



PLANNING DIVISION

M E M O R A N D U M



LEE COUNTY

SOUTHWEST FLORIDA

to: Board of County Commissioners

from: Paul O'Connor, AICP, Director, Division of Planning
POC

subject: Lee County's 2001/2002 Regular Comprehensive Plan Amendment Cycle

date: December 23, 2002

Attached are the agenda and staff reports for the public hearing to be held beginning at 9:30 A.M. on Thursday, January 9th, 2003. This is an adoption hearing for the 2001/2002 Comprehensive Plan Amendment Cycle. The Board of County Commissioners transmitted the 2000/2001 Lee Plan amendments to the State for review on September 19, 2002. The Department of Community Affairs (DCA) issued its Objections, Recommendations and Comments (ORC) Report on November 22, 2002. The DCA did not pose any objections or recommendations to any of the 15 transmitted amendments. The DCA did provide one comment regarding CPA2001-10, the Captiva Island Community Planning Effort. The comment points out that proposed Policy 21.9, which states that "mangroves on Captiva Island should be protected," is vague and should be revised to establish guidelines on how they should be protected. Per the DCA's comment, staff is proposing modified language in order to satisfy the Captiva residents desire to further protect mangroves on the island.

Three other amendments have been revised to reflect recent updates that have occurred since the transmittal hearing. The next revised amendment is CPA2001-12, which adds a specific access management plan to Policy 1.3.8 for Alico Road in the vicinity of the I-75 interchange, and adds the maps of the specific access management plans to the Future Land Use Map series. Since the time of transmittal, the connection between Three Oaks Parkway and Oriole Road has been revised and has been coordinated with the adjacent property owners.

CPA2001-28, which amends the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program, has also been revised to reflect the latest tables approved by the Board at the budget meetings. The changes to the tables occurred after the plan amendment transmittal hearings and are updated in the attached staff report..

The final amendment that is being modified since the transmittal hearing is CPA2001-27. This amendment adds a new Objective and Policy to the Community Facilities and Services Element of the Lee Plan regarding the incorporation of green infrastructure into the surface water management systems of proposed developments as well as providing definitions for green infrastructure and flow-way in the Glossary. Since transmittal, staff has been meeting with the public and state agencies on issues raised at the Transmittal hearing. Staff has revised the proposed language in the attached staff report as a result of those meetings. The revisions to the subject amendment were sent to the DCA for review on November 8, 2002 prior to the issuance of the ORC Report.

Other than these 3 amendments that will require modifications as noted above, the remaining documents were simply updated to reflect that there were no objections, recommendations, or comments by the DCA.

If you have any questions regarding the adoption hearing, do not hesitate to call me at 479-8309.

cc: *Donald Stilwell, County Administrator*
Mary Gibbs, Director, Department of Community Development
Minutes
Lee Cares
Tim Jones, Assistant County Attorney
Donna Marie Collins, Assistant County Attorney
Janet Watermeier, Director, Economic Development
Dave Loveland, DOT
Diana Parker, County Hearing Examiner
Wayne Daltry, Smart Growth Director

**January 9, 2003
9:30 A.M.
AGENDA**

- 1. Call to order; Certification of Affidavit of Publication**
- 2. Community Plan Agenda**
- 3. Public Comment on Consent Agenda**
- 4. Consent Agenda:**
 - **Items to be pulled for discussion by the Board**
 - **Motion to approve the balance of items**
 - **Consideration of items pulled for discussion**
- 5. Adopt the following ordinance which adopts the consent agenda items:**

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE LAND USE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENTS APPROVED ON THE CONSENT AGENDA DURING THE COUNTY'S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

- 6. Administrative Agenda**
- 7. Adjourn**

COMMUNITY PLAN AGENDA

A. CPA 2001-10

Amend the Lee Plan to incorporate the recommendations of the Captiva Island Community Planning effort, establishing a Goal and subsequent Objectives and Policies specific to the Captiva Island community.

B. Adopt the following ordinance which adopts CPA 2001-10:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2001-10 (PERTAINING TO THE CAPTIVA ISLAND COMMUNITY PLAN) APPROVED DURING THE COUNTY'S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

C. CPA 2001-09

Amend the Future Land Use Element text of the Lee Plan to incorporate the recommendations of the Bayshore Steering Committee, establishing a Vision Statement, Goal and subsequent Objectives and Policies specific to the Bayshore Community.

D. Adopt the following ordinance which adopts CPA 2001-09:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2001-09 (PERTAINING TO THE BAYSHORE COMMUNITY PLAN) APPROVED DURING THE COUNTY'S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

E. CPA2001-18

Amend the Future Land Use Element of the Lee Plan, text and Future Land Use Map series to incorporate the recommendations of the Greater Pine Island Community Planning effort, establish a new Vision Statement, establish a revised Goal 14, amend subsequent Policies specific to Greater Pine Island, amend Objective 1.4 "Non-Urban Areas" by establishing a new "Coastal Rural" future

land use category and amend the Future Land Use Map series to reclassify from "Outlying Suburban" to "Coastal Rural" 157 acres of agricultural land between Bokeelia and September Estates and to reclassify all "Rural" designated land to "Coastal Rural."

F. Adopt the following ordinance which adopts CPA2001-18:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2001-18 (PERTAINING TO THE GREATER PINE ISLAND COMMUNITY PLAN) APPROVED DURING THE COUNTY'S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND FUTURE LAND USE MAP; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

CONSENT AGENDA

A. CPA 2001-11

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. CPA 2001-15

Amend the Future Land Use Map series, Map 1, by updating the Conservation Lands land use categories.

C. CPA 2001-22

Amend the Future Land Use Map Series, Map 12, 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.

D. CPA 2001-23

Evaluate and amend the Future Land Use Map series, Map 20, the Agricultural Overlay and Goal 9, Agricultural Land Uses, and its subsequent objectives and policies.

E. CPA 2001-24

Update Table 2(b), Recommended Operational Improvements on Constrained Roads.

F. CPA 2001-31

Amend 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.

G. CPA 2001-32

Amend the Intergovernmental Coordination Element and the Community Facilities Element to bring the elements into compliance with the provisions of F.S. Chapter 163.3177

H. CPA 2001-33

Amend the Build Back Policy of the Procedures and Administration Element by replacing references to the term "cost" with the term "value."

I. CPA 2001-35

Review all elements of the Lee Plan, and replace, where applicable, 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.

ADMINISTRATIVE AGENDA

A. CPA 2001-12

Modify Policy 1.3.8 to create specific access management plans for Alico Road, Bonita Beach Road, and Lockett Road in the vicinity of I-75 (follow-up to PAT 99-27). In addition, include access management maps in the Future Land Use Map series.

B. Adopt the following ordinance which adopts CPA 2001-12:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2001-12 (PERTAINING TO THE CREATION OF SPECIFIC ACCESS MANAGEMENT PLANS FOR ALICO ROAD, BONITA BEACH ROAD, AND LUCKETT ROAD IN THE VICINITY OF I-75 AND TO INCLUDE ACCESS MANAGEMENT MAPS IN THE FUTURE LAND USE MAP SERIES) APPROVED DURING THE COUNTY'S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND ACCESS MANAGEMENT MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

C. CPA 2001-27

Amend Community Facilities and Services Element, Goal 40: Coordinated Surface Water Management and Land Use Planning on a Watershed Basis to add a new Objective and Policy regarding incorporation of green infrastructure into the surface water management systems of proposed developments, and provide definitions for green infrastructure and flow-way in the Glossary.

D. Adopt the following ordinance which adopts CPA 2001-27:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2001-27 (PERTAINING TO THE ADDITION OF A NEW OBJECTIVE AND POLICY UNDER GOAL 40 REGARDING THE INCORPORATION OF GREEN INFRASTRUCTURE INTO THE SURFACE WATER MANAGEMENT SYSTEMS OF PROPOSED DEVELOPMENTS AND TO THE ADDITION OF TWO DEFINITIONS TO THE GLOSSARY FOR "GREEN INFRASTRUCTURE" AND "FLOW-WAY") APPROVED DURING THE COUNTY'S 2001/2002 REGULAR

COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

E. CPA 2001-28

Amend the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program.

F. Adopt the following ordinance which adopts CPA 2001-28:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2001-28 (PERTAINING TO TABLES 3 AND 4 OF THE CAPITAL IMPROVEMENT ELEMENT) APPROVED DURING THE COUNTY'S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

LEE COUNTY ORDINANCE NO. 03- _____
(Consent Ordinance)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE LAND USE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENTS APPROVED ON THE CONSENT AGENDA DURING THE COUNTY'S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan (hereinafter referred to as the "Lee Plan") Policy 2.4.1 and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners; and,

WHEREAS, the Lee County Board of County Commissioners, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held public hearings pursuant to Chapter 163, Part II, Florida Statutes, and the Lee County Administrative Code on March 25, April 22, July 22, and August 26, 2002; and,

WHEREAS, the Board of County Commissioners, pursuant to Florida Statutes and the Lee County Administrative Code held a public hearing for the transmittal of the proposed amendments on September 4 and 5, 2002. At those hearings the Board approved a motion to send, and did later send, the proposed amendment to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the transmittal hearings on September 4 and 5, 2002, the Board

announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on November 22, 2002; and,

WHEREAS, the Board moved to adopt the proposed amendments to the Lee Plan set forth herein during its statutorily prescribed public hearing for the plan amendments on January 9, 2003.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted a series of public hearings to consider proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the certain amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as amended, will continued to be the "Lee Plan." **This ordinance may be referred to as the "2001/2002 Regular Comprehensive Plan Amendment Cycle Consent Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE (Consent Agenda Items)

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting amendments, as revised by the Board of County Commissioners on January 9, 2003, known as: CPA2001-11, CPA2001-15, CPA2001-22, CPA2001-23, CPA2001-24, CPA2001-31, CPA2001-32, CPA2001-33, and CPA2001-35. The aforementioned amendments amend the text of the

Lee Plan including the Future Land Use Map series, the Transportation Map series, and the tables of the Lee Plan. A brief summary of the content of those amendments is set forth below:

CPA 2001-11

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.

CPA 2001-15

Amend the Future Land Use Map series, Map 1, by updating the Conservation Lands land use categories.

CPA 2001-22

Amend the Future Land Use Map Series, Map 12, 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.

CPA 2001-23

Evaluate and amend the Future Land Use Map series, Map 20, the Agricultural Overlay and Goal 9, Agricultural Land Uses, and its subsequent objectives and policies.

CPA 2001-24

Update Table 2(b), Recommended Operational Improvements on Constrained Roads.

CPA 2001-31

Amend 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.

CPA 2001-32

Amend the Intergovernmental Coordination Element and the Community Facilities Element

to bring the elements into compliance with the provisions of F.S. Chapter 163.3177

CPA 2001-33

Amend the Build Back Policy of the Procedures and Administration Element by replacing references to the term “cost” with the term “value.”

CPA 2001-35

Review all elements of the Lee Plan, and replace, where applicable, 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 corresponding Staff Reports and Analysis, along with all attachments for these amendments are adopted as “Support Documentation” for the Lee Plan.

SECTION THREE: LEGAL EFFECT OF THE “LEE PLAN”

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

SECTION FOUR: GEOGRAPHIC APPLICABILITY

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

SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the

remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

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

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and, when

put to a vote, the vote was as follows:

Robert P. Janes

Douglas St. Cerny

Ray Judah

Andrew Coy

John Albion

DONE AND ADOPTED this 9th day of January 2003.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
Chairman

DATE: _____

Approved as to form by:

Donna Marie Collins
County Attorney's Office

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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Public Hearing Document
for the January 9th
Adoption Hearing

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

November 22, 2002

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

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

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 26th, 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:**

JOHN ALBION	_____ AYE
ANDREW COY	_____ ABSENT
BOB JANES	_____ AYE
RAY JUDAH	_____ AYE
DOUG ST. CERNY	_____ AYE

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

DATE OF ORC REPORT: November 22, 2002

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The Florida Department of Community Affairs had no objections, recommendations, or comments concerning this amendment.

B. STAFF RECOMMENDATION

Adopt the amendment as transmitted.

**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

