planning Agency. The language recommended for transmittal is as follows:

**POLICY 1.2.2:** The Airport Commerce areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year 2020. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; offices; research and development activities; ground transportation and airport-related terminals or transfer facilities; and hotels/motels, meeting facilities, retail uses are permitted within hotels/motels. and other hospitality services. Ancillary retail commercial uses, intended to support the

surrounding business and industrial land uses, are allowed if they are part of a Planned Development of 10 or more acres in size and are limited to 1,000 square feet per acre of Airport Commerce land within the Planned Development. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone 3. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. ~~Retail commercial uses in this category are only permitted within hotels and motels.~~ Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. ~~Residential uses are only permitted in this category to the extent described in Chapter XIII.~~

2. **ORIGINAL RECOMMENDATION:**

Staff recommends that the Board of County Commissioners transmit the proposed amendment. The specific language modifications that staff recommends is provided below:

**POLICY 1.2.2:** The Airport Commerce areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year 2020. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; offices; research and development activities; ground transportation and airport-related terminals or transfer facilities; and hotels/motels, meeting facilities, ~~and other hospitality services.~~ Ancillary retail commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development of 10 or more acres in size and are limited to 1,000 square feet per acre of Airport Commerce land. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone 3. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. ~~Retail commercial uses in this category are only permitted within hotels and motels.~~ Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the

rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. ~~Residential uses are only permitted in this category to the extent described in Chapter XIII.~~

### 3. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Providing for Commercial Retail uses in Airport Commerce allows the County to better use the airport to attract new business in order to promote economic growth and diversification.
- Flexibility in the planning requirements for future business and industrial lands in the Airport Commerce category is of paramount importance.
- Commercial functions located within business and industrial parks provide beneficial services to employees.
- The Lee County Land Development Code provides that caretakers residences can be approved in association with an industrial development.
- The reference to "and other hospitality services" is not a defined term.
- The LDC does not have this as a use group or a defined use. Staff recommends that this phrase be removed from the category.

### C. BACKGROUND INFORMATION

This amendment was initiated by the Board of County Commissioners on September 25, 2001. The proposed amendment will amend the Lee Plan by modifying the Airport commerce future land use category descriptor policy to broaden the allowable uses and to establish relationships and criteria for those uses.

## PART II - STAFF ANALYSIS

### A. STAFF DISCUSSION

#### HISTORY

Objective 1.2 of the Lee Plan defines the purpose of the Southwest Florida International Airport area as it relates to the accommodation of certain uses in and around the airport. Objective 1.2 is reproduced below:

#### ***OBJECTIVE 1.2: SOUTHWEST FLORIDA INTERNATIONAL AIRPORT AREA.***

*Designate on the Future Land Use Map adequate land in appropriate locations to accommodate the projected growth needs of the Southwest Florida International Airport and the business and industrial areas related to it, as well as research and development activities*

*not necessarily related to the airport, through the year 2020. These categories are also considered Future Urban Areas.*

This objective establishes that the County must accommodate the projected growth needs of the airport and the business and industrial areas related to it for the year 2020 planning horizon. The area around the airport is required to be used for airport growth and the growth of airport-related business and industry.

While Objective 1.2 requires the area around the airport to accommodate airport related business and industry, the Airport Commerce descriptor policy outlines in more detail the types of uses that should surround the airport. The Airport Commerce category is described in Policy 1.2.2 as shown below:

***POLICY 1.2.2:*** *The Airport Commerce areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year 2020. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; offices; research and development activities; ground transportation and airport-related terminals or transfer facilities; and hotels/motels, meeting facilities, and other hospitality services. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Retail commercial uses in this category are only permitted within hotels and motels. Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. Residential uses are only permitted in this category to the extent described in Chapter XIII.*

The 1984 Lee Plan contained a similar future land use category for lands near the then Southwest Florida Regional Airport. In 1986 that category was amended to include "light manufacturing or assembly" as allowable uses. The category description was again modified in the 1989 Lee Plan to allow "ancillary commercial uses" within areas so designated.

When the County underwent the early Evaluation and Appraisal Report (EAR) in 1993 and 1994, Objective 1.2 and Policy 1.2.2 were the subject of some revisions. Regarding Objective 1.1 the EAR commented and recommended the following:

*This objective needs to be updated to reflect the new time frame for the Plan and the new name of the airport. The precise location of the property needed for the southern expansion of the airport is not known at this time; the expansion cannot, therefore, be depicted on the map as of the date of this EAR. The amount of land designated for the airport and airport-related uses is shown (sic) on Figures 11-14.*

**RECOMMENDATION:** *Change 2010 to 2020 and "Regional" to "International."*

More significant changes were proposed for Policy 1.2.2. The EAR commented and recommended the following:

*The date must be changed to reflect the new planning horizon. The reference to "mixed use" developments could give rise to the interpretation that all developments in this category must have a variety of uses. Zoning cases involving retail uses in this category have caused problems. All developments in this category are reviewed for consistency with the special environmental regulations in the Six Mile Cypress Watershed Basin Ordinance.*

**RECOMMENDATION:** *Change the date to 2020. Delete references to "mixed use" developments. Delete the reference to "ancillary" commercial uses and replace it with a statement prohibiting retail commercial uses except inside hotels and motels.*

During the EAR amendments to the Lee Plan, the Future Land Use Map was amended to convert approximately 1,400 acres from Density Reduction/Groundwater Resource to Airport Commerce. These 1,400 acres were located south of the airport, east of I-75, and north of Alico Road, in the area closest to the University. The addition of this acreage created additional opportunities for development activities requiring close proximity to the airport such as distribution centers, warehouse facilities, and services and accommodations for traveling professionals. This recent expansion of the Airport Commerce area ensured that adequate land would be available for airport related activities in the future. Following concerns raised by the Department of Community Affairs over this conversion of land from Density Reduction/Groundwater Resource to Airport Commerce, the language relating to sections 1, 2 and 6 regarding the protection of ground water resources was also added.

During the last round of Lee Plan amendments, Objective 1.2 was amended to include the particular reference to research and development activities that are not specifically related to the airport. This amendment was in response to the concern that development in the University Community future land use category, which specifically allowed such uses, was not adequately addressing this need.

## **ANALYSIS**

The existing Airport Commerce lands in Lee County are limited to the cluster bordering Southwest Florida International Airport. There is no other land in the county designated Airport Commerce. The Airport Commerce lands are an ideal place for business and industry in Lee County because of their close proximity to the airport, Interstate 75, and Florida Gulf Coast University. Additionally, airport noise zone restrictions further limit the type of development that can occur in this area. Allowable uses within these areas are generally limited to commercial and industrial. Industries choosing to locate in this area can benefit greatly from their proximity to two of the main economic engines in Lee County. They can draw on the resources of both the airport and the University.

As with the Industrial Development future land use category, it is understood that in order to broaden the county's economic base, certain lands need to be reserved for uses that won't be viable until closer to the end of the planning horizon. This is especially true for uses that need proximity to the airport. As the Lee County economy matures, it is important to preserve these lands for the future business and industrial uses that will depend on this proximity. In a previous Lee Plan amendment, staff evaluated the need for commercial and retail development in the areas of the county designated Industrial

Development. The Industrial development areas of the county are similar in nature to the Airport Commerce area.

The Industrial Land Use Needs study prepared by Thomas H. Roberts & Associates, August 18, 1983, recognized that "as 'industrial parks' continue evolving into 'light industrial/research/business parks' they will also include a scattering of retail, trade, services, and other employment." This report discussed at length the need for Lee County to attract new industry. The report also stressed the need to provide "flexibility" as it is virtually impossible to predetermine the precise requirements of future individual plants.

The Urban Land Institute (ULI) notes in the Institute's Business and Industrial Park Development Handbook that the "modern business park has evolved due to the accelerating shift of the economy from one driven by basic, heavy manufacturing to one driven by information, finance, and technology." The Handbook further notes that this evolution "has been in response to a new competitive environment that is far more demanding in terms of architectural quality and flexibility, site and landscape design, land use variety and controls, and amenities." The Handbook states that the uses found in the typical business/industrial parks have changed dramatically. The Handbook provides that "a range of new uses" are being accommodated in "countless variations" including corporate, industrial, back offices, research and high-technology facilities, showrooms, mini-warehouses, incubator spaces, as well as supporting retail activities such as restaurants, hotels, and recreational amenities. The Handbook states that these "new" uses are emerging as increasingly important elements of the business park environment. ULI provides that this trend is based on an awareness that businesses and their employees generate a demand for goods and services beyond what they can provide themselves. Commercial functions located within business parks provide beneficial services to both employees and visitors.

The removal by the EAR of "ancillary commercial uses" from the list of allowable uses, along with the strict limitation of retail uses to those inside hotels and motels, was a fairly drastic change. As eluded to in the EAR analysis, this revision was in response to several zoning applications that had proposed retail commercial as their primary use. There was a concern that if commercial development was allowed as the primary use in the Airport Commerce designated lands, these lands could be lost to speculative commercial rezonings. If this were to happen, the intended primary uses of these lands, as business and industrial areas related to the airport, would be lost.

Given the relative remoteness of the Airport Commerce areas of the county, staff believes it would be logical to allow limited amounts of retail and service orientated commercial uses to serve the needs of the business and industrial uses envisioned for the area.

The Lee Plan should also be flexible in allowing free standing minor retail commercial uses that are designed to support the surrounding business and industrial land uses. These free standing uses can provide beneficial services to both employees and visitors to industrial areas. These uses should, however, be limited and minor in scale so as to not preempt the availability of land for business and industrial airport related uses.

Planning staff also believes that limited freestanding retail commercial uses designed to support the surrounding business and industrial uses should be provided by Policy 1.2.2. In keeping with the County's historic action to maintain these areas for business and industrial uses, planning staff believes that these freestanding uses should be limited to 10% of the total land area of the Airport Commerce category. This limitation will provide an assurance that commercial uses will not preempt business and industrial uses on a large scale in the Airport Commerce area.

In addition, the Lee County Land Development Code (LDC) provides that caretakers residences can be approved in association with an industrial development. For example, caretaker's residences can be approved as special exceptions in the IL, IG, and IPD zoning districts. Staff believes that Policy 1.1.7 should allow caretakers residences. These residences are important and should be acknowledged by the Lee Plan.

Finally, the current reference to "and other hospitality services" is not a defined term. The LDC does not have this as a use group or a defined use. Staff recommends that this phrase be removed from the category.

## **B. CONCLUSIONS**

Providing for these uses in Airport Commerce allows the County to better use the airport to attract new business in order to promote economic growth and diversification. Flexibility in the planning requirements for future business and industrial lands in the Airport Commerce category is of paramount importance. Commercial functions located within business and industrial parks provide beneficial services to employees.

The Lee County Land Development Code provides that caretakers residences can be approved in association with an industrial development.

The term "and other hospitality services" should be removed from the category description.

## **C. STAFF RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners transmit an amended Lee Plan Policy 1.2.2 that provides additional flexibility in accommodating commercial and retail uses in the Airport Commerce land use category. This policy should also acknowledge caretaker residences as an appropriate use in the Airport Commerce category and the phrase "and other hospitality services" should be removed. The proposed text changes are shown in Part I.B.1. of this report.

**PART III - LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF LPA PUBLIC HEARING: August 26<sup>th</sup>, 2002

**A. LOCAL PLANNING AGENCY REVIEW**

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

**1. RECOMMENDATION:**

The LPA recommended that the Board of County Commissioners transmit the language recommended by staff with the following additions.

1. Insert the words "retail uses are permitted within hotels/motels" following the phrase ...and hotels/motels, meeting facilities.
2. Add the words "within the Planned Development" following the phrase ...limited to 1,000 square feet per acre of Airport Commerce land.

The recommended language is as follows:

**POLICY 1.2.2:** The Airport Commerce areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year 2020. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; offices; research and development activities; ground transportation and airport-related terminals or transfer facilities; and hotels/motels, meeting facilities, retail uses are permitted within hotels/motels, and other hospitality services. Ancillary retail commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development of 10 or more acres in size and are limited to 1,000 square feet per acre of Airport Commerce land within the Planned Development. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone 3. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. ~~Retail commercial uses in this category are only permitted within hotels and motels.~~ Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the

rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. ~~Residential uses are only permitted in this category to the extent described in Chapter XIII.~~

Planning staff concurs with the proposed LPA changes.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA concurs with staff's basis and recommended finding of fact.

C. **VOTE:**

NOEL ANDRESS	<u>AYE</u>
MATT BIXLER	<u>AYE</u>
SUSAN BROOKMAN	<u>AYE</u>
RONALD INGE	<u>AYE</u>
GORDON REIGELMAN	<u>Absent</u>
ROBERT SHELDON	<u>AYE</u>
GREG STUART	<u>AYE</u>

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: September 5, 2002

**A. BOARD REVIEW:**

Staff gave a brief presentation to the Board of County Commissioners to update them on the Local Planning Agency's recommendation. Staff informed the Board of the LPA's recommendation to add the words "within the Planned Development" following the phrase "...limited to 1,000 square feet per acre of Airport Commerce land." Due to an oversight, Staff did not convey the second LPA recommendation to insert the words "retail uses are permitted within hotels/motels" following the phrase "...and hotels/motels, meeting facilities.

It is Staff's intent to correct the inadvertent omission of the second LPA recommended change to the policy at the time of adoption. The Department of Community Affairs staff is encouraged to review and comment on the Board transmitted language, below, as well as on the LPA recommended language shown in Part I. B. 1. Of this report.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

1. **BOARD ACTION:** The Board voted to transmit the amendment as updated by the staff presentation.

The Board transmittal language is as follows:

**POLICY 1.2.2:** The Airport Commerce areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year 2020. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; offices; research and development activities; ground transportation and airport-related terminals or transfer facilities; and hotels/motels, meeting facilities, ~~and other hospitality services.~~ Ancillary retail commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development of 10 or more acres in size and are limited to 1,000 square feet per acre of Airport Commerce land within the Planned Development. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone 3. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. ~~Retail commercial uses in this category are only permitted within hotels and motels.~~ Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a

planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. Residential uses are only permitted in this category to the extent described in Chapter XIII.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the basis and finding of fact of staff and the LPA.

C. **VOTE:**

<b>JOHN ALBION</b>	<u>AYE</u>
<b>ANDREW COY</b>	<u>ABSENT</u>
<b>BOB JANES</b>	<u>AYE</u>
<b>RAY JUDAH</b>	<u>AYE</u>
<b>DOUG ST. CERNY</b>	<u>AYE</u>

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,  
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: \_\_\_\_\_

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**
  
- B. STAFF RECOMMENDATION**

**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

1. **BOARD ACTION:**

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**JOHN ALBION**

**ANDREW COY**

**BOB JANES**

**RAY JUDAH**

**DOUG ST. CERNY**

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