

CPA2006-04

**ADELSON
SMALL-SCALE
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Sponsored Application
and Staff Analysis**

BoCC Adoption Document

*Lee County Planning Division
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April 24, 2007

LEE COUNTY
 DIVISION OF PLANNING
 STAFF REPORT FOR
 COMPREHENSIVE PLAN AMENDMENT
 CPA2006-04

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: November 27, 2006

PART I - BACKGROUND

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

SW Florida Land Twelve, LLC
 6150 Diamond Centre Court, Building 1300
 Fort Myers, FL 33912

DBS Consulting, Inc
 Stephen Sposato, AICP
 4450 Camino Real Way
 Fort Myers, FL 33912

2. REQUEST: Amend the Lee Plan Future Land Use Map series for a specified 5.43± acre portion of a parcel located in Section 19, Township 43 South, Range 25 East (see Attachment 4, for general location) to change the Future Land Use classification shown on Map 1 from “Rural” to “Suburban.”

3. SUMMARY DISCUSSION: The applicant’s agent, DBS Consulting, Inc. is requesting a Small Scale Map Amendment to Map 1 of the Lee Plan for a 5.43 acre specified portion of an existing parcel to change the Future Land Use Category from the Rural Land Use designation to the Suburban Land Use designation. The change from Rural to Suburban would allow an increase in both residential density and commercial intensity. The existing Rural Land Use designation will allow a density of 1 du per acre and a low intensity commercial usage intended to provide services needed by the

surrounding rural community. The proposed Suburban Land Use designation will allow a residential density range of 1 du per acre to 6 du per acre and a commercial intensity up to neighborhood centers. The proposed map amendment would move the 5.43 acre site from a “non-urban” land use category to an “urban” land use category. The parcel is located east of Slater Road, approximately 1 mile north of Bayshore Road (SR 78). The property is currently located within the North Fort Myers Planning Community boundaries (Map 16). The property is not located in a special planning area.

BACKGROUND INFORMATION

1. EXISTING CONDITIONS:

SIZE OF PROPERTY: ± 5.43 acres

PROPERTY LOCATION: Generally located one mile north of Bayshore Road (SR 78), east of Slater Road.

STRAP #: 19-43-25-00-00014.0020

EXISTING USE OF LAND: Passive Agriculture / Grazing Lands / Improved Pasture

CURRENT ZONING: AG-2

CURRENT FUTURE LAND USE CLASSIFICATION: Rural

2. INFRASTRUCTURE AND SERVICES:

FIRE: North Fort Myers Fire Control and Rescue District

EMS: Lee County EMS service area.

LAW ENFORCEMENT: Lee County Sheriff’s Office.

SOLID WASTE: Waste Pro Franchise Area.

MASS TRANSIT: LeeTran Route is roughly 1 mile to the south on Bayshore Road.

POTABLE WATER: Lee County Utilities, Olga Water Treatment Plan

SANITARY SEWER: North Fort Myers Utility, Inc. This property is not within the sanitary sewage service area, as is depicted on Map 7 of the Lee Plan.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION: Planning Staff recommends transmittal of the proposed amendment to the Future Land Use Map changing 5.43± acres of land currently having a Rural Land Use designation to the Suburban Land Use designation.

- Suburban land use designation is adjacent to this property to the south.
- The Comprehensive Plan Amendment site is located within the Category 3 Storm

Surge Zone.

- The property is located within the Future Water Service Area, Map 6 of the Lee Plan.
- The property is not located within a Special Treatment Area regulated by specific Goals, Objectives, or Policies.
- The total 16.15 acre property, under common ownership, is currently split between the Rural Land Use designation and the Suburban Land Use designation.
- The property is located within the North Fort Myers Planning Community.
- The property is less than 10 acres and can be processed as a small scale plan amendment.
- No plan amendment has been granted to this property within the last 12 months.
- The property owner has not requested another plan amendment within 200 feet of this property within the past 12 months.
- The Land Use designations impacting this property did not follow property lines.
- The Land Use designations impacting this property did not follow complete Township, Section, or Range boundaries.

COMPREHENSIVE PLAN BACKGROUND

The subject property was designated “Suburban” by the original Lee County Future Land Use Map, adopted in 1984. By 1988 it had been designated “Rural” and has remained so. The initial change from the Suburban Land Use designation to the Rural Land Use designation took place through PAM 19-43-25, as a part of the 1986 plan amendment cycle, which had been erroneously named PAM 19-43-26 in many documents. In 1987, another round of plan amendments changed the land use designations in the same location. It is not entirely clear if this specific area was included or not, but the land use changes proposed were similar. The 1987 Plan amendments utilized changes that were proposed as an option (option 2) of the Bayshore Corridor Study (Attachment 1). In reviewing the transcripts from Local Planning Agency meetings (Attachment 2) and Board of County Commissioner’s meeting concerning this topic, it has been derived that a concern existed at that time that the owners in the northern part of Section 19 (STR 19-43-25) had expressed an interest to be placed in the Rural Land Use designation and not be infringed upon by an industrial or some other incompatible land use. Many of the decisions to restrict development within this area to 1 dwelling unit per acre were based on the Bayshore North Area Study (Attachment 3), which received conceptual approval from the Board of County Commissioners on May 19, 1981 and was adopted in May of 1982.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

Application Summary

FLUM Changes

The Comprehensive Plan Amendment requests changes to the Future Land Use designation of a 5.43 acre parcel from the Rural Land Use designation to the Suburban

Land Use designation. This change would move property from a non-urban land use category to an urban category and increase its potential density and intensity. The impact to residential density would be an increase from 1 dwelling unit per acre under the Rural Land Use designation to 1 – 6 dwelling units per acre under the Suburban Land Use designation, a potential increase of 27 dwelling units. In addition, under the Rural Land Use designation commercial intensity is limited to uses needed to serve the rural community. Under the Suburban Land Use designation commercial intensities up to neighborhood centers are allowed, which would include uses such as the sale of convenience goods and personal services.

The existing boundaries between the Rural Land Use designation and the Suburban Land Use designation roughly followed the south ½ of the south ½ line of STR 19-43-25. This boundary, while not truly arbitrary, did not fall on any recognizable features or along the property lines and did not bisect the property in a functional manner. In this case, the property was split with roughly 1/3 of the property being in the Rural Land Use designation and 2/3 of the property falling under the Suburban Land Use designation. The portion of the property within the Rural LU has roughly 166 feet of frontage along Slater Road and has a depth of approximately 1,418 feet. While staff does not concede that this situation automatically warrants the concession to the more intense land use designation of Suburban, staff recognizes this split of land use designation will be problematic for development of the entire 16 .15 acre site. The differences in density and intensity will not allow for a unified, cohesive development plan within the property that is currently under a single owner.

Staff took into consideration the surrounding land use designations, how the property was split between the two different land use designations; the compatibility of the two different land use designations; the over-all size of the land use change request; the ability to provide and the existing infrastructure; and the over-all intent of the Lee Plan which is to depict Lee County as it will appear through the build-out year. These considerations have led to a staff decision that the impacts of unifying the land use designations for a parcel of land under one ownership is plausible and is compatible with the Lee Plan. Additionally, staff took into consideration the surrounding uses to the plan amendment site. Immediately north of the site is an area fronting Slater Road, roughly 3.6 acres in size with a zoning category of C-1. Currently, this site is being used as open storage. Surrounding this area is a mixture of single family dwelling units on varying sized lots, mobile home sites (River Trails and Estates Mobile Home Park is located approximately ¼ mile to the south), religious facilities, and agricultural lands.

This does not mean staff is establishing a precedent that in any case of a split land use on a parcel the more intense or the majority land use designation should prevail. Staff has simply made the conclusion that in this specific case, considering the above listed conditions, this choice made sense and is compatible with the Lee Plan. Additionally, in this immediate area, there are only two other parcels, each roughly five acres in size, that are split in a similar manner. These parcels are located on the west side of Slater Road. While the physical characteristics are similar to the Adelson, Small Scale Amendment, staff stresses the fact that every plan amendment will be reviewed based on their own,

individual merits. It should not be assumed a precedent is being established with the Adelson, Small Scale Amendment.

TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS

The subject property currently has access from Slater Road. Slater Road is currently classified as an Arterial with a current Level of Service "C", as was stated in the Concurrency Report, June, 2006.

The Lee County Department of Transportation (LCDOT) has reviewed the request and has provided written comments dated November 3, 2006. These comments are provided below:

We have reviewed the above application which requests the land use designation of approximately 5.43 acres be changed from "Rural" to "Suburban." It is indicated in the application that given the existing FLUM designation of "Rural," 18,000 square feet of commercial and 36,300 square feet of general office could be built in the subject area. The proposed "Suburban" designation would allow 30,000 square feet of commercial and 24,300 square feet of general office. If this amendment is adopted, there will be 247 trips generated by this property on a PM peak hour peak directional basis. The 2030 FSUTMS travel demand model indicates that there will be 341 PM peak hour peak directional trips on Slater Road and the LOS of Slater Road will be "C." Adding 247 project's trips, LOS on Slater Road will still be "C." Therefore, we determine that this land use change will not alter the future road network plans.

POPULATION ACCOMMODATION

Currently, there exists 498 acres of "Available" allocated land for Residential Use by the Suburban Future Land Use Category within the North Fort Myers Planning Community. Under the existing Rural Land Use designation, 5 dwelling units could be built, allowing for an approximate population of 12 people under the current land use. The proposed Suburban Land Use designation would allow for 30 dwelling units to be built on the 5.43 acre site or a proposed population 69 people under the proposed land use designation.

The applicant has stated the overall project site will be a 16.15 acre development. Keeping the Rural Land Use designation would allow the developer to build 69 dwelling units allowing the development to accommodate approximately 159 persons. The proposed amendment changed to the Suburban Land Use designation would allow 96 dwelling units which could accommodate approximately 221 persons.

The proposed Land Use Change to the Suburban Land Use Designation would allow 27 more dwelling units or roughly 62 more people within a development, than would currently be allowed.

ENVIRONMENTAL CONSIDERATIONS

The application includes a map and report prepared by Boylan Environmental Consultants, Inc. to identify the potential for endangered or threatened species and to map vegetation communities on site. The map identifies the Florida Land Use, Forms and Cover Classifications System (FLUCFCS) Code, an acreage coverage and total acreage determination. The map depicts 5.43 acres of the site as being Improved Pasture (Code 211).

Lee County, Environmental Sciences Division has reviewed the application and provided an e-mailed response stating:

There are no Environmental Science issues with this request.

SOILS

The application includes a map prepared by Boylan Environmental Consultants, Inc. concerning the soil types located on the subject site. The soils types for the site were determined to be Oldsmar Sand over the entire 5.43 acre site.

HISTORIC RESOURCES

The application included a map depicting the subject parcel in relation to the Archaeological Sensitivity Map. The parcel in question is within the Archaeological Sensitivity Area, Level 2 boundary in the northeastern corner of the property. Chapter 22 of the Lee County Land Development Code defines the Sensitivity Level 2 as follows:

Those areas containing known archaeological sites that have not been assessed for significance but are likely to conform to the criteria for local designations, or areas where there is a high likelihood that unrecorded sites of potential significance are present.

The application includes a letter, dated March 21, 2005 from the Division of Historical Resources, Florida Department of State. This letter provides the following:

In response to your inquiry of March 17, 2005, the Florida Master Site File lists no previously recorded cultural resources in the following parcels:

T:43S R:25E Section 19

In interpreting the results of our search, please remember the following points:

- Areas which have not been completely surveyed, such as yours, may contain unrecorded archaeological sites, unrecorded historically important structures, or both.*
- As you know, state and federal laws require formal environmental review for some projects. Record searches by the staff of the Florida Master Site File do not constitute such a review of cultural resources. If your project falls under these laws, you should contact the Compliance Review Section of the Bureau of Historic Preservation.*

PUBLIC SERVICES

FIRE The North Fort Myers Fire District did not raise any objections to comprehensive plan amendment. As was stated in the letter, it was not expected that any increase in manpower or vehicles would be necessary to adequately service this proposed project.

EMERGENCY MEDICAL SERVICES (EMS) The Lee County Public Safety, EMS provided a form letter, "Statement of No Concern." It was stated in the form letter:

Lee County EMS has no concerns with the requested change from Rural to Suburban. The statement also does not indicate that any plans have been received or reviewed.

LAW ENFORCEMENT The Lee County Sheriff's Office provided a letter that stated there were no anticipated problems with providing any potential development with adequate "core" level of law enforcement services. An excerpt of the letter provided by the Lee County Sheriff's Office is provided:

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

SOLID WASTE The subject property is within the Lee County, Solid Waste District, Area 5. The franchise company responsible to collection for District #5 is Waste Pro. Lee County, Solid Waste Division was contacted about the comprehensive plan amendment and stated:

Disposal of the solid waste generated at this location will be accomplished at the Lee County Resource Recover Facility and the Lee-Hendry Regional Land fill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

MASS TRANSIT LeeTran received a copy of the amendment application and had no objections to the proposed map amendment. A letter was provided to the applicant and is a part of the comprehensive plan amendment application. An excerpt of the letter provided by Lee County Transit is provided below:

Lee County does not currently provide public transportation services directly to the subject property and does not plan to extend service to the site anytime within the existing Lee County Transit Development Plan, which goes through 2013. The closest transit service accessible from this parcel is approximately 1 mile south at the intersection of Slater Road and Bayshore Road. Transit service to the subject site is also not identified in the transit element of the Lee County Long Range Transportation Plan, which has a planning horizon through 2030.

SCHOOL IMPACTS The School District provided a letter to the applicant and is a part of the comprehensive plan amendment application. The letter did not list any objections to the comprehensive plan amendment.

PARKS, RECREATION AND OPENSACE Lee County Public Works staff reviewed the request and provided comments stating there were no objections to the proposed change from Rural to Suburban.

POTABLE WATER The property is located in the Lee County Future Water Service Areas delimited on Map 6. Lee County Utilities has provided a letter stating sufficient capacity exists to provide potable water. An excerpt of the letter provided by Lee County Utilities is provided below:

Your firm has indicated that this project will consist of 96 multi-family residential units with an estimated flow demand of approximately 19,200 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water service as estimated above.

Availability of potable water service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Olga Water Treatment Plant.

SANITARY SEWER The property is not located in the Lee County Future Sewer Service Areas, delimited by Map 7. It is proposed that sanitary sewage will be supplied by the North Fort Myers Utility Incorporated. A letter was provided to the applicant and is a part of the comprehensive plan amendment application. An excerpt of the letter provided by the North Fort Myers Utility Incorporated is provided below:

Currently we do not have a waterwater force main adjacent to the property therefore, the developer shall construct the offsite and onsite waterwater collection system under the terms of the Developer's Agreement.

North Fort Myers Utility, Inc. has the capacity to provide 21,600 gallons per day from its waterwater treatment plant.

This letter should not be construed as a commitment to service, but only the availability of wastewater service. The company will commit to service only upon receipt of a signed required for service, executed Developer's Agreement, appropriate fees and charges and the approval of all federal, state and local regulatory agencies.

STORMWATER MANAGEMENT The applicant has stated that the property is located within the Daughtrey Creek Watershed. Any development would need to be in compliance with the South Florida Water Management District and the Lee County Land Development Code with regard to surface water management.

PUBLIC NOTIFICATION PROCESS

Signs Posted and Letters Mailed Out

As part of the requirements of Administrative Code 13-7, residents within 500 feet of the proposed amendment site are to be mailed a notice stating the nature of the Future Land Use Map change. In addition, a sign is posted at the site with a description of the proposed amendment and the assigned case number.

CONSISTENCY WITH THE LEE PLAN

***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 proposed small-scale amendment is will provide a uniform land use designation for a parcel of land under one owner. There are no natural features or landmarks that direct the boundaries for different land use designations.

***POLICY 1.4.1:** The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).*

***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, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Amended by Ordinance No. 94-30, 00-22)*

The existing utilities and the development's access to Slater Road, which functions as an Arterial does promote the ability to create a contiguous and compact development pattern. Existing developments of similar densities do exist further south of the proposed amendment site.

***POLICY 5.1.2:** Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.*

No physical constraints or hazards are evident that would impact a residential development.

STANDARD 11.1: 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 Chapter 17-22, F.A.C.).*
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 6), 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 Chapter 10D-4, F.A.C.*

STANDARD 11.2: 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 7), 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.*

The property can be service by Lee County Utilities for potable water. The property is outside of the Lee County Sanitary Sewage Service Area, as is depicted in Map 7 and will receive sanitary sewage service from the North Fort Myers Utilities Inc. Letters stating the availability of capacity is included in the application.

POLICY 39.1.4: *Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas,*

or commercial access through residential areas) except where adequate mitigation can be provided. (Amended and Relocated by Ordinance No. 99-15)

Direct access to the project is on Slater Road Road, which functions as an arterial roadway.

REGIONAL POLICY PLAN

Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities. By locating new housing in areas where services already exist, local governments can reduce the strain on their resources and promote the cost effective use of their services. Doing so can also promote livable communities that offer residents a variety of amenities and opportunities. Encouragement of infill development, mixed land uses, and neighborhood revitalization are among the steps local governments can take to promote new affordable housing without sacrificing other planning goals.

FLORIDA STATE COMPREHENSIVE PLAN

The proposed amendment is consistent with relevant State Comprehensive Plan Goals and Policies.

(16) LAND USE(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 ser capacity to accommodate growth in an environmentally acceptable manner.

AFFECT ON ADJACENT LOCAL GOVERNMENTS

The propose amendment is not adjacent to any local governmental boundaries. The proposed amendment does not affect any local governments.

B. CONCLUSIONS

It is not anticipated that the proposed land use change will adversely impact any public service provider. The proposed plan amendment is consistent with the Lee Plan. Staff concedes that in this case, with the majority of a parcel of land being located in a more intense land use and the limited dimensions and size of the remaining area, the request to unify the parcel under one land use designation is acceptable. In this case, with the more intense land use covering the majority of the property, it seems plausible to allow the Suburban Land Use designation to regulate development over the entire site as this split of land use designations will be problematic for development of the entire 16 .15 acre site. The differences in density and intensity will not allow for a unified, cohesive development plan within the property that is currently under a single owner. However, staff does not believe that the more intense land use designation should be the first consideration if a situation similar to this does occur.

C. STAFF RECOMMENDATION

Planning staff recommends transmittal of the proposed small-scale amendment consisting of the Future Land Use Map change of 5.43± acres of land currently holding the land use designation of Rural to Suburban.

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

PUBLIC HEARING DATE: January 29, 2007

- A. LOCAL PLANNING AGENCY REVIEW:** One LPA member started the session by stating he was president of the company involved in the development proposed on this site and that he had notified, to the best of his ability, his fellow LPA board members. This member did not participate in the discussion and left the public hearing.

Staff explained the purpose of the amendment and reviewed the staff report and recommendations. The applicant's representatives then made a presentation describing the surrounding uses, zoning, and potential impacts. The hearing was then opened to the public. Several members of the public spoke with issues ranging from the type of product that was proposed, drainage, non-conforming land uses, traffic issues, and a lack of public services.

LPA members then began a discussion centering around the compatibility of the land use amendment to the Lee Plan. One of the LPA members took issue with the amendment stating it was not compatible with the 2030 allocation tables that were proposed through the 2005/2006 plan amendment cycle; this type of amendment would set a precedent for change to more intense land use designations; it was not located on the fringe of an existing Central Urban or Urban Community land use designation as is stated in Policy 1.1.5 (Suburban); the surrounding area was not intensively developed, except for the mobile home park located south of the property; this was not an infill type of development; the traffic that would be generated would be an issue; and this type of amendment reduces the rural lands. The LPA members also discussed when and how the property was cleared and if there were any time constraints that would have existed because of the vegetative clearing permits that would have been required. LPA members discussed these issues before calling for a vote to recommend adoption of the small-scale amendment 4 to 1, with one member abstaining.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** The LPA recommends adoption of the proposed small scale amendment.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by the staff.

C. VOTE:

| | |
|------------------------|----------------|
| NOEL ANDRESS | AYE |
| RAE ANN WESSEL | NAY |
| DEREK BURR | AYE |
| RONALD INGE | ABSTAIN |
| LESLIE COCHRAN | AYE |
| CARLETON RYFFEL | AYE |

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

DATE OF ADOPTION HEARING: April, 24, 2007

A. BOARD REVIEW:

Planning staff provided a brief overview of the proposed amendment followed by a PowerPoint presentation from the applicant. Three Board members agreed that any proposed residential development on the subject property would be more cohesive with one Future Land Use designation instead of two. One Board member was concerned with density allocations under the Suburban Future Land Use category and the compatibility with the surrounding neighborhood. Planning staff explained that any proposed residential development requiring a rezoning from AG-2 to a residential planned development would have to adhere to the review process including a compatibility analysis. There were several comments provided by residents in the immediate area of the subject amendment parcel. They were concerned about the increased density that would be allowed with the proposed amendment request and the potential for increased traffic on Slater Road. The three Board members again stated that a cohesive land use designation would allow greater flexibility for the applicant to design the project for review during the rezoning process. The applicant had no objections regarding the Board's recommendation and stated that they will provide adequate buffering for the proposed project. In addition, prior to the adoption of the proposed plan amendment, the applicant committed to 1.5 acres of indigenous restoration throughout the property and along Slater Road.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

The Board of County Commissioners adopted the proposed plan amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The Board of County Commissioners accepted the finding of facts that were advanced by staff and the LPA

C. VOTE:

| | |
|-------------------------|---------------|
| A. BRIAN BIGELOW | NAY |
| TAMMARA HALL | AYE |
| BOB JANES | AYE |
| RAY JUDAH | ABSENT |
| FRANKLIN B. MANN | AYE |