

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

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LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

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

January 9, 2003

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

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

STAFF ANALYSIS PREPARATION DATE: August 23, 2002

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

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

2. REQUEST:

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

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. REVISED RECOMMENDATION:

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

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

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

2. ORIGINAL RECOMMENDATION:

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

POLICY 1.2.2: The Airport Commerce areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year 2020. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; offices; research and development activities; ground transportation and airport-related terminals or transfer facilities; and hotels/motels, meeting facilities, ~~and other hospitality services.~~ Ancillary retail commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development of 10 or more acres in size and are limited to 1,000 square feet per acre of Airport Commerce land. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone 3. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. ~~Retail commercial uses in this category are only permitted within hotels and motels.~~ Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, "Groundwater Resource Protection Study" will be rebuttably presumed to

be necessary to protect potential groundwater resources in the area. ~~Residential uses are only permitted in this category to the extent described in Chapter XIII.~~

3. BASIS AND RECOMMENDED FINDINGS OF FACT:

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

C. BACKGROUND INFORMATION

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

PART II - STAFF ANALYSIS

**A. STAFF DISCUSSION
HISTORY**

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

OBJECTIVE 1.2: SOUTHWEST FLORIDA INTERNATIONAL AIRPORT AREA. *Designate on the Future Land Use Map adequate land in appropriate locations to accommodate the projected growth needs of the Southwest Florida International Airport and the business and industrial areas related to it, as well as research and development activities not necessarily related to the airport, through the year 2020. These categories are also considered Future Urban Areas.*

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

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

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

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

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

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

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

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

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

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

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

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

ANALYSIS

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

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

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

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

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

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

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

Planning staff also believes that limited freestanding retail commercial uses designed to support the surrounding business and industrial uses should be provided by Policy 1.2.2. In keeping with the County's historic action to maintain these areas for business and industrial uses, planning staff believes that these freestanding uses should be limited to 10% of the total land area of the Airport Commerce category. This

limitation will provide an assurance that commercial uses will not preempt business and industrial uses on a large scale in the Airport Commerce area.

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

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

B. CONCLUSIONS

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

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

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

C. STAFF RECOMMENDATION

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

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF LPA PUBLIC HEARING: August 26th, 2002

A. LOCAL PLANNING AGENCY REVIEW

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

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

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

The recommended language is as follows:

POLICY 1.2.2: The Airport Commerce areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year 2020. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; offices; research and development activities; ground transportation and airport-related terminals or transfer facilities; and hotels/motels, meeting facilities, retail uses are permitted within hotels/motels, and other hospitality services. Ancillary retail commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development of 10 or more acres in size and are limited to 1,000 square feet per acre of Airport Commerce land within the Planned Development. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone 3. Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. ~~Retail commercial uses in this category are only permitted within hotels and motels.~~ Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled,

"Groundwater Resource Protection Study" will be rebuttably presumed to be necessary to protect potential groundwater resources in the area. ~~Residential uses are only permitted in this category to the extent described in Chapter XIII.~~

Planning staff concurs with the proposed LPA changes.

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

C. **VOTE:**

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

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

DATE OF TRANSMITTAL HEARING: September 5, 2002

A. BOARD REVIEW:

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

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

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

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

The Board transmittal language is as follows:

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

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

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

C. **VOTE:**

JOHN ALBION

AYE

ANDREW COY

ABSENT

BOB JANES

AYE

RAY JUDAH

AYE

DOUG ST. CERNY

AYE

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

DATE OF ORC REPORT: November 22, 2002

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

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

B. STAFF RECOMMENDATION

Adopt the amendment as transmitted.

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

DATE OF ADOPTION HEARING: January 9, 2003

A. **BOARD REVIEW:** The Board provided no discussion on this amendment. This item was approved on the consent agenda.

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

1. **BOARD ACTION:** The Board voted to adopt the amendment.

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

C. **VOTE:**

JOHN ALBION

AYE

ANDREW COY

AYE

BOB JANES

AYE

RAY JUDAH

AYE

DOUG ST. CERNY

AYE

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DCA Transmittal Document

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September 5, 2002

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DIVISION OF PLANNING
STAFF REPORT FOR
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STAFF ANALYSIS PREPARATION DATE: August 23, 2002

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

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

2. REQUEST:

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

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. REVISED RECOMMENDATION:

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

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

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3. BASIS AND RECOMMENDED FINDINGS OF FACT:

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

C. BACKGROUND INFORMATION

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

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

HISTORY

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

OBJECTIVE 1.2: SOUTHWEST FLORIDA INTERNATIONAL AIRPORT AREA.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ANALYSIS

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

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

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

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

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

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

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

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

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

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

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

B. CONCLUSIONS

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

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

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

C. STAFF RECOMMENDATION

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

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF LPA PUBLIC HEARING: August 26th, 2002

A. LOCAL PLANNING AGENCY REVIEW

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

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

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

The recommended language is as follows:

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

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

Planning staff concurs with the proposed LPA changes.

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

C. VOTE:

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

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

DATE OF TRANSMITTAL HEARING: September 5, 2002

A. BOARD REVIEW:

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

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

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

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

The Board transmittal language is as follows:

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

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

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

C. VOTE:

JOHN ALBION

AYE

ANDREW COY

ABSENT

BOB JANES

AYE

RAY JUDAH

AYE

DOUG ST. CERNY

AYE

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

DATE OF ORC REPORT: _____

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

- B. STAFF RECOMMENDATION**

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

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:**

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

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

LPA Public Hearing Document
for the
August 26th, 2002 Public Hearing

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

August 23, 2002

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

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

STAFF REPORT PREPARATION DATE: August 23, 2002

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

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

2. REQUEST:

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

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

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

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

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

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

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

C. BACKGROUND INFORMATION

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

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

HISTORY

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

OBJECTIVE 1.2: SOUTHWEST FLORIDA INTERNATIONAL AIRPORT AREA. *Designate on the Future Land Use Map adequate land in appropriate locations to accommodate the projected growth needs of the Southwest Florida International Airport and the business and industrial areas related to it, as well as research and development activities not necessarily related to the airport, through the year 2020. These categories are also considered Future Urban Areas.*

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

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

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

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

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

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

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

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

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

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

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

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

ANALYSIS

The existing Airport Commerce lands in Lee County are limited to the cluster bordering Southwest Florida International Airport. There is no other land in the county designated Airport Commerce. The Airport Commerce lands are an ideal place for business and industry in Lee County because of their close

proximity to the airport, Interstate 75, and Florida Gulf Coast University. Additionally, airport noise zone restrictions further limit the type of development that can occur in this area. Allowable uses within these areas are generally limited to commercial and industrial. Industries choosing to locate in this area can benefit greatly from their proximity to two of the main economic engines in Lee County. They can draw on the resources of both the airport and the University.

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

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

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

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

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

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

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

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

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

B. CONCLUSIONS

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

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

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

C. STAFF RECOMMENDATION

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

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

DATE OF LPA PUBLIC HEARING: August 26th, 2002

A. LOCAL PLANNING AGENCY REVIEW

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

1. **RECOMMENDATION:**

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

C. VOTE:

NOEL ANDRESS

MATT BIXLER

SUSAN BROOKMAN

RONALD INGE

GORDON REIGELMAN

ROBERT SHELDON

GREG STUART

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

DATE OF TRANSMITTAL HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

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

DATE OF ORC REPORT: _____

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

- B. STAFF RECOMMENDATION**

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

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

HENDERSON FRANKLIN

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MICHAEL T. REESE
ANDREW L. RINGERS, JR.
RUSSELL P. SCHROPP

ROBERT C. SHEARMAN
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EUGENE H. SMITH
TRICIA A. SPIVEY
VICKI L. SPROAT
BRUCE M. STANLEY, SR.
J. ERIC STIFFLER
DOUGLAS B. SZABO
RANDAL H. THOMAS
DOUGLAS L. WALDORF
GUY E. WHITESMAN

LEE COUNTY
RECEIVED
02 SEP -5 AM 8:24
COMM. DEV./
SUB. MKTS. CTR.
SECOND FLOOR

September 4, 2002

Paul O'Connor, AICP
Planning Director
P.O. Box 398
Fort Myers FL 33902-0398

RE: Plan Amendment CPA 2001-11
Text Amendment to Airport Commerce

Dear Paul:

I represent Alanda, Ltd., the owner of property within the Airport Commerce land use classification. Thank you for providing me a copy of the above-referenced plan amendment. I have reviewed the proposed amendment with my client and, at this point, it appears the amendment will provide much needed flexibility to achieve an appropriate mix of land uses within planned developments in the Airport Commerce classification.

I hope to be present at the transmittal hearing on this amendment, but in the event I am unable to attend I would hope you could convey these comments to the Board. Thank you.

Sincerely,


Russell P. Schropp

/rs

cc: Gregory M. Morris

FILED

SEP 05 2002

CLERK CIRCUIT COURT

FROM Schropp

500-11

Item #3a