# 2004/2005 REGULAR LEE PLAN AMENDMENTS ADOPTION HEARING



## COMMISSION CHAMBERS, 2120 MAIN STREET
## OCTOBER 12, 2005
## 9:30 A.M.

## AGENDA

1. CALL TO ORDER; CERTIFICATION OF AFFIDAVIT OF PUBLICATION

2. CONSENT AGENDA

- **Public Comment on Consent Agenda**
- **Consent Items to be Pulled for Discussion by the Board**
- **Motion on the Balance of Items**
- **Consideration of Items Pulled for Discussion**

A. **CPA2004-02 – Estero Outdoor Display**

Amend the Future Land Use Element, Policy 19.2.5., to allow outdoor display in excess of one acre at the intersection of I-75 and Corkscrew Road.
Sponsor: Argonaut Holdings, Inc.

B. **CPA2004-08 – Oak Creek**

Amend the Future Land Use Map series for a 27.25± -acre portion of land located in Section 17, Township 43 South, Range 25 East, to change the classification shown on Map 1 from "Rural" to "Suburban." Amend the Future Land Use Map series for a 17.81±-acre portion of land located in Section 19, Township 43 South, Range 25 East, to change the classification shown on Map 1 from "Suburban" to "Rural."
Sponsor: S.W. Florida Land 411, LLC

C. **CPA2004-09 – Captiva**

Amend Goal 13 of the Lee Plan specific to the Captiva community to incorporate the recommendations of the Captiva Island Community Planning effort. Amend Goal 84: Wetlands to add a new Policy 84.1.4.
Sponsor: Board of County Commissioners

D. **CPA2004-12 - Boca Grande**

Amend the Future Land Use Element to incorporate the recommendations of the Boca Grande Community Planning effort, establishing a new Vision Statement and a new Goal, including Objectives and Policies specific to Boca Grande.
Sponsor: Board of County Commissioners

E. **CPA2004-14 – Coastal High Hazard Area**

Amend the Conservation and Coastal Management Element, Policy 105.1.4., to consider limiting the future population exposed to coastal flooding while considering applications for rezoning in the Coastal High Hazard Area.
Sponsor: Board of County Commissioners

F. **CPA2004-15 - Fort Myers Shores Table 1b Update**

Revise the Lee Plan Land Use Allocation Table (Table 1b) for the Fort Myers Shores Planning Community to address the establishment of the Outlying Suburban future land use category within the Planning Community.
Sponsor: Board of County Commissioners

G. **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 2004/2005 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

3. ADMINISTRATIVE AGENDA

A. **CPA2004-13 - I-75 and S.R. 80 Interchange**

Amend the future land use designations of Map 1, the Future Land Use Map, for the Interstate 75 and State Road 80 Interchange to balance existing and future land use designations in this area.
Sponsor: Board of County Commissioners

**B. Adopt the following Ordinance, which adopts CPA2004-13:**

**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 CPA2004-13 (PERTAINING TO I-75 AND S.R. 80 INTERCHANGE) APPROVED DURING THE COUNTY'S 2004/2005 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO THE 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.**

**C. CPA2004-16 – Pine Island Compromise**

The compromise proposes to amend the Lee Plan as follows:

Amend the Future Land Use Map series for specified parcels of land (total of approximately 157 acres) located in Section 31, Township 43 South, Range 22 East, to change the Future Land Use classification from "Coastal Rural" to "Outlying Suburban." The property is generally located in the Bokeelia area south of Barrancas Avenue and north of Pinehurst Road.

Amend the Pine Island Vision Statement and Goal 14 to recognize the value of preserving agricultural activities on the island;

Amend the Future Land Use Element Policy 1.4.7, the Coastal Rural Policy, to allow the retention of active or passive agriculture in lieu of habitat restoration to regain density;

Amend the current percentages of preserved or restored uplands in Policy 1.4.7;

Add a policy that further defines the restoration standards referred to in Policy 1.4.7;

Amend Housing Element Policy 135.2.3. to incorporate a reference to the Coastal Rural future land use category;

Amend the Pine Island Vision Statement, Goal 14, Table 1(a) footnote 4, the Definition of Density in the Glossary, and other Plan provisions to create a new transfer of development rights program for Pine Island; Amend the definition of Density to allow mixed use projects to retain some or all residential density that is typically lost to commercial acreage, if Pine Island TDRs are utilized to regain density; Amend the Mixed Use definition in the Glossary to redefine mixed use projects;

Evaluate creating a concurrency exception area for a portion of Pine Island Center; and,

Evaluate establishing additional Urban Infill areas on the mainland portion of the County to be receiving areas for Pine Island TDRs. Evaluate increasing allowable bonus densities in specific locations based on a point system that incorporates several criteria.
Sponsor: Board of County Commissioners

**D. Adopt the following Ordinance which adopts CPA2004-16:**

**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 CPA2004-16 (PERTAINING TO THE PINE ISLAND COMMUNITY PLAN COMPROMISE) APPROVED DURING THE COUNTY'S 2004/2005 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.**

## 4. ADJOURN

These meetings are open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. Pursuant to Florida Statutes Section 163.3184(7), persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance.

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Further information may be obtained by contacting the Lee County Division of Planning at 479-8585.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 479-8583.

LEE COUNTY ORDINANCE NO. 05-____
(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 2004/2005 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS AND TABLES; 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 January 24, 2005, March 28, 2005, April 25, 2005, and May 23, 2005; 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 June 1, 2005. At that hearing, 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 hearing on June 1, 2005, 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 August 19, 2005; 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 October 12, 2005.

**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 "2004/2005 Regular Comprehensive Plan Amendment Cycle Consent Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2004/2005 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 October 12, 2005, known as: CPA2004-02, CPA2004-08, CPA2004-09, CPA2004-12, CPA2004-14, and CPA2004-15. The aforementioned amendments amend the text of the Lee Plan including the Future Land

Use Map series and the Lee Plan Land Use Allocation Table (Table 1b). A brief summary of the content of those amendments is set forth below:

**CPA2004-02 (Estero Outdoor Display)**

Amend Lee Plan Policy 19.2.5. of the Future Land Use Element to allow outdoor display in excess of one acre at the intersection of I-75 and Corkscrew Road. Sponsor: Argonaut Holdings, Inc.

**CPA2004-08 (Oak Creek)**

Amend the Future Land Use Map Series for a 27.25±-acre portion of land located in Section 17, Township 43 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Suburban." Amend the Future Land Use Map Series for a 17.81±-acre portion of land located in Section 19, Township 43 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from "Suburban" to "Rural." Sponsor: S.W. Florida Land 411, LLC.

**CPA2004-09 (Captiva)**

Amend Goal 13 of the Lee Plan pertaining to the Captiva Community to incorporate recommendations of the Captiva Island Community Planning effort. Amend Goal 84: Wetlands to add a new policy 84.1.4. Sponsor: BOCC.

**CPA2004-12 (Boca Grande)**

Amend the Future Land Use Element of the Lee Plan to incorporate recommendations of the Boca Grande Community Planning effort. Establish a new Vision Statement and a new Goal, including Objectives and Policies specific to Boca Grande. Sponsor: BOCC.

**CPA2004-14 (Coastal High Hazard Area Density)**

Amend the Lee Plan's Conservation and Coastal Management Element Policy 75.1.4. to consider limiting the future population exposed to coastal flooding while considering applications for rezoning in the Coastal High Hazard Area. Sponsor: BOCC

**CPA2004-15 (Fort Myers Shore Table 1b Update)**

Text amendment to revise the Lee Plan Land Use Allocation Table (Table 1b) for the Fort Myers Shores Planning Community to address the establishment of the Outlying Suburban Future Land Use Category within the planning community. Sponsor: BOCC

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

Tammy Hall

John Albion

DONE AND ADOPTED this 12th day of October 2005.

ATTEST:
CHARLIE GREEN, CLERK

BY:_____
Deputy Clerk

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY:_____
Chairman

DATE:_____

Approved as to form by:

_____
Donna Marie Collins
County Attorney's Office

**LEE COUNTY ORDINANCE NO. 05-____**
(I-75 and S.R. 80 Interchange)
(CPA2004-13)

**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 CPA2004-13 (PERTAINING TO I-75 AND S.R. 80 INTERCHANGE) APPROVED DURING THE COUNTY'S 2004/2005 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO THE 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.**

WHEREAS, the Lee County Comprehensive Plan ("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 ("Board"); and,

WHEREAS, the Board, 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 Florida Statutes and Lee County Administrative Code on April 25, 2005, and May 23, 2005; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on June 1, 2005. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2004-13 pertaining to the I-75 and S.R. 80 Interchange to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the June 1, 2005 meeting, 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 August 19, 2005; and,

WHEREAS, at a public hearing on October 12, 2005, the Board moved to adopt the proposed amendment to the Lee Plan more particularly set forth herein.

**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 public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "2004/2005 Regular Comprehensive Plan Amendment Cycle CPA2004-13 I-75 and S.R. 80 Interchange Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2004/2005 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as revised by the Board of County Commissioners on October 12, 2005, known as CPA2004-13. CPA2004-13 amends the Plan to:

Amend the Future Land Use Map designations of Map 1 for the Interstate 75 and State Road 80 Interchange to balance existing and future land use designations in this area.

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 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 Janes, who moved its adoption. The motion was seconded by Commissioner Albion, and, when put to a vote, the vote was as follows:

Robert P. Janes

Douglas St. Cerny

Ray Judah

Tammy Hall

John Albion

DONE AND ADOPTED this 12th day of October 2005.

ATTEST:
CHARLIE GREEN, CLERK

BY:_____
Deputy Clerk

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY:_____
Chairman

DATE:_____

Approved as to form by:

_____
Donna Marie Collins
County Attorney's Office

# CPA 2004-13
# I-75 and S.R. 80 Interchange
# BoCC SPONSORED AMENDMENT TO THE

LEE COUNTY COMPREHENSIVE PLAN

# THE LEE PLAN

BoCC Public Hearing Document
for the
October 12th Adoption Hearing

*Lee County Planning Division*
*1500 Monroe Street*
*P.O. Box 398*
*Fort Myers, FL 33902-0398*
*(239) 479-8585*

**August 19, 2005**

**LEE COUNTY**
**DIVISION OF PLANNING**
**STAFF REPORT FOR**
**COMPREHENSIVE PLAN AMENDMENT**
**CPA2004-13**

| ✓ | 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 REPORT PREPARATION DATE: May 18, 2005

## 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:**
Evaluate the future land use designations of Map 1, the Future Land Use Map, for the Interstate 75 and State Road 80 Interchange to balance existing and future land use designations in this area.

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

**1. STAFF RECOMMENDATION:** Amend the Future Land Use Map Series, Map 1, the Future Land Use Map, to redesignate approximately 39 acres of land located in the Interstate 75 and State Road 80 interchange area from Intensive Development, Suburban, and Urban Community to General Commercial Interchange as depicted on Attachment 1.

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

- The proposed land use change will not cause future road network plan changes to the 2020 Transportation Plan.

- There will be no increase in the population accommodation capacity of the FLUM. The proposed amendment will result in a population capacity reduction of 755 persons.

- The presence of I-75 has increased the number of interchange type uses mixing with established residential uses.

- The proposal will result in minimal impacts to public infrastructure and services. The proposal will in fact lower the demands on public infrastructure and services

## C. BACKGROUND INFORMATION

The Board of County Commissioners initiated the proposed amendment on March 22, 2005 and directed Planning staff to evaluate the future land use designations of the Interstate 75 and State Road 80 interchange quadrants, specifically the northeast quadrant and both the southeast and southwest quadrants. The study area, including the Existing Future Land Use designations of the area, are shown as Attachment 2.

Planning staff previously evaluated the southwest quadrant of this interchange area. At the November 1, 2000 Lee Plan Amendment adoption hearing the Board voted to revisit this proposed amendment in a future amendment cycle. At that hearing, it was recommended that the analysis be broadened to include all four quadrants of the I-75 and S.R. 80 interchange.

Initiating the amendment into the current cycle allows staff to review the future land use designations for the interchange area and properly balance existing and future land use designations in this area. At the time the subject amendment was initiated staff specified the three quadrants noted above, recognizing that the future land use designations of the northwest quadrant are appropriate as they exist today. Existing land uses in the northwest quadrant include the Morse Shores single family subdivision, designated Suburban a primarily residential land use category, and commercial uses fronting S.R. 80, designated Intensive Development.

Staff began evaluating the amendment by creating three possible alternatives for the study area to bring forward to the Local Planning Agency (LPA) for discussion purposes. The alternatives discussed involved the possibilities of amending the entire northeast quadrant to Urban Community, Central Urban, or changing the designation of the existing neighborhood to Suburban and leaving the General Commercial Interchange category in place in the remainder of the quadrant. Only one alternative was discussed for the southwest quadrant placing the existing RV Sales Center into the General Commercial Interchange category. This remains the staff recommendation today. Alternatives discussed for the southeast quadrant involved Central Urban for the entire quadrant, the General Commercial Interchange category being proposed for the area today, or leaving the existing designations in place. At the LPA meeting, the members voted to recommend an alternative amending the entire northeast quadrant to the Urban Community category, a portion of the southwest quadrant to General Commercial Interchange as recommended by this report, and leaving the existing designations in place in the southeast quadrant. The LPA preferred this alternative based on their previous recommendation involving a privately initiated small scale amendment in the northeast quadrant. Previously the LPA recommended that the 10 acres involved in this request be amended to Urban Community.

After further review and based on the Board of County Commissioner's review of the recently proposed small scale amendment in the northeast quadrant of the interchange, staff has concluded that the future land use designations of the northeast quadrant are appropriate as they exist today. Further discussion is provided throughout the following analysis.

This report discusses the subject interchange area being evaluated as the study area. The study area encompasses approximately 124 acres. Of the 124 acres being evaluated, staff is recommending a future land use map amendment to approximately 39 acres in the southwest and southeast quadrants of the interchange. Staff is proposing that the 39 acres be amended to General Commercial Interchange as shown on Attachment 1. A little over half of the proposed change amends the future land use category covering the right-of-way areas of I-75 and State Road 80, leaving approximately 18 acres of developable land being amended. The impacts of amending the 18 acres of developable land for possible residential or commercial development are being addressed through this report, comparing existing future land use categories vs proposed. Staff has estimated, as a worst case, that the area being amended would qualify for the following based on the existing and proposed land use categories. Although the areas are already developed, staff estimates the following if redevelopment were to occur. All density calculations include bonus density and half of the adjacent right of way in order to provide the maximum scenario for evaluation. Please note that the northwest category is not included below, due to staff's recommendation that the General Commercial Interchange category remain in place.

| | **Southwest Quadrant** | **Southeast Quadrant** |
|---|---|---|
| Existing Land Use Category | Suburban and Intensive Development | Urban Community |
| Possible unit or commercial development | 100,000 s.f. commercial **or** 295 dwelling units | 50,000 s.f commercial **or** 67 dwelling units |
| Proposed Land Use Category | General Commercial Interchange | General Commercial Interchange |
| Possible unit or commercial development | 130,000 s.f. commercial 0 dwelling units | 50,000 s.f. commercial 0 dwelling units |

## PART II - STAFF ANALYSIS

### A. STAFF DISCUSSION

### COMPREHENSIVE PLAN BACKGROUND

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, all three quadrants were depicted as General Commercial Interchange and a small area in the southwest quadrant was depicted as Central Urban. As part of an overall review of the future land use map in 1989, the eastern portion of the southeast quadrant was changed from General

Commercial Interchange to Urban Community. This remains the future land use category for this portion of the quadrant today. Later in 1989 Lee County formulated a comprehensive plan in order to meet the requirements of the 1985 Growth Management Act. At that time the newly formulated comprehensive plan was objected to by the Department of Community Affairs. In part, the Department of Community Affairs found that Lee County future land use categories should more closely correspond with the adopted future land use maps of the cities of Fort Myers and Cape Coral. The subject area was located within the Urban Reserve Area of Fort Myers which at that time was included on their future land use map. Lee County entered into a settlement agreement with the Department of Community Affairs and through this agreement amended the future land use designations of the southwest quadrant to the current FLUM designations for the area today.

**CURRENT FLUM DESIGNATIONS FOR SUBJECT INTERCHANGE QUADRANT**

Current Lee Plan Future Land Use categories for the subject area are as follows (see Attachment 2):

Future Land Use categories in the northeast quadrant are General Commercial Interchange and Central Urban. The categories in the southeast quadrant include General Commercial Interchange and Urban Community.

> ***POLICY 1.3.3:*** *The General Commercial Interchange areas are intended primarily for general community commercial land uses: retail, planned commercial districts, shopping, office, financial, and business.*
>
> ***POLICY 1.1.3:*** *The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02)*
>
> ***POLICY 1.1.4:*** *The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)*

Future Land Use categories in the southwest quadrant include Intensive Development and Suburban.

***POLICY 1.1.2:*** *The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers and Cape Coral. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6) and office uses are appropriate in these locations. As Lee County moves toward becoming a metropolitan complex of a half million people, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from seven dwelling units per acre (7 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre).*

***POLICY 1.1.5:*** *The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed.*

**EXISTING LAND USES**

The subject area lies in Section 3 Township 44 South, Range 25 East and Section 34 Township 43 South, Range 25 East and is located in the northeast quadrant and both the southeast and southwest quadrants of the State Road 80 and Interstate 75 Interchange. This area is bordered by the Orange River (east of the interstate) and S.R. 80 (west of the interstate) to the north, both the Siesta and the Sun-n-Fun mobile home subdivisions to the east, vacant land and condominium development to the south, and single family residential uses to the west. I-75 extends north/south and S.R. 80 east/west through the subject area.

The study area encompasses approximately 124 acres total, accommodating a variety of uses including residential, commercial, marina, and vacant land uses. The following is a summary of land uses existing within the study area of each interchange quadrant.

| Quadrant | Existing Uses | Future Land Use Designation |
|---|---|---|
| Northeast | Single Family Subdivision and Marina | General Commercial Interchange |
| Southwest | Commercial RV Sales and Single Family | Intensive Development and Suburban |
| Southeast | Restaurants, Hotel, Gas Stations, and Single Family | General Commercial Interchange and Urban Community |

The current zoning designations for the subject area are RS-1, AG-2, IM, and CM in the northeast quadrant, CPD, CG, and RS-1 in the southwest quadrant, and CPD and AG-2 in the southeast quadrant. Surrounding zoning designations include RS-1 and AG-2 to the north, MH-1 and MH-2 to the east, AG-2 to the south and RS-1 and C-1 to the west.

## TRANSPORTATION

Lee County Department of Transportation (DOT) staff have reviewed the proposal and provided written comments dated May 17, 2005 (see Attachment 3). DOT offers no objection to the proposed change and have provided that "Because the quadrants are already partially developed, the proposed changes will only increase the amount of commercial square footage by about 20,000 square feet. That kind of increase would generate about 80 additional peak hour trips on a p.m. peak hour basis, which would not alter our 2020 road network plans."

DOT staff re-ran the long range transportation model with the proposed development scenario that could result from the new land use category on the subject area to arrive at this conclusion. Specific improvements (such as turning lanes) that are needed as a result of proposed development in this area will be determined through the local development order process. Providing identified improvements are the responsibility of the developer. For example, if the proposed project generates the need for turning lanes, then the developer is required to provide the turning lane at no expense to the public.

## POTABLE WATER, SANITARY SEWER SERVICE AND SOLID WASTE

The current condition of potable water service and sanitary sewer service in the area is discussed below:

Potable Water Service: The water system in the southwest quadrant is already in place; there are no plans for installing any major new transmission lines. The Corkscrew Water Treatment Plant currently has the capacity to provide potable water to this quadrant. Presently there is an 8" and 6" water main on Orange River Boulevard, an 8" water main on Lexington Avenue, and a 20" water main on the north side of State Road 80 serving the area. The water system is already in place in the southeast quadrant as well and there are no plans for installing any major new transmission lines. The Olga Water Treatment Plant currently has the capacity to provide potable water to this quadrant. Presently there is a 10" water main on Boatways Road, a 6" and 12" water main on Orange River Boulevard, and a 20" water main on the north side of State Road 80 serving the area. As new projects request service from Lee County Utilities, they are required by the Lee County Utilities Operation Manual to submit extensive hydraulic calculations for review and approval showing what impact, if any, a new project may have on existing facilities. If warranted, the new project will be required to either loop "dead end" mains or perform off-site improvements to enhance flows and, therefore, provide adequate water infrastructure to support development.

Sanitary Sewer Service: There are presently 24" and 8" sanitary sewer force mains on the north side of S.R. 80. In the southwest quadrant Lee County Utilities has 8" gravity sewer mains on Orange River Boulevard, Lexington Avenue, and Richmond Avenue. In the southeast quadrant Lee County Utilities has an 8" gravity sewer main and a lift station on Boatways Road. Lee County Utilities also has a 4" sanitary sewer force main on Boatways Road and a 12" force main on Orange River Boulevard. As with the water network, new developments are required to submit extensive hydraulic calculations for review and approval showing what impacts the new project may have on existing facilities. If warranted the developer may need to perform off-site improvements to enhance flows and provide adequate sanitary sewer infrastructure to support the development. The subject area is served by the City of Fort Myers Central Wastewater Treatment Plant via an inter-local agreement and, to date, has sufficient reserved capacity.

## POPULATION ACCOMMODATION ANALYSIS

The request is to change the Future Land Use Map (FLUM) category of approximately 39 acres from Intensive Development, Urban Community, and Suburban to General Commercial Interchange. Currently, the Lee Plan does not permit residential development in General Commercial Interchange areas.

The Intensive Development maximum density permits up to 22 du/acre. There are approximately 6.4 acres designated Intensive Development within the southwest quadrant. This means that a maximum of 140 dwelling units could be constructed on the property under the Intensive Development designation. Planning staff, however, believes that residential development fronting this portion of S.R. 80 is unlikely. This Intensive Development area accommodates 292 persons on the FLUM (140 du's X 2.09 persons per unit).

The Urban Community maximum density permits up to 10 du/acre. There are approximately 6.71 acres designated Urban Community within the southeast quadrant. This means that a maximum of 67 dwelling units could be constructed on the property under the Urban Community designation. Planning staff, however, believes that residential development adjacent to existing interchange type uses is unlikely. This Urban Community area accommodates 140 persons on the FLUM (67 du's X 2.09 persons per unit).

The Suburban category standard density permits up to 6 du/acre. There are approximately 25.85 acres designated Suburban within the southwest quadrant. A maximum of 155 dwelling units could be constructed on the property under the Suburban designation. This equates to a population accommodation capacity of the FLUM of 323 persons (155 du's X 2.09 persons per unit).

As mentioned above the Lee Plan does not permit residential development in General Commercial Interchange designations and therefore the proposal will not be increasing the population accommodation capacity of the FLUM. In fact, the amendment would result in a population capacity reduction of 755 persons.

## PARKS, RECREATION AND OPEN SPACE

Staff of the Lee County Public Works have reviewed the request and provided comments dated May 11, 2005 (see Attachment 4). Public Works staff provides the following:

> *"It is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment. However, please note that this determination is based on the proposed commercial use of the subject property which will not result in an increase of the current population in this area of Lee County."*

## LEE COUNTY SCHOOL DISTRICT EVALUATION

Planning staff requested that the Lee County School District evaluate the proposed redesignation and determine the adequacy of existing and future facilities to provide services to the subject area. Staff of the School District of Lee County have contacted Planning staff and provided that the proposed changes "will have no impact on the School District of Lee County."

**SOILS**

The 1984 U.S. Department of Agriculture Soil Survey of Lee County classified two soil types present on the subject parcel - 11 Myakka fine sand in all three quadrants, and 28 Immokalee sand in the northeast quadrant. The Soil Survey provides the following:

*11 - Myakka fine sand. This is a nearly level, poorly drained soil on broad flatwoods areas. Slopes are smooth to slightly concave and range from 0 to 2 percent.*

*28 - Immokalee sand. This is a nearly level, poorly drained soil in flatwoods areas. Slopes are smooth to convex and range from 0 to 2 percent.*

**LEE PLAN PLANNING COMMUNITIES MAP AND TABLE 1(b)**

The subject area is located within the "Fort Myers Shores" planning community. Table 1(b) allocates a total of 257 acres for commercial use in this Planning Community. Recent planning division research indicates that 243 acres of commercial development in the "Fort Myers Shores" planning community have been developed. This research indicates that 14 additional acres can be developed for commercial use in the planning community before the year 2020. While the subject amendment consists of approximately 39 acres, as mentioned earlier in the report over half of the proposed change amends the future land use category covering right-of-way areas, leaving approximately 18 acres of developable land being amended. While the current proposal exceeds the commercial allocation by 4 additional acres, staff recognizes that these allocations will be being revised out to the year 2030 as part of the upcoming EAR based amendments. Staff assumes that there will be more commercial uses within this planning community in the future and will be addressed as part of the allocations for 2030.

**DISCUSSION CONCERNING THE SUBJECT AREA:**

After evaluating several alternatives and discussing various development scenarios associated with each, staff recommends that the subject interchange area be amended as proposed in Attachment 1. The following is a discussion of each quadrant in the study area:

**Northeast Quadrant**

The northeast quadrant is currently developed with the Dos Rios single family residential subdivision adjacent to I-75 to the west and marina uses to the east. The study area covers approximately 48.61 acres and is designated General Commercial Interchange with a small portion of the area designated Central Urban in the northwest corner of the quadrant.

A 10 acre portion of the existing marina within this quadrant was recently reviewed as a privately initiated small scale amendment. The applicant proposed to amend the area from the General Commercial Interchange category to the Urban Community land use category. Staff recommended denial of the proposed amendment due to the subject site's location within the Coastal High Hazard Area (CHHA) and inconsistencies with several Lee Plan policies addressing residential development in the CHHA. At the adoption hearing for the proposed amendment the majority of the Board agreed with staff's recommendation and voted not to adopt the proposed amendment. At the hearing the Board discussed the importance of maintaining the County's interchange areas for interchange type uses serving the traveling public. Staff specifically cited Lee Plan policies found under Goal 75 and 76 that prohibit residential

development where hurricane and flood hazards exist, encourages reduced densities in order to limit the population exposed to coastal flooding, and limits public expenditures to existing residents. The specific Lee Plan policies are reproduced below:

***GOAL 75: PROTECTION OF LIFE AND PROPERTY IN COASTAL HIGH HAZARD AREAS.*** *To protect human life and developed property from natural disasters. (See also Goal 80.) (Amended by Ordinance No. 94-30)*

> ***OBJECTIVE 75.1: DEVELOPMENT IN COASTAL HIGH HAZARD AREAS.*** *Development seaward of the 1991 Coastal Construction Control Line will require applicable State of Florida approval; new development on barrier islands will be limited to densities that meet required evacuation standards; new development requiring seawalls for protection from coastal erosion will not be permitted; and allowable densities for undeveloped areas within coastal high hazard areas will be considered for reduction. (Amended by Ordinance No. 92-35, 93-25, 94-30, 00-22)*
>
> > ***POLICY 75.1.4:*** *Through the Lee Plan amendment process, land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories (or assignment of minimum allowable densities where density ranges are permitted) in order to limit the future population exposed to coastal flooding. (Amended by Ordinance No. 92-35, 94-30, 00-22)*

***GOAL 76: LIMITATION OF PUBLIC EXPENDITURES IN COASTAL HIGH HAZARD AREAS.*** *To restrict public expenditures in areas particularly subject to repeated destruction by hurricanes, except to maintain required service levels, to protect existing residents, and to provide for recreation and open space uses. (Amended by Ordinance No. 94-30)*

> ***OBJECTIVE 76.1: COASTAL HIGH HAZARD AREA EXPENDITURES.*** *Public expenditures in areas particularly subject to repeated destruction by hurricanes will be limited to necessary repairs, public safety needs, services to existing residents, and recreation and open space uses. (Amended by Ordinance No. 94-30, 00-22)*

Upon staff's evaluation of the entire interchange and in regards to the northeast quadrant specifically, staff finds that the subject quadrant is located in the CHHA as depicted by Map 5 of the Lee Plan. Lee plan Policy 75.1.4 specifies that areas within the CHHA will be considered for reduced densities to limit the population to coastal flooding.

It is also necessary to compare the possibilities that the existing land use category allows as it specifically relates to commercial type uses with other options that would allow residential development in this quadrant. As mentioned, the area of this quadrant is approximately 48.61 acres and includes the right-of-way area of I-75 and S.R. 80. Of this total acreage figure, approximately 33 acres equate to parcel acres. Generally speaking, if the entire area were to be redeveloped with the General Commercial Interchange category in place today, the area would qualify for approximately 330,000 s.f. of commercial development. If the existing subdivision in this quadrant were excluded from this calculation the remaining area would qualify for approximately 218,500 s.f. of commercial development. Comparing this to the possibility of amending the quadrant to a residential land use category staff is using the Suburban category as an example of a lower range of density and the Central Urban category as an example of a higher range of density. These two categories were presented to the LPA for discussion purposes, as well as Urban Community for a middle range. Staff estimate that if the area were placed in the Suburban category (6 units/acre) potentially 234 units could be developed, or 131 units when excluding the existing subdivision. Staff estimate that if the area were placed in the Central Urban category (15 units/acre including bonus density) potentially 495 units could be developed, or 327 units when excluding the existing subdivision.

In addition another factor to be considered while evaluating this quadrant, as was discussed and considered at the adoption hearing for the referenced small scale amendment, is the basic importance of the existing interchange land use categories in Lee County. Reports discussing interstate interchange land use during the drafting of the 1984 Lee Plan described the completion of Interstate 75 through Lee County creating unique development opportunities at the eight interchanges and the arterials leading to them. Discussions also provided that land configurations resulting in the intermixing of local and interstate travel should be discouraged.

Objective 1.3 of the Lee Plan describes the interstate highway interchange areas as specialized categories for land adjacent to the interchanges of I-75. The objective emphasizes the importance of making beneficial use of these critical access points while avoiding conflicts between competing demands. It also states that development in these areas must minimize adverse traffic impacts such as the mixing of local traffic with through traffic. Staff recognizes that the existing neighborhood in this quadrant could be considered inconsistent with this Objective of the plan, yet staff also recognizes that this subdivision existed prior to the construction of I-75 through this area as well as prior to the 1984 Future Land Use Map.

An important aspect in the evaluation of this quadrant is the fact that there are existing residential uses currently in the General Commercial Interchange category where new residential development is not permitted, except in accordance with Chapter XIII of the Lee Plan. Staff has determined that the most of the subdivided lots within the subject quadrant are likely to qualify for the construction of a dwelling unit through an administrative interpretation of the single family residence provisions of the Lee Plan due to the fact that the lots within the subdivision were created prior to the Lee Plan's effective date. In fact, in 2003, a lot within the subject area received a favorable interpretation of these provisions for the construction of a dwelling unit.

In light of the factors discussed, staff has concluded that amending this quadrant to a land use category allowing future residential development has the potential to significantly increase the mixing of local traffic with through traffic as well as increasing density in the CHHA. By leaving the quadrant designated General Commercial Interchange will result in minimal impacts to public infrastructure and services. For these reasons staff does not recommend an amendment to the existing future land use categories of the northeast quadrant.

**Southwest Quadrant**

The southwest quadrant of the study area is currently developed with the North Trail RV center adjacent to I-75 and fronting S.R.80 and single family residential to the west. The study area covers approximately 48.61 acres and is designated Suburban with a small portion of the area fronting S.R. 80 designated Intensive Development. There are nearly two dozen single family homes in existence in the subject area west of the RV sales center.

This quadrant of the interchange was the subject of the previous review in 2000. During the previous review of this area and after much discussion with the with the Community Redevelopment Agency in existence at the time and the Local State Road 80 Advisory Board staff evaluated the possibility of changing the entire quadrant to the General Commercial Interchange land use category. Several issues lead

to the continuance of the amendment. At the time, as is the situation today, there were no plans for development or land assembly for the residential area. Another issue involved the School District's concern over the signalization at Lexington Avenue and State Road 80 where commercial traffic that could be generated by the proposed amendment would be sharing the same access (Lexington Avenue) that the buses use for the Orange River Elementary School turnaround causing a mixing of traffic. The Department of Community Affairs also provided objections requesting further analysis of traffic impacts and the maximum development allowed in this area. With no public outcry for the proposed amendment at the time, staff reevaluated the recommendation to amend the southwest quadrant to the interchange category and concluded that an evaluation of the entire interchange would be more beneficial for the area as a whole. Staff finds the existing land uses of this quadrant have remained intact since the time of the previous review. There have been no plans for development or land assembly for the residential area and no public requests for a change to the area.

Staff has concluded that the area developed with the North Trail RV center is the portion of this quadrant best suited for a land use change reflecting the existing use of the property. Considering the commercial use of the property and its location adjacent to I-75, staff finds the General Commercial Interchange future land use category the most appropriate land use category for the area. The commercial sale of recreational vehicles on a scale of this size (approximately 12 acres) potentially could be considered a regional use with customers coming from other areas for the product, as well as the consideration of the employment opportunities that the center provides to the local area. This type of use coincides with the intent of Objective 1.3, Interstate Highway Interchange Areas, promoting the beneficial use of these critical access points adjacent to the interchanges of I-75. Staff has met with the owners and representatives of the North Trail RV center discussing staff's proposal to amend the subject area and the impacts of amending the area from Suburban, a primarily residential future land use category, to the General Commercial Interchange category. The owners of the center understand the proposed change and have expressed their support of the amendment to the interchange category, reflecting the existing use of the property.

Staff recommends amending approximately 32.25 acres of the southwest quadrant from the Suburban and Intensive Development future land use categories to the General Commercial Interchange land use category. This area encompasses the RV center and portions of the S.R. 80 and I-75 right-of-way currently in the Suburban land use category.

**Southeast Quadrant**

The southeast quadrant of the study area is currently developed with two restaurants, two gas stations, and a hotel as well as four single family homes in the southern portion of the area along Orange River Boulevard. The study area covers approximately 30.68 acres and is designated General Commercial Interchange and Urban Community. The Urban Community portion of quadrant covers the eastern edge of the study area.

Staff has determined that the existing General Commercial Interchange future land use designation is appropriate for the area and proposes to amend a majority of the Urban Community designation in this quadrant to the General Commercial Interchange land use category. Most of the area is currently zoned Commercial Planned Development (CPD) covering the interchange type uses existing today. The General Commercial Interchange category encompasses the western portion of this area covering half of the CPD

and three of the four homes to the south. Staff is proposing to amend the entire western portion of the area, with the exception of one single family parcel, from Urban Community to General Commercial Interchange, allowing the change to reflect the existing uses in this quadrant today.

Seven lots exist in the southern portion of the area and as mentioned previously, four of the lots contain single family homes. The remaining lots remain vacant. The single family lot in the southeast corner of the study area is currently designated Urban Community, while the remainder of the lots are designated General Commercial Interchange. The Urban Community land use category in place on the residential parcel in the southeast corner permits a density range of one to six dwelling units per acre on the 1.14 acre lot, with up to 10 units per acre including bonus density. Amending the lot to the interchange land use category could be detrimental to the property owner by removing the allowable density assigned to the property. Leaving the current land use designation in place continues the opportunity for residential development of the lot, yet does not preclude the owner from requesting an extension of interchange type uses per Policy 6.1.2.6 of the Lee Plan. This policy is reproduced below:

> ***Policy 6.1.2.6*** *Any contiguous property under one ownership may, at the discretion of the Board of County Commissioners, be developed as part of the interstate interchange, except in the Mixed Use Interchange district, provided the property under contiguous ownership to be developed as part of the interstate interchange does not extend beyond three-quarters of a mile from the interchange centerpoint. Applications seeking interstate uses outside of the interstate highway interchange area will be evaluated by the Board considering the following factors: percentage of the property within the interstate interchange; compatibility with existing adjacent land uses; and, compatibility with surrounding Future Land Use Categories. This is intended to promote planned developments under unified ownership and control, and to insure proper spacing of access points.*

In light of this policy, staff has concluded that the owner would have the option of extending the interchange uses, leaving the current land use designation in place. Leaving the designation in place would not take the existing residential density away from the subject parcel while leaving the possibility of extending the adjacent interchange uses.

Staff has also considered the three existing residential units in the southern portion of the area within the General Commercial Interchange land use category and have made similar conclusions. While the units and the vacant lots are currently in a land use category that does not permit residential uses, staff has concluded that most of the subdivided lots within the subject quadrant are likely to qualify for the construction of a dwelling unit through an administrative interpretation of the single family residence provisions of the Lee Plan, as would the lots in the northeast quadrant of the study area. Staff has concluded that leaving the residential lots in the existing land use designations would be the most appropriate action, where residential uses on the lots as they are configured today are not being removed from the properties and interchange uses are a valid option for those particular land owners as well.

Staff recommends amending approximately 6.71 acres of the southeast quadrant from the Urban Community future land use category to the General Commercial Interchange land use category. This area encompasses CPD zoning where a gas station and hotel exist.

## B. CONCLUSIONS

Through the subject plan amendment proposal, staff has attempted to balance the existing and future land use designations of the area with a proposal that results in minimal impacts to existing residential uses while recognizing the value of preserving interchange areas for interchange type uses serving the traveling public as well as providing diversity and regional opportunities within the interchange areas of the County.

Planning staff proposes amending approximately 39 acres from the Intensive Development, Suburban, and Urban Community future land use categories to the General Commercial Interchange land use category in the interchange area of S.R. 80 and I-75. Staff recognizes that this is a unique interchange area and the routing of I- 75 through existing platted neighborhoods has had a negative impact. The presence of I-75 has increased the number of interchange type uses mixing with established residential uses. Examples of this mixing of uses can be seen in the north-east and south-east quadrants of the interchange where residential uses are within General Commercial Interchange designations as well as the southwest quadrant where a regional interchange type use has been developed adjacent to the interstate to the east and adjacent to existing residential uses to the west. Additionally, typical interchange uses have been developed in the Urban Community area in the southeast quadrant of the interchange.

Staff concludes that the proposal will result in minimal impacts to public infrastructure and services. If the amendment is approved allowable density would decrease given that the General commercial interchange future land use category does not allocate for residential units. The proposal will in fact lower the demands on public infrastructure and services eventually if the proposed amendment is adopted because the General Commercial Interchange areas are intended for commercial uses without any residential uses. There will be no increase in the population accommodation capacity of the FLUM.

## C. STAFF RECOMMENDATION

Amend the Future Land Use Map Series, Map 1, the Future Land Use Map, to redesignate approximately 39 acres of land located in the Interstate 75 and State Road 80 interchange area to General Commercial Interchange. Planning staff recommends that the Lee Plan Future Land Use Map, Map 1, be amended as depicted on Attachment 1.

## PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF LPA PUBLIC HEARING: May 23, 2005

### A. LOCAL PLANNING AGENCY REVIEW

Planning staff provided a brief summary of the proposed plan amendment and explained staff's recommendation for the subject area. Staff concluded that the proposed amendment would decrease the allowable density in the subject areas, lowering the demands on public infrastructure and services. One member of the LPA asked why staff was recommending commercial uses next to residential uses in the northeast quadrant. Staff explained that the through this analysis staff does not recommend making any changes to the northeast quadrant. Staff explained that the designations for this quadrant have been in place since the establishment of the 1984 Lee Plan and any commercial development would be required to comply with buffering and setback requirements as required by the Land Development Code.

Several members of the public addressed the LPA regarding the northeast quadrant of the interchange area. The first member of the public stated that they represent the applicant of the small scale amendment that was recently reviewed by the LPA and the Board of County Commissioners. This member of the public disagreed with staff's recommendation and noted that they felt that an interchange future land use category in this quadrant would allow inappropriate commercial uses. This member of the public described that through the small scale amendment request they felt that the Urban Community designation for this quadrant was a compromise. This member of the public stated that evacuation would not be an issue due to the location of the quadrant and that the area is not a destination for tourist travel.

Another member of the public addressed the LPA stating that they live in the northwest quadrant of the interchange and are in a similar situation. This person stated that there are other interchange quadrants better suited for uses serving the traveling public. They also noted that the property in the northeast quadrant contains oak trees and palm trees and is not suited for commercial businesses and parking lots. They felt that the Central Urban designation would be too high for this area leaving Urban Community the best designation for the property. This member also mentioned that their home in the northwest quadrant has never flooded or been evacuated and that the development proposed through the previous small scale amendment request would improve the community compared to the existing commercial uses along S.R. 80.

Another member of the public noted that they are a member of the Morse Shores Civic Association and stated that the existing land use category in the northeast quadrant would appear to increase traffic, rather than decrease traffic. They felt that there are a sufficient amount of gas stations in the area and that the uses planned through the previous small scale amendment would be more compatible.

Another member of the public stated the northeast quadrant is a very prestigious and indigenous site this close to the interchange and would prefer that the area be amended to the Central Urban future land use category.

Another member of the Morse Shores Civic Association stated that the northeast quadrant was not meant for big box stores and supported an amendment to the Urban Community future and use category in this area.

Several of the LPA members provided discussion concerning the proposed amendment. One member of the LPA noted that they have seen no changes since the previous discussions held before the LPA and find that the northeast quadrant is an ideal area for the type of residential development being discussed. Another member agreed. One member found the amendment proposed by staff consistent. Another member had concerns with commercial uses next to existing residential uses. A motion was made to amend the future land use map to include staff's proposal for the southern quadrants and to amend the northeast quadrant to the Urban Community future land use category. The motion carried 3 to 2.

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

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the proposed amendment.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff regarding the southern quadrants of the interchange. The LPA recommended an additional amendment to the northeast quadrant of the interchange, amending the quadrant to the Urban Community land use category based on the LPA's previous discussions and recommendations for the interchange area.

## C. VOTE:

| | |
|---|---|
| **NOEL ANDRESS** | AYE |
| **MATT BIXLER** | NAY |
| **DEREK BURR** | NAY |
| **RONALD INGE** | AYE |
| **CARLETON RYFFEL** | AYE |
| **FRED SCHILFFARTH** | ABSENT |
| **RAYMOND SCHUMANN** | ABSENT |

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

DATE OF TRANSMITTAL HEARING: June 1, 2005

**A. BOARD REVIEW:** Planning staff provided a summary of the proposed plan amendment and updated the Board with the LPA's recommendation for the interchange area. Staff concluded that the amendment, as proposed by staff, would decrease the allowable density in the subject areas and reflect the existing uses of the area.

Several members of the public addressed the Board regarding the northeast quadrant of the interchange area. A majority of the public who spoke were also in attendance at the LPA public hearing. The first member of the public stated that they represent the applicant of the small scale amendment that was recently reviewed by the Board. The representative noted that the General Commercial Interchange land use category is intended for shopping centers. They discussed that the interchanges should be evaluated on a quadrant by quadrant basis and that the CHHA is not an issue given the location of the amendment. The representative requested that the Board consider amending the northeast quadrant from General Commercial Interchange to Central Urban.

Another member of the public also representing this applicant spoke, describing the other interchanges in the County and pointed out that the northeast quadrant of the subject interchange is the only interchange area in the County that contains water front property such as this. They felt that Central Urban is the best designation for this quadrant.

Another member of the public addressed the Board. This member stated that they have lived in the northwest quadrant of the interchange area for the past 15 years and came to speak regarding the northeast quadrant. They felt that the CHHA is a general classification and history and past experience is a better guide and noted that their house has never been flooded. This member preferred to see other interchanges serve the traveling public. They also stated that this area is not part of the commercial node of the Caloosahatchee Shores Community Plan and supported a map amendment for the northeast quadrant to Central Urban.

Another member of the public from the Sun-N-Fun mobile home park adjacent to the southeast quadrant spoke stating that they were concerned about the impacts of the northeast quadrant and find that the development that the applicant for the previous small scale amendment had planned for the area is good. They stated that they preferred a map amendment to the northeast quadrant amending the area to the Central Urban land use category.

Another representative of the previously reviewed small scale amendment spoke to address the northeast quadrant. They stated that they were concerned by the denial of the small scale amendment and that they endorsed Central Urban in the northeast quadrant while others from the area preferred Urban Community with a lower density. The representative handed out a map with their recommendation for the interchange area consisting of General Commercial Interchange in the southern quadrants and Central Urban in the northeast. The representative read a letter into the record from the secretary of the Morse Shores Civic Association supporting an Urban Community redesignation for the northeast quadrant. The representative

stated that if the area was amended to Urban Community the applicant would have to use bonus density to achieve the 10 units per acre that they have envisioned and would prefer to amend the northeast quadrant to Central Urban to achieve this density without utilizing bonus density.

One member of the public from the Dos Rios subdivision in the northeast quadrant of the interchange addressed the Board. They stated that it is their intent to preserve the community. This member of the public passed out photos of past flooding in the area and noted that the applicant for the small scale amendment would be adding more docks than exist in the subject area today. They also stated that the pump station in this quadrant has overflowed and flooded the adjacent marina property. They added that the site contains hazardous waste and urged that whatever was done with the adjacent property that the contamination is removed.

The final member of the public to address the Board stated that they are the owner of the marina property in the northeast quadrant, part of which was the subject of the small scale amendment. They stated that the previous speaker was not stating the truth regarding their property and hoped that the Board would allow the proposal as presented through the small scale amendment. The owner stated that it would be an asset to the community.

One Board member had a question regarding the concerns of a conflict between local traffic and interstate traffic. Staff clarified that this discussion was made in the background information of the staff report and that in 1984 when the interchange land use categories were put in place, the intent was to prevent the mixing of local traffic with through traffic.

One member of the Board made a motion to transmit the proposed amendment with the LPA's recommendation that the northeast quadrant be amended to the Urban Community future land use category. Another member seconded the motion for discussion stating that this is a unique interchange and needs to be preserved in a special way. Another member questioned whether or not this motion would be in violation of the policy in the Lee Plan calling for reduced density in the CHHA. They noted that there are merits on both sides yet the comprehensive plan is clear. It is an interchange where you would cater to through traffic. They stated that a commercial planned development could be done in this quadrant preserving vegetation and protecting existing residents. This member found that the interchange area is to service the traveling public. Another Board member noted the uniqueness of the subject interchange and it is worth sending to the Department of Community Affairs for comment. The member who questioned the motion and its consistency with the comprehensive plan asked legal staff how the comprehensive plan policy involving reduced density in the CHHA pertains to the amendment as moved to transmit. The staff responded that the policy says to consider these areas for reduced densities, not that you must reduce densities. The motion to transmit carried 4 to 1.

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

1. **BOARD ACTION:** The Board voted to transmit the proposed map amendment to the DCA, including the LPA's recommendation for the northeast quadrant.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff regarding the southern quadrants of the interchange. The Board

also accepted the LPA's recommendation for an additional amendment to the northeast quadrant of the interchange, amending the quadrant to the Urban Community land use category.

**C. VOTE:**

| | |
|---|---|
| **JOHN ALBION** | **AYE** |
| **TAMMY HALL** | **AYE** |
| **BOB JANES** | **AYE** |
| **RAY JUDAH** | **NAY** |
| **DOUG ST. CERNY** | **AYE** |

**D. STAFF DISCUSSION:**

Following the Board's recommendation at the transmittal hearing staff is providing further analysis regarding the northeast quadrant of the interchange. Per the Board's action, approximately 41.28 acres are being amended in the northeast quadrant from General Commercial Interchange to Urban Community. The Central Urban designation in the northernmost portion of this quadrant remains unchanged. This makes the total area being amended as part of this map amendment approximately 80 acres. A map depicting the proposed future land use map being transmitted for the interchange area is attached as Attachment 5.

As stated in staff's discussion of the subject area, if the entire area were to be redeveloped with the General Commercial Interchange category in place today, the area would qualify for approximately 330,000 s.f. of commercial development. Less the Central Urban area, the area would qualify for approximately 300,000 s.f. of commercial development. Staff previously compared the possibility of amending the quadrant to a residential land use category using the Suburban category as an example of a lower range of density and the Central Urban category as an example of a higher range of density. The proposed Urban Community category has a density range of 6 units/acre with up to 10 units/acre including bonus density. Staff estimate that if the area were placed in the Urban Community category potentially 412 units could be developed.

The Urban Community maximum density permits up to 10 du/acre. There are approximately 30 parcel acres in the subject area and approximately 41.28 acres proposed to be amended, including right of way area. Evaluating the maximum scenario means that a maximum of 412 dwelling units could be constructed on the property under the Urban Community designation. This equates to a population accommodation capacity of the FLUM of 861 persons (412 du's X 2.09 persons per unit). Staff concludes that this increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.

Commercial uses allocated by the Planning Communities Map and Table 1(b) are discussed in Part II of this report. The subject area is located within the "Fort Myers Shores" planning community. In this community there are 633 acres allocated for residential uses in the Urban Community land use category. Recent Planning Division data indicates that 280 acres of Urban Community land within this community are currently developed with residential uses, leaving a surplus of 353 acres that could be developed with residential uses in the Urban Community portions of this community before the year 2020.

The proposed amendment does not involve a significant increase in the population accommodation capacity and does not require an amendment to the acreage allocations of the "Fort Myers Shores" planning community. Amending the subject quadrant to the Urban Community designation would correct the non-conforming residential subdivision existing in the western portion of this quadrant today. As discussed in this report, residential uses in the General Interchange category are not permitted except in accordance with Chapter XIII of the Lee Plan. Amending the area to the Urban Community category, where residential uses are permitted, would address the existing non-conformance of the subdivision. In addition, amending the entire northeast quadrant would allow the existing residential uses as well as ensuring the possibility of residential development as an option for the property adjacent to the subdivision, whereas previously it was not. For informational purposes, the applicant for the small scale amendment in this quadrant that was originally denied by the Board has provided back up materials regarding their proposal to amend a 10 acre portion of this quadrant from General Commercial Interchange to Urban Community. The materials are attached to this report as Attachment 6.

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

DATE OF ORC REPORT: August 19, 2005

### A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The Department of Community Affairs has raised objections to proposed amendment CPA 2004-13. The DCA objections are reproduced below:

***OBJECTION***

***Land Use Suitability:*** *This is a proposal to change the land use designation of certain properties located within the southeast, southwest and northeast quadrants of the intersection of I-75 and State Road 80. The Department has no concerns with the proposed changes to the southwest and southeast quadrant.*

*With respect to the proposal to change the land use designation on 41.28 acres of land located in the northeast quadrant from General Commercial Interchange to Urban Community the public facilities analysis for the amendment did not quantify the impact of the proposal on schools. There is a general statement in the staff report that according to the School Board, the amendment will not have any impact on schools; however it would be appropriate to show how the analysis of the impact on schools was derived in order to substantiate the statement. Above all, the proposal is inappropriate because the site is not suitable for the proposed designation. The subject site is located within the coastal high hazard area, and according to Map 9, of the Lee Plan, is within the 100-year floodplain that is subject to tidal flooding. This proposal has the potential to allow up to 412 dwelling units in this coastal high hazard area and would consequently expose a substantial population to the dangers of a hurricane and flooding. The proposal is, therefore, inconsistent with the state's requirement that comprehensive plans direct population concentrations away from known or predicted coastal high hazard areas, and also inconsistent with the requirement that future land uses be coordinated with appropriate topography, including flood prone areas. Lee Plan Policy 75.1.4 requires that the County limit the future population exposed to coastal flooding by assigning reduced density categories to properties within the coastal high hazard area. Goal 75 of the Lee Plan calls for the protection of human life and developed property from natural disasters, and Objective 75.1, mandates a reduced density for properties located within coastal high hazard areas. The proposed designation of Urban Community for this site is inconsistent with Objective 75.1 and Policy 75.1.4 and would not further Goal 75. The current designation of General Commercial Interchange that does not allow residential uses is clearly appropriate for this site and it is consistent with Policy 75.1.4, as well as with Objective 75.1, and furthers the intent of Goal 75.*
*Chapter 163.3177(6)(a), (g)7., & 8., Florida Statutes (F.S.); Rule 9J-5.003(17); 9J-5.006(2)(b), & (3)(b)1., (c)1., & (4)(b)6.; 9J-5.012(3)(b)5., & 6., &(3)(c)7., Florida Administrative Code (FAC).*

***Recommendation:*** *It is recommended that the County not adopt the proposed amendment to the northeast quadrant.*

## B. STAFF DISCUSSION

The DCA has objected to the amendment to the northeast quadrant of the interchange, finding that the site is not suitable for the proposed designation. The objection provides that the potential density in the Coastal High Hazard Area could expose a substantial population to the dangers of a hurricane and flooding. The DCA has found the proposal for the northeast quadrant inconsistent with state requirements that direct population concentrations away from coastal high hazard areas and with Lee Plan policies and have stated that the current designation is clearly appropriate for this site. The DCA has recommended that the County not adopt the proposed amendment to the northeast quadrant.

Lee Plan Objective 105.1 provides that allowable densities for undeveloped areas in the CHHA will be considered for reduction. Lee Plan Policy 105.1.4 specifies that through the plan amendment process land use designations in undeveloped areas in CHHA's will be considered for reduced categories, or the assignment of minimum allowable densities where density ranges are permitted, in order to limit population exposed to coastal flooding. The existing General Commercial Interchange category and the commercial uses allowed in this category achieve the intent of Lee Plan policy. Staff finds that in light of the recent increased storm activity there has been heightened sensitivity to increasing density in the Coastal High Hazard Area. The Governor has recently announced a Coastal High Hazard Study Committee as well. The DCA has recommended that the County not adopt the proposed amendment to the northeast quadrant and has provided that the department has no concerns with the proposed changes to the southern quadrants of the interchange.

Planning staff has reviewed the DCA's objections and recommendations and requested further review from the School District of Lee County regarding the impact of the proposal on schools. At the time the amendment went before the Board of County Commissioners the School District provided that the amendment would not have any impact on schools. At the time of the transmittal hearing the amendment did not involve any increase in residential density. The plan amendment proposal involved a reduction in residential density given that the General Commercial Interchange future land use category does not allow for residential units. Per the Board's action at the transmittal hearing, approximately 41.28 acres were proposed to be amended in the northeast quadrant from General Commercial Interchange to Urban Community. The School District has provided the following written comments dated September 28, 2005 regarding the amendment to the northeast quadrant (see Attachment 7).

> *"412 multifamily residential dwelling units would generate 45 new students creating a need for 2 new classrooms. 412 single family dwelling units would generate 145 new students creating a need for 6 new classrooms. In addition to the classrooms the Lee County School District would have a need for increasing staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated."*

## C. STAFF RECOMMENDATION

Upon considering and balancing the above issues and given the likelihood that the DCA will challenge the proposed amendment with regard to the northeast quadrant, staff recommends that the Board of County Commissioners adopt the proposed amendment to include only the proposed changes to the southern quadrants of the interchange at this time.

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

DATE OF ADOPTION HEARING: October 12, 2005

**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** | _____ |
| **TAMMY HALL** | _____ |
| **BOB JANES** | _____ |
| **RAY JUDAH** | _____ |
| **DOUG ST. CERNY** | _____ |

# CPA2004-00013

## Existing Uses By Parcel


Generated: June 2005
Source: Lee County DCD/Planning
Existing Land Use Inventory

**Legend**

- Study Area
- ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)
  - Wetlands
  - Conservation Lands - Wetlands
- Existing Land Use
  - Residential Single Family
  - Residential Multi-Family
  - Residential Mobile Home/RV
  - Residential Amenity
  - Commercial Retail
  - Commercial Hotel/RV Campground
  - Commercial Office/Service
  - Commercial Docks
  - Multiple Uses
  - Agricultural
  - Public
  - Vacant
  - ROW

N W E S

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

# CPA2004-00013

## Aerial Map


Study Area

Generated: April 2005
Source: Lee County DCD/Planning

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LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

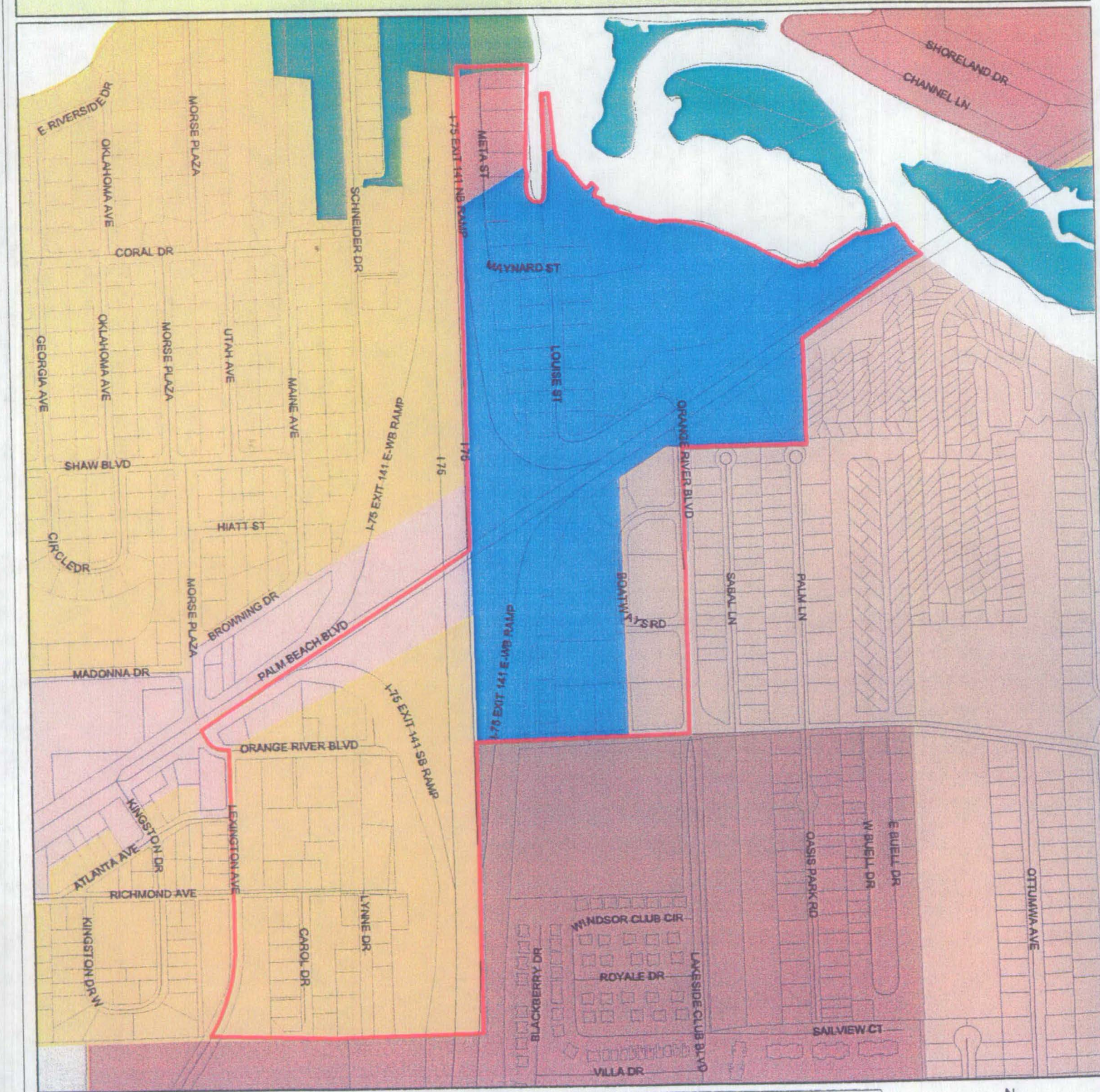
# CPA2004-00013

## Future Land Use Map (Proposed)


Attachment 1

# CPA2004-00013

## Future Land Use Map (Existing)




Generated: April 2005
Source: Lee County DCD/Planning

Study Area

**Future Land Use Designations**

- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Public Facilities
- General Commercial Interchange
- Conservation Lands - Uplands
- Wetlands
- Conservation Lands - Wetlands

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LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

Attachment 2

LEE COUNTY
SOUTHWEST FLORIDA

DEPARTMENT OF
TRANSPORTATION

# Memo

To: Paul O'Connor, Planning Director

From: David Loveland, Manager, Transportation Planning

Date: May 17, 2005

Subject: **CPA 2004-00013 (I-75/SR 80 Interchange)**

The Department of Transportation has reviewed the above-referenced Board-initiated future land use map plan amendment, to change 25.84 acres in the southwest quadrant from "Suburban" to "General Commercial Interchange" and to change 5 acres in the southeast quadrant from "Urban Community" to "General Commercial Interchange". Because the quadrants are already partially developed, the proposed changes will only increase the amount of commercial square footage by about 20,000 square feet. That kind of increase would generate about 80 additional peak hour trips on a p.m. peak hour basis, which would not alter our 2020 road network plans.

Thank you for this opportunity to comment. Please let me know if you have any questions.

DML/mlb

cc: Brandy Gonzalez
Donna Marie Collins

**From:** Michael Pavese
**To:** Gonzalez, Brandy
**Date:** 5/11/05 4:04PM
**Subject:** Re: CPA 2004-13 - Future land use amendment

Staff has reviewed your request for a determination regarding the adequacy of existing and planned services in this area and if the proposed future land use amendment referenced above may have any negative impact on these services.

It is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment. However, please note that this determination is based on the proposed commercial use of the subject property which will not result in an increase of the current population in this area of Lee County.

Should you have any questions or require any additional information, please do not hesitate to contact me.

Michael P. Pavese
Principal Planner
Department of Public Works Administration
pavesemp@leegov.com
(239)479-8762
(239)479-8307 (fax)

>>> Brandy Gonzalez 05/06/05 09:58AM >>>
May 6, 2005

Public Service/Review Agencies

RE: CPA2004-13 - BoCC Initiated Lee Plan Future Land Use Amendment

Planning Division staff requests your agencies help in reviewing the above referenced Lee Plan amendment. CPA 2004-13 is an amendment to evaluate the future land use designations of Map 1, the Future Land Use Map, for the Interstate 75 and State Road 80 Interchange to balance existing and future land use designations in this area. Attached are two maps of the subject area - one map shows the existing future land use categories and the other shows the proposed future land use categories staff is recommending. Staff has evaluated the interchange area and is proposing future land use changes to the southeast and southwest quadrants of the interchange.

Changes in the southwest quadrant place the existing RV Sales center in the General Commercial Interchange land use category, removing it from the Suburban land use category (a primarily residential category that allows up to 6 units/acre). This change amends 11.87 parcel acres and 25.84 acres total when including the actual right-of-way of I-75 and S.R. 80. Although the area is already developed with commercial uses, staff estimates that the area would qualify for approximately 120,000 s.f. of commercial uses if redeveloped an no dwelling units.

Changes in the southeast quadrant place existing interchange uses (hotel/gas station) in the General Commercial Interchange land use category, removing it from the Urban Community land use category (a mixed category that allows up to 6 units/acre and up to 10 units/acre using bonus density). This change amends 5 acres of land. Again, although the area is already developed with commercial uses, staff estimates that the area would qualify for approximately 50,000 s.f. of commercial uses if redeveloped and no dwelling units.

Planning staff requests that your agency help determine the adequacy of existing and planned services in this area and if the proposal has any negative impact on these services. Planning staff requests that your agency review the proposal and provide written comments as soon as possible but no later than May 12, 2005. Staff apologizes for the short response time as this amendment was initiated late in the plan

amendment cycle. Staff finds the amendment is fairly straightforward. The amendment adds commercial uses and removes residential uses in the interchange area. If this land use change includes any potential impact to your agencies budget, please include this information in your comments. Staff plans to take the proposed amendment before the Local Planning Agency May 23rd.

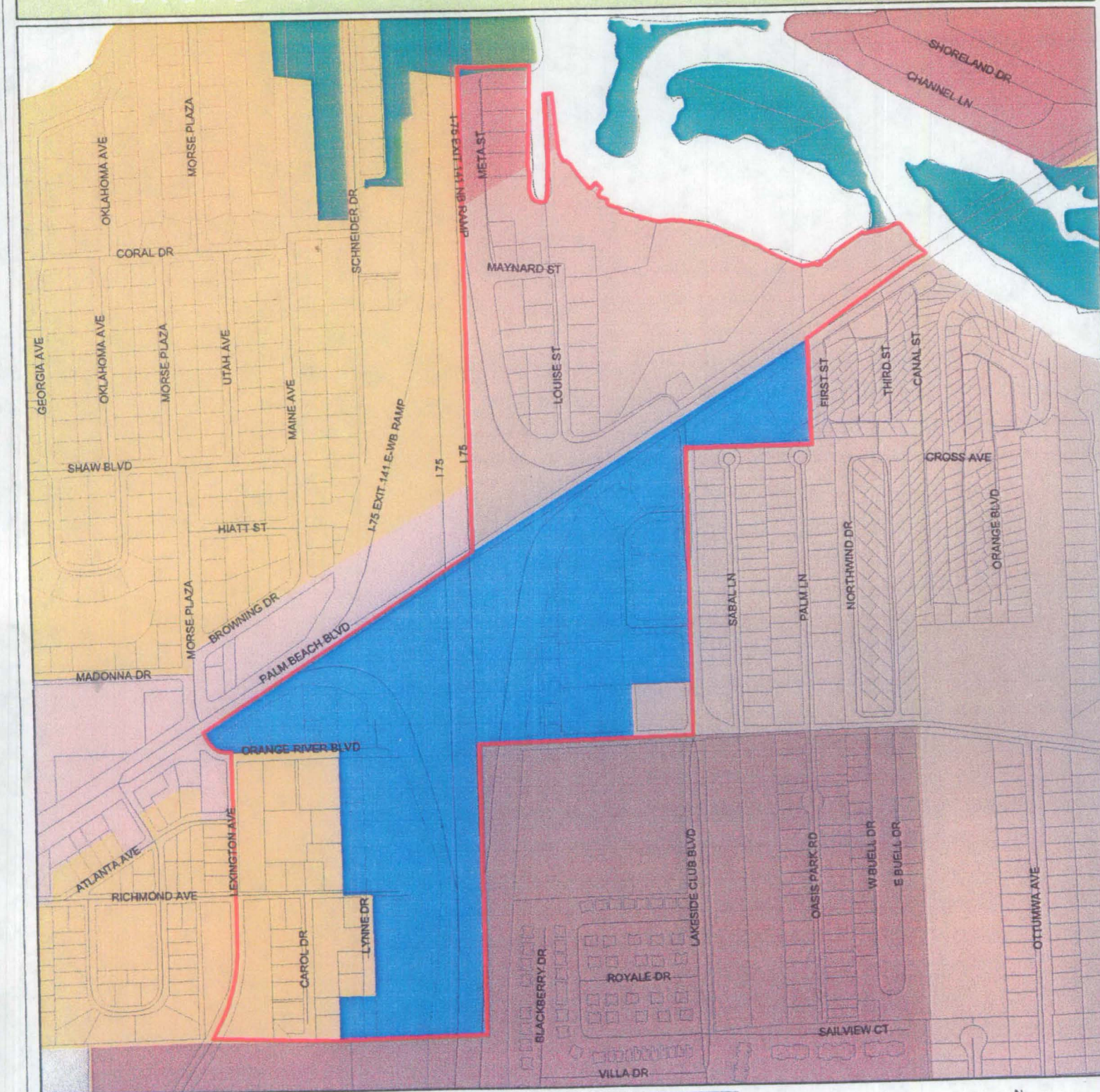
Thank you for your attention in this matter. If you have any questions, please do not hesitate to call me at 479-8316.

Brandy Gonzalez
Planner - DCD
bgonzalez@leegov.com
Phone: 239-479-8316
FAX: 239-479-8319

**CC:** Berra, David; Noble, Matthew; Yarbrough, John

# CPA2004-00013

## Future Land Use Map (Transmittal)




Attachment 5

# Comparison of the Hwy. 80 Interchange with the other Lee County Interstate 75 Interchanges

There are nine (9) Interstate 75 interchanges in Lee County. The interchanges involve county and state roads that are primarily east-west travel routes. The State Routes are Hwy. 78, 80 and 82. The interchanges are Bayshore (78), Palm Beach(80), Luckett, Martin Luther King Blvd(82), Colonial, Daniels, Alico, Corkscrew and Bonita Beach Road.

This analysis is based on the review of 2002 aerial photos covering each interchange and the ground truthing of each interchange to review the current uses and status. Each quadrant of the interchanges has different uses currently. In many instance the land type is similar. Many of the quadrants were originally existing farm fields or native pine flat woods with exotics or native vegetation.

Of the 36 quadrants of interstate interchanges in Lee County, the following uses are currently in place. Many of the use are on the same quadrant. Many of uses are in a complex of similar uses such as many fast foods grouped together with two or more gas stations.

Residential in 4 quadrants
Gas Station in 5 quadrants
Restaurants in 7 quadrants
Retail or Shopping Centers/Malls in 8 quadrants. This includes RV sales , Heavy Duty Equipment Sales/Service, Home Depot, and Coca Cola Bottling Depot.
Motel/Hotel in 4 quadrants
Commercial marina
Municipal Water Plant
Sports/Entertainment Arena
Interstate Rest Stop

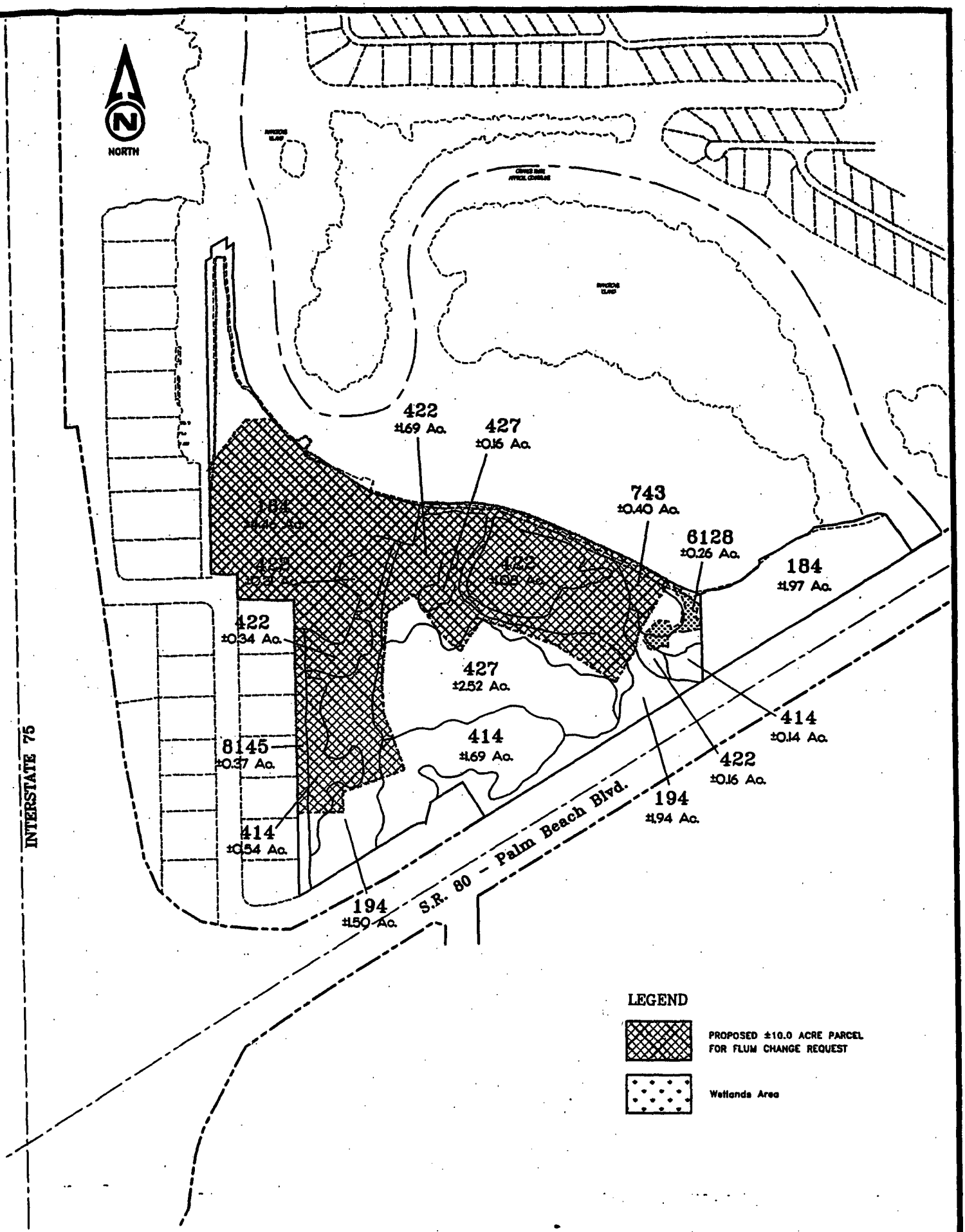
Seventeen(17) of the 36 quadrants are not fully developed.

Eight (8) of the quadrants are vacant. Most of these are old farm fields.

There appears to be both adequate interstate user services and community commercial represented in the current uses in the nine interchanges. It is anticipated either further development of tourist and community service will occur. The Daniels and Colonial interchanges are the main gateway to the area including Cape Coral , Fort Myers and the Regional Airport and have developing restaurant, hotel and retail operation. None of the quadrants are unique in their land type or historic use. The vacant farm field quadrants are predominantly towards the south of the county where the growth in both residential and commercial development is currently proceeding.

The proposed comprehensive plan amendment involves the Hwy 80 interchange. The I-75/Hwy 80 Interchange is the second to the south on entering Lee County. It is directly south of the I-75 Bridge over the Caloosahatchee River. At this interchange there is currently a hotel, two restaurants, 2 gas stations, residential involving both single family homes and large mobile home parks, a commercial marina and eco-tourism business.

The Northeast quadrant of the Hwy 80 interchange is unique in land type and use. The quadrant involves the only waterfront property with a historic commercial marina near an interchange. The water access facility has been in place since the 1890 on the Orange River. The property is currently zoned Industrial Marine and Commercial Marine . The comprehensive plan has designated the property with a Water Dependent Overlay. The property has native vegetation of the "Old Florida" large oak and palm hammock type . The property is not appropriate for high commercial use such as shopping malls or outlet stores. The designation of Central Urban or Urban Community would be more appropriate and consistent with existing use , land type, and surrounding residential uses. These designations would allow mixed use development of the property congruent with the existing uses, the surrounding residential area and the historic water access.




# LEEWARD YACHT CLUB

## EXISTING VEGETATION MAP

## EXHIBIT 6A

PROJECT NO.: 2003.061-B

DECEMBER, 2003

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS

6202-F Presidential Court
Fort Myers, FL. 33919
Phone : (239) 985-1200
Florida Certificate of Authorization No.1772
Naples · Fort Myers · Venice · Englewood

# VEGETATION MAP

Leeward Yacht Club / Manatee World – ±19.53 Acres
Sec. 34, T. 43 S., R. 25 E.
E. Ft. Myers, Lee County, Florida

## *UPLANDS*

| CODE | DESCRIPTION | ACRES |
|---|---|---|
| 184 | Existing Marina Complex | ±6.43 |
| 194 | Open/Cleared Land | ±3.44 |
| 414 | Pine-Oak-Cabbage Palm | ±2.37 |
| 422 | Brazilian Pepper Thicket | ±3.58 |
| 427 | Oak-Cabbage-Palm | ±2.68 |
| 743 | Cement Rubble | ±0.40 |
| 8145 | Abandoned Grade/Paved Roadway | ±0.37 |
| | UPLANDS – Total | ±19.27 |

## *WETLANDS*

| CODE | DESCRIPTION | ACRES |
|---|---|---|
| 6128 | Mangrove / Brazillian Pepper Wetland | ±0.26 |
| | JURISDICTIONAL WETLANDS – Total | ±0.26 |

DATE: December 4th, 2003

Southern Biomes, Inc.
Division of Environmental Information Services
1602 Woodford Ave., Ft. Myers, Fl. 33901
Tel.: (941) 334-6766
Geza Wass de Czege, President

LEEWARD YACHT CLUB
EXISTING VEGETATION TABLE
EXHIBIT 6B

PROJECT NO.: 2003.061-B
DECEMBER, 2003

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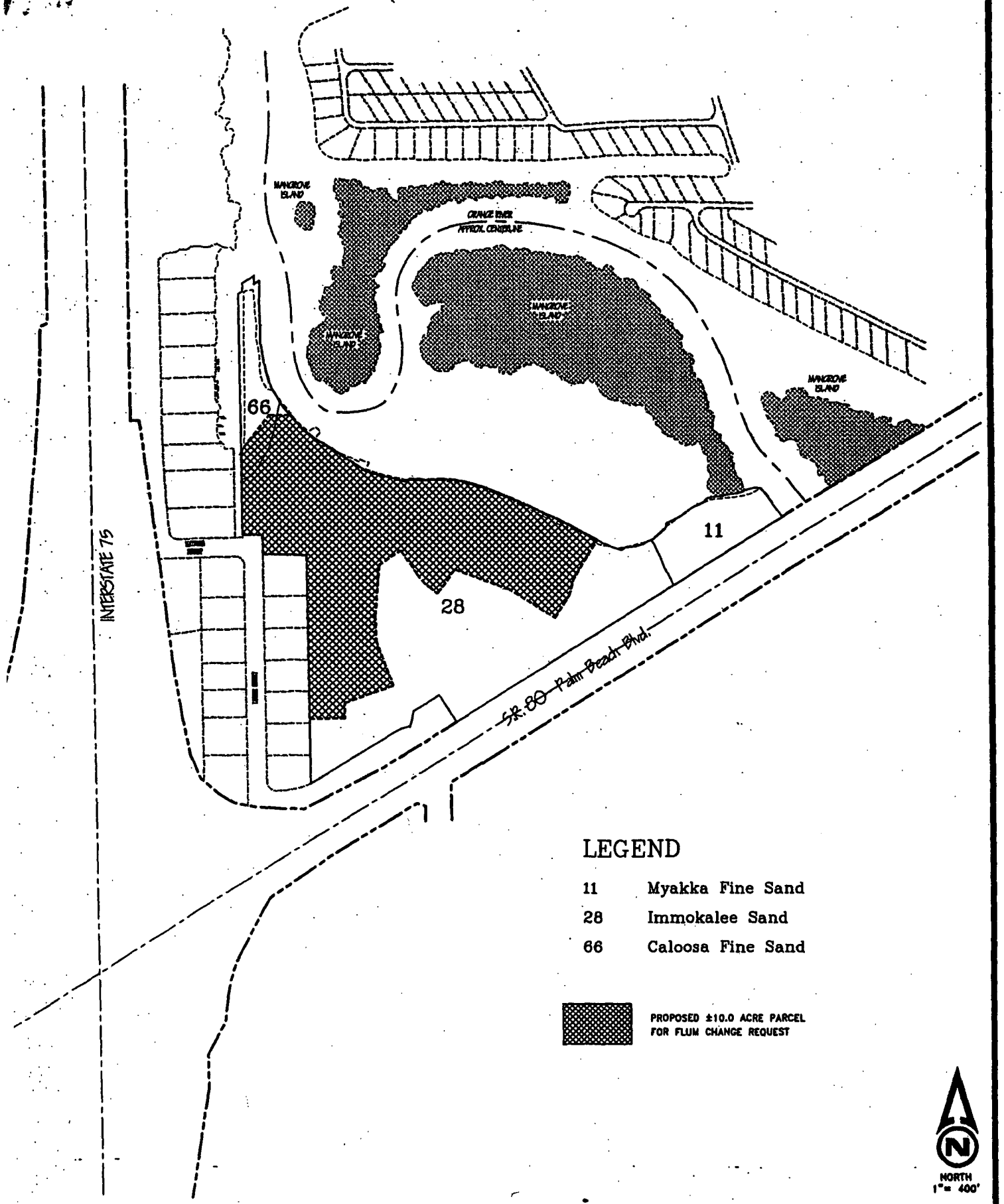
6202-F Presidential Court
Fort Myers, FL. 33919
Phone : (239) 985-1200
Florida Certificate of Authorization No.1772
Naples · Fort Myers · Venice · Englewood




## LEGEND

| | |
|---|---|
| 11 | Myakka Fine Sand |
| 28 | Immokalee Sand |
| 66 | Caloosa Fine Sand |

PROPOSED ±10.0 ACRE PARCEL FOR FLUM CHANGE REQUEST

NORTH
1" = 400'

# LEEWARD YACHT CLUB

EXISTING SOILS MAP

EXHIBIT 7

PROJECT NO.: 2003.061-8

DECEMBER, 2003

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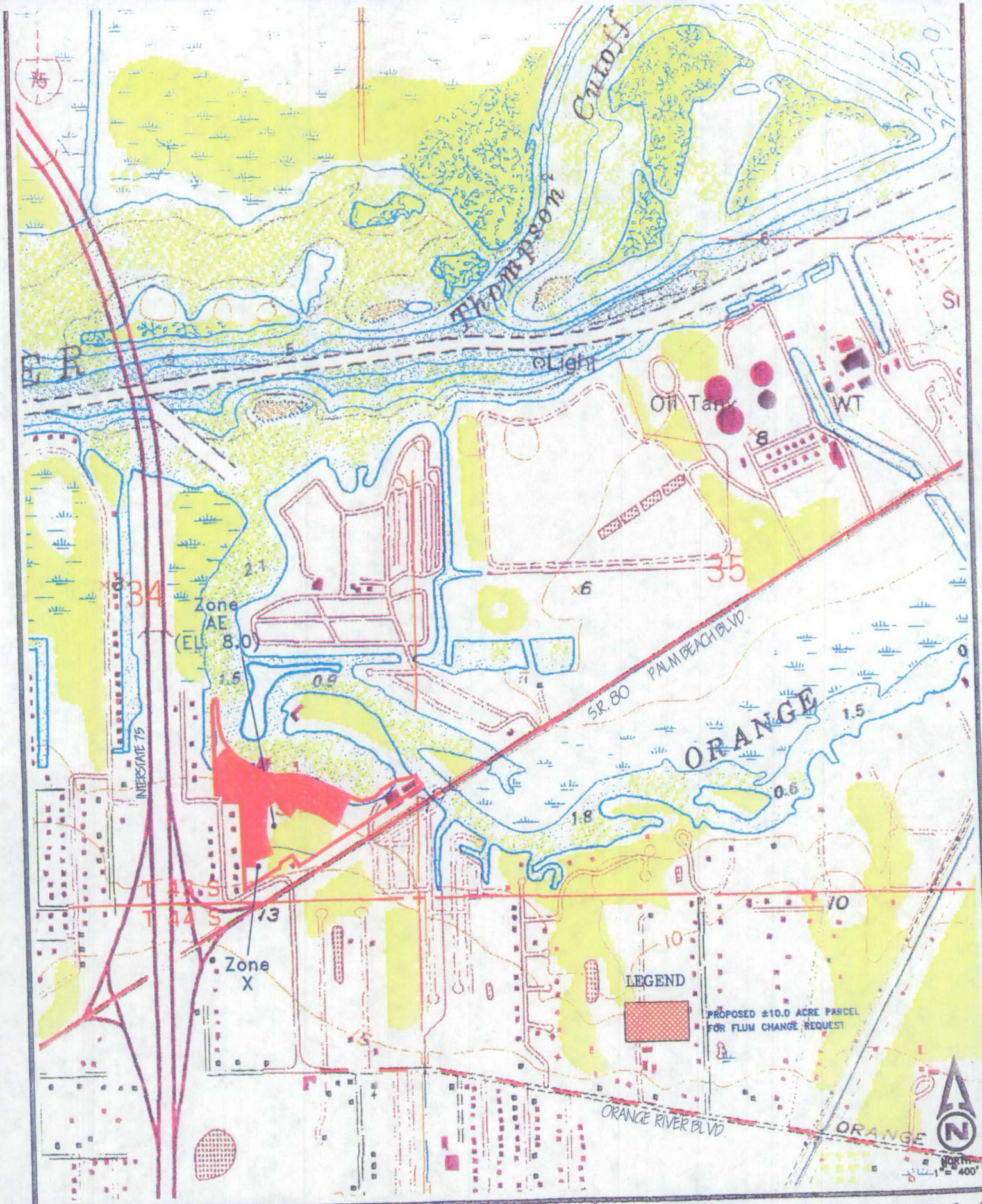
**Soils Description:**
The U.S. Soil Conservation Service's Soils Map reveals three (3) soil types on the property. Immokalee sand (28) is found throughout the majority of the subject property, Caloosa fine sand (66) is found in the northwestern portion of the subject property, and Myakka fine sand (11) is found in the eastern portion of the subject property. The following text provides a brief summary of each of the soil types:

| Code | Description |
|---|---|
| 11 | Myakka fine sand is a nearly level, poorly drained soil on broad flatwoods areas. Typically, the surface layer is very dark gray fine sand about 3 inches thick. The subsurface layer is fine sand about 23 inches thick. In the upper 3 inches it is gray, and in the lower 20 inches it is light gray. The subsoil is fine sand to a depth of 80 inches or more. The upper 4 inches is black and firm, the next 5 inches is dark reddish brown and friable, the next 17 inches is black and firm, the next 11 inches is dark reddish brown and friable, and the lower 17 inches is mixed black and dark reddish brown and friable. The natural vegetation consists of saw palmetto, fetterbush, pineland threeawn, and South Florida slash pine. |
| 28 | Immokalee sand is a nearly level, poorly drained soil in flatwoods areas. Typically, the surface layer is black sand about 4 inches thick. The subsurface layer is dark gray sand in the upper 5 inches and light gray sand in the lower 27 inches. The subsoil is sand to a depth of 69 inches. The upper 14 inches is black and firm, the next 5 inches is dark reddish brown, and the lower 14 inches is dark yellowish brown. The substratum is very brown sand to a depth of 80 inches or more. The natural vegetation consists of saw palmetto, fetterbush, pineland threeawn, and South Florida slash pine. |
| 66 | Caloosa fine sand is a nearly level, somewhat poorly drained soil formed by dredging and filling and by earthmoving operations. Typically, the surface layer is about 10 inches of light brownish gray, mixed mineral material of fine sand and lenses of silt lam with about 10 percent shell fragments. The next 17 inches is pale brown and gray, clay loam. The nest 11 inches is light gray silty clay with brownish yellow mottles. Below this to a depth of 80 inches or more is gray silty clay with dark gray streaks and brownish yellow mottles. Most of the natural vegetation has been removed. However, the existing vegetation consists of scattered South Florida slash pine, wax myrtle, cabbage palm, improved pasture, and various scattered weeds. |




# LEEWARD YACHT CLUB

USGS TOPO EXHIBIT

## EXHIBIT 8

DECEMBER, 2003

FILE NO.: 2003.061-B

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS
6202-F Presidential Court
Fort Myers, FL. 33919
Phone : (239) 985-1200
Florida Certificate of Authorization No.1772
Naples Fort Myers Venice Englewood

## ATTACHMENT B.2(a)

## Sanitary Sewer Analysis

The property is located within the Lee County Utilities waste water service area. Lee County has an inter local agreement with the City of Fort Myers by which Lee County has purchased capacity in the plant for the treatment of waste water from the County's service area adjacent to SR 80 and I-75. The closest point of service is at the intersection of Louise Street and SR 80, where LCU has a regional sewer pumping station which pumps waste water from eastern Lee County to the City of Fort Myers. A large capacity 36-inch gravity sewer system composed of two manholes delivers waste water from a 24" force main into the pumping station. The City of Fort Myers North Waste Water treatment Plant currently has a capacity of 11.0 MGD, with a current demand of 9.0 MGD during the summer and 6.0 MGD during the winter months. Based on the existing Future Land Use Map (FLUM) designation of General Interchange, the estimated demand is 0.015 MGD (100,000 sf Retail/Commercial). Based on the proposed Future Land Use Map designation of Urban Community, the estimated demand is 0.022 MGD (100 Multi-Family units). This would be an increase of approximately 0.007 MGD over the amount that could be permitted under the existing FLUM. However, no improvements will be necessary to service the additional demand. This amendment will not require any revisions to the sanitary sewer sub-element or CIE.

## ATTACHMENT B.2(b)

## Potable Water Analysis

The property is located within the Lee County Utilities water service area. The closest service line is at the corner of SR 80 and Louise Street (20" water transmission main). Presently the Lee County Utilities Olga Water Treatment Plant has a capacity of 5.0 MGD, with a current demand of 4.891 MGD. In additional, Lee County Utilities is in the process of building the North Regional Water Treatment Plant which will be online within two years. Based on the existing Future Land Use Map (FLUM) designation of General Interchange, the estimated demand is 0.015 MGD (100,000 sf Retail/Commercial). Based on the proposed Future Land Use Map designation of Urban Community, the estimated demand is 0.022 MGD (100 Multi-Family units). This would be an increase of approximately 0.007 MGD over the amount that could be permitted under the existing FLUM. However, no improvements will be necessary to service the additional demand. This amendment will not require any revisions to the sanitary sewer sub-element or CIE.

## ATTACHMENT B.2(c)

## DRAINAGE/SURFACE WATER MANAGEMENT ANAYLSIS

The property is located within the Caloosahatchee River Watershed. The proposed project will be required to obtain an Environmental Resource Permit from the South Florida Water Management District (SFWMD) for construction and operation approval, and will require compliance with the Lee County's Level of Service Policy 70.1.3. for stormwater management facilities. Per the Lee County Concurrency Management Report for inventories and projections (2001/2002 – 2002/2003), no crossings of evacuation routes within the watershed are anticipated to be flooded for more than 24 hours, thus meeting concurrency standards. This amendment will not require any revisions to the surface water management sub-element or to the CIE.

**Attachment B.2.d.**

**Existing and Future Conditions Analysis**

**Parks, Recreation and Open Space**

The subject property is located in Community Park District 3. According to the Lee County Concurrency Management Inventory and Projections 2001/2002 – 2002/2003, this district currently contains 147 acres of community parks, while the required level of service is 55 acres. A future expansion of Veterans Park will increase the inventory by 36 acres. The increased demand created by this amendment is .167 acres (100 units x .8 acres/1000 permanent population), which is de minimis.

## Attachment E

## INTERNAL CONSISTENCY with the LEE PLAN

1. **Discuss how the proposal affects established Lee County projections, Table 1(b) (Planning Community Year 2020 allocations), and the total population capacity of the Lee Plan Future Land Use Map.**

   Table 1(b) has an allocation of 633 acres in the Urban Community land use category within the Fort Myers Shores Planning Community. Of this total, 360 are still available. The proposed amendment would add approximately 200 residents to the County's total population capacity, which is not significant in a County population that is approaching 500,000 residents.

2. **List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an avaluation of all relevant policies under each goal and objective.**

   The overall policy question related to this change is whether a mixed use residential yacht club with public marina and related commercial uses is preferable to twenty acres of General Interchange commercial uses in this location. Although the entire project is not the subject of this plan amendment, it helps to provide the underlying rationale for this ten acre change and will provide useful context for the discussion of the individual policies. As indicated, this application will only address new residential uses for ten of the twenty acres, in lieu of General Interchange commercial uses.

   **Goal 1 - Future Land Use Map.**

   This Goal calls for the Future Land Use Map to protect natural and manmade resources, provide essential services in a cost effective manner and discourage urban sprawl. The proposed amendment will allow for the development of a classic infill development site. In addition, the ultimate reconfiguration of the marina will provide better protection for the navigation channel of the Orange River.

   **Objective 1.1 - Future Urban Areas.**

   This objective calls for the Land Use Map to provide categories of varying intensities to provide for a full range of urban activities. Given the availability of highway commercial activity at other quadrants of this interchange, a conversion to residential uses will actually provide more variety and choice without unduly diminishing the supply of needed services to the traveling public.

**Policy 1.1.1.**

This policy references Map 16 and Table 1(b), which are the planning community acreage allocation tables. Fort Myers Shores Planning Community has 633 acres of Urban Community assigned to it of which 360 acres are still available for development. There will need to be revision to Table 1(b) to accommodate the remainder of the development during the next round of regular amendments.

**Policy 1.1.4.**

This policy is the definition of Urban Community which are identified as areas outside of Ft. Myers and Cape Coral with a mixture of relatively intense commercial and residential uses. This description fits the subject property and there is Urban Community on the south side of Palm Beach Blvd. Standard density range is 1 to 6 DU's per acres, with a maximum using bonus density of 10 units per acre.

**Policy 1.3.2.**

This is the definition of a General Interchange area which is intended primarily for land uses that service the traveling public. There is already a large complex of traveling public services on the southeast quadrant of I-75 and S.R. 80 which adequately serves the intent of the category for this interchange. This category does not allow residential uses, hence the need for the amendment.

**Policy 1.5.1.**

This policy provides guidance for the Wetlands land use category. There are no wetlands within the ten acres subject to this amendment, but a very small portion of the remainder of the project is wetlands and will be protected as part of the zoning and site review process.

**Policy 1.7.6.**

This policy regulates the planning communities' map and acreage allocation table. There is adequate capacity within Table 1(b) to accommodate the ten acres of Urban Community proposed in this amendment.

**Goal 2 - Growth Management.**

This goal provides guidance on location and timing of new developments with respect to infrastructure and services.

**Objectives 2.1 and 2.2.**

These reference development location and development timing, and this application is consistent with these two objectives since it is an infill parcel that is well served by all necessary facilities and services.

Perhaps the most relevant portion of the Lee Plan is Goal 5 dealing with residential land uses and related policies. Goal 5 calls for the County to provide sufficient land in appropriate locations to accommodate the protected population of Lee County in attractive and safe neighborhoods.

**Policy 5.1.5.**

This policy speaks to protecting existing future residential areas from any encroachment or uses that are potentially destructive to the character or integrity of the residential environment. There is a single-family subdivision called Dos Rios which is located immediately east of I-75 and north of S.R. 80. In fact, access to the Hansen marina is currently through this single-family subdivision, which is less than desirable. Although the single-family subdivision has been in existence since 1960, it did develop after the marina and has always had that neighboring land use. However, it did precede the construction of I-75 by over twenty years which makes the General Interchange designation very awkward.

This land use amendment will allow for the replacement of potentially incompatible highway commercial uses next to a single-family subdivision with a high-quality residential community, and will also relocate the entrance to this new community away from the Dos Rios subdivision. This would be a much better land use pattern for this area than the current Lee Plan land use designation would dictate. The new development would also be consistent with **Policy 5.1.6** which requires appropriate open space, buffering landscaping and recreation facilities and **Policy 5.1.7** which requires appropriate community facilities and an interconnected design with pedestrian and bicycle pathways.

Although the requested amendment for ten acres does not include the marina site, the overall development will be very consistent with **Goal 8** and the related policies under **Objective 98.5**, **Objective 98.6** and **Map 12** relating to marine oriented land uses.

The project is also consistent with **Goal 11**, as it will be connected to central water and sewer service with available capacity and S.R. 80 is currently operating at LOS "A".

The newest amendment to the Lee Plan that is relevant to this request is

**Goal 13** and related Objectives and Policies for the **Caloosahatchee Shores Community Plan.** That Plan did not address the General Interchange area in any detail, but it did encourage attractive mixed use development, especially along S.R. 80. The **Callossahatchee Shores Community Plan** in general is encouraging a more rural development style for the majority of the community, but clearly the land next to I-75 in the General Interchange area is in a different situation. There is nothing in the requested amendment that should be inconsistent with the **Caloosahatchee Shores Community Plan**, and in general it promotes the broad goals and objectives of that plan.

Goal 100 deals with housing and calls for the County to provide decent, safe and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the County. This development would be consistent with that goal and related policies, especially **Policy 100.1.9** and **Policy 100.9.5.**

**Attachment E.4**

**INTERNAL CONSISTENCY with the LEE PLAN**

**CONSISTENCY WITH STATE AND REGIONAL PLANS**

The proposed amendment from General Commercial to Urban Community is intended to permit an attractive mixed use development with residential, commercial, and water-dependent components in an area that has already been determined to be suitable for intense commercial uses. The amendment, therefore, is consistent with the following State and Regional Plan provisions which encourage mixed uses and infill projects:

**State Plan**

1. Land Use Policy 3
2. Urban and Downtown Revitalization Policy 12

**Regional Plan**

1. Affordable Housing Goal 2, Strategy 1, Action 2
2. Economic Development Goal 1, Strategy 4, Action 3
3. Economic Development Goal 1, Strategy 4, Action 5
4. Regional Transportation Goal 2, Strategy 1, Action 4

## Attachment G

## Justification of Request

As referenced in the discussion under Lee Plan Consistency, it is more appropriate to consider the complete project when analyzing the benefits of this plan amendment from General Interchange to Urban Community. While the amendment at hand is for ten acres of land, that is actually a first step in a larger project to develop approximately twenty acres into a first class condominium / yacht club with public marina and minor related commercial uses. This will be a true mixed use development that takes maximum advantage of one of the remaining prime waterfront parcels in Lee County. To utilize this property for gas station and motels would be a terrible waste of the resource, as well as being incompatible with the neighboring Dos Rios subdivision to the west. In terms of neighbor compatibility, the residential development and yacht club will be a major improvement over highway commercial for the existing Dos Rios residents, and the relocation of the main entrance to the Hanson Marina from their development will also be a major improvement in the land use pattern and neighborhood compatibility.

The other factor to consider is the availability of services and infrastructure, and in most cases ten acres of residential development will place less demand on utilities and infrastructure than ten acres of commercial development. The two exceptions to this will be parks and schools which will have an additional impact as a result of residential development, but the analysis provided under the Comp. Plan discussion shows that the impact will be minimal. We have provided letters from the service providers indicating that they can handle this change with no great complications.

As indicated, there is already a major complex of highway-oriented commercial uses developing in the southeast quadrant of I-75 and Palm Beach Blvd., and that is more than adequate to serve the needs of the traveling public in this location. Therefore, the conversion of this land from General Interchange to Urban Community will represent an improvement to the Land Use Plan and a much better pattern of development for the existing residents and surrounding property owners.

# Endangered Species Report
# For Lee County Rezoning

## Leeward Yacht Club ±19.53 Acre Parcel

Sec. 34, T43S, R25E, Lee County, Florida

December 19, 2003

Engineers:

Hole Montes, Inc.
6202-F Presidential Court
Ft. Myers, FL 33919
(239) 985-1200

conducted by:

**Southern Biomes, Inc.**
**Division of Environmental Services**
1602 Woodford Ave., Fort Myers, FL 33901 - mail to: P.O. Box 50640, Fort Myers, FL 33994
Ph.: (239) 334-6766 - Geza Wass de Czege, President - Fax: (239) 337-5028

## BASIS OF REVIEW FOR AN ENVIRONMENTAL IMPACT STUDY WITHIN LEE COUNTY

1. **VEGETATION MAP:** An aerial photographic map circumscribing the vegetative associations, using the Florida Land Use and Cover Classification System (FLUCCS) code to identify the vegetative communities is provided with this report.

2. **VEGETATION INVENTORY:** A brief description of habitat types, with dominant canopy, midstory, and ground cover vegetation are provided in the following text.

**SITE DESCRIPTION:** The subject property consists of a 19.53-acre irregular shaped parcel located on the north side of State Road 80, approximately 250-300 feet east of Interstate 75 and along the Orange River just south of the Caloosahatchee River. Residential homes are located to the west, between I-75 and the subject property. To the north and northeast is the Orange River, and State Road 80 to the south and southeast.

There is a total of eight (8) land use or vegetative cover classifications on site, with seven (7) classified as upland vegetation associations and one (1) classified as a wetland vegetative association. These land use and cover associates are delineated on the vegetation map and coded per the Florida Land Use and Cover Classification System (FLUCCS). The following text is a brief description of each of the land use or vegetative cover identified:

**UPLANDS (19.27 acres):**

There are approximately 19.27 acres of uplands, of which approximately 6.43 acres are associated with two existing marina complexes (FLUCCS code 184), which includes Hansen Marina and Manatee World, with all the storage buildings, maintained yard areas, equipment storage areas, and vehicle parking facilities. Several docks and covered buildings extend out over the water. The open, or cleared, land (FLUCCS code 194) divides the undeveloped portion of the subject property into three distinct areas: a western area along the western property boundary; a central area which is primarily forested; and

an eastern area which includes a forested area with a mangrove and Brazilian pepper wetland.

The western area consists of three cover types or vegetative communities. Along the western property boundary leading to the existing marina is an old, abandoned roadway (FLUCCS code 8145) most likely used to access the marina at one time. Portions of the roadway appear to have been graded and paved, and other portions only have the road base fill material. Adjacent to the old roadway is a pine-oak-cabbage palm forested area (FLUCCS code 414). To the north of the pine-oak-cabbage palm area are two small Brazilian pepper thickets (FLUCCS code 422) consisting of >75% Brazilian pepper in the canopy and midstory. Considerable amount of litter and waste material dumping has occurred throughout the area.

The central area consists of a large forested area. The southerly portion of the forested area consists of a mature slash pine-cabbage palm-oak forested area (FLUCCS code 414) similar in vegetation as in the western area, but with less Brazilian pepper and Java plum, and a more open midstory. To the north is an oak-cabbage palm area (FLUCCS code 427) with large mature oaks, with various other types of vegetation scattered in the canopy and midstory. The groundcover consists mostly of leaf litter with scattered caesarweed, fox grape, catbrier, and low panicum. Further to the north are two dense Brazilian pepper thickets (FLUCCS code 422) similar in vegetation as the one located in the western area. Within these areas are numerous old boat hulls, old vehicle frames, trailer frames, old discarded building materials, and numerous other trash. Located within the southern Brazilian pepper thicket is a small oak-cabbage palm area (FLUCCS code 427).

The eastern area abuts the Orange River to the north. There are a total of four cover types or vegetative communities in this area, three upland communities and one wetland community. The southerly communities consist of a small pine-oak-cabbage palm area (FLUCCS code 414) and a small Brazilian pepper thicket (FLUCCS code 422). An area of concrete and iron rubble (FLUCCS code 743) is located to the northwestern portion of the area, with a crescent shaped mangrove-Brazilian pepper wetland (FLUCCS code 6128) that wraps around an old bridge rubble, and separates this area from Manatee World marina complex. The following text provides the FLUCCS codes, acreages, and descriptions of each cover type found on the property.

Existing Marina Complex- 184: (6.43 acres) This land cover type is composed of the two existing marina complexes which include the marina facilities, old storage buildings, maintained yard areas, equipment storage areas, and vehicle parking areas. Most of this area appears to consist of dredged fill material. Several docks and covered buildings extend out over the water but are not part of the acreage calculations.

Open/Cleared Land- 194: (2.81 acres) This land cover consists of cleared, open land with ruderal vegetation and grasses dominating. Most of this cover type that lies northerly of the FLUCCS code 427 appears to consist of dredged fill material. This area is primarily used for access to the water front, materials stored on the property, and for cattle grazing, and appears to be mowed regularly.

Pine-Oak-Cabbage Palm- 414: (2.37 acres) This land cover consists of a forested area with canopy and midstory vegetation consisting of slash pine, live and laurel oaks, cabbage palms, and Java plums, Surinam cherry, with scattered Brazilian pepper. The groundcover is mostly leaf litter and sand with occasional ruderal weeds and young trees or shrubs.

Brazilian Pepper Thicket- 422: (3.58 acres) This land cover consists of a Brazilian pepper thicket consisting of >90% Brazilian pepper in the canopy and midstory, in addition to java plum and a few scattered slash pines and cabbage palms. Most of this area appears to consist of dredged fill material. Also, a considerable amount of dumping has occurred throughout the area.

Oak-Cabbage Palm- 427: (2.68 acres) This community consists of a forested area with large live oaks and laurel oaks, with scattered cabbage palms, slash pines, strangler fig, and Java plums, with a relatively open midstory of scattered Brazilian pepper, wax myrtle, young cabbage palms, guava, and Surinam cherry. The groundcover consists mostly of leaf litter or ruderal weeds. This area also has several old discarded vehicles, boats, and other materials.

Cement Rubble- 743: (0.40 acres) This area appears to have been used for dumping of concrete and steel rubble from what possibly could have been the old S.R. 80 bridge crossing the Orange River. Brazilian pepper, woman's tongue, cabbage palms and ruderal weeds dominate the vegetative cover.

Abandoned Graded/Paved Roadway- 8145: (0.37 acres) This area consists of an old abandoned roadway, most likely used to access Hansen Marina. Portions of the roadway appear to be graded and paved, and other portions only have the base grade. Most of the ground and midstory vegetation have been cleared for fence maintenance purposes, but canopy trees such as live oaks, Java plums, mangos, cabbage palms, and slash pines are common along the edge of the roadway.

## WETLANDS ( 0.26 ac.)

A mangrove and Brazilian pepper wetland (FLUCCS code 6128) is located along the northeastern end of the vegetated area, and fringes the Orange River. The most northern portion of it is tidal, but the southern finger is dominated by 95% Brazilian pepper, with scattered cabbage palms, and is not tidal. The tidal area is dominated with red and white mangrove, pond apple, leather ferns, and Brazilian pepper. A summary table of all the vegetative communities is listed below, with the representative FLUCCS codes and acreages.

**Mangrove/Brazilian Pepper Wetland- 6128**: (0.26 acres) This vegetative community can be divided into two specific areas; the northerly area consists of dense stands of red and white mangroves, with scattered pond apple, leather fern, swamp ferns, and Brazilian pepper. The southerly portion of the wetlands consists of Brazilian pepper and cabbage palms, with scattered swamp ferns. The northerly portion is tidal, while the southerly portion is not, unless there are extraordinary high tides.

### Habitat Summary

| Code | Description | Acres |
|---|---|---|
| | Uplands (19.27 acres) | |
| 184 | Existing Marina Complex | 6.43 |
| 194 | Open/Cleared Land | 3.44 |
| 414 | Pine-Oak-Cabbage Palm | 2.37 |
| 422 | Brazilian Pepper Thicket | 3.58 |
| 427 | Oak-Cabbage Palm Hammock | 2.68 |
| 743 | Cement Rubble | 0.40 |
| 8145 | Abandoned Roadway | 0.37 |
| | Wetlands (0.26 acres) | |
| 6128 | Mangrove/Brazilian Pepper Wetland | 0.26 |
| | TOTAL | 19.53 |

### 4.2.2 Fish, Wildlife, Listed Species and their Habitats

Pursuant to paragraph 4.1.1(a), an applicant must provide reasonable assurances that a regulated activity will not impact the values of wetland and other surface water functions so as to cause adverse impacts to:

(a) the abundance and diversity of fish, wildlife and listed species; and
(b) the habitat of fish, wildlife and listed species.

In evaluating whether an applicant provided reasonable assurances under subsection 4.2.2, deminimis effects shall not be considered adverse impacts for the purposes of this subsection.

**Response:** An endangered species survey was conducted on the subject property on December 4, 2003. The weather was partly sunny with temperatures in the low to mid 70s with a moderate breeze. The following information provides you with the details of the survey methodology and the results.

**Endangered Species Survey Methodology:**

The entire project site has been field surveyed for endangered species using a modification of the transect line methods established by the Florida Fish and Wildlife Conservation Commission. The modified survey methodology has proven effective in covering 90-95% of the sites surveyed. The modified strip census uses meandering transect lines at 100' - 150' intervals. The meanders extend into adjoining transect lines to provide a near 100% coverage. The ground cover and visibility determine the frequency of the meanders. More densely vegetated areas receive a greater frequency of meanders, thus decreasing the area between meanders in some habitats to as nears as 12' apart. If the terminus flagging markers of the transect lines are not visible, then survey flagging tape is attached to vegetation at the outer extent of the transect meanders to mark the coverage area for that transect. The visibility of the flagging tape assists in maintaining the transect direction, and is used as a gauge for determining the frequency of meanders within a transect area. Each tape must be visible from the previous meander. On the subsequent transects, the flagging tape is removed and relocated at the outer limits of its transect area. Faunal species which do not lend themselves to the typical transect line survey methodology, typically used for determining stationary floral and faunal species, require an additional method of observation. These species can be best observed by using game stalking techniques and periodic observations with field glasses at frequent intervals along transect lines. The frequency and duration of observations are determined

by habitat density, species observed, and the stalking skills of the observer. The ability to blend into the surroundings is another key requirement for success.

Any species observed were noted on an aerial photograph as to location and number of species sighted. Species presence and abundance on a given site cannot be determined for all species listed. Therefore, fauna which are mobile, transient, or deceptive are not always observed during a typical field survey such as required by Lee County. This is especially true for species abundance. Therefore, the status of each species is listed as to presence and numbers observed, and those species that can be reasonably surveyed for abundance are provided with such data.

## Listed Endangered, Threatened or Species of Special Concern

### Upland Species List:

| Common Name | Scientific Name | Obs. | Comments |
|---|---|---|---|
| Eastern indigo snake | *Drymarchon corais couperi* | no | not observed |
| gopher tortoise | *Gopherus polyphemus* | no | not observed |
| gopher frog | *Rana areolata* | no | not observed |
| merlin (pigeon hawk) | *Falco columarius* | no | not observed |
| S'eastern American Kestrel | *Falco sparverius paulus* | no | not observed |
| red-cockaded woodpecker | *Picoides borealis* | no | not observed |
| Florida panther | *Felis concolor coryi* | no | not observed |
| Big Cypress fox squirrel | *Sciurus niger avicennia* | no | not observed |
| Florida black bear | *Ursus americanus floridanus* | no | not observed |
| Curtis Milkweed | *Asclepias curtissii* | no | not observed |
| Fakahatchee burmannia | *Burmannia flava* | no | not observed |
| satinleaf | *Chrysophyllum olivaeforme* | no | not observed |
| beautiful pawpaw | *Deeringothamus pulchellus* | no | not observed |
| Florida coontie | *Zamia Floridana* | no | not observed |

### Wetland Forest Species List:

| Common Name | Scientific Name | Obs. | Comments |
|---|---|---|---|
| American alligator | *Alligator mississippiensis* | no | not observed |
| gopher frog | *Rana areolata* | no | not observed |
| marsh hawk (n'thrn harrier) | *Circus cyaneus* | no | not observed |
| little blue heron | *Egretta caerulea* | yes | along waterfront |
| snowy egret | *Egretta thula* | yes | along waterfront |
| tricolored heron | *Egretta tricolor* | no | not observed |
| white ibis | *Eudocimus albus* | no | not observed |
| wood stork | *Mycteria americana* | no | not observed |
| snail kite | *Rostrhamus sociabilis* | no | not observed |
| Florida panther | *Felis concolor coryi* | no | not observed |
| Big Cypress fox squirrel | *Sciurus niger avicennia* | no | not observed |
| Florida black bear | *Ursus americanus floridanus* | no | not observed |
| Everglades mink | *Mustela vision evergladensis* | no | not observed |
| Westt Indian Manatee | *Trichechus manatus* | no | not observed |
| least tern | *Sterna antillarum* | no | not observed |
| giant leather fern | *Acrostichum spp.* | yes | within the wetland |

**Endangered Species Survey Results and Conclusion:**

No listed endangered, threatened or species of special concern wildlife species were observed on the subject property during the survey. However, the giant leather ferns were found within the tidal portion of the wetlands and will not be impacted by any proposed development. During other site visits there were wading birds observed along the edges of the Orange River waterfront, and on the uplands adjacent to it. These birds consisted of two little blue herons and one snowy egret. No other species were observed, but species which might be expected to be found during some portion of the year are alligators, manatees, white ibis, tricolor heron, woodstork, and possibly a kestrel.

It should be noted that the Orange River has one of the largest populations of wintering West Indian manatees (*Trichechus manatus*) in the State of Florida. This is attributed to the Florida Power and Light Company discharging warm water into the river from their power generator cooling facilities. During cold weather the manatee migrate up the Caloosahatchee River to seek warmth from this artificial heat source. Therefore, we can also assume that manatees will venture into the marina areas during warmer periods. Any proposed activity associated with the Marina will require a manatee protection plan as part of the permit application.

# TICE FIRE & RESCUE DISTRICT

Chief
Gregory A.Bradley
(239) 694-2380

5170 Tice Street
Ft. Myers, Fl. 33905
*Fax (239) 694-7399*

February 4, 2004

VIA FASCIMILE & FIRST CLASS MAIL

Michael E. Roeder, AICP
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street
Post Office Box 2449
Fort Myers, Florida 33902-2449

Re: Small Scale Plan Amendment for Hansen Marina

Dear Mr. Roeder:

In regards to the above-referenced property, Tice Fire District has no objections to the proposed amendment at this time.

We will request and anticipate incorporating any of our needs between the developer and our District as the development of the project proceeds.

If you have any questions, please give me a call.

Sincerely,

Gregory A. Bradley
Fire Chief

GAB/rs

# LEE COUNTY
SOUTHWEST FLORIDA



Writer's Direct Dial Number: 239-335-1600
wilsonjd@leegov.com

January 5, 2004

Mr. Michael E. Roeder, AICP
Director of Zoning & Land Use Planning
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street
Fort Myers, FL 33901

**Re: Written Determination of Adequacy for EMS Services for a land use amendment for a proposed 10 acre (STRAP 34-43-25-00-00010.0000) residential development.**

Dear ~~Mr. Roeder~~ Michael:

Lee County Division of Public Safety/Emergency Medical Services has reviewed your letter dated December 23, 2003, reference to a proposed 10 acre residential development with a build out population of approximately 200 people in 5-story condominium buildings.

The current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel or any support facilities.

If you would like to discuss this further, please call me at the above referenced number.

Sincerely,

DIVISION OF PUBLIC SAFETY

John Wilson, Director
Lee County Division of Public Safety

JDW/GDW

*Office of the Sheriff*
*Rodney Shoap*

*County of Lee*
*State of Florida*



January 2, 2004

Knott, Consoer, Ebelini
Hart & Swett, P.A.
P.O. Box 2449
Fort Myers, Florida 33902-2449

RE: Small Scale Plan Amendment for Hansen Marina
Strap # 34-43-25-00-00010.0000

Dear Mr. Roeder:

The proposed development regarding 10 acres of residential property, which should have a buildout of approximately 200 people, in 5-story condominium buildings in Lee County Florida, is within the service area for the Lee County Sheriff's Office. It is policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs.

We anticipate that we will receive the reasonable and necessary funding to support growth in demand. We therefore believe that the Lee County Sheriff's Office will be able to serve your project as it builds out.

Sincerely,

Major Dan Johnson
Planning and Research

Copy: File
DJ/jr

7

# LEE COUNTY
SOUTHWEST FLORIDA

239-277-5012 x2233

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number:_____

Bob Janes
*District One*

Douglas R. St. Cerny
*District Two*

Ray Judah
*District Three*

Andrew W. Coy
*District Four*

John E. Albion
*District Five*

Donald D. Stilwell
*County Manager*

James G. Yaeger
*County Attorney*

Diana M. Parker
*County Hearing Examiner*

January 13, 2004

Mr. Michael E. Roeder, AICP
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street
Third Floor
Fort Myers, FL 33901

**RE: SMALL SCALE PLAN AMENDMENT FOR HANSEN MARINA**

Dear Mr. Roeder:

Thank you for your correspondence with Lee County Transit in regards to your service availability request for the above mentioned amendment request. We currently provide service on Palm Beach Boulevard 7 days a week with our Route 100. Service frequencies Monday through Friday are approximately 30 minutes, which provides good service to this corridor. We have a bus stop at Louise Street on both sides of the road, and we anticipate this service to remain at its current level and increase in frequency in years to come. This will be sufficient public transportation service to the Hansen Marina site. As a general rule, public transportation works more efficiently with higher densities such as the Central Urban designation.

If you have any further questions or comments, please call me or e-mail me at mhorsting@leegov.com.

Sincerely,

TRANSIT DIVISION

Michael Horsting
Transit Planner

# LEE COUNTY
SOUTHWEST FLORIDA



(941)479-8181
Writer's Direct Dial Number:

January 23, 2004

Ray Brotbeck
Hole Montes, Inc.
6202-F Presidential Court
Fort Myers, Fl. 33907

**RE: POTABLE WATER AND WASTEWATER AVAILABILITY**
**LEEWARD YACHT CLUB, 5501 AND 5605 PALM BEACH BLVD.**
**34-43-25-00-00006.0000, 34-43-25-00-00009.0000,**
**34-43-25-00-00010.0000 AND 34-43-25-00-00008.0010,**

Dear Brotbeck:

Department of Lee County Utilities has Potable water and wastewater lines are in operation in the vicinity of the above-mentioned parcels. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions will be required.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

**FURTHER, THIS LETTER OF AVAILABILITY OF POTABLE WATER AND/OR WASTEWATER SERVICE IS TO BE UTILIZED FOR GENERAL PURPOSES ONLY. INDIVIDUAL LETTERS OF AVAILABILITY WILL BE REQUIRED FOR THE PURPOSE OF OBTAINING BUILDING PERMITS.**

Sincerely,

**LEE COUNTY UTILITIES**

Mary McCormic
Engineering Tech., Senior
UTILITIES ENGINEERING

VIA FACSIMILE
Original Mailed

LEEWARD YACHT CLUB.doc

# TRAFFIC CIRCULATION ANALYSIS

PREPARED FOR A

# COMPREHENSIVE PLAN AMENDMENT

FOR THE

# LEEWARD YACHT CLUB PARCEL

PROJECT NO. 0401.01

PREPARED BY:
Metro Transportation Group, Inc.
12651 McGregor Boulevard, Suite 4-403
Fort Myers, Florida 33919-4489
239-278-3090

January 15, 2004

METRO

# CONTENTS

## I. INTRODUCTION

Metro Transportation Group, Inc. (Metro) has conducted a traffic circulation analysis pursuant to the requirements outlined in the application document for Comprehensive Plan Amendment requests. The analysis will examine the impact of the requested land use change from General Commercial Interchange to Central Urban on the subject site. The property is located on the north side of Palm Beach Boulevard (State Route 80), immediately east of Interstate 75 in Lee County, Florida. The site location is illustrated on **Figure 1.**

The following report will examine the impacts of changing the future land use category from General Interchange to Central Urban, which is actually a less intense land use category based on the Lee County Comprehensive Plan.

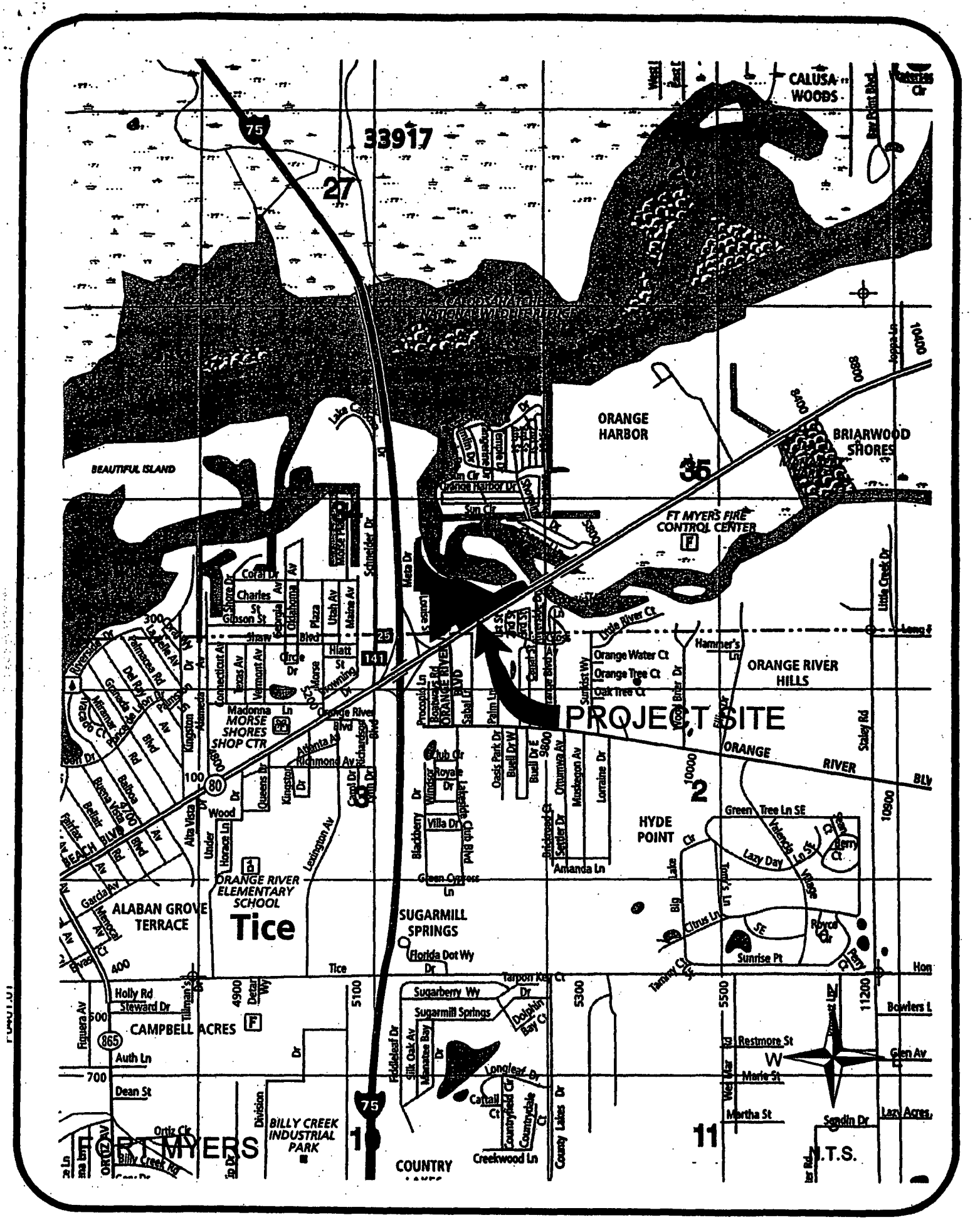
## II. EXISTING CONDITIONS

The subject site is currently occupied by the Leeward Yacht Club and marina. The site is bordered to the north and east by the Orange River, to the south by Palm Beach Boulevard, to the west by single family residential home.

**Palm Beach Boulevard** is a six-lane divided arterial roadway that extends through central Lee County on the south side of the Caloosahatchee River. Palm Beach Boulevard has a posted speed limit of 45 mph adjacent to the subject site and is under the jurisdiction of the Florida Department of Transportation (FDOT).

## III. PROPOSED PLAN AMENDMENT

The proposed Comprehensive Plan Amendment would change the future land use designation on the subject site from General Commercial Interchange to Urban Community. Based on the permitted uses within the Lee Plan for these land use designations, the change would result in the subject site being developed with less intense uses than would otherwise be permitted under the existing land use designation. Based




# PROJECT LOCATION MAP
# LEEWARD YACHT CLUB

Figure 1

on the existing land use designation, retail commercial uses could be constructed on the site. Based on the size of the property, approximately 100,000 square feet of retail uses could be constructed on the subject property.

With the proposed land use change, the most intense uses that could be constructed on the site would be approximately 100 multi-family units (just under ten (10) acres with approximately ten (10) units per acre). This is more intense that a single-family subdivision would be since more units would be able to be constructed under a multi-family unit scenario. **Table 1** highlights the intensity of uses that could be constructed under the existing land use designation and the intensity of uses under the proposed land use designation. It should be noted that the marina and boat slips are and will continue to be existing uses permitted on the subject site. Since the intensity of these uses will not change, the marina and boat slips were not considered in the analysis.

**Table 1**
**Leeward Yacht Club**
**Future Land Uses**

| Land Use Category | Intensity |
|---|---|
| General Commercial Interchange | 100,000 s.f. Retail |
| Central Urban | 100 Multi-Family Units |

## IV. TRIP GENERATION

The trip generation for the uses was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation***, 7th Edition. Land Use Code 230 (Residential Condominium/Townhouse) was utilized for the trip generation of the multi-family units and Land Use Code 820 (Shopping Center) was utilized for the commercial retail uses. The trip generation equations for these uses are located in the Appendix of this report for reference. **Table 2** indicates the number of trips anticipated to be generated by the lands uses permitted under the existing land use designation and the land uses permitted under the proposed land use designation.

**Table 2**
**Trip Generation Comparison**
**Existing Land Use Designation vs. Proposed Land Use Designation**
**Leeward Yacht Club**

| Land Use | Weekday A.M. Peak Hour | | | Weekday P.M. Peak Hour | | | Daily |
|---|---|---|---|---|---|---|---|
| | In | Out | Total | In | Out | Total | (2-way) |
| Existing Land Use Retail (100,000 square feet) | 95 | 60 | 155 | 300 | 325 | 625 | 6,790 |
| Proposed Land Use Multi-Family (100 units) | 10 | 40 | 50 | 40 | 20 | 60 | 640 |

The retail trips shown in Table 2 will not all be "new" trips to the adjacent roadway system. ITE estimates that a retail center use of comparable size may attract as much as forty to fifty percent (40% to 50%) of its traffic from vehicles already traveling the adjoining roadway system. This traffic, called "pass-by" traffic, reduces the development's overall impact on the surrounding roadway system but does not decrease the actual driveway volumes. Lee County permits a maximum reduction of trips due to "pass-by" of thirty percent (30%).

**Table 3** summarizes the "pass-by" percentage used for this analysis. **Table 4** summarizes the retail trips and the breakdown between the new trips the retail uses would generate and the "pass-by" trips the retail uses would attract. It should be noted that the driveway volumes are not reduced as a result of the "pass-by" reduction, only the traffic added to the surrounding streets and intersections.

**Table 3**
**Trip Reduction Factors**
**Leeward Yacht Club**

| Land Use | Percentage Trip Reduction |
|---|---|
| Retail – Pass-by | 30% |

**Table 4**
**Trip Generation – New Trips**
**Existing Land Use Designation**
**Leeward Yacht Club**

| Land Use | Weekday A.M. Peak Hour | | | Weekday P.M. Peak Hour | | | Daily (2-way) |
|---|---|---|---|---|---|---|---|
| | In | Out | Total | In | Out | Total | |
| Retail Trip Generation | 95 | 60 | 155 | 300 | 325 | 625 | 6,790 |
| Less Pass-by Traffic | -30 | -20 | -50 | -90 | -100 | -190 | -2,040 |
| New Trips (Retail) | 65 | 40 | 105 | 210 | 225 | 435 | 4,750 |

## V. TRIP DISTRIBUTION

An anticipated trip distribution onto the surrounding roadway system was then formulated based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is shown in **Table 1A** in the Appendix of this report.

## VI. IMPACTS OF PROPOSED PLAN AMENDMENT

The transportation related impacts of the proposed comprehensive plan amendment were evaluated pursuant to the criteria in the application document. This included an evaluation of the long range impact (20-year horizon) and short range (5-year horizon) impact the proposed amendment would have on the existing and future roadway infrastructure.

**Long Range Impacts (20-year horizon)**

The Lee County Metropolitan Planning Organization's (MPO) long range transportation travel model was reviewed to determine the impacts the amendment would have on the surrounding area. The subject site lies within Traffic Analysis Zone (TAZ) 200. The model has both productions and attractions included in this zone. The productions

basically include the existing single family homes that border the subject site to the west. The attractions include industrial employment, commercial employment and service (retail) employment. Based on the latest conversion factors used by Lee County, the employment numbers included in the long range transportation model (FSUTMS) were converted to floor areas. Based on this conversion, the TAZ in the long range transportation model includes the land uses identified in **Table 5.**

**Table 5**
**TAZ 200**
**Land Uses in Existing Travel Model (2020)**

| Land Use Category | Intensity |
|---|---|
| Industrial | 20,000 s.f. |
| Office | 7,000 s.f. |
| Services (Retail) | 8,400 s.f. |

Trip generation was computed for the uses shown in Table 5. The trips were calculated based on data contained in the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation,*** 7th Edition. Land Use Code 110 (Light Industrial) was utilized for the trip generation of the industrial use, Land Use Code 710 (General Office) was used for the office use and Land Use Code 820 (Shopping Center) was utilized for the commercial retail uses. The trip generation equations for these uses are located in the Appendix of this report for reference. **Table 6** indicates the number of trips that would be generated based on ITE for the land uses included in the Long Range Transportation Model (FSUTMS). The retail trips shown were also reduced by the 30% pass-by reduction factor, as done under the previous scenario.

**Table 6**
**Trip Generation**
**TAZ 200 Land Uses**

| Land Use | Weekday A.M. Peak Hour | | | Weekday P.M. Peak Hour | | | Daily |
|---|---|---|---|---|---|---|---|
| | In | Out | Total | In | Out | Total | (2-Way) |
| Retail (8,400 square feet) | 15 | 10 | 25 | 45 | 40 | 85 | 950 |
| Industrial (20,000 s.f.) | 15 | 5 | 20 | 5 | 15 | 20 | 135 |
| Office (7,000 s.f.) | 15 | 5 | 20 | 0 | 10 | 10 | 170 |
| Total | 45 | 20 | 65 | 50 | 65 | 115 | 1255 |

Comparing the trips from the proposed land use designation (multi-family units) in Table 2 to the number of trips estimated for the uses in the long range transportation model in Table 6, the trip generation would be reduced with the proposed land use change.

Therefore, there are no improvements necessary to the long range transportation plan as a result of the change in land use designation from General Interchange to Urban Community. The trip generation based on ITE for the land uses under the proposed land use is less than the trip generation of the uses contained in the long range transportation model.

**Short Range Impacts (5-year horizon)**

The Lee County Capital Improvement Program for Fiscal Year 2003/2004 to 2007/2008 was reviewed, as well as the FDOT Draft Tentative Work Program for Fiscal Year 2004/2004 to 2008/2008 to determine the short term impacts the proposed land use change would have on the surrounding roadways.

Improvements in the FDOT Tentative Work program include modifications to Palm Beach Boulevard west of I-75 to add a landscape median and provide access management improvements to this area. This project will not reduce the capacity of this roadway but will most likely improve the operations of this segment of roadway. This improvement is funded for construction is 2005/2006.

In addition, FDOT has funded for design, engineering and right-of-way an improvement to the Palm Beach Boulevard interchange with I-75. Construction is not yet funded in the 5-year work program. I-75 from Palm Beach Boulevard to Luckett Road also has funding in the 5-year program for design, engineering and right-of-way, but no construction funding.

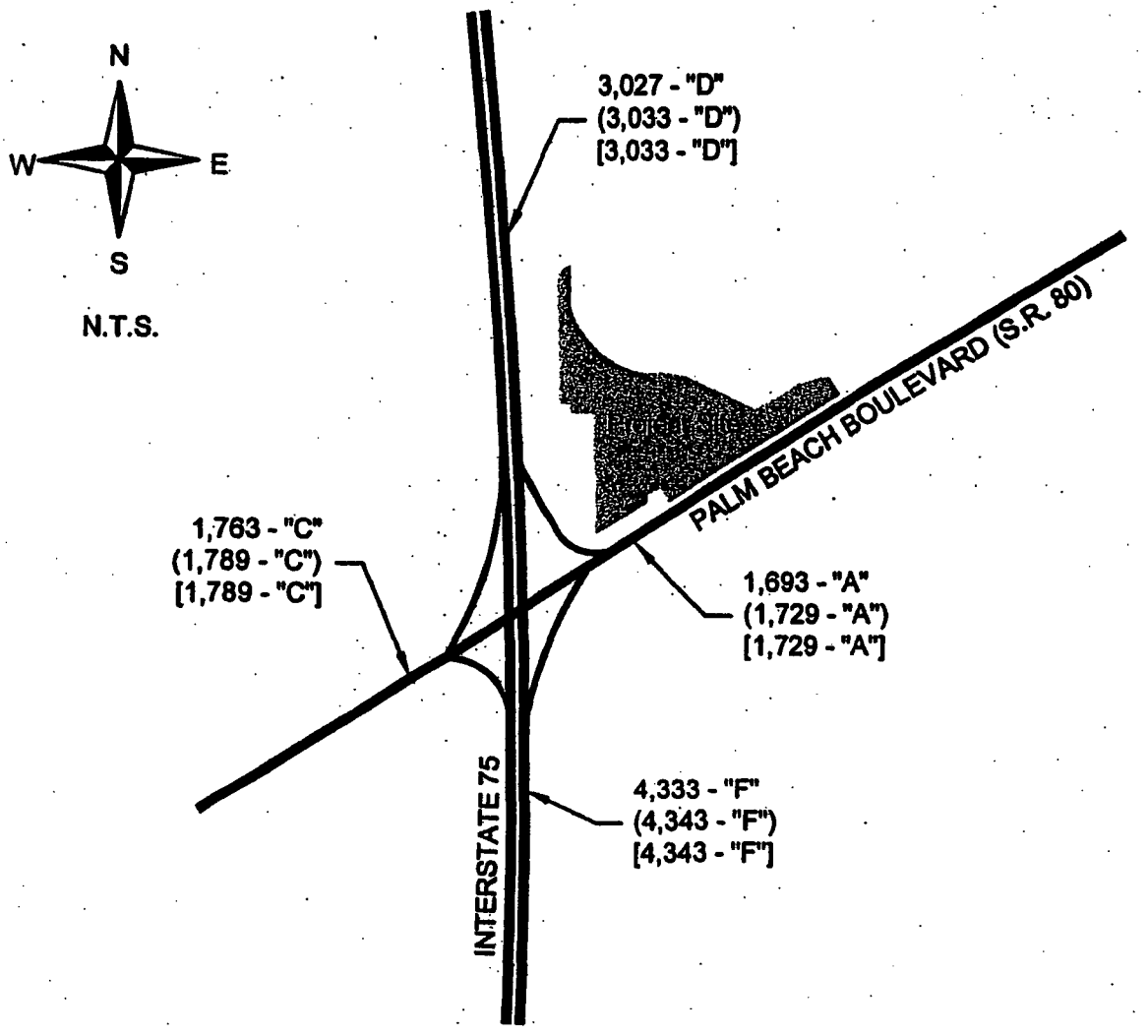
There are no improvements in the area of the subject site in the adopted Lee County 5-year capital improvement program.

## Level of Service Analysis

Based on the anticipated trip generation of the property under the proposed land use change, the roadway links in the vicinity of the site were analyzed based on the 100th highest hour, peak season, peak direction volume. The Link Specific Service Volumes, as developed by Lee County, were used to determine the future Level of Service on these roadways both with and without the project in the year 2008. **Table 2A**, contained in the Appendix of the report, outlines the methodology used in determining the 2008 traffic volumes as well as the growth rate utilized for each roadway segment.

**Figure 2** indicates the year 2008 peak hour traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 2 is the Peak Hour, Peak Direction volume and Level of Service of each link should no development occur on the subject site and the peak hour volume and Level of Service for the weekday A.M. and P.M. peak hours with the traffic from the land use modification added to the roadways. These values are also derived from **Table 2A** contained in the Appendix.

Based on the data from Table 2A, the proposed comprehensive plan amendment to modify the future land use designation from General Interchange to Urban Community will not impact the short term roadway infrastructure or the adopted or tentative work programs for Lee County and FDOT.




**LEGEND**

XXX - "C" PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

(XXX -"C") PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS AM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

[XXX -"C"] PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS PM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

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METRO

# 100TH HIGHEST HOUR LEVEL OF SERVICE ANALYSIS

Figure 2

## VII. CONCLUSION

The proposed comprehensive plan amendment to modify the future land use from General Interchange to Urban Community on just under ten (10) acres located at the northeast corner of I-75 and Palm Beach Boulevard will not have an adverse impact on the long term or short term transportation network. The trip generation as a result of the land use change will actually be less intensive than it would under the existing land use designation. Although more destination trips will be generated, the total number of "new" trips added to the roadway network will actually be less than they would be under the existing land use designation.

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# APPENDIX

# TABLE 1A & 2A

# TABLE 1A
# PEAK DIRECTION
# PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
# WITH PROPOSED COMP PLAN AMENDMENT

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 50 VPH IN= 10 OUT= 40

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 60 VPH IN= 40 OUT= 20

| ROADWAY | SEGMENT | ROADWAY CLASS | LOS A VOLUME | LOS B VOLUME | LOS C VOLUME | LOS D VOLUME | LOS E VOLUME | PERCENT PROJECT TRAFFIC | PROJECT TRAFFIC | PROJ/ LOS C |
|---|---|---|---|---|---|---|---|---|---|---|
| I-75 | S. of Palm Beach Blvd | 4LF | 1130 | 1840 | 2660 | 3440 | 3910 | 25.0% | 10 | 0.4% |
| | S. of Bayshore Road | 4LF | 1130 | 1840 | 2660 | 3440 | 3910 | 15.0% | 6 | 0.2% |
| Palm Beach Blvd. | E. of Ortiz | 6LN | 0 | 1220 | 2730 | 2970 | 3040 | 65.00% | 26 | 1.0% |
| (S.R. 80) | E. of I-75 | 6LN | 2570 | 3070 | 3080 | 3080 | 3080 | 90.00% | 36 | 1.2% |

Service Volumes taken from Lee County Link Specific Service Volume Tables for Arterials (Sept. 2003)

I-75 Service Volumes taken from FDOT Quality/LOS Manual (2002)

# TABLE 2A
# LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
# WITH PROPOSED COMP PLAN AMENDMENT

| | | | | | | | | K-100 | D |
|---|---|---|---|---|---|---|---|---|---|
| TOTAL PROJECT TRAFFIC AM = | 50 | VPH | IN = | 10 | OUT= | 40 | I-75 | 0.0981 | 0.557 |
| TOTAL PROJECT TRAFFIC PM = | 60 | VPH | IN= | 40 | OUT= | 20 | | | |

| ROADWAY | SEGMENT | PCS | BASE YR ADT | 2002 ADT | YRS OF GROWTH | ANNUAL RATE | 2003 PK HR PK SEASON PEAK DIR.[1] | 2008 PK HR PK SEASON PEAK DIR. | PERCENT PROJECT TRAFFIC | AM PROJ TRAFFIC | PM PROJ TRAFFIC | 2008 BCKGRND + AM PROJ TRAFFIC | 2008 BCKGRND + PM PROJ TRAFFIC |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| I-75 | S. of Palm Beach Blvd | I-75 | 53500 | 61000 | 3 | 4.47% | 3482 | 4333 | 25.00% | 10 | 10 | 4343 | 4343 |
| | S. of Bayshore Road | I-75 | 47500 | 50000 | 3 | 1.72% | 2779 | 3027 | 15.00% | 6 | 6 | 3033 | 3033 |
| Palm Beach Blvd. | E. of Ortiz | 5 | 19700 | 27400 | 9 | 3.73% | 1468 | 1763 | 65.00% | 26 | 26 | 1789 | 1789 |
| (S.R. 80) | E. of I-75 | 5 | 18500 | 25000 | 9 | 3.40% | 1432 | 1693 | 90.00% | 36 | 36 | 1729 | 1729 |

[1] The 2003 Peak Hour, Peak Season, Peak Direction Traffic Volume was obtained from the 2002/2003-2003/2004 Lee County Concurrency Report

## 100th Highest Hour Level of Service Analysis

| | | 2008 WITHOUT PROJECT LOS | 2008 WITH PROJECT LOS |
|---|---|---|---|
| I-75 | S. of Palm Beach Blv | F | F |
| | S. of Bayshore Road | D | D |
| Palm Beach Blvd. | E. of Ortiz | C | C |
| (S.R. 80) | E. of I-75 | A | A |

# TRIP GENERATION EQUATIONS

# TRIP GENERATION EQUATIONS
# LEEWARD YACHT CLUB
# TRIP GENERATION EQUATIONS

| Land Use | Weekday AM Peak Hour | Weekday PM Peak Hour | Daily (2-way) |
|---|---|---|---|
| Shopping Center (LUC 820) | Ln (T) = 0.60 Ln (X) + 2.29 | Ln (T) = 0.66 Ln (X) + 3.40 | Ln (T) = 0.65 Ln (X) + 5.83 |
| T = Trips, X = 1,000 s.f. GLA | | | |
| Multi-Family (LUC 230) | Ln (T) = 0.80 Ln (X) + 0.26 | Ln (T) = 0.82 Ln (X) + 0.32 | Ln (T) = 0.85 Ln (X) + 2.55 |
| T = Trips, X = # of Units | | | |
| Light Industrial (LUC 110) | T = 1.18 (X) – 89.28 | T = 1.43 (X) – 163.42 | T = 7.47 (X) – 101.92 |
| T = Trips, X = # 1,000 s.f. GLA | | | |
| Office (LUC 710) | Ln (T) = 0.80 Ln (X) + 1.55 | T = 1.49 (X) | Ln (T) = 0.77 Ln (X) + 3.65 |
| T = Trips, X = 1,000 s.f. GLA | | | |

**Attachment IV.A.**

**3. Map and describe existing land *uses* (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.**

The subject property is located adjacent to an existing single family residential subdivision - Dos Rios - to the west, the existing Manatee World commercial facility to the east, Palm Beach Boulevard (S.R. 80) to the south, and the Orange River and Bayou to the north. The majority of the subject property is currently vacant, except for an existing marina and boat docks along the north property boundary at the Orange River Bayou.

The proposed land use change, from General Commercial Interchange to Urban Community, will allow for a residential-type project that will blend well with the existing nature of the surrounding property, being existing residential and marina uses.

**4. Map and describe existing zoning of the subject property and surrounding properties.**

The subject property currently consists of AG-2, IM, and C-1 zoning categories, and is surrounded by RS-1 to the west, with C-1, CPD and MH-2 to the south and southeast, and AG-2 and MH-2 to the north and northeast.

CPA2004-13


# THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901 • (239) 334-1102 • TTD/TTY (239) 335-1512






September 28, 2005

Brandi Gonzalez
Lee County Planning
P.O. Box 398
Fort Myers, FL 33902-0398

Re: CPA 2004-13 I-75 and S.R. 80

Dear Ms. Gonzalez:

Thank you for the opportunity to review the future land use amendment for northeast quadrant of the I-75 and S.R. 80 regarding the educational impacts this amendment will have on the Lee County School District .

Based on the proposed maximum total of 412 units the Lee County School District will estimate the impact using the generation rate of 0.109 students for multi-family residential dwelling units, or .352 generation rate for single family residential dwelling units. 412 *multifamily* dwelling units would generate 45 new students creating a need for 2 new class rooms. 412 *single family* dwelling units would generate 145 new students creating a need for 6 new class rooms. In addition to the classrooms the Lee County School District would have a need for increasing staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, residential development in the northeast quadrant of the I-75 and S.R. 80 will create the payment of impact fees to maintain the appropriate levels of service for expanding capacity with Lee County School District.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 335-1415.

Sincerely,

Tina Silcox, Community Development Planner
Planning Department

Attachment 7