

Lee County
 Dept. of Community Development
 Zoning Division
 1500 Monroe Street
 Fort Myers, FL 33901

I. BACKGROUND & REQUEST

The subject property is located at 2787/2751 N Tamiami Trail within North Fort Myers. The property is made up of one (1) STRAP (27-43-24-00-00009.0000) and the zoning of the subject property is Commercial Planned Development (CPD). The property is located within the Central Urban future land use category. The request is to amend the approved Schedule of Uses to allow for indoor and outdoor storage uses. The subject parcel is approximately ± 17 AC and can be seen in Figure 1 below.



Figure 1. Aerial of Subject Property

The subject property has a history of various zoning actions which have been summarized in the supplemental "Zoning History" document. The first zoning action applicable to the subject property dates back to February of 1973 (Z-73-142). The wildlife park use at the property was approved in 1976 (Z-76-213) and the most recent Development of Regional Impact is the CPD rezone which took place in October of 1994 (Z-94-038). Three subsequent administrative amendments to the original CPD have taken place, in 1999, 2005, and 2009.

The request is for an amendment to the Schedule of Uses which would add "Storage; indoor and

open” to the Schedule. Indoor storage is permitted in the North Fort Myers Commercial Corridor Overlay per LDC Sec. 33-1596. Additionally, open storage is permitted by Special Exception and note (*) states **“Uses allowed by special exception may also be requested through PD zoning.”** The subject property was rezoned to a Commercial Planned Development (CPD) in 1994. The review criteria for administrative amendments to a planned development are outlined in LDC Sec. 34-174(i)(2)(a-g) and are further described in Section IV of this document. The request being made is to add two (2) uses to the approved Schedule of Uses; indoor and outdoor storage.

II. SURROUNDING LAND USES & COMPATIBILITY

The subject property is surrounded by a range of existing and planned commercial and residential uses which are further described in Table 1.

	EXISTING USE	ZONING	FUTURE LAND USE	JURISDICTION
NORTH	Vacant Lands	AG-2 & C-2	Central Urban	Lee County
EAST	ROW (N Tamiami Trail), Vacant Lands	CPD , C-1A	Central Urban	Lee County
SOUTH	Vacant lands, Concrete production, Auto shop	C-1A, C-2, CC	Central Urban	Lee County
WEST	ROW (N Cleveland Ave), Vacant Commercial/Mobile home park	C-1A	Central Urban	Lee County

Table 1. Surrounding Land Uses

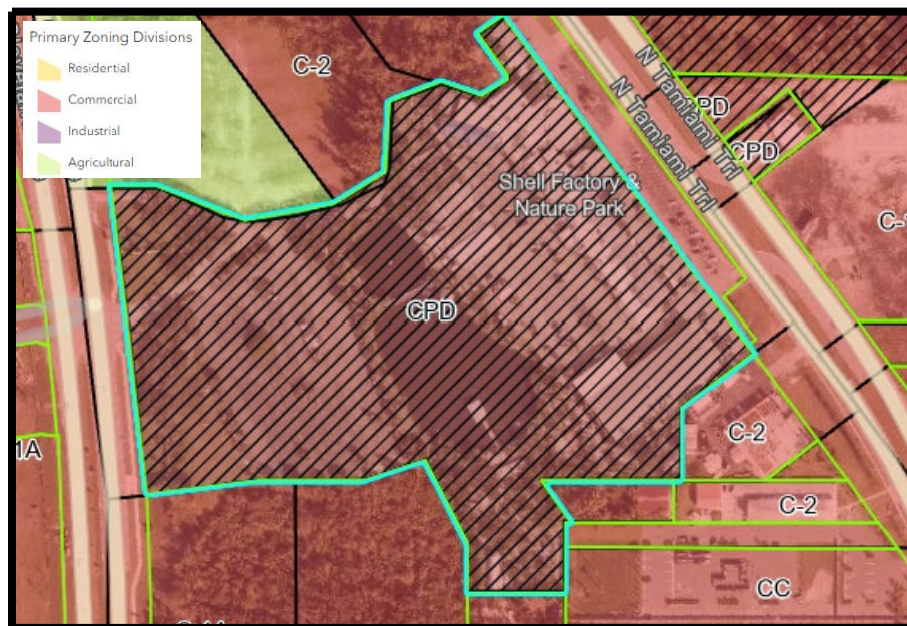


Figure 2. Current Subject Property Zoning & Surrounding Zoning Districts

Figure 2 depicts the subject property (in a teal outline) as well as the various surrounding properties and their zoning districts. The diagonal black hatch across some of the properties as well as the subject property denotes a Planned Development zoning district. It is important to note the

subject property's unique location with frontage on N Cleveland Ave (a state-maintained arterial) as well as N Tamiami Trail (state-maintained arterial). This double frontage along two significant arterial roadways provides access to both transportation corridors.

There are a number of commercially zoned properties surrounding the subject property; C-2 zoned properties are located to the north, south and southeast, C-1A zoning is also located adjacent to the site and across from N Cleveland Ave to the west, CPD-zoned properties are located to the east of N Tamiami Trail, and C-1A, as well as CC zoned properties are to the south. The subject property is at the center of a commercial node given the surrounding land use pattern for existing and planned uses. The various commercial zoning districts promote commercial land uses at the subject property as well as the surrounding land uses. The underlying FLU of all immediately adjacent properties as well as the subject property are Central Urban which allows a variety of commercial land uses.

As described above, the surrounding land uses (both existing and planned) are complimentary to the proposed expansion of commercial uses. The assortment of existing and planned commercial and industrial uses proximate to the subject property are further depicted in Figure 2.

III. COMPREHENSIVE PLAN CONSISTENCY

The proposed rezoning is consistent with a number of goals, objectives, and policies outlined within the Lee Plan as well as regional and state plans as further analyzed below.

Policy 1.1.3: The Central Urban future land use category can best be characterized as the "urban core" of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public and quasi-public, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre), with a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units.

The Lee Plan describes the Central Urban category as the "urban core" of the County and is anticipated to be developed with the "greatest range and highest levels of public services. Residential, commercial, public and quasi-public uses, and limited light industrial land uses will continue to predominate in the Central Urban future land use category." This category also encourages future development to be mixed use where appropriate. This future land use designation does not reference a maximum Floor Area Ratio (FAR) at this location to determine maximum intensities. The administrative zoning amendment application is inclusive of a Schedule of Uses which is catered to the site and further specifies the prospective commercial development program for the property.

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

The property's location along both N Cleveland Ave and N Tamiami Trail and supports Objective 2.1 by allowing for additional uses at the site to have readily available access to a number of utilities and services. Furthermore, the subject property is generally surrounded by improved parcels with very few unimproved parcels in this area within the North Fort Myers community.

Objective 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in §163.3164, Fla. Stat.) will be granted only when consistent with the provisions of §163.3202(2)(g) and § 163.3180, Fla. Stat. and the concurrency requirements in the LDC.

The subject property is in the Central Urban future land use category which is defined as a Future Urban area by the Lee Plan. The subject property is also generally surrounded by improved properties and consists of a double frontage lot along two arterial roadways with access to utilities.

Goal 4: GENERAL DEVELOPMENT STANDARDS. Pursue or maintain land development regulations which protect the public health, safety and welfare, encourage creative site designs and balance development with service availability and protection of natural resources.

Objective 4.1: WATER, SEWER, AND ENVIRONMENTAL STANDARDS. Consider water, sewer, and environmental standards during the rezoning process. Ensure the standards are met prior to issuing a local development order.

Standard 4.1.1: WATER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Fla. Admin. Code R. 62-550).
2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 4A), then the development must be connected to that utility.
3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.

4. All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Fla. Admin. Code R. 62-555.
5. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 4-A), and the utility cannot provide the service or cannot provide the service except at a clearly unreasonable cost to the developer, the developer is encouraged to petition the appropriate regulatory agency to contract the service area so that the development may establish its own community water system or invite another adjacent utility to expand its service area in order to provide the required service.
6. If a development lies outside any service area as described above, the developer may:
 - request that the service area of Lee County Utilities or an adjacent water utility be extended to incorporate the property;
 - establish a community water system for the development; or
 - develop at an intensity that does not require a community water system.
7. Lee County Utilities may provide potable water service to properties not located within the future water service area when such potable water service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.

As outlined in Standard 4.1.1(1) any commercial or industrial project exceeding 30,000 SF of gross floor area per parcel must connect to public water. The subject property is in compliance with this requirement and is serviced by Lee County Utilities as detailed in the Letter of Availability. The letter contains a hypothetical scenario of multi-family which significantly exceeds the proposed request of indoor and outdoor storage uses.

Standard 4.1.2: SEWER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.
2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development.
3. If there is not sufficient capacity nor adequate infrastructure within 1/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.

4. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and the utility cannot provide the service, or cannot provide the service except at a clearly unreasonable cost to the developer, II-16 April 2024 Future Land Use the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.
5. If a development lies outside any service area as described above, the developer may:
 - request that the service area of Lee County Utilities or an adjacent sewer utility be expanded to incorporate the property;
 - establish a self-provided sanitary sewer system for the development;
 - develop at an intensity that does not require sanitary sewer service; or
 - if no more than 5000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Fla. Admin. Code R. 64E-6 may be utilized, contingent on approval by all relevant authorities.
6. Lee County Utilities may provide sanitary sewer service to properties not located within the future sewer service area when such sanitary sewer service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.

As outlined in Standard 4.1.2(1) any commercial or industrial project exceeding 5,000 GPD must connect to public sewer. The subject property is in compliance with this requirement and is serviced by Florida Governmental Utility Authority as detailed in the Letter of Availability. The letter contains a hypothetical scenario of multi-family which significantly exceeds the proposed request of indoor and outdoor storage uses.

Standard 4.1.4: ENVIRONMENTAL FACTORS.

1. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District (SFWMD), or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.
2. Ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site.
3. Ensure development minimizes the need for expansion and construction of street and utility improvements.

The site is entirely impacted by an assortment of commercial uses, consistent with Z-94-038 as well as the two subsequent amendments (ADD2004-00250 and ADD2009-00051). No expansion to the impervious or pervious spaces of the site are being proposed via this amendment. This ensures consistency with the most recent Master Concept Plan's layout and configuration.

Goal 6: COMMERCIAL LAND USES. To permit orderly and well-planned commercial development at appropriate locations within the County.

The subject property currently has a commercial planned development zoning which is inclusive of a Master Concept Plan depicting the various impervious and pervious areas as well as a conceptual configuration of buildings and parking. No alterations to the existing Master Concept Plan's configuration or layout are being proposed via this request. As previously referenced, the subject property is located within a commercial node in which a wide assortment of commercial uses would be appropriate. The proposed uses of indoor and outdoor storage are lower trip generators than the currently approved amusement/entertainment and restaurant uses, neither of which will be operational at the subject property for the time being.

Objective 6.1: Development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan.

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

Consistent with Policy 6.1.4, the proposed project is compatible with existing and planned adjacent uses. The proposed PD amendment provides an alternative use for the property which does not have any additional impacts to adjacent trips, the use is complimentary to the adjacent commercial land uses, both existing and planned.

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

Policy 6.1.5 protects the traffic-carrying capacity of roads and streets from incompatible commercial development. The minimal trip generation of the proposed use along when compared to the approved amusement/entertainment and restaurant uses will trigger an overall decrease in trips than what exists today.

Policy 6.1.6: Maintain land development regulations that require commercial development provide adequate and appropriate landscaping, open space, buffering, and architectural standards.

Policy 6.1.6 requires commercial developments to “provide adequate and appropriate landscaping, open space, and buffering.” The project will provide appropriate landscaping, open space, and buffering as consistent with the approved Master Concept Plan. No changes to the Master Concept Plan’s configuration or layout are being proposed via this request.

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

The subject property is located at the center of a commercial node which allows for a wide range of complimentary commercial uses. This is further supported by being located within the Central Urban future land use category which promotes high levels of urban services. The area has been functioning as a roadside attraction for decades, the request would not be opening new areas to premature, scattered, or strip development. It would promote a commercial use for the site that is complimentary at the proposed location given immediate access to transportation corridors and negate the need for vehicles associated with movement of large commodities to traverse through local roadways.

Policy 6.1.8: Prohibit commercial development from locating near existing or planned school areas in such a way as to jeopardize the safety of students.

Consistent with Policy 6.1.8, the subject property is not located near an existing or planned school.

Goal 30: NORTH FORT MYERS COMMUNITY PLAN. Improve the livability and economic vitality in the North Fort Myers Community Plan area by: promoting compact, mixed use development in the form of town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors; stabilizing and enhancing, existing neighborhoods; and preserving natural resources.

The proposed amendment to the Schedule of Uses would allow for a greater range of uses than exist today to promote appropriate investment in the commercial corridor.

Strategic Regional Policy Plan

The proposed CPD amendment is also consistent with the Southwest Florida Regional Planning Council’s Strategic Regional Policy Plan Volume II. Specifically, the ADD supports the Economic Development Element and its vision; *“Southwest Florida will attract, retain, and create quality businesses to diversify its economic base, while protecting the natural and cultural environments, to promote economic stability, greater job and educational opportunities, and higher income for its residents.”*

The proposed CPD administrative amendment would allow for the expansion of commerce within

Southwest Florida. The subject property's commercially zoned parcel is already developed with commercial uses that are no longer operational, the addition of the indoor and outdoor storage uses would allow for additional commercial development in a manner that is appropriate at the proposed location, thus providing more employment opportunities, as well as furthering economic diversity and stability in the region.

Goal 3: A stable regional economy based on a continuing excellent quality of life.

The amendment is consistent with this goal by supporting business and industry in a location where public services are readily available. N Cleveland Ave and N Tamiami Trail are major transportation corridors for the North Fort Myers community, connecting Charlotte County with Fort Myers. An increase in uses for the site promotes economic stability.

Goal 4: A diverse regional economy.

The expansion of commercial uses at a location where commercial uses were previously programmed as noted by the underlying zoning districts as well as surrounding land use pattern, encourages the diversification of the regional economy by allowing for additional uses which are compatible with the site's existing configuration as well as location surrounded by commercial uses and accessible via two major transportation corridors.

State Comprehensive Plan

At the state level, the proposed map amendment is consistent with the State of Florida Comprehensive Plan found in F.S. 187.201, specifically the Land Use section;

(15)(a) Goal. In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.

Policy 1. Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce.

Policy 3. Enhance the livability and character of urban areas through the encouragement of an attractive and functional mix of living, working, shopping, and recreational activities.

The proposed CPD amendment is consistent with the goal's sub-policies including; Policy 1 which

encourages efficient development and promotes it in areas which will have the capacity to service new population and commerce; and, Policy 3 which promotes the livability and character of urban areas through the encouragement of an attractive and functional mix of living, working, shopping, and recreational activities. The proposed amendment would effectively improve the employment opportunities and would remain consistent with the parameters of the approved Master Concept Plan.

IV. CRITERIA

The proposed development is in full compliance with the criteria set forth by LDC Section 34-174(i)(2)(a-g), as further outlined below:

a. Does not increase height, density or intensity of the development, except as permitted in Chapter 2.

The proposed amendment to the Schedule of Uses does not increase height, density, or intensity within the CPD. No amendment to the property development regulations are being proposed.

b. Does not result in the substantial underutilization of public resources and public infrastructure committed to the support of the development;

The proposed amendment to the Schedule of Uses does not result in the underutilization of public resources and public infrastructure. It appropriately locates storage uses at a site with double frontage on two arterial roadways, facilitating the traffic flow of large transportation and cargo vehicles, keeping these vehicles away from local roadways with greater limitations on capacity as well as physical constraints.

c. Does not result in a reduction of total open space provided on the Master Concept Plan by more than ten percent;

No reduction in the approved open space is being proposed via this amendment, no changes to the Master Concept Plan's configuration or layout are proposed.

d. Does not decrease the amount of indigenous native vegetation preservation or open space areas below the amount required by the Code;

No reduction in the approved indigenous native vegetation or open space are being proposed via this request.

e. If changes to the buffer or landscaping areas are proposed, equivalent or better (by comparison with the approved Master Concept Plan) landscaping or buffering is provided;

No change to the buffer or landscaping areas are proposed via this request.

f. Does not adversely impact surrounding land uses; and

By allowing this request, the subject property continues to provide commercial benefit to the community during the time the amusement/entertainment, restaurant, and other accessory uses

are non-operational. This promotes commercial land uses in a manner that is consistent with Goal 6 of the Comprehensive Plan.

g. Is consistent with all applicable provisions of the Lee Plan and land development regulations in effect at the time of the amendment request.

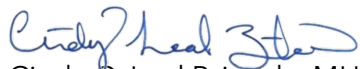
The administrative request is consistent with the Lee Plan as well as the LDC at time of amendment request. Consistency with the Lee Plan is further outlined in Section III of this request narrative. Consistency with the LDC is outlined in Section I.

V. CONCLUSION

The proposed CPD administrative amendment is consistent with several policies set forth by the Lee Plan, the Southwest Florida Strategic Regional Policy Plan, and the State of Florida's Comprehensive Plan. The amendment would enhance local economic diversity as well as promote economic stability and allow for a different use to take place at a location previously slated for diverse and intensive mix of commercial uses and where public facilities and urban services are capable of servicing the site.

Please contact me directly at (239) 226-0024 or CindyL@en-site.com if you should have any questions or require additional information.

Sincerely,
EnSite, Inc.



Cindy C. Leal Brizuela, MURP
Principal Planner

cc: