

**CPA 2003-01
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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May 8, 2003

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT
CPA 2003-01**

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

STAFF REPORT PREPARATION DATE: March 9, 2003

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. **APPLICANT:** Donald Lucas
2. **REQUEST:** Amend the Future Land Use Map series for a specified 2.25 acre parcel of land located in Section 8 Township 46 South, Range 24 East to change the classification shown on Map 1, The Future Land Use Map, from "Industrial Development" to "Urban Community."

3. SUMMARY DISCUSSION

The applicant has requested a Future Land Use Classification (FLUC) change from Industrial Development to Urban Community for a 2.25 acre parcel of land known as Vision XXV (25). The property is located on the south side of the Summerlin Road Corridor just east of Pine Ridge Road. The applicant has stated that the request is to "allow more appropriate development for a high visibility - tourist oriented section of Summerlin Road." The applicant's intention is to develop the subject parcel with a commercial center.

The proposed designation change from Industrial Development to Urban Community will result in an increase in potential dwelling units from 1 bonafide caretaker's residence to a maximum of 13 dwelling units to be built on the subject property without the need for bonus density approval (a maximum of 22 total units when calculated with the maximum permitted bonus density for an Urban Community designation at 10 units per acre).

B. BACKGROUND INFORMATION

1. EXISTING CONDITIONS

SIZE OF PROPERTY: ±2.25 acres

PROPERTY LOCATION: 17901 Summerlin Road, just east of the intersection with Pine Ridge Road along the south side of Summerlin Road, in the Iona McGregor Planning Community.

EXISTING USE OF LAND: Vacant

CURRENT ZONING: Industrial Planned Development, the MCP has been vacated due to inactivity (Originally rezoned by Resolution Z-92-005 from AG-2 to IPD)

CURRENT FUTURE LAND USE CLASSIFICATIONS: Industrial Development

2. INFRASTRUCTURE AND SERVICES

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

FIRE: The property is located within the Iona McGregor Fire Control District.

TRANSPORTATION: Access to the property is via Pine Ridge and Summerlin Roads. The Summerlin Road access point is to be shared with property to the east and will be available only to eastbound traffic.

SOLID WASTE FRANCHISE: The property is located within the Onyx Waste Services of Florida solid waste collection service area. The applicant has provided a letter from Onyx stating that collection service is available (See Attachment 1 - Applicant Supplementary Info).

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 ±2.25 acre subject parcel from “Industrial Development” to “Urban Community” Future Land Use designation.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The subject property and intended development are consistent with the Urban Community descriptor of the Comprehensive Plan, Policy 1.1.4.
- The subject parcel has access to a major collector and an arterial road. The applicant has stated that the intended use of the subject property is for commercial development. The parcel meets site location standards for commercial retail development.

- 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 proposed action will result in a population capacity increase of the FLUM by 46 people (22 du X 2.09 people per unit). 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, its geographic location at a major intersection and the existing surrounding uses, it is highly unlikely that the property will ever be developed with residential units.
- The proposed action will have minimal impact to public safety service providers. The applicant has submitted letters from these providers indicating that adequate services are available to support additional urban community uses that would result from the proposed future land use designation change.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

The applicant has requested a Future Land Use designation change from Industrial Development to Urban Community for a 2.25 acre parcel of land known as Vision XXV. The property is located on the south side of the Summerlin Road Corridor just east of Pine Ridge Road. The applicant has stated that the request is to “allow more appropriate development for a high visibility - tourist oriented section of Summerlin Road.” The proposed designation change from Industrial Development to Urban Community will result in an increase in potential dwelling units from 1 bonafide caretaker's residence to a maximum of 13 dwelling units to be built on the subject property without the need for bonus density approval (a maximum of 22 total units when calculated with the maximum permitted bonus density for an Urban Community designation at 10 units per acre).

The original Comprehensive Plan Amendment Application and Applicant Supplementary Information are attached hereto as “Attachment 1 - Applicant Supplementary Info”

PROJECT SUMMARY

The applicant proposes to develop the subject property with commercial uses that are consistent with a high traffic tourist area and workforce commute corridor. The requested future land use amendment would verify that such development, on this site, is consistent with the overall policies and considerations of the Lee Plan. The property is currently zoned Industrial Planned Development, but has a master concept plan which has been vacated due to inactivity. Donald Lucas has submitted an application to rezone the parcel from IPD to Community Commercial (CC). The sufficiency status of the petition to rezone is holding a

final determination on the proposed change in Future Land Use Classification from Industrial Development to Urban Community.

On December 13, 2001 the Lee County Board of County Commissioners adopted a change in the Future Land Use Map designation from Industrial Development to Urban Community for a ±2.19 acre parcel that is adjacent, and west, of the subject parcel. That property was later rezoned from IPD (part of the same original zoned development as the subject parcel) to CC.

COMPREHENSIVE PLAN BACKGROUND

The subject property was designated Industrial Development by the original Lee County Future Land Use Map, adopted in 1984. The Industrial Development category is reserved primarily for industrial uses with ancillary commercial and office uses, as well as caretaker's residences. The category contains provisions to allow other compatible uses including manufacturing, research, properly buffered recreational uses, natural resource extraction and fill dirt operations.

ADJACENT ZONING AND USES

To the north of the subject parcel is Summerlin Road, then land with the Future Land Use Designations of Central Urban and Public Facilities. Vacant properties to the north and west of Pine Ridge Road are zoned Commercial Tourist (CT), Community Commercial (CC), and Residential Multifamily (RM-8). North of those properties is Summerlin Ridge Golf Center CPD.

Properties directly to the north, zoned IPD and Agriculture (AG-2), are currently vacant. Property to the north and east is zoned Community Facility (CF-3) and used by the County for sewage treatment ponds.

Land adjacent to the east and to the southeast of the subject property is designated as Industrial Development Future Land Use and is zoned IPD. Development on those parcels consists of limited commercial uses, a skateboard park, and mini-storage including open storage of vehicles.

Land directly to the south of the subject property is designated as Industrial Development Future Land Use. These parcels are zoned CF-3 and are currently used for a solid waste transfer station and sewage treatment.

Land to the southwest, designated Urban Community and zoned CC, is partially vacant with a hotel on the western portion. A Residential Vehicle Planned Development (RVPD) approved for 320 transient units is also located to the southwest.

Land directly west of the subject property, designated as Urban Community, is zoned CC. The first parcel is vacant. Across Pine Ridge Road parcels are developed with commercial offices, a muffler shop, and vacant.

POPULATION ACCOMMODATION CAPACITY DISCUSSION

Given the potential increase in residential units associated with the proposed Future Land Use designation change from Industrial Development to Urban Community, the proposed action will result in a population capacity increase of the FLUM by 46 people (22 du X 2.09 people per unit).

It is staff's position that 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 "URBAN COMMUNITY" LAND USE CATEGORY

***POLICY 1.1.4:** The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre).*

The subject property is consistent with the type of land described by Policy 1.1.4. The proposed commercial development will provide an additional base of urban services to nearby residential areas. Additionally, the subject parcel meets commercial site location standards, of Goal 6 of the Lee Plan, for a Neighborhood Commercial development.

MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)

The subject property is located within the Iona McGregor Planning Community. The Iona McGregor Community has 697 acres allocated for residential development at Urban Community Future Land Use density standards prior to the year 2020. Of those 697 acres, 180.43 acres are still available for development.

The Iona McGregor Community has 782 acres allocated for commercial development, of which 270.76 acres remain available. Industrial development within Iona McGregor is slated for 298 acres, of which 195.21 acres remain available.

The applicant has not requested an amendment to the Planning Community Year 2020 Allocation Table 1(b). Overall development within the Iona McGregor Community may not exceed the Lee Plan 2020 development allocations. Proposed development on the subject property would vie for the remaining available commercial or residential development acres with all other Urban Community properties.

TRANSPORTATION ISSUES

Lee County Department of Transportation has reviewed the proposed action and provided a letter which states, "As indicated by the application, the proposed Urban Community designation would allow a maximum of 22 dwelling units or 100,000sf of retail in the subject area. After running the FSUTMS travel demand model for the year 2020 condition, we have determined that this land use change will not alter the future road network plans"(See Attachment 7).

Access to the property is via Pine Ridge and Summerlin Roads. The Summerlin Road access point is to be shared with property to the east and will be available only to eastbound traffic.

PUBLIC SAFETY ISSUES

Coastal Issues

The Division of Public Safety notes that the subject property is located within the Tropical Storm Surge Evacuation Zone and the Coastal High Hazard Area. Public Safety offers the following comments for consideration during the plan amendment review process:

“Because the proposed plan amendment increases the number of potential dwelling units exposed to storm surge flooding, this amendment appears inconsistent with the intent of Policy 75.1.4 of the Lee Plan. This policy states that:

‘Through the Lee Plan amendment process, land use designations of undeveloped areas within coastal high hazard areas shall be considered for reduced density categories (or assignment of minimum allowable densities where density ranges are permitted) in order to limit the future population exposed to coastal flooding (Amended by Ordinance No. 92-45, 94-30).’

Although the current designation may allow more intensive uses, it does not permit residential uses. The proposed amendment would, thereby allowing the residential density to increase in the defined coastal high hazard area.

The 2001 update of the Southwest Florida Regional Hurricane Evacuation Study shows that Lee County’s hurricane evacuation times have risen. We are concerned that proposed plan amendments like this, in the cumulative, will not only continue to increase these clearance times, but also unnecessarily expose future coastal populations to flooding impacts” (See Attachment 4).

The subject property is an example of what staff sees as a growing need for a Commercial Development Future Land Use Category. The property is ideal for commercial development due to its size and location on a major travel corridor. However, any change to a FLUC designation which allows commercial development under the current classification system, by necessity also allows residential development. Such a connection between commercial and residential uses may be problematic for properties within the Coastal High Hazard Area. Planning staff will further evaluate this issue during the 2004 Evaluation and Appraisal Report process.

In this particular case, the existing surrounding uses, size of parcel, and location at the intersection of a major collector and an arterial road, make residential development very unlikely. Additionally, though the proposed action would add ±2.25 acres of land to a FLUC that allows residential development, the total residential accommodation capacity of the Urban Community FLUC in the Iona McGregor Planning Community would not be increased.

Emergency Management staff reviewed the proposed action and concluded that “there are not any Public Safety/Emergency Management issues involved in changing the 2.25 acres from ‘Industrial Development’ to ‘Urban Community’” (See Attachment 9).

Fire Services

The applicant has provided a letter from Iona McGregor Fire Protection and Rescue District which states that, "Existing and proposed resources and facilities of the Fire District are adequate to provide services to the referenced project" (See Attachment 1 - Applicant Supplementary Info).

EMS

The applicant has provided a letter from County Emergency Medical Services staff which states 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. Furthermore, the easements appear to provide adequate ingress/egress for ambulances" (See Attachment 1 - Applicant Supplementary Info).

Sheriff Services

The applicant has provided a letter from the County Sheriff Department which states that the Vision XXV parcel "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 anything possible to accommodate the law enforcement needs. We anticipate that we will receive the reasonable and necessary funding to support growth in demand. We therefore believe that the Lee County Sheriff's Office will be able to serve your [the] project as it builds out" (See Attachment 1 - Applicant Supplementary Info).

SCHOOL IMPACTS

Lee County School District has reviewed the proposed FLUC change and has described the potential impact to the school district that would result from residential development of the subject property as follows, "This proposal would permit the addition of 22 dwelling units with bonus densities granted on the parcel. These units could generate approximately 6 public school students, based on an estimated student generation rate of .31 per dwelling unit. This would create the need for up to one classroom in the District along with ancillary facilities and staff" (See Attachment 3).

SOILS

The applicant has provided information indicating that soils present on the site are Myakka fine sand and Immokalee sand. An "Existing Soils Map" and a description of Myakka fine sand are included as attachments (See Attachment 1 - Applicant Supplementary Info). A description of Immokalee sand is included as Attachment 2.

HISTORICAL AND ARCHAEOLOGICAL IMPACTS

The applicant has provided a letter from Lee County Division of Planning, historic and archaeological resource staff, which states that "There are no known historic sites on the subject property...There are no known archaeological sites on the property...The subject parcel is not located on either Level 1 or Level 2 zones of archaeological sensitivity" (See Attachment 1 - Applicant Supplementary Info).

ENDANGERED SPECIES

The applicant has supplied information which indicates that:

The subject property is currently vacant and has been cleared. No habitats exist on site for species which are listed as endangered, threatened or species of concern. The FLUCCS classification which

describes the subject property is "Disturbed Lands." The property does not include wetlands or aquifer recharge areas.

County Environmental staff is familiar with the property and has verified that the property was previously cleared and that no listed species are present.

PARKS, RECREATION AND OPEN SPACE

The applicant has provided a letter from the Department of Public Works which states that, "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. However, please note that this determination is based on the proposed commercial use of the subject property which will not result in an increase of the current population in this area of Lee County" (See Attachment 1 - Applicant Supplementary Info). Additional correspondence from Parks and Recreation staff notes that "the number of potential units would have little or no impact on existing facilities" (See Attachment 8).

DRAINAGE/SURFACE WATER MANAGEMENT

The applicant has provided the following information regarding surface water management on the subject property:

"The subject property is located in the Deep Lagoon Watershed #43 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 [Land] Development Code with regard to surface water management" (See Attachment 1 - Applicant Supplementary Info).

MASS TRANSIT

Lee County Transit Division has reviewed the proposed action and provided a letter of response which states that "the proposed amendment to the future land use map would have no impacts on existing or planned services Lee Tran provides, nor would it have any impact to the budget of Lee County's transit division" (See Attachment 5).

UTILITIES

Lee County Utilities is the service provider to the subject property. Adequate utilities are available for commercial development on the site. A 12" water main runs along the south property line. A 36" sanitary sewer reuse line and a 30" sanitary sewer force main run along Pine Ridge Road just west of the subject property.

RE-DESIGNATING LANDS FROM AN INDUSTRIAL LAND USE CATEGORY

The site has access to a major collector road and an arterial road, but is not located close to railroad facilities or a cargo airport terminal. Industrial uses have been active in the surrounding area for a number of years including a waste water treatment facility, with associated sewage treatment ponds, and a solid waste transfer station. The subject property is zoned for industrial development (IPD), but has never been developed. Commercial development has become increasingly popular in the area during the last five years. Summerlin and Pine Ridge Roads are major corridors for tourist and commuter traffic.

It is staff's position that the proposed Future Land Use change on this 2.25 acre parcel will have little to no effect on the County's goal of achieving a rate of 3% employment in manufacturing activities by the year 2010.

B. CONCLUSIONS

The request to change the subject parcel's Future Land Use designation from Industrial Development to Urban Community is consistent with the existing, expanding tourism and workforce corridor along Summerlin Road which connects central and southern Lee County to the Gulf beaches. The subject parcel falls within the Coastal High Hazard Area. It is the applicant's intention to develop a commercial center on the subject property.

The property currently has, or has reasonable access to, all necessary infrastructure for commercial or residential development. The property meets site location standards for development of a Neighborhood Commercial Center. Conditions specific to this site make residential development of the property unlikely and commercial development desirable. It is staff's opinion that the parcel is consistent with the Urban Community Future Land Use category.

C. STAFF RECOMMENDATION

Planning staff recommends that Map 1, the Future Land Use Map, be amended to change the land use designation of the ±2.25 acre subject parcel from "Industrial Development" to "Urban Community."

List of Attachments

- 1) Original Application & Applicant Supplementary Info - 64 pages
- 2) Soil Description, Lee County Soils Survey, 28- Immokalee sand
- 3) Response Letter from Lee County School Board
- 4) Response Letter from Lee County Division of Public Safety
- 5) Response Letter from Lee County Transit Division
- 6) OMIT
- 7) Response Letter from Lee County Department of Transportation
- 8) Response Letter from Lee County Department of Public Works
- 9) Response Letter from Lee County Division of Emergency Management
- 10) Letters from Division of Planning Staff to Applicant (notice to review agencies, request for information to complete application packet, letter of sufficiency) - 4 pages
- 11) Substantive comments from the Utilities Division received subsequent to the March 24, 2003 LPA hearing.

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

DATE OF PUBLIC HEARING: March 24, 2003

A. LOCAL PLANNING AGENCY REVIEW

Planning staff gave a brief presentation of the case. The applicant stated that he was available to answer questions. One panel member asked the applicant if the property might be used for anything other than commercial development. The applicant stated that the location on a commercial corridor, and proximity to a sewer plant and hazardous waste collection facility, would make residential uses unlikely. Additionally, he believes commercial development will be consistent with existing commercial development at the intersection of Summerlin and Pine Ridge Roads and the planned family entertainment center that is to be located approximately 1,000 feet to the east.

In response to panel questions regarding access and the anticipated impact of the proposed change on surrounding roads, the applicant gave the following information: Project access will be via a proposed frontage road extending between Safety Street and Pine Ridge Road. No access onto Summerlin Road is anticipated.

Staff would like to note that there is a designated right-in/right-out access point onto Summerlin Road (a controlled access arterial) located on the east line of the subject property. There is potential for the applicant to have shared access to Summerlin Road at that point.

In response to panel questions, the applicant stated that the property is the second half of an old Industrial Planned Development (IPD). No uses are allowed since the IPD has expired. The original IPD is divided into two parcels. Mr. Lucas purchased the west half about two years ago. After that process was completed [a small scale amendment to change the Future Land Use from Industrial to Urban Community and a zoning change from IPD to Community Commercial (CC)], Mr. Lucas entered into an agreement to purchase the eastern 2.25 acre parcel, the subject property. The applicant does not intend to sell the property until the zoning change is completed [an application is pending to change the IPD zoning to CC on the subject property]. The parcel to the west is currently being marketed.

One member of the panel stated that Summerlin Road is a tourist corridor and that property along the road should not be zoned for industrial development [categorized as Industrial Future Land Use]. He recommended that staff look into changing property along Summerlin Road to a more appropriate Future Land Use category during the E.A.R. process. The planning director responded that staff is prepared to undertake such a review, but that the Board should keep in mind the long-term nature of a Future Land Use. The Industrial Land Use was set along Summerlin Road to accommodate the industrial uses that the County hoped would develop in the area over time.

One member of staff commented that the Outlying Suburban lands south [southeast] of Safety Street should be evaluated to determine whether industrial and commercial Future Land Uses might be more appropriate in that area.

One member of the panel stated that there is a need to establish a commercial only Future Land Use. He felt staff should pursue this issue during the E.A.R. process. A second panel member agreed.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** The LPA recommends that the BoCC adopt CPA2003-01.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	AYE
SUSAN BROOKMAN	AYE
MATT BIXLER	AYE
RONALD INGE	ABSENT
GORDON REIGELMAN	AYE
DAN DELISI	AYE

D. ADDITIONAL NOTES FROM STAFF:

Subsequent to the LPA hearing staff received substantive comments for this case from the Utilities Division. That division expressed concern about a potential conflict between non-industrial uses and an existing industrial use at the corner of Pine Ridge Road and Summerlin Road. The Lee County Utilities sewage treatment plant, located to the south of the subject property, occasionally omits odors which may offend residents or customers of neighboring non-industrial properties. One purpose for location of the treatment plant at its existing site was the industrial nature of the area. It has been Utilities staff experience that complaints related to odor from this plant and similar plants, are most often received from residential neighbors. It is not anticipated that commercial uses will have the same level of sensitivity to such impacts, though there may be some sense of inconvenience. Written comments received from Utilities staff have been incorporated as "Attachment 11."

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

DATE OF ADOPTION HEARING: May 6, 2003

A. BOARD REVIEW:

Planning staff gave a brief presentation of the proposed amendment. One member of the Board asked if the BoCC would have the option to review any potential for an increase in density on the property during the zoning process. Staff stated that yes, that is the case.

A Board member then asked how planning staff reconciles the issue of an increase in Future Land Use density within the Coastal High Hazard Area. Staff responded that the surrounding uses, size and location of the property are suited to commercial development and would not lend themselves to residential development. Additionally, planning staff is seriously considering the creation of a Future Land Use Category that would allow 'commercial only' development, suited to areas such as the Coastal High Hazard Area.

The applicant offered himself for any questions from the Board and stated that he would support a 'commercial only' future land use category because such a change would simplify the development process and alleviate any concerns about a residential density increase.

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:

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

