



May 23, 2024

Peter Blackwell
Planner
Lee County Community Development
1500 Monroe Street
Fort Myer, FL 33908

**Re: CHIEF COURT INDUSTRIAL REZONING
2nd INSUFFICIENCY RESPONSE LETTER
REZ2023-00029**

Dear Peter:

Enclosed please find responses to your insufficiency letter dated *December 14, 2023*. The following information has been provided to assist with the approval process:

1. Sufficiency Comment Response Letter
2. Revised Request Statement
3. Revised Boundary Survey
4. Revised Sketch and Description

The following is a list of staff comments with our responses in **bold**:

LEGAL DESCRIPTION

Please provide a boundary survey in accordance with the requirements of Lee County LDC §34-202(a)(6).

1. The survey must be tied to the state plane coordinate system for the Florida West Zone (the most current adjustment is required) with two coordinates, one coordinate being the point of beginning (POB) and the other an opposing corner. Since the application is rezoning two non-contiguous parcels state plane coordinates for both POBs and an opposing corner should be included on the boundary survey.

RESPONSE: A revised survey for both parcels are included in the resubmittal.

2. The boundary survey does not depict the FPL easement listed on the Title Opinion for OR Book 3812 Page

RESPONSE: A revised survey for both parcels are included in the resubmittal.

3. The survey must be based upon the title certification submitted in accord with section 34-201(a)(7).

RESPONSE: A revised survey for both parcels are included in the resubmittal.

PLANNING

1. The narrative references the CGZ district in the consistency narrative under Policy 1.1.4. Please revise.

RESPONSE: Request Statement revised to, “The Property is located in the Urban Community FLUC. The requested rezoning is consistent with the intended uses in the Urban Community category. Light industrial and quasi-industrial commercial uses are permitted in the CG district with more intense manufacturing and light industrial uses be restricted consistent with the commercial and limited light industrial uses permitted in this land use category. The existing uses on the subject properties are boat repair and storage, also consistent with this policy.”

2. Please clarify your statement in your compliance narrative for Goal 4: “connection will be made if required according to Florida Status and the Lee County LDC based on gallons per day use thresholds.” Lee Plan Standards 4.1.1 for water and 4.1.2 for sewer require proposed developments within the boundaries of a utilities certificated or franchised service area to be connected to that utility. There is no gallon per day threshold if you are within the franchise service area. Please clarify.

RESPONSE: The statement has been revised.

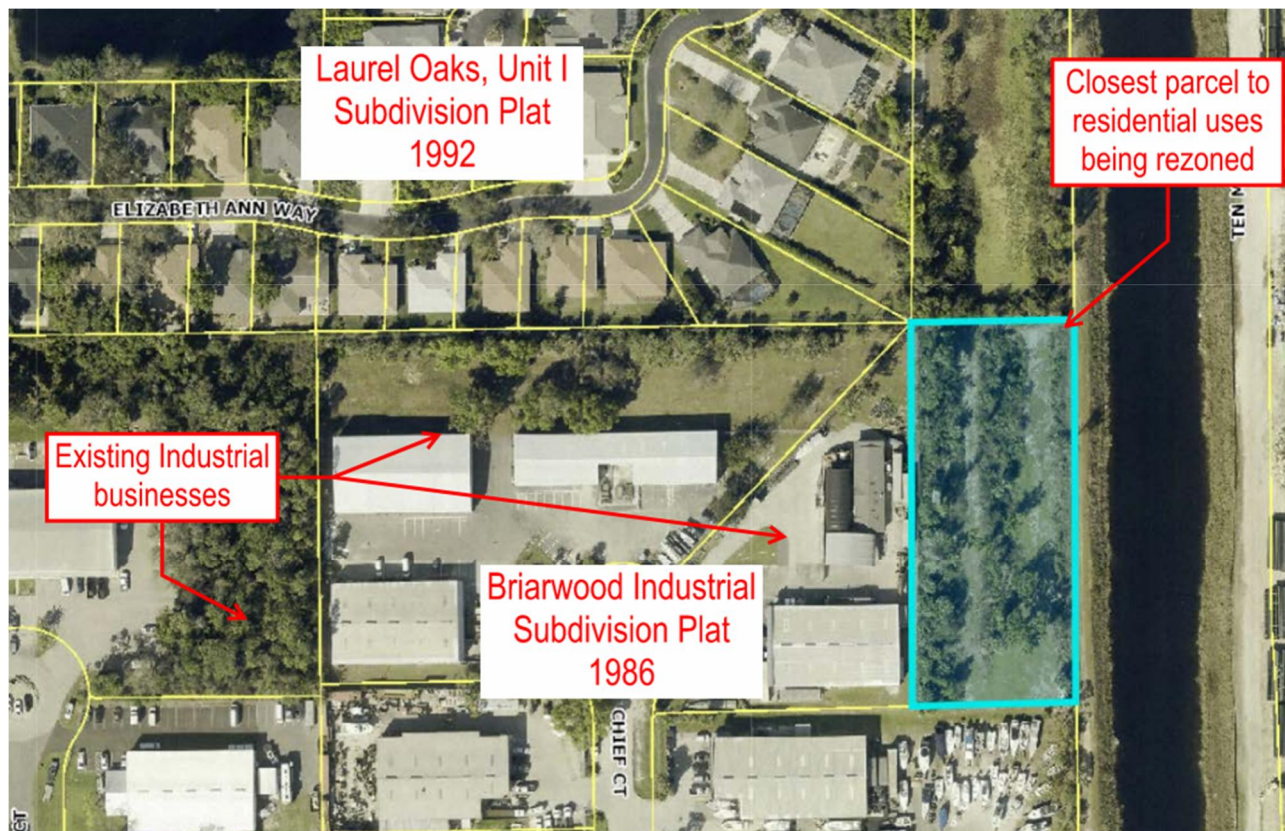
Forest Utilities acknowledges, “The property is in the FUI franchise service area, though sewer lines were not extended along Younquist Road and the Chief Court Industrial Subdivision.”

Sanitary sewer services are provided by Forest Utilities and the property is in the franchise service area which requires connection if service lines are available. Forest Utilities states in a letter received December 12, 2023, that they have sanitary sewer services capacity available to service the site. Yet, the also state that, ...”sewer lines were not extended along Younquist Road and the Chief Court Industrial Subdivision” and through discussions they exposed they do not intent to add the lines in time to service the expanded business.

The properties are part of the already operating commercial business on site which are currently served by the onsite septic system that is in compliance. If necessary, a letter from Forest Utilities stating they will not insist on an existing functioning business to connect, which would require construction of sewer lines that would cover hundreds of feet and serve and benefit many others along the way to the connection point.

3. Please address Policy 5.1.5 due to the proximity of single-family residences to the proposed rezoning.

RESPONSE: The Briarwood Industrial Subdivision was first platted in 1986. Business have been operating in the subdivision since the late 1980 and early 1990’s. The Abutting subdivision was created after the industrial subdivision being platted in 1992so the homes have been occupied knowing of the abutting industrial subdivision and existing businesses.



In addition, the proposed parcel that is closest to ab abuts at a small corner of one parcel is east of the current industrial properties abutting the subdivision and will be required to have property screening and buffering.

4. Please address Goal 6 and the applicable Objectives and Policies as the application now requests a zoning to a commercial zoning district.

RESPONSE: Added to the Request Narrative.

If you have any further questions, please do not hesitate to contact me directly at (239) 318-6707 or fdrovdlic@rviplanning.com.

Sincerely,

RVi Planning + Landscape Architecture

Fred Drovdllic, AICP
Planning Director



CHIEF COURT INDUSTRIAL REZONING

Request Statement

I. REQUEST

Donald D Carter Trust ("Applicant") seeks to rezone two parcels that total 1.885+/- acres from Agricultural (AG-2) to Commercial General (CG). The properties are located on the east side of Chief Court just north of Youngquist Road in unincorporated Lee County, Florida. The northern most parcel occupies 1.31+/- acres and the southernmost parcel, at 15881 Chief Court, is only partially zoned AG-2 – the eastern most 0.575 +/- acres. For clarity, the parcel at 15851 Chief Court is under the same ownership, but zoned IL and not part of this zoning request. All three properties are under common ownership.

The rezoning will bring the properties into zoning categories that will allow for expansion of an existing boat repair business. The rezoned parcels will serve as open and enclosed storage for boats that are awaiting repair. No repair will take place on those parcels. The zoning and redevelopment seek to abate a violation for open storage of vessels, storage containers, materials, equipment, and misc. items on Agriculturally zoned property (VIO2023-04465).



II. EXISTING CONDITIONS

The Property is currently home to Offshore Marine Center Inc. and Offshore Performance Specs (see image below looking east from Chief Court). The AG-2 zoned lands were a result of former railroad right of way which has long been abandoned. The southern parcel is of little concern with zoning changes to IL district having occurred to the north and south. The zoning change will bring the parcels into consistency with the industrial park as agricultural uses are not appropriate at this location.

The Property is located outside of Coastal High Hazard Areas and is in FEMA Flood Zone AE and X. It is located on the east side of Chief Court, approximately 1.3 miles east of S. Tamiami Trail. The Property is accessed directly from Chief Court (a county maintained principal arterial road). There are no significant environmental concerns on site as the site is mostly disturbed but any such concerns will be addressed at the time of local development order.



The Property and all surrounding areas are in the Urban Community Future Land Use Category (FLUC). Please refer to Table 1 below for a detailed inventory of the adjacent Future Land Use Categories, zoning districts, and existing land uses.

Table 1: Inventory of Surrounding Lands

	FUTURE LAND USE	ZONING	EXISTING LAND USE
NORTH	Urban Community	IL / AG-2	Boat repair shop and retention pond
SOUTH	Urban Community	IL	Warehousing Stores
EAST	Urban Community	AG-2	Ten Mile Canal
WEST	Urban Community	IL	Truck repair shop (with outdoor storage) and warehousing

The general area contains a mix of commercial and industrial uses immediately adjacent to the Property. The corridor along Alico Road, particularly in the one-mile radius of this property, are uses

that are generally industrial of intense uses and commercial that is in support or ancillary to industrial uses, not of the retail nature for consumers, but more related to manufacturing, trucking, warehousing and distribution, processing, and material conversion.

III. PROPERTY HISTORY

The property is owned and operated by Offshore Marine Center Inc. and Offshore Performance Specs both owned by the Applicant. The property has been an industrial use for over 20 years and is fully developed on site. The business expanded onto the rear of the southernmost parcel which has caused the violation as the portion of the parcel east of the FPL easement is not zoned for boat storage as it being used today. The north 1.31 acre parcel is undeveloped.

IV. PUBLIC INFRASTRUCTURE

As outlined in the enclosed application, the Property is serviced by existing public infrastructure that can accommodate the proposed increase in industrial land use zoning.

Potable water is available to the Property by Lee County Utilities as verified by a letter of utility availability received from LCU in December 2023.

Sanitary sewer services capacity is available from Forest Utilities and connection will be made if required according to Florida Status and the Lee County LDC based on gallons per day use thresholds.

Roadways and access are in place and there are adequate public facilities and services in the immediate vicinity of the project to serve the proposed development in terms of fire, EMS and Sheriff's protection. Fire and EMS service available from San Carlos Fire Station 52 off S Tamiami Trail. The Lee County Sheriff's Office is 2.5+/- miles west on Six Mile Parkway.

V. DECISION-MAKING COMPLIANCE

In accordance with LDC Section 34-145(d)(4), the data and analysis provided in the enclosed application demonstrate the following:

- a. **The application is consistent with the uses and densities set forth for the Urban Community Future Land Use designation.** Consistent with the Urban Community FLUC, this area has long been programmed and reserved for a mix of intense commercial and industrial developments. The industrial subdivision has been nearly fully developed with dozens of warehousing, repair and other local small businesses that are light industrial in nature. The CG zoning request will allow for uses that are consistent with the Urban Community FLUC, whereas light industrial uses are no longer permitted without a IPD zoning in a non-Industrial FLUC.
- b. **The request will meet or exceed all performance and locational standards set forth for the proposed mixed use planned development, except where a deviation has been approved.** The conventional rezoning does not allow for deviations. Access will be provided from Chief Court which connects to Youngquist Road and S Tamiami Trail, providing direct access to Lee County's arterial roadway network. All urban services are available to service this site including, police, fire, EMS, utilities, and transportation network. Traffic impacts of the project will be addressed at the time of local development order review.

- c. **Is compatible with existing and planned uses in the surrounding area.** The request for the rezoning is consistent with the goals, objectives, and policies of the Lee Plan, as outlined in this application. Consistent with the Urban Community FLUC, this area has long been programmed and reserved for light industrial and intense commercial development.
- d. **Will provide access sufficient to support the proposed development intensity.** The project is accessed directly onto Chief Court – an industrial subdivision that directly connects to Youngquist Road and S. Tamiami Trail.
- e. **Approval of the request will not have a significant impact upon the surrounding roadway network.** The uses permitted in the CG zoning district are already taking place in the area and on the site. The small addition of 1.81 acres of use that will permit storage of boats while they await repair at an existing shop will minimally impact traffic volumes and in no way exceed capacity on Chief Court, Youngquist Road or S. Tamiami Trail.
- f. **This request will not adversely affect environmentally critical areas and natural resources.** There no environmentally critical areas are within the boundaries of the project. The site will be required to meet the LDC requirements as well as state and federal requirements for protection of water and harmful runoff and water management facilities.

VI. LEE PLAN COMPLIANCE

The following is an analysis of the Industrial Rezoning's consistency with goals, objectives and policies of the Lee County Comprehensive Plan (Lee Plan).

POLICY 1.1.4: The Urban Community future land use category are areas characterized by a mixture of relatively intense commercial and residential uses. The residential development in these areas will be at slightly lower densities than other future urban categories described in this plan. As vacant properties within this category are developed, the existing base of public services will need to be maintained which may include expanding and strengthening them accordingly. As in the Central Urban future land use category, predominant land uses in this category will be residential, commercial, public and quasi-public, and limited light industrial with future development encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units.

The Property is located in the Urban Community FLUC. The requested rezoning is consistent with the intended uses in the Urban Community category. Light industrial and quasi-industrial commercial uses are permitted in the CG district with more intense manufacturing and light industrial uses be restricted consistent with the commercial and limited light industrial uses permitted in this land use category. The existing uses on the subject properties are boat repair and storage, also consistent with this policy.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

The proposed rezoning will allow for a clustered and logical development of intense uses in the proper location in an area readily serviced by public infrastructure, in direct compliance with the above policy. As outlined in detail within the application, the project represents an infill development within an urbanized area of Lee County with similar uses where commercial and industrial development is encouraged in the Chief Court subdivision.

OBJECTIVE 2.2: DEVELOPMENT TIMING. *Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance.*

The site is part of an operating industrial park with many active businesses. The properties that are part of this zoning are an expansion of the current business and allowing development of one of the few remaining parcels in this subdivision not developed and operating as a business. The road network has capacity to support the expanded business. Lee County Utilities has water capacity and currently serves the site. Forest Utilities is the franchise for sanitary sewer; however, they do not service the subdivision with infrastructure. Therefore, the site will continue operate on the onsite septic system.

POLICY 2.2.1: Rezoning and Development of Regional Impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

The road network in the region has been specifically constructed to support large-scale employment centers and industrial activity that is dependent on truck transport and shipping and access to major transportation networks. Chief Court connects to Youngquist Road and the S Tamiami Trail, keeping shipping and trucking traffic from needing to use other surrounding roadway networks.

Lee County Utilities has water capacity and currently serves the site. Forest Utilities is the franchise for sanitary sewer; however, they do not service the subdivision with infrastructure. Therefore, the site will continue operate on the onsite septic system.

GOAL 4

STANDARD 4.1.1 & 4.1.2: WATER & SEWER

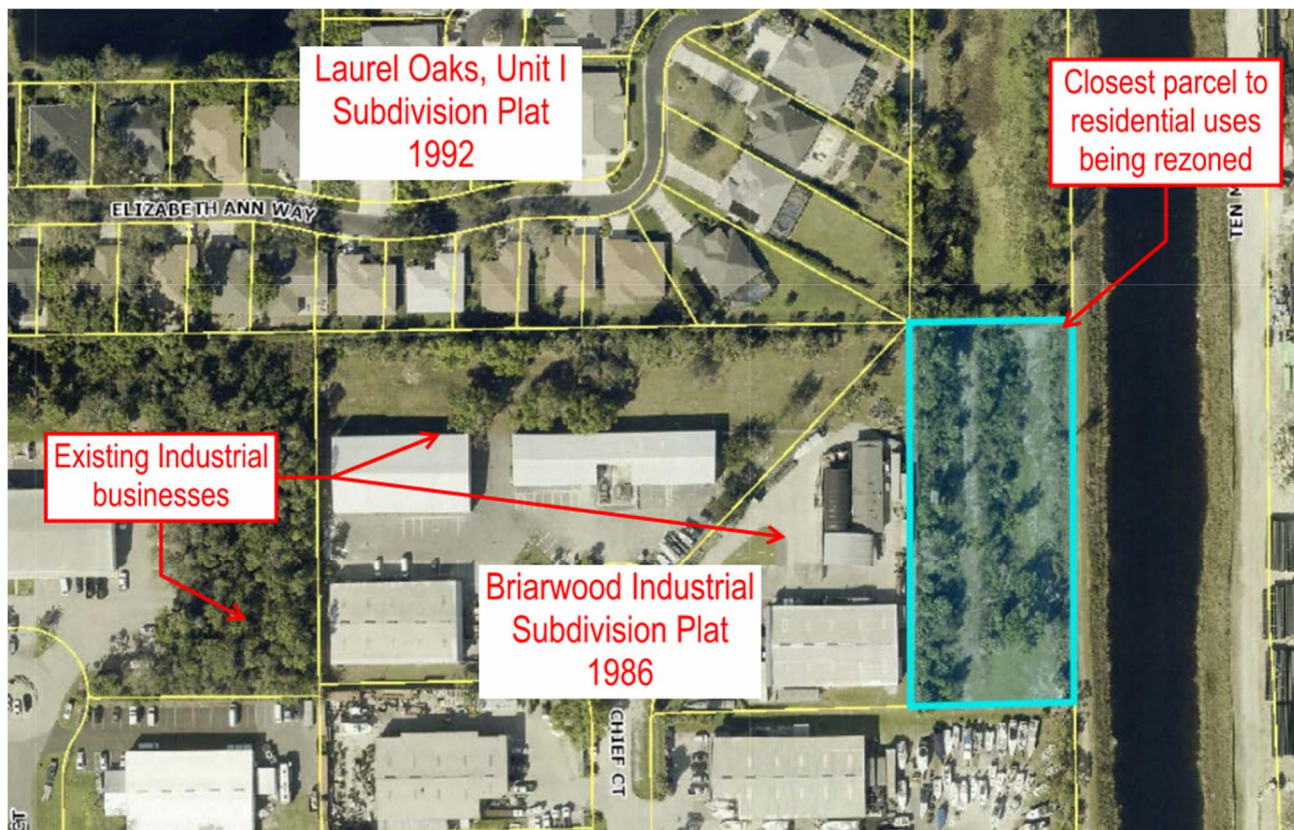
Potable water serves the current site. Capacity is available to serve the expanded business as stated in the utility letter from Lee County Utilities.

Sanitary sewer services are provided by Forest Utilities and the property is in the franchise service area which requires connection if service lines are available. Forest Utilities states in a letter received December 12, 2023, that they have sanitary sewer services capacity available to service the site. Yet, they also state that, "...sewer lines were not extended along Youngquist Road and the Chief Court Industrial Subdivision" and through discussions they exposed they do not intend to add the lines in time to service the expanded business.

The properties are part of the already operating commercial business on site which are currently served by the onsite septic system that is in compliance. If necessary, a letter from Forest Utilities stating they will not insist on an existing functioning business to connect, which would require construction of sewer lines that would cover hundreds of feet and serve and benefit many others along the way to the connection point.

POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in the LDC, Chapter 10, are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a Planned Development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The LDC will continue to require appropriate buffers for new developments.

The Briarwood Industrial Subdivision was first platted in 1986. Business have been operating in the subdivision since the late 1980 and early 1990's. The Abutting subdivision was created after the industrial subdivision being platted in 1992 so the homes have been occupied knowing of the abutting industrial subdivision and existing businesses.



In addition, the proposed parcel that is closest to ab abuts at a small corner of one parcel is east of the current industrial properties abutting the subdivision and will be required to have property screening and buffering.

GOAL 6 (COMMERCIAL LAND USES)

POLICY 6.1.1

a. Traffic and access impacts;

The subdivision is served by local roads that empty onto US 41.

c. Screening and buffering;

The parcel will be required by the LDC to buffering according to the final use as if it were abutting residential property on the entire northern boundary.

d. Availability and adequacy of services and facilities;

All urban services are serving the site currently. The exception is Forest Utilities who has the franchise does not have lines to the subdivision so the businesses will continue on septic systems.

e. Impact on adjacent land uses and surrounding neighborhoods;

The zoning conditions and LDC requirements have adequately addressed impacts on adjacent uses. Impacts are nearly non-existent as the industrial subdivision that is part of this zoning request, that abuts the residential homes to the north, was created prior to the residential subdivision. The property is also east of the closest home abutting in only a small corner. The home will be protected by the LDC for buffering commercial properties from residential homes.

f. Proximity to other similar centers; and

The subject property is part of the existing industrial subdivision and an expansion of a current operating business.

g. Environmental considerations.

There are no existing environmentally sensitive areas on site that are of concern.

POLICY 6.1.4: Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.

The property is part of an existing, active industrial and parcels owned by an existing business to serve an expansion of the current uses such as outdoor boat storage. All existing urban services exist and currently serve the Chief Court subdivision.

POLICY 6.1.5: The land development regulations will require that commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include, but are not limited to: frontage roads; clustering of activities; limiting access; sharing access; setbacks from existing rights-of-way; acceleration, deceleration and right-turn-only lanes; and, signalization and intersection improvements.

The subdivision is nearly built out with active light industrial uses. The parcels are expansions of the existing use clustering this activity as consistent with this policy.

POLICY 6.1.7: Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.

A residential home would not be appropriate in an industrial subdivision, nor is the agricultural uses that are part of the current zoning district. The rezoning is the appropriate request for consistency with this policy.

POLICY 11.1.1: Developments located within the Intensive Development, Central Urban, or Urban Community future land use categories that have existing connectivity or can demonstrate that connectivity may be created to adjacent neighborhoods are strongly encouraged to be developed with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use).

The property is located within the Urban Community FLUC. The property is located on Chief Court which is connected to Youngquist Road. The immediate surrounding uses are categorized as light industrial. Light industrial and quasi-industrial commercial uses will be limited to only those uses that are related to the manufacturing with most of the industrial activities being limited in the IL district. Overall, the requested rezoning is consistent with the intended uses in the Urban Community category and allows the extension of the current business.

POLICY 61.1.1: Lee County recognizes that all fresh waters are a resource to be managed and allocated wisely, and will support allocations of the resource on the basis 1) of ensuring that sufficient water is available to maintain or restore valued natural systems, and 2) of assigning to any specified use or user the lowest quality freshwater compatible with that use, consistent with financial and technical constraints.

The Briarwood Industrial Park has obtained Environmental Resource Permit (ERP #36-00390-S) from the South Florida Water Management District which will need to be modified to add the additional property, the design will need to meet regulations.

POLICY 125.1.2: New development and additions to existing development must not degrade surface and ground water quality.

As mentioned, the is part of the Briarwood Industrial Park's ERP #36-00390-S. The site design will ensure pretreatment of stormwater prior to discharge off-site through a modification to the ERP.

POLICY 125.1.3: The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems.

As mentioned, the is part of the Briarwood Industrial Park's ERP #36-00390-S. The site design will ensure pretreatment of stormwater prior to discharge off-site through a modification to the ERP.

VIV. CONCLUSION

The proposed rezoning from AG-2 to CG on the property demonstrates the current expansion of the business as well as the light industrial uses consistent with the Urban Community FLUC, surrounding uses and overall fits the intent for Chief Court and the Briarwood Industrial Park.

