

CPA2006-02

**CAPE ROYAL
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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March 11, 2008

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2006-02**

Text Amendment

Map Amendment

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

STAFF REPORT PREPARATION DATE: February 21, 2008

PART I - BACKGROUND

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

Realmark Cape Royal, LLC & Scott Dunlap

2. REQUEST:

Amend the Future Land Use Map Series for an approximate 7.7 +/- acre site located in Section 20, Township 44 South, Range 23 East, to change the classification shown on Map 1, the Future Land Use Map, from Rural to Suburban and Commercial. Amend Map 7, the Lee County Utilities Future Sewer Service Areas Map, to add the subject site to the future service area. The site is generally located south of Pine Island Road and east of Veterans Parkway.

3. SUMMARY DISCUSSION:

The applicant, Realmark Cape Royal, LLC & Scott Dunlap, is requesting a small scale change of land use designation on the Future Land Use Map from "Rural" to "Suburban" and "Commercial" for an approximate 7.7 acre area of land. The site is located to the east of Veterans Parkway/Burnt Store Road on the south side of Pine Island Road in Section 20, Township 44 South, Range 23 East. The site is located within the Pine Island Planning community. If the amendment is approved the allowable density for 6.6 acres of the site would increase from 1 du/acre to 6 du/acre, a maximum of 39 permissible units. If the amendment is approved the allowable commercial intensity for 1.1 acres of the site would increase from approximately 10,000 square feet of floor area to a Floor Area Ratio (FAR) measure of 1,

allowing a maximum of 47,916 square feet of floor area. If the amendment is approved the subject area will be added to Map 7 of the Lee Plan, the Future Sewer Service Areas Map.

A Current and Proposed Future Land Use Map are attached as Attachments 1 and 2. Map 7 of the Lee Plan, the Future Sewer Service Areas Map, depicting the area proposed to be added to the service area is attached as Attachment 3.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION: Planning staff recommends that Map 1, the Future Land Use Map, be amended to change the future land use designation of the subject area from the "Rural" land use category to the "Suburban" land use category for 6.6 acres of the subject area and from "Rural" to the "Commercial" land use category for 1.1 acres of the subject area. Planning staff also recommends that Map 7 of the Lee Plan, the Future Sewer Service Areas Map be amended to add the subject area to the Lee County Utilities service area.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The proposed development is consistent with Policy 1.1.5, the Suburban future land use descriptor policy of the Lee Plan.
- The proposed development is consistent with Policy 1.1.10, the Commercial future land use descriptor policy of the Lee Plan.
- The subject parcels are surrounded by properties developed with similar uses.
- The increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.
- All of the necessary infrastructure is in place or can be provided to the subject parcel. The proposed land use change will not cause future road network plan changes. The requested land use change will have a minimal impact on public safety service providers.
- There are no known endangered species present on the subject parcel.

C. BACKGROUND INFORMATION

1. EXISTING CONDITIONS:

SIZE OF PROPERTY: 7.7 ACRES

PROPERTY LOCATION: The subject property is located east of Veterans Parkway/Burnt Store Road on Pine Island Road.

STRAP#: 20-44-23-01-00000.0DCE, 20-44-23-00-00003.0000, 20-44-23-00-00003.0010, 20-44-23-00-00003.0020

EXISTING USE OF LAND: The subject property is currently vacant.

CURRENT ZONING: AG-2, C-1, RS-2

CURRENT FUTURE LAND USE CLASSIFICATION: Rural

2. INFRASTRUCTURE AND SERVICES:

WATER & SEWER: The subject property is located in the Greater Pine Island Water Association franchise area for potable water. The subject property is not located within a service area for sanitary sewer. The proposed amendment includes adding the property into the Lee County Utilities sewer service area.

FIRE: The property is located in the Matlacha/Pine Island Fire District.

TRANSPORTATION: Access to the property is from Pine Island Road.

SOLID WASTE: Waste Pro Franchise Area.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

The applicant is requesting a small scale change of land use designation on the Future Land Use Map from "Rural" to "Suburban" and "Commercial" for an approximate 7.7 acres of land. The site is located to the east of the intersection of Veterans Parkway/Burnt Store Road and Pine Island Road in Section 20, Township 44 South, Range 23 East. The subject area is a portion of an enclave of unincorporated Lee County within the City of Cape Coral along Pine Island Road. If the amendment is approved the allowable density for 6.6 acres of the site would increase from 1 du/acre to 6 du/acre, a maximum of 39 permissible units. If the amendment is approved the allowable commercial intensity for 1.1 acres of the site would increase from approximately 10,000 square feet of floor area to a Floor Area Ratio (FAR) measure of 1, a maximum of 47,916 square feet of floor area. If the amendment is approved the subject area will be added to Map 7 of the Lee Plan, the Future Sewer Service Areas Map.

The original Comprehensive Plan Amendment Application, Staff Insufficiency Letters, and Applicant Supplementary Information are attached.

PROJECT SUMMARY

The 7.7 acre area is composed of four parcels. Two of the parcels front the south side of Pine Island Road and the other two extend to the south and are adjacent to the Royal Tee subdivision. The subject area is currently vacant and is located between two single family residences and a gas station to the west and the entryway to the Royal Tee subdivision to the east. The site is located across Pine Island Road from Publix. At this time the parcels fronting Pine Island Road are zoned AG-2 and C-1 and the parcels to the south are zoned AG-2 and RS-2. The application states that it is contemplated that

minor commercial use will be constructed on the westernmost parcel, abutting the gas station and a residential project will be built on the remainder of the property.

COMPREHENSIVE PLAN BACKGROUND

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the subject property was part of the “Rural” land use category and this remains the future land use designation for the parcel today.

The subject property is also identified on Map 1, page 4 of 5, as part of an Urban Reserve Overlay. Policy 1.7.3 describes the Urban Reserve Overlay and is reproduced below:

***POLICY 1.7.3:** The Urban Reserve overlay indicates areas that are suitable for annexation into the adjoining municipality. Urban Reserve areas are initially established by interlocal agreement pursuant to Section 163.3171(1), F.S.*

Planning staff has asked the applicant to provide discussion as to whether or not the applicant has considered this issue, as it has always been the County’s policy to encourage annexation for the enclave parcels along Pine Island Road. The applicant has provided that the possibility of annexing has been discussed, yet annexation is difficult as long as the property remains within the Greater Pine Island Water Association franchise area. In the case of sewer service availability, the applicant has provided that it is not possible to obtain a letter of sewer availability from the City of Cape Coral, as the City has declined to provide service to parcels outside of the city boundaries.

It is Planning staff’s understanding that the impediment to annexations in this area is the fact that the area is located in the Greater Pine Island Water Association franchise area and involves the release of water rights to the City of Cape Coral. In addition, the City Utility Plan does not show the area receiving water/sewer services until sometime between the year 2010 and 2012.

A map depicting the amendment area and the city limits of Cape Coral is attached as Attachment 4.

ADJACENT ZONING AND USES

The site is zoned AG-2, C-1, and RS-2. The surrounding properties are zoned Village (Cape Coral zoning district) to the north across Pine Island Road, RS-2, AG-2, CN-1, and IG to the east, C-3 (Cape Coral zoning district) and AG-2 to the west, and RS-2 zoning to the south. The subject area is surrounded by a mix of uses. To the north, across Pine Island Road, is the Publix Shopping Center; to the east is the entryway to the Royal Tee subdivision, vacant parcels, and a concrete batch plant; to the south is Royal Tee subdivision; and to the west are five one acre lots, two lots having existing single family residences, a gas station, and vacant land.

POPULATION ACCOMMODATION CAPACITY DISCUSSION

The request is to change the Future Land Use Map (FLUM) category of approximately 6.6 acres from Rural to Suburban and 1.1 acres from Rural to Commercial. Residential uses are not permitted in the Commercial land use category. The Rural category standard density permits 1 du/acre. The Suburban category standard density permits up to 6 du/acre. This means that a maximum of 39 dwelling units could be constructed on the property under the Suburban designation and result in an increase in the population accommodation capacity of the map by 83 persons (39 du's X 2.14 persons per unit). The Commercial land use category for 1.1 acres would decrease 1 dwelling unit, or 2

persons in the population accommodation capacity of the map, therefore the net increase for the proposed plan amendment would equal 81 persons. Staff concludes that this increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.

CONSISTENCY WITH THE "SUBURBAN" AND "COMMERCIAL" LAND USE CATEGORIES

The applicant is proposing that the subject parcels land use designation be amended to Suburban and Commercial. The Suburban areas are described by Policy 1.1.5. Policy 1.1.5 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.*

The 6.6 acre area of the proposed amendment is consistent with the Suburban designation for the following reasons: it is located adjacent to the designated future urban area of Cape Coral; the urban services, as noted, have adequate capacity to provide the necessary services to accommodate the proposed small scale amendment; residential development is listed as the predominant land use in the Suburban category, and the proposal is consistent with the land use category due to the fact that it is adjacent to residential uses to the south and west .

The subject area is part of an enclave of Rural designated land along Pine Island Road. The surrounding properties are designated Intensive Development to the north along Pine Island Road, the Rural designation is in place to the south and includes the Royal Tee subdivision, Intensive Development to the east of the enclave area, and Intensive Development and Rural to the west. The proposed use, residential, is permissible in the "Suburban" land use category. The subject parcel is also consistent with the Lee Plan's Residential Land Use requirements of Goal 5.

The Commercial areas are described by Policy 1.1.10. Policy 1.1.10 is reproduced below:

***POLICY 1.1.10:** The Commercial areas are located in close proximity to existing commercial areas or corridors accommodating employment centers, tourist oriented areas, and where commercial services are necessary to meet the projected needs of the residential areas of the County. These areas are specifically designated for commercial uses. Residential uses, other than bona fide caretaker residences, are not permitted in this future land use category except to the extent provided in Chapter XIII of the Plan. The Commercial areas are areas where residential uses are not expected or compatible due to the nature of the surrounding land uses and their location along major travel corridors. The commercial designation is intended for use where residential development would increase densities in areas such as the Coastal High Hazard Areas of the County or areas such as Lehigh Acres where residential uses are abundant and existing commercial areas serving the residential needs are extremely limited.*

The requisite infrastructure needed for commercial development is generally planned or in place. New developments in this category must connect to a potable water and sanitary sewer system. Commercial retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will predominate in the Commercial areas. Limited light industrial uses are also permitted, excluding outdoor storage type uses. Any redesignation of land to the

Commercial land use category should occur along major travel corridors and at road intersections. The planned development rezoning process must be used to prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans of each site. A maximum Floor Area Ratio (FAR) of 1 will be used as an index of intensity of development in the commercial category. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 when appropriate site development regulations are incorporated into the planned development.

The 1.1 acre area of the proposed amendment is consistent with the Commercial designation for the following reasons: it is located adjacent to the designated future urban area of Cape Coral and will serve the residential needs of the area; the urban services, as noted, have adequate capacity to provide the necessary services to accommodate the proposed small scale amendment; the site is located along Pine Island Road (S.R. 78), a major travel corridor, the site will require planned development zoning to ensure appropriate site development regulations are applied relative to the surrounding area.

The proposed commercial use is permissible in the "Commercial" land use category. The subject parcel is also consistent with the Lee Plan's Commercial Land Uses requirements of Goal 6.

MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)

The subject area is located within the Pine Island Planning Community. In this community there are 675 acres allocated for residential uses in the Suburban land use category. Recent Planning Division data indicates that 566 acres of Suburban land within this community is currently developed with residential uses, leaving a surplus of 109 acres that could be developed with residential uses in the Suburban portions of this community before the year 2030. There are 226 acres allocated for commercial uses in the Pine Island Planning Community. Recent data indicates that 154 of these acres are currently developed with commercial uses, leaving a surplus of 72 acres that could be developed with commercial uses in the Pine Island Planning Community before the year 2030.

Planning staff has concluded that the proposed amendment does not require an amendment to Table 1(b) in light of the current data, however, staff notes that the allocations in Table 1(b) are utilized on a first come first serve basis so this project will be "competing" community wide for a portion of this allocation.

TRANSPORTATION ISSUES

The Lee County Department of Transportation (DOT) has reviewed the request and indicated that based upon the FSUTMS travel demand model the proposed land use change on this property will not alter the future road network plans.

Planning staff notes that a traffic analysis is required as part of the County's local development approval process. This analysis will determine the need for any site-related traffic improvements such as turn lanes on the adjacent roadways.

PUBLIC SAFETY ISSUES

The applicant has provided letters from the public safety and service providers. The purpose of these letters is to determine the adequacy of existing or proposed support facilities. Planning staff has also provided some additional analysis.

Community Rating System

The parcel is located in the Category 2 Evacuation Zone and is not part of the county's defined Coastal High Hazard Area.

Sheriff's Office Impact

The Cape Coral Police Department has reviewed the proposal and indicated that they will be able to maintain police services for the additional citizens that would reside on the subject property.

Fire Service Impact

The subject parcel is within the Matlacha/Pine Island Fire District. The District Chief has reviewed the proposal and indicated it will not impact current and projected services. The District is currently planning for a new fire station in the eastern boundaries of the district to enhance fire and rescue service.

Emergency Medical Services (EMS) Impact

EMS staff has reviewed the proposal and indicated it will not impact current and projected resources for this area. Current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel.

SCHOOL IMPACTS

Lee County School District staff has reviewed the proposal and indicated the potential that 39 multi family units could generate 5 additional school aged children in the West Choice Zone based upon 0.125 students per each multi family residential unit built. District staff notes that the Lee County Board of County Commissioners adopted a School Impact Fee Ordinance in 2001 which was updated in 2005.

SOILS

The 1984 U.S. Department of Agriculture Soil Survey of Lee County classified one soil type present on the subject parcel - 13 Boca fine sand.

Boca fine sand is a nearly level, poorly drained soil on flatwoods. Slopes are smooth and range from 0 to 2 percent.

ENDANGERED SPECIES

Lee County Division of Environmental Sciences staff have reviewed the request and conducted a site review on December 14, 2007. Environmental Sciences staff indicated that although there are native trees present, there are no indigenous native vegetative communities on the site. There is an inactive bald eagle's nest located approximately 1100 hundred feet from the site. No other listed species were observed and none are likely to occur.

PARKS, RECREATION AND OPEN SPACE

Lee County Department of Public Works staff has reviewed the request and indicated that the 2007 Lee County Concurrency report identifies an existing inventory of 17 acres of community parks within the Pine Island/Matlacha Community Park Benefit District. The regulatory acreage standard was met in 2006 and will continue to be met through 2010. The desired acreage standard was not met in 2006

and will not be met through 2010 unless the proposed Pine Island community park (40 acres) is developed. The proposed amendment would create the need for an additional .06 acres of Community Park space. The regulatory acreage inventory within this district is sufficient to support the proposed increase in density.

DRAINAGE/SURFACE WATER MANAGEMENT

The application provides the following concerning this issue:

“The project will be developed in accordance with SFWMD regulations. No amendments to the Lee Plan are necessary.”

Any development would need to be in compliance with South Florida Water Management District and Lee County Land Development Code regulations with regard to surface water management. Natural Resources staff has offered no comments in objection to the proposed amendment.

MASS TRANSIT

Lee County Transit Division staff have reviewed the request and indicated the proposed amendment would not result in the need for additional transit services. Fixed route bus service is not currently provided to this rural section of Cape Coral and with the proposed designation the densities will continue to remain too low to require fixed route bus service. Currently demand response service is provided to this area one day per week and is not expected to be expanded to five days per week until the year 2014.

UTILITIES

The subject property is located in the Greater Pine Island Water Association franchise area for potable water. The application provided that the Greater Pine Island Reverse Osmosis Treatment Plant has a maximum capacity of 2.23 MGD and produces an average annual daily flow of 1.25MGD. A 12” water main exists on the north side of Pine Island Road and a 10” water main runs north and south along the eastern property line. The application provides that the addition of the proposed uses would generate approximately a total of 11,250 GPD and will be adequately served by the existing plant capacity.

The subject property is not located within a service area for sanitary sewer. The proposed amendment includes adding the property into the Lee County Utilities future sewer service area by amending Map 7 of the Lee Plan, the Future Sewer Service Areas Map. Lee County Utilities staff has indicated that Lee County could provide central sewer service to the subject project through the Pine Island Waste Water Treatment Plant, however the area is not included in the future service area. Utilities staff have noted that although the treatment plant has excess treatment capacity, the permitted capacity of the treatment plant is limited by FDEP to the amount of reclaimed water permitted for use. Because there is not excess disposal capacity the developer will need to arrange for the use and disbursement of an amount of reclaimed water equal to or greater than the amount of wastewater generated by the development. The water does not have to be utilized onsite.

In addition, Utilities staff have indicated that the developer will need to provide assurances that the collection system the proposed development will be tying into has the capacity to receive the wastewater generated. If the system does not have sufficient capacity then the developer will be responsible for the costs of the off site improvements necessary to upgrade the collection system.

The applicant asserts that it is possible to obtain permission from a Pine island property owner to dispose of the effluent on an existing tree farm. The applicant has provided an example of an agreement that has been made with the Pine Island property owner for another site as part of the application resubmittal dated February 8, 2008.

HISTORIC RESOURCES

The application includes a letter, dated January 31, 2006 from the Division of Historical Resources, Florida Department of State providing that the Florida Master Site File lists no previously recorded cultural resources.

RE-DESIGNATING LANDS FROM A NON-URBAN AREA TO A FUTURE URBAN AREA

The applicant is proposing to change 7.7 acres of land designated Rural to the Suburban and the Commercial future land use category. The applicant proposes a minor commercial development on the westernmost parcel abutting the existing gas station and fronting Pine Island Road, and a residential project on the remainder of the site. The site is part of an enclave of unincorporated Lee County designated Rural that is surrounded by the city limits of Cape Coral. The enclave is located between lands designated Intensive Development to the north, east and west and Rural to the south. The proposed amendment will not result in leapfrog development, the property is located in a commercial corridor and the residential component will abut an existing subdivision. The proposal would allow urban infill in lieu of an enclave of rural uses. Given the location of the site, staff finds the proposed amendment consistent with the concept of small scale development amendments.

B. CONCLUSIONS

The proposed amendment is consistent with Policy 1.1.5, the Outlying Suburban future land use descriptor policy and Policy 1.1.10, the Commercial future land use descriptor policy. The applicant's intent is to develop residential uses on the majority of the site along with minor commercial development on the westernmost parcel abutting an existing gas station. As proposed the development will be compatible with the surrounding uses. The western parcel does meet the requirements of the Lee Plan's commercial site location standards for minor commercial development and is eligible for retail commercial uses. Adequate infrastructure is in place to provide the necessary services to accommodate the requested land use change. The proposed residential use and density is allowed in the "Suburban" land use category. If the amendment is approved the allowable density would increase from 1 du/acre to 6 du/acre, an increase of 39 permissible units. The increase in the population accommodation capacity of the FLUM is insignificant. The property will be served by public water and sewer facilities and abuts an arterial road. As noted above, the site abuts a residential subdivision to the south, a gas station and vacant land adjacent to the intersection of Veterans Parkway/Burnt Store Road to the west, and a commercial shopping center to the north. Staff finds the proposed amendment consistent with the surrounding uses and surrounding land use designations as an infill parcel located between lower density development to the south and higher density/intensity development to the north.

C. STAFF RECOMMENDATION

Planning staff recommends that Map 1, the Future Land Use Map, be amended to re-designate the subject area from "Rural" to "Suburban." and "Commercial." Planning staff also recommends that Map 7, the Lee County Utilities Future Sewer Service Areas Map, be amended to add the subject site

to the future service area. This recommendation is based upon the previously discussed issues and conclusions set forth above.

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

DATE OF PUBLIC HEARING: February 25, 2008

A. LOCAL PLANNING AGENCY REVIEW:

Planning staff gave a brief presentation concerning the proposed amendment. Staff added for the record, that although annexation is not the subject of this amendment a representative of the Royal Tee Subdivision to the south of the subject area requested that it be noted that although the area is located in the Urban Reserve Overlay, the Royal Tee community would not support being annexed into the City of Cape Coral. One member of the LPA expressed their concern with the fact that the intersection of Veterans Road/Burnt Store Road and Pine Island Road is not signalized. This member asked if the LPA could request that the developer not be able to develop the site until the intersection is signalized and County Attorney staff indicated that the LPA could include that in their recommendation if they wish.

The applicant's representative addressed the LPA and indicated that the property is under two separate ownerships and that the subject area is an interface of the Intensive Development and the Rural future land use category. The representative explained that because of the intensity of uses in this area on Pine Island Road, such as the Publix shopping center located across the street and the construction of Veterans Parkway, that the property will not be a rural area in the future.

The property owner directly to the south of the parcel proposed for Commercial addressed the LPA expressing his concern with access to the property when the area is developed. Staff assured the member of the public that access to their property must be maintained. Another member of the public addressed the LPA stating that the plan amendment area would be accessed from Pine Island Road through the entryway of the Royal Tee development. They stated that at this time the turn lane situation into the development is unacceptable, explaining that the subject property has common use rights. Staff explained that access is not being determined through this action today. All access issues will be addressed at the time of a rezoning review and also at the time of development order review. One member of the LPA stated that the Royal Tee subdivision was approved before current regulations and now that units could be added it may be making a bad situation worse. Staff noted that the turn lane has been bonded and that a turn lane must be put in place.

The applicant addressed the LPA explaining that at some point the area will have to accommodate the expansion of Pine Island Road. The alignment has been delayed and it is not certain where the alignment will go. The applicant explained that Royal Tee was broken into three sections for development and the subject area is the last expansion.

One member of the LPA stated that the enclave area needed to be taken care of and should be a part of the City of Cape Coral. Their concern was that if this amendment is approved, it would never be annexed into the City also noting that there is issue with the City of Cape Coral utilities vs. the Greater Pine Island Water Association franchise area. This member stated that there has been a lawsuit over the water rights in this area.

The applicant's representative stated that they believe that there has been more than one lawsuit with regard to the utility issue and that they prefer not to have to wait until this area may be annexed. The fact that the entire enclave should be annexed, unfortunately is not in their control. There are other

properties in the enclave area. The applicant's representative stated that leaving the subject area in the Rural category would not serve as a solution.

One LPA member noted that the staff report shows that the City Utilities Plan does not show utilities for this area until 2012. The applicant stated that the units in Royal Tee are currently on septic but multi-family development would be required to tie into wastewater lines. Staff explained that there is a Lee County connection to the Pine Island Waste Water Treatment Plant east of the subject area, almost to Matlacha Isles. As explained in the staff report arrangements would have to be made for the use and disbursement of an amount of reclaimed water.

One member of the LPA stated that this proposal is a legitimate proposal and approval of the proposed amendment goes towards solving the problem of the parcel being in limbo. Another member stated that they have no problem with the amendment with the assurances of the turn lane. One member had questions regarding access to the commercial parcel and the transfer of reuse water to the tree farm discussed in the report. Staff explained that discussion took place with the applicant's representative about adding the Commercial designation to the westernmost parcel because the parcel is next to a commercial area today and the Commercial designation limits the population accommodation of the proposed amendment. Staff also explained that any connection to the Pine Island Waste Water Treatment Plant would require the development to arrange for the use of an amount of reclaimed water equal to or greater than the amount of wastewater generated by the development. The water does not have to be utilized onsite. This member of the LPA also asked staff to explain the difference of the required LOS and the desired LOS for parks. Another member of the LPA stated that they have no issue with the proposed amendment and found that it makes sense. They had no objection and stated the only issue is the need to get rid of such enclaves and the confusion amongst service providers for these enclave areas.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

C.

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

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

C. VOTE:

NOEL ANDRESS	<u>AYE</u>
LES COCHRAN	<u>AYE</u>
RONALD INGE	<u>AYE</u>
JACQUE RIPPE	<u>ABSENT</u>
CARLETON RYFFEL	<u>AYE</u>
LELAND TAYLOR	<u>AYE</u>
RAE ANN WESSEL	<u>AYE</u>

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

DATE OF ADOPTION HEARING: March 11, 2008

A. BOARD REVIEW: Planning staff gave a brief presentation concerning the proposed amendment. One Board member asked if central sewer and water would be available to the site and staff indicated that it would be available. Another Board member asked if the adjacent property is similar to the proposed amendment. Staff explained that the area was a portion of an enclave of land designated Rural and surrounded by land designated Intensive Development. This Board member asked if the amendment will make the area more consistent and compatible with the surrounding area. Planning staff stated that it would. One member of the Board made a motion to adopt the proposed amendment. All Board members were in favor of the motion to adopt.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

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

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

C. VOTE:

A. BRIAN BIGELOW	<u> AYE </u>
TAMMARA HALL	<u> AYE </u>
ROBERT P. JANES	<u> AYE </u>
RAY JUDAH	<u> AYE </u>
FRANKLIN B. MANN	<u> AYE </u>