

**CPA 2003-05
LEECORP HOMES SMALL SCALE
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Sponsored Application
and Staff Analysis**

BoCC Adoption Document

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September 22, 2004

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT
CPA 2003-05**

T	This Document Contains the Following Reviews:
T	Staff Review
T	Local Planning Agency Review and Recommendation
T	Board of County Commissioners Hearing for Adoption

ORIGINAL STAFF REPORT PREPARATION DATE: December 15, 2003

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

- 1. APPLICANT:** LeeCorp Homes, Inc.
- 2. REQUEST:** Amend the Future Land Use Map (FLUM) series for a specified ±0.59 acre parcel of land located in Section 28, Township 46 South, Range 25 East to change the classification shown on Map 1, The Future Land Use Map, from "Public Facilities" to "Suburban."

3. SUMMARY DISCUSSION

The property was designated with the Future Land Use Category "Public Facilities" by Comprehensive Plan Amendment PAM 96-14. In that amendment properties owned by public agencies, which were currently used (or intended for future use) by a public agency, were designated as Public Facilities.

The applicant purchased the subject property from the Estero Fire Department in August of 2002 and now desires to change the Future Land Use to one that is consistent with private sector ownership. The property was previously used by the Fire Department as a fire station with office and storage space. The applicant's eventual intended use of the subject property is for commercial office or retail uses. Property directly to the southeast, also owned by the applicant, is currently developed with retail sales of manufactured housing and accessory office space.

B. BACKGROUND INFORMATION

1. EXISTING CONDITIONS

SIZE OF PROPERTY: ±0.59 acres

PROPERTY LOCATION: The street address of the subject property is 20241 S. Tamiami Trail, Estero, FL 33928. The property is located on the east side of U.S. Highway 41, approximately 1/4 mile south of Koreshan Blvd.

EXISTING USE OF LAND: The property was previously used as the Estero Fire District Station, including office and storage space.

CURRENT ZONING: Agriculture (AG-2)

CURRENT FUTURE LAND USE CLASSIFICATION: Public Facilities

2. INFRASTRUCTURE AND SERVICES

WATER & SEWER: The property is located within the Lee County Utilities franchise area.

FIRE: The property is located within the Estero Fire Rescue District.

TRANSPORTATION:

Access to the site will be from an existing driveway on US Highway 41. The parcel is within the Estero planning community, located on a stretch of US 41 slated to be widened to six lanes under the 2010 Financially Feasible Plan.

SOLID WASTE FRANCHISE:

Florida Recycling, Inc.

C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Staff recommends that Map 1, the Future Land Use Map, be amended to change the future land use designation of the ±0.59 acre subject parcel from “Public Facilities” to “Suburban.”

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Future Land Use designation “Public Facilities” is intended to provide flexibility in development for lands owned by the public and used in service to the public. This Future Land Use designation depends primarily on the government entity to define the appropriate uses and is not helpful to direct growth of property which is privately owned and utilized for private gain.

- The applicant purchased the subject property from the Fire Department in August of 2002 with the intent to develop the subject property for commercial retail or office space.
- The proposed action will result in a potential population capacity increase of the FLUM by 6 people (calculation based on 0.59 acres at 6du/acre which yields a maximum potential of 3du, each anticipated to house an average of 2.09 people). It is staff's position that this increase in accommodation capacity of the map is insignificant when viewed within the context of the countywide accommodation capacity.
- The subject property is located along a major tourist and workforce transportation corridor. Due to the small size of the property and its geographic location on an arterial road, it is highly unlikely that the property will ever be developed with residential units.
- The proposed action will have minimal impact on public safety service providers. The applicant has submitted letters from these providers indicating that adequate services are available to support the potential uses related to the plan amendment.
- Existing utilities and infrastructure are in place or available to support the proposed commercial development, and potential residential development, of the subject parcel. The proposed action will not require changes to future road network plans.
- The property is currently zoned for Agriculture (AG-2) and will need to be rezoned to Commercial Planned Development, per Policy 19.2.1, prior to being developed with any commercial uses. Impacts to the provision of public services and facilities will be evaluated at that time, based on the specific uses and intensities requested by the zoning application. Potential traffic impacts will also be evaluated at the time of rezoning.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

The applicant has requested a Future Land Use designation change from "Public Facilities" to "Suburban" on approximately 0.59 acres of land located in the Estero Planning Community on the east side of Highway 41, south of Koreshan Boulevard and directly west of Cypress Bend RV Resort. The property was previously used by Estero Fire Rescue, but has now been placed into private ownership.

The Suburban category standard density range permits up to six dwelling units per acre (6du/acre). In the unlikely event that the property were to develop with residential uses, the proposed Suburban designation would allow up to 3 dwelling units (0.59 acres X 6du/acre). Estimated potential commercial intensity for the subject property would be 6,000 square feet, depending on site design.

The original Comprehensive Plan Amendment Application and Applicant Supplementary Information packets are attached hereto as Attachment A and Attachment B.

PROJECT SUMMARY

The subject property was previously owned by the Estero Fire Department and used as a fire station with office and storage space. The applicant purchased the subject property from the Fire Department in August of 2002 with the intention of changing the Future Land Use designation from Public Facilities to one that is consistent with private sector ownership as well as the anticipated future development of the surrounding area. The applicant plans to use the subject property for retail or commercial office space. In order to permit those desired uses, should the plan amendment be approved, the applicant will need to rezone the subject property to Commercial Planned Development (per Lee Plan Policy 19.2.1).

COMPREHENSIVE PLAN BACKGROUND

Comprehensive Plan Amendment #PAM 96-14 designated a number of properties countywide that were owned and operated by public agencies (or were intended for future use by a public agency) as Public Facilities. The amendment changed the Future Land Use designation of the subject property from Suburban to Public Facilities in June of 1998.

The subject property's Future Land Use designation was previously changed to Suburban from Urban Community as part of the map amendments proposed by the Estero/Corkscrew Area Study and adopted by Ordinance 88-04 in February of 1988.

ADJACENT ZONING AND USES

The subject property is bordered on the south by US Highway 41. Beyond the highway is land with Commercial (C-1) zoning and a Future Land Use Designation of Suburban. Those properties are developed with boat sales, auto repair, gas station/mini-mart, other retail, and vacant land.

To the southeast is property zoned Commercial (C-2), with a Future Land Use Designation of Suburban, owned by the subject property owners. That property is currently developed with retail sales of manufactured housing and accessory office space.

To the east of the subject property is Recreational Vehicle (RV-3) zoned Cypress Bend RV Resort which is included within the Urban Community Future Land Use district.

Property to the north and northwest is vacant, designated for Suburban Future Land Use and zoned for Agriculture (AG-2).

POPULATION ACCOMMODATION CAPACITY DISCUSSION

Given the potential increase in residential units associated with the proposed Future Land Use designation change from Public Facilities to Suburban, the proposed action will result in a population capacity increase of the FLUM by 6 people (3 du X 2.09 people per unit).

The proposed increase in accommodation capacity of the map is insignificant when viewed within the context of the countywide accommodation capacity. Due to the location of the property and existing surrounding uses, it seems unlikely that the property owner will develop the parcel with residential uses.

CONSISTENCY WITH THE "SUBURBAN" LAND USE CATEGORY

The Suburban Future Land Use Category is described by Policy 1.1.5 which is reproduced below:

POLICY 1.1.5: *The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed. (Amended by Ordinance No. 94-30)*

The uses contemplated for the subject property, retail and office, are consistent with the Suburban designation. The property meets site location standards for development of a Minor Commercial Center. The size of the subject property will not allow a site plan for commercial development to a scale that exceeds the neighborhood commercial standard. No industrial uses are proposed. Any desired use not allowed by right in the Agriculture (AG-2) zoning district will require the property to be rezoned. Commercial use of the property will require rezoning to a Commercial Planned Development.

The site is surrounded on three sides by Suburban designated properties. To the east is land designated Urban Community. Due to the layout of the property (a pie shaped wedge out of the Suburban category) and the orientation of its access, Suburban is the most appropriate of the two potential Future Land Use designations.

MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)

The Residential/Suburban allocation for the Estero Community is 1,572.00 acres, with 1,219.16 acres developed and 352.84 acres available for development prior to year 2020. The Commercial/Suburban allocation for Estero is 1,399.00, with 249.62 acres already developed and 1,149.38 acres remaining for commercial development prior to year 2020.

TRANSPORTATION ISSUES

The subject property is located adjacent to U.S. Highway 41, a state maintained facility. Any proposed change to the current access drive location for the subject property, such as a shared access point with the parcel to the southeast, will have to be reviewed by the Florida Department of Transportation.

Lee County Department of Transportation staff reviewed the application for potential impacts to the state road and surrounding road network and responded that, "After running the FSUTMS travel demand model for the year 2020 condition, we have determined that the land use change on this property will not alter the future road network plans." (Attachment C)

PUBLIC SAFETY ISSUES

Coastal Issues

The parcel is not within either the Coastal High Hazard Area or the Coastal Planning Area of Lee County. The property is located within the Category 3 storm surge area, with Category 1 being the most likely to experience a serious storm surge, as shown in the Hurricane Storm Tide Atlas for Lee County (SWFRPC 1991). According to the Federal Emergency Management Agency (FEMA) map records, the subject parcel is within Flood Zone B - a zone describing areas that have less than a one percent annual chance of flooding. There are no other coastal issues associated with the subject property.

Fire Services

Estero Fire Rescue is currently able to adequately serve the intended development of the subject property for business offices. (Attachment A)

The Fire Department supports the proposed plan amendment and further recommends that the best use for the subject property would be to combine it with the parcel adjacent to the southeast (also owned by Phillip and Janice Lee, Officers of LeeCorp Homes). (Attachment C)

EMS

Emergency Medical Services staff reviewed the application and concluded that, "The current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel or any support facilities" (Attachment A).

Sheriff Services

The Sheriff's department provided a letter of review to the applicant, dated August 20, 2003, which stated no objections or concerns regarding the proposed Future Land Use change. According to the Sheriff's office, "The proposed project is within the service area for the Lee County Sheriff's Office. It is policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs. We anticipate that we will receive the reasonable and necessary funding to support growth throughout Lee County. We therefore believe that the Lee County Sheriff's Office will be able to serve your project as it builds out" (Attachment A).

Emergency Management

County Emergency Management staff has concluded that, "There are no Public Safety/ Emergency Management issues involved in changing Phillip Lee Property in Estero from 'Public Facilities' to 'Suburban'" (Attachment C).

SCHOOL IMPACTS

The Lee County School District responded to the proposed land use change with the following comments:
"In our opinion, this amendment will not increase the overall development density and will not impact the level of services the District provides to the area. The proposed change could add up to one student to the District. As such, the proposed plan amendment would not impact the Lee County School District" (Attachment B).

SOILS

According to the U.S. Department of Agriculture Soil Survey of Lee County Florida, the soil on the subject property is Immokalee Sand. An "Existing Soils Map" and a description of Immokalee Sand are included as attachments (Attachment C).

HISTORICAL AND ARCHAEOLOGICAL IMPACTS

The Florida Department of State, Division of Historical Resources, has reviewed the proposed plan amendment and provides the following response:

"A review of the Florida Master Site File indicates that no significant archaeological or historical sites are recorded for or considered likely to be present within the project area. Furthermore, because of the project location and/or nature, it is considered unlikely that historic properties will be affected. Therefore, it is the opinion of this office that the proposed project

will have no effect on historic properties listed, or eligible for listing in the National Register of Historic Places, or otherwise of historical or archaeological value” (Attachment B).

ENDANGERED SPECIES

Environmental Sciences staff reviewed the proposed amendment and responded with the following:

“The property has been previously cleared therefore there are no environmental issues to be addressed through the Lee Plan amendment process. Any listed species and landscaping issues would be addressed through the zoning or development order process” (Attachment C).

PARKS, RECREATION AND OPEN SPACE

With regard to parks, recreation and open space, the applicant has provided the following information:

“The Estero Community, and the area surrounding this site, has excellent access to existing parks and recreational facilities. Approximately 1.5 miles to the south is Estero Community Park, which is scheduled to have Phase I - Development completed within the next 14 months. In addition to the Estero Community Park, there are public recreational facilities at Estero High School, directly adjacent to the park, and the Three Oaks Park, located approximately 2.5 miles to the northeast of the subject property.”

County Parks and Recreation staff reviewed the proposed plan amendment and concluded that, “Since the subject property is no longer owned by a public entity, it is appropriate to remove it from the Public Facilities classification. Further, it is our determination that existing and proposed support facilities provided by Lee County Parks and Recreation will not be impacted by the proposed amendment” (Attachment A).

DRAINAGE/SURFACE WATER MANAGEMENT

With regard to surface water and drainage basins, the applicant has provided the following:

“The subject property is located in the Estero River Watershed as indicated in the Lee County Surface Water Management Master Plan. Any development will be in compliance with South Florida Water Management District and the Lee County Development Code with regard to surface water management...The 2002/2003 Concurrency Management report states on page 6 that ‘All new developments that receive approval from South Florida Water Management District and which comply with standards in Chapters 17-3, 17-40, and 17-302 of the Florida Statutes, and Rule 40E-4 of the Florida Administrative Code are deemed Concurrent with the Level of Service standards set forth in the Lee Plan.”

MASS TRANSIT

In a letter to the applicant dated August 22, 2003, Lee County Transit Division stated that LeeTran “does not currently service this location with any type of fixed bus route service and we do not require any additional amenities for transit as a result of your proposed land use change request at this time” (Attachment A).

SOLID WASTE

The Solid Waste Division of Lee County confirmed in a letter to the applicant, dated October 31, 2003, that the Division “is capable of providing solid waste collection service for the commercial property located on US 41 (STRAP# 28-46-25-00-00001.0050) through our franchised hauling contractors. Disposal of the solid waste generated at this location will be accomplished at the Lee County Resource Recovery

Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.” (Attachment A).

UTILITIES

As provided by the applicant regarding potable water service:

“Lee County Utilities maintains service for this area through the Green Meadows Water Treatment Plant and Corkscrew Water Treatment Plant. The two systems are interconnected. A 12-inch water main runs along the east side of the U.S. 41 right-of-way in front of the subject property.

Policy 33.1.2 of the Lee Plan has established that “the minimum acceptable level-of-service standard for potable water connections to Lee County Utilities [will] be an available supply and treatment capacity of 250 gallons per day per equivalent residential connection (ERC) for the peak month...”

According to Lee County Utilities Staff, the Green Meadows Water Treatment Plant has design capacity of 10.5 million gallons per day, and the Corkscrew Water Treatment Plant has design capacity of 10.0 million gallons per day. In Spring 2004, the interconnected system is projected to operate at 15 million gallons per day.

The Proposed Amendment will have negligible impacts on the potable water facilities.”

As provided by the applicant regarding sanitary sewer service:

“Lee County Utilities maintains service for this area through the Three Oaks Wastewater Treatment Plant. A 12-inch force main runs along the east side of the U.S. 41 right-of-way to Koreshan Boulevard. There is also a 12-inch force main on the north side of the Koreshan Boulevard right-of-way.

Policy 36.1.2 of the Lee Plan has established that “the minimum acceptable level-of-service standard for sanitary sewer connections to Lee County Utilities [will] be available basic facility capacity to treat and dispose of a volume of wastewater equal to 200 gallons per day per equivalent residential connection (ERC) for the peak month...”

According to Lee County Utilities Staff, Three Oaks Wastewater Treatment Plant has a design capacity of 1.5 million gallons per day and the system capacity is currently met.

The Capital Improvements Program (CIP) indicates that the Three Oaks Wastewater Treatment Plant will be expanded to 3.0 million gallons per day by September 2003 and 5.0 million gallons per day within two years.

The proposed amendment will have negligible impacts on the sanitary sewer facilities.”

B. CONCLUSIONS

The applicant’s request to change the Future Land Use designation of the subject property from Public Facilities to Suburban is consistent with both the existing and planned future land uses of the surrounding community. The property meets site location standards for development of a Minor Commercial Center.

Any commercial development of the site, located within the Estero Planning Community, will require that the property be rezoned to a planned development.

The property currently has, or has reasonable access to, all necessary infrastructure for commercial or residential development.

The proposed plan amendment returns a property, historically designated as “Suburban,” to the Suburban Future Land Use category after being classified as “Public Facilities” for approximately six years while the location was used as a local fire department. Now that the subject property is owned by a private entity, the Public Facilities designation is obsolete.

C. STAFF RECOMMENDATION

Planning staff recommends that Map 1, The Future Land Use Map, be amended to change the land use designation of the ±0.59 acre subject parcel from “Public Facilities” to “Suburban.”

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

DATE OF PUBLIC HEARING: January 26, 2004

A. LOCAL PLANNING AGENCY REVIEW

One LPA member asked whether or not planning staff is still looking into the creation of a commercial only Future Land Use Category. The director of planning stated that staff is looking into the commercial only category during the Evaluation and Appraisal Report process.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommends that the BoCC adopt CPA2003-05 Small Scale Plan Amendment.

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

C. VOTE:

NOEL ANDRESS	AYE
MATT BIXLER	AYE
DEREK BURR	AYE
DAN DELISI	ABSENT
ROBERT PRITT	ABSENT
RONALD INGE	AYE
POSITION VACANT	VACANT

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

DATE OF ADOPTION HEARING: September 22, 2004

A. BOARD REVIEW: The Board of County Commissioners provided no discussion concerning the proposed amendment.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

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

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

C. VOTE:

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUG ST. CERNY	<u>AYE</u>