

**PAM 96-10  
PRIVATELY SPONSORED  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

**Privately Sponsored Application  
and Staff Analysis**

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**BoCC Public Hearing Document  
for  
November 5<sup>th</sup> Transmittal Hearing**

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*Lee County Planning Division  
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**October 27, 1997**



**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
PAM 96-10**

<b>T</b>	<b>This Document Contains the Following Reviews:</b>
<b>T</b>	<b>Staff Review</b>
<b>T</b>	<b>Local Planning Agency Review and Recommendation</b>
	<b>Board of County Commissioners Hearing for Transmittal</b>

STAFF REPORT PREPARATION DATE: June 19, 1997

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

HELENE RASMUSSEN, TRUSTEE  
REPRESENTED BY MR. DAVID RASMUSSEN & MORRIS-DEPEW ASSOCIATES, INC.

**2. REQUEST:**

Amend the Future Land Use Map series, Map 1, the Future Land Use Map, and Map 17, the Year 2010 Overlay Map, to redesignate a specified 57± acre portion of a parcel of land located in Section 27, Township 45 South, Range 25 East from the Rural Land Use Category to the Industrial Development Land Use Category and to add industrial acres to the Year 2010 Overlay sub-district 711. The subject parcel is located to the northeast of Fiddlesticks subdivision and west of I-75.

**B. BACKGROUND INFORMATION**

**1. EXISTING CONDITIONS**

**SIZE OF PROPERTY:** 57± ACRES

**PROPERTY LOCATION:** The subject property is generally located 1 mile south of Daniels Parkway adjacent to the western edge of the I-75 right-of way. The property is located northeast of the Fiddlesticks subdivision and east of the Old Hickory subdivision.

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

**CURRENT ZONING:** AG-2

**CURRENT FUTURE LAND USE CLASSIFICATIONS:** Rural

**2. INFRASTRUCTURE AND SERVICES**

**WATER & SEWER:** The subject property is located in the Lee County Utilities franchise area. According to the application, an 8" sewer forcemain is located on the west side of Fiddlesticks Boulevard. The application also states that a 16" potable water line is located on the east side of Fiddlesticks Boulevard. A review of utility information contained in the property appraiser's geographic information system (PAGIS) indicates 12", 8", and 6" potable water lines within 50 feet of the subject site. Planning staff notes that Standards 11.1 and 11.2 provide for mandatory connections when certain thresholds are achieved.

**FIRE:** The property is located in the South Trail Fire Protection & Rescue Service District.

**TRANSPORTATION:** The subject property is located on the Westside of I-75, one mile south of Daniels Parkway. The subject property has an access easement to Fiddlesticks Boulevard.

**SOLID WASTE FRANCHISE:** Gulf Disposal, Inc.

**C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

- 1. RECOMMENDATION:** Staff recommends that the applicant's request not be transmitted and that no further processing of this amendment be undertaken at this time.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** As stated in the conclusions section of the Staff Analysis section (Part II). These include the following:
  - C The request, if approved, could result in incompatible development adjacent to existing residential uses.
  - C The request, if approved, could result in uses that are "potentially destructive to the character and integrity of the residential environment."
  - C The applicant has not provided sufficient data and analysis to indicate that the request would not constitute sprawl.
  - C No justification has been submitted to show that the existing Urban Service Area needs to be expanded. Sufficient data and analysis indicating that existing undeveloped urban lands cannot accommodate the proposed use has not been provided.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The applicant, Helene Rasmussen, is requesting a Future Land Use Map (FLUM) amendment to change the FLUM designation, as depicted on Map 1, from "Rural" to "Industrial Development" for a 57± acre parcel of land. The subject property is located approximately 1 mile south of Daniels Parkway on the Westside of I-75 in Section 27, Township 45 South, Range 25 East. The site is located northeast of the Fiddlesticks subdivision. The Old Hickory subdivision is located immediately to the west of the subject property.

The original submitted Comprehensive Plan Amendment Application, Staff Correspondence, and Applicant Responses are incorporated as Attachment 1.

#### **PROJECT SUMMARY**

The subject property is currently vacant. The applicant proposes industrial development in the range of 600,000 to 660,000 square feet on the approximate 33 acres of uplands on the subject site. Planning staff notes that the subject site will have to be rezoned to achieve this expectation.

This application was reviewed using the most intensive scenario of industrial uses occurring on the subject property. This scenario is plausible given the stated intent of the applicant.

#### **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. Maximum standard density for the "Rural" category was established by the 1984 plan at 1 dwelling unit per acre (1 du/ac). The "Rural" land use category has always been considered to be part of the future non-urban areas of the Lee Plan. The subject site has been in this "Rural" category since the adoption of the first FLUM.

#### **ZONING AND SURROUNDING LAND USE**

The subject property is zoned AG-2. Attachment 2 shows the subject property's location and the surrounding zoning. The surrounding zoning is as follows: to the north, vacant CPD (discussed further below); to the south, vacant AG-2 (property included in request PAM 96-07); to the east, I-75 and then vacant AG-2; to the west, RPD Old Hickory subdivision. Planning staff also notes that the subject property's access easement to Fiddlesticks Road is in close proximity (planning staff estimates 175') to the entrance of the Fiddlesticks subdivision.

As noted above, the Old Hickory development is located immediately to the west of the subject property. This residential development is approaching buildout. Planning staff, utilizing PAGIS, estimates that residential units in Old Hickory have been built approximately 190' from the subject property. Planning staff also notes that the property located across Fiddlesticks Road from Old Hickory was rezoned (Resolution #Z-95-051) to RPD to permit 1,573 dwelling units. Planning staff is concerned that the request, if approved, could result in incompatible development adjacent to existing residential uses. Planning staff finds that the request is in an area that is developed and is being developed with residential uses.

The subject parcel is located adjacent to land that is currently designated as Outlying Suburban. Lands with this designation abut this property on the northern and western property line. Lee Plan Policy 1.1.6, the Outlying Suburban category description policy, provides that commercial development greater than neighborhood centers and industrial land uses are not permitted. Planning staff maintains that this category, like the Suburban category, is primarily intended for "lower residential densities than other Future Urban Areas." In fact, residential uses are existing and being developed immediately adjacent to the subject site. Planning staff believes that the request, if approved, could result in uses that are "potentially destructive to the character and integrity of the residential environment."

Rural designated lands, subject to PAM 96-07, are located to the south and I-75 is located on the eastern side of the subject site. The subject property is part of a larger parcel (STRAP #27-45-25-00-00005.0000) that is split by I-75. The portion of the parcel located to the east of I-75 is in the Airport Commerce land use category and is not subject to this request.

Immediately to the north of the subject site is an approved Commercial Planned Development (CPD) known as "Interchange Office Park." This rezoning was approved by Resolution Z-92-049, which permits 190,000 square feet of office uses and up to 30,000 square feet of clearly ancillary commercial retail uses on this property. Staff found that the proposed office/commercial uses did not raise any compatibility issues with the adjacent residential lands. The applicant testified in front of the Hearing Examiner that the master concept plan was *"not showing any office buildings on the western side of the lake, with the exception of one smaller building in the northwest corner that would be adjacent to Old Hickory Club. In addition, that portion of Old Hickory consists of a golf course, so they feel there is a substantial buffer between any residential units and the office park. Staff and the applicant agree that compatibility is not an issue."*

Planning staff notes that compatibility between office and residential uses is more easily achievable than between industrial and residential uses. In the case above, the office uses, for the most part, were physically separated from the adjacent residential uses by a golf course and then an old lake/borrow pit.

The Interchange Office Park Master Concept Plan depicts a stub out located in the southeast corner of the project. This would allow the property subject in this request to have access to the north through this approved CPD. Staff notes that the applicant has stated that access to the subject site is currently via an access easement from the southwest corner of the subject site to Fiddlesticks Boulevard. This easement abuts the south property line of the Old Hickory development.

Planning staff finds that access to this property is less than desirable for the anticipated intensity of industrial square footage. The Industrial Development category policy descriptor, Policy 1.1.7, provides that "These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach." The subject property has no rail access and to access the property requires an approximate 2 mile drive from Daniels Parkway to reach the property via the access easement south of the Old Hickory development.

The Lee Plan strives to protect residential areas from incompatible uses through policies such as 2.2.1, 5.1.5, 6.1.1, 6.1.3, 6.1.4, 6.1.6, 7.1.1, 7.1.2, 7.1.3, 7.1.7, 7.1.8, 7.1.9, 10.1.2, 10.1.4. Policy 7.1.9 provides that "Industrial development shall not be permitted if it allows industrial traffic to travel through predominantly residential areas." While not a residential street, the southern section of Fiddlesticks Boulevard, which the industrial traffic of this proposed project would traverse, mainly serves existing and developing residential projects such as Old Hickory, Fiddlesticks, and Kings Wood (Section 28 RPD).

### **Potable Water and Sanitary Sewer**

The subject property is located in the Lee County Utilities franchise area. The applicant provides the following concerning sanitary sewer:

*An 8" forcemain is located on the West side of Fiddlesticks Blvd., and is servicing Old Hickory Club development, the adjacent parcel. Currently sufficient capacity is available at this location. Wastewater from this area is treated at the City of Fort Myers Bowling Green Wastewater treatment facility. No line improvements are planned for the immediate area.*

The applicant supplemented this information with the following:

*It appears that the approval and development of only the subject property could be carried out with no degradation of the current level of service standards. The expectation of additional development in the area, however, will require an expansion of wastewater facilities. The nearest facility to service the subject property is an 8" force main located north and west of the site. While the 8" facility is likely to be large enough to service the development of the subject property, it is unlikely to be large enough for the added demand which would be generated from development of the area around the subject property. It is anticipated that additional sewer force mains will be included in construction for the extension of Fiddlesticks Blvd. in order to service additional development in the vicinity. For the expected +/- 558 employees which will eventually be working at the light industrial land uses to be established, estimating wastewater generation at 20 gallons per day per employee, it is projected that demand for the developed project will be +/- 11,160 gallons per day. If development in the area includes another square mile of light industrial uses, at an average density of 10.24 employees per gross acre, an added 6,554 employees can be projected to be served by wastewater facilities installed along Fiddlesticks Blvd. This would yield an additional 131,080 gallons per day of wastewater to be generated. For the subject property and surrounding development an estimated total of +/- 142,240 gallons per day of wastewater production could be expected from the area. Facilities are not currently*

*in place to service such a demand, but there is no reason that the private sector would not provide an adequate capacity for such development as a condition of approval. There are no current plans in the Capital Improvements Program for the expansion or extension of wastewater facilities to the subject property. For the proposed amendment, no changes in the CIP are necessary. For development in the area surrounding the subject property changes to the CIP may be necessary.*

The applicant provides the following concerning potable water:

*Located on the Fiddlesticks Blvd. East ROW line is a 16" diameter Potable Water line. This line is connected to a 30" diameter line located along Daniels Parkway. Potable Water provided to this area is treated and distributed from the Corkscrew Water Treatment Plant.*

The applicant supplemented this information with the following:

*It Appears that the approval and development of only the subject property could be carried out with no degradation of the current level of service standards. The expectation of additional development in the area, however, will require that an expansion of potable water transmission facilities will be necessary. The nearest facility to service the subject property is a 16" main located north and west of the site, connecting to the 30" main located on Daniels Parkway. The 30" facility is likely to be large enough to service the entire scope of industrial development in the area, and the existing 16" main appears adequate to provide for the added demand which would be generated from development of the subject property. It is anticipated that additional water mains will be included in the extension of Fiddlesticks Blvd. when constructed in order to service additional development in the vicinity. For the expected +/- 558 employees which will eventually be working at the light industrial land uses to be established, estimating water use at 24 gallons per day per employee, it is projected that demand for the developed project will be +/- 13,392 gallons per day. If development in the area includes another square mile of light industrial uses to be served by the water transmission facilities installed along Fiddlesticks Blvd., an additional 157,286 gallons per day of water will be consumed. This would yield a total of +/- 170,678 gallons per day of water demand that could be expected from the area. Facilities are not currently in place to service such a demand, but there is no reason that the 30" main along Daniels Parkway could not provide adequate capacity for such development. There are no current plans in the Capital Improvements Program for the expansion or extension of potable water facilities to the subject property. For the proposed amendment, no changes in the CIP are necessary. For development in the area surrounding the subject property changes to the CIP may be necessary.*

No confirmation has been provided by the applicant from Lee County Utilities to verify that adequate capacity exists today and in the future to service the increased development potential provided by this proposal.

### **Drainage/Surface Water Management**

The applicant provides the following concerning drainage/surface water management:

*This parcel is located in the Six Mile Cypress watershed basin. Only naturally occurring drainage flowways are existing in the area. To the extent that these systems can provide outfall drainage, the flowways will be incorporated into a site development drainage system. There are no current plans to improve/expand drainage facilities at this location other than what may occur in conjunction with the expansion of surrounding roadway systems.*

The applicant supplemented this information with the following:

*The subject property slopes generally from northeast to southwest, with what appears to be a flow way in the central portion of the site. I-75 has cut off sheet flow from further east, and has changed the surface water regime as a result. Surface water management will be accomplished through on-site retention/detention facilities that will be constructed according to South Florida Water Management District requirements. Additionally, the development plans will be scrutinized by the Six Mile Cypress Basin Board to assure that they comply with the County's overall development plans for the Basin. Water quality and quantity leaving the site in the post development condition will replicate that leaving the site in the pre-development condition. Levels of service in the Lee Plan will not be exceeded as a result of the request, nor will any amendments to the CIP be required.*

No confirmation has been provided by the applicant from the South Florida Water Management District that adequate capacity exists today and in the future to service the increased development potential provided by this proposal.

### **Solid Waste Franchise**

The property is served by the County's waste-to-energy facility and by the Gulf Coast Landfill operated by Gulf Disposal, Inc. Concerning solid waste, the applicant provides the following:

*Lee County has established a standard for the availability of solid waste disposal facilities of seven (7) pounds per capita per day (Policy 40.2.5). The County has exceeded this level of service with the construction of the waste to energy facility and the aggressive recycling programs that it has pursued. It is anticipated that the proposed request will generate, on an annual basis, 2,200 tons of solid waste. This will not cause any of the Plan mandated levels of service to be exceeded, nor will it require any revisions to either the Lee Plan element or the CIP.*

No confirmation has been provided by the applicant from Gulf Disposal, Inc., or Lee County Solid Waste to verify that adequate capacity exists today and in the future to service the increased development potential provided by this proposal.

### **Parks, Recreation and Open Space**

The applicant provides the following concerning parks, recreation and open space:

*This site is located in District #4. Several community and regional parks are servicing this area, including: Three Oaks Community Park, Ruttenburg Community Park, Harlem Heights Community*

*Park, Lakes Regional Park, and Carl Drews Recreation Center. Picnicking, basketball, soccer, baseball, tennis, as well as other passive activities are available at these locations. LOS is considered "Concurrent". The standard set is; .8ac/1,000 permanent population for Community Parks. 7ac/1,000 total population for Regional Parks. There are no current plans for the expansion of the localized park system.*

The applicant supplemented this information with the following:

*The subject property is located within District 4. According to Lee County calculations, the amount of developed community park acreage in District 4 is 241 acres. The Lee Plan requires that 0.8 acres per 1,000 permanent persons be devoted to community level parks. There are no plans for additional community parks within Park District 4. The Lee Plan requires that 6 acres per 1,000 seasonal persons be developed as regional parks. According to Lee County figures, 4,658 acres of regional parks have been developed throughout the County. The proposed reclassification will not directly cause an increase in population. The proposed change will provide additional employment opportunities for the growing Lee County population, however, and to that end will support the County's parks and recreation efforts through the provision of ad valorem taxes for such operations. No amendments to the element or the CIP will be required as a result of this amendment's approval.*

### **Mass Transit**

The applicant provides the following concerning mass transit:

*There are no facilities serving this rural area. There are no facilities that are planned and funded for this area.*

The applicant supplemented this information with the following:

*There are currently no mass transit facilities serving the site. Until direct roadway access is provided for the site, there can be no impact upon the mass transit system. Lee Tran has no bus service along Daniels Parkway or Alico Road at this time. Redesignation of the subject property will have no impact upon existing or proposed levels of service. No Lee Plan standards regarding levels of service or minimum standards of service have been established. No amendments to the Mass Transit element or the Capital Improvements element will be required as a result of the approval of the request.*

No Confirmation of this information has been provided by the applicant from Lee Tran.

### **Population Accommodation Capacity Discussion**

The request is to change the Future Land Use Map (FLUM) category of approximately 33.5 acres from Rural to Industrial Development. Currently Rural areas have a density limitation of 1 du/acre. The application states that the subject property contains approximately 21 acres of wetlands. Currently Wetland areas have a density limitation of 1 du/20 acres. The subject property is covered by Airport Noise Zone 3 which does not allow the construction of residential units. This fact is confirmed by the Lee County Port Authority in a May 16, 1997

memorandum to planning staff (see Attachment 3). Port Authority staff note, and planning staff concurs, that the Industrial Development category (and industrial uses) is consistent and compatible with the Noise Zone 3. The property thus has an accommodation capacity of 0 dwelling units. The Industrial Development category does not permit residential uses (except for bona fide caretaker use). Noise Zone 3 restrictions would preclude bona fide caretaker uses from occurring on this property. Thus, if the amendment is approved no change in the population accommodation capacity of the FLUM would occur.

### **Year 2010 Overlay Considerations**

The proposed amendment is located in the Year 2010 Overlay subdistrict 711 (Lee Plan Maps 16 and 17). Subdistrict 711 has an industrial allocation of 15.11 acres. Planning staff has verified that 46.72 acres of industrial use is in fact occurring in the subdistrict in the Urban Community land use category.

The applicant is proposing adding 18.39 to 33.5 industrial acres to the Overlay. The applicant, in a April 18, 1997 letter from Morris-Depew Associates, Inc., provides an analysis in support of adding industrial acreage to this subdistrict. This analysis contained, in part, the following:

*In the case of an increase in the Subdistrict 711 of 33.5 acres, this amounts to an overall increase of 0.40% of the total industrial acreage for the Lee Plan. If the acreage were to be increased by 18.39 acres, it would amount to an increase of 0.22% in the total industrial acreage. This is not a statistically significant increase in the total amount of industrial acreage projected for the County. Nevertheless, it is proposed that the acreage be added to the figures in Map 17, rather than transferred from some other Subdistrict.*

The applicant's analysis concludes that the addition of this acreage to this subdistrict "has no statistically significant impact upon the overall acreage..., and is consistent with the County's intention of sustaining 3% of the total employment in the manufacturing sector".

Planning staff notes that there is an active amendment, PAM/T 96-13, to convert the Year 2010 Overlay to a year 2020 horizon, delete the current subdistricts, create new community based planning districts, and allocating land uses through the year 2020. The Year 2020 Overlay will allocate land use acreages by 20 new community based districts. The subject property is within the Daniels Parkway planning community. This new planning community does not contain the area that was formerly in Subdistrict 711 which contained industrial uses. This was the Urban Community lands along U.S. 41 that was contained in Subdistrict 711. Since no Industrial future land use designations exist in this community, the creation of a Industrial acreage allocation will be required to provide a 2020 allocation to accommodate the proposed development if the proposal is approved.

### **Transportation Issues**

The subject parcel is generally located one mile south of Daniels Parkway. The I-75 right-of-way abuts the subject property's eastern boundary. The Division of Transportation, Project Development Program, has reviewed the request and has provided Planning staff written comments (see Attachment 4). This Division concludes that the conversion of the subject parcel does not trigger the need for a revision to the long range transportation plan.

Access to the subject property is less than desirable for the anticipated intensity of industrial square footage. The Industrial Development category policy descriptor, Policy 1.1.7, provides that "These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach." The subject property has no rail access and to access the property requires an approximate 2 mile drive from Daniels Parkway to reach the property via the access easement south of the Old Hickory development.

Several other Lee Plan Policies address the location and timing of industrial development. The Lee Plan's Goal 7: Industrial Land Uses, function is "to promote opportunities for well-planned industrial development at suitable locations within the county." This goal has several policies that address this issue. For example, Policy 7.1.3 provides the following:

*Industrial land uses shall be located in areas appropriate to their special needs and constraints, including, but not limited to, considerations of: topography; choice and flexibility in site selection; access by truck, air, deep water, and rail; commuter access for home-to-work trips; utilities; greenbelt and other amenities; air and water quality considerations; proximity to supportive and related land uses; and compatibility with neighboring uses.*

Policy 7.1.5 further provides:

*The timing and location of industrial development shall be permitted only with the availability and adequacy of existing or planned services and facilities.*

The Lee Plan strives to protect residential areas from incompatible uses through policies such as 2.2.1, 5.1.5, 6.1.1, 6.1.3, 6.1.4, 6.1.6, 7.1.1, 7.1.2, 7.1.3, 7.1.7, 7.1.8, 7.1.9, 10.1.2, 10.1.4. Policy 7.1.9 provides that "Industrial development shall not be permitted if it allows industrial traffic to travel through predominantly residential areas." While not a residential street, the southern section of Fiddlesticks Boulevard, which the industrial traffic of this proposed project would traverse, mainly serves existing and developing residential projects such as Old Hickory, Fiddlesticks, and Kings Wood (Section 28 RPD). Planning staff concludes that the existing road facilities are inadequate to provide for the requested intensity of industrial development. In fact, Public Works staff have indicated to planning staff that the existing Fiddlesticks Boulevard is not constructed to handle truck traffic. Public Works staff have indicated that additional asphalt is needed to accommodate truck traffic.

Staff notes that a traffic analysis is required by the County's local development approval process. This analysis will determine the need for any site-related improvements such as turn lanes on the adjacent roadways. Conditions may be required at the time of rezoning, or at the time of issuance of a local Development Order per the Lee County Land Development Code requirements.

## **Public Safety Issues and Schools**

Section IV, B.8., requires an applicant for a Future Land Use Map amendment to provide a letter from the appropriate public service/safety agencies. The required submittal includes fire, emergency medical service (EMS), law enforcement (Sheriff's Office), and the School Board. The purpose of this is to allow these agencies to evaluate the request and determine the adequacy of existing or proposed support facilities.

The applicant provides the following concerning support facilities:

*Fire protection, emergency medical services, and law enforcement services cannot adequately be provided to the site until adequate roadway facilities are established. Until a reasonable use is provided to the property, the establishment of infrastructure is not possible. The redesignation to an industrial use category will have no effect upon the demand for educational services, but will provide additional revenues for the school district. No amendments to the Lee Plan will be required.*

Planning staff finds that the applicant has not submitted these required letters and thus no determination of adequate support services can be determined.

Planning staff did contact the South Trail Fire Protection & Rescue Service District. The District has provided verbal and written comments (see Attachment 5) to planning staff. The South Trail Fire Protection & Rescue Service District estimates response time to the subject site to be about 2 minutes. The nearest fire station is located on the south side of Daniels Parkway, near I-75. The District has expressed concern over potential industrial uses and the proximity of existing residential properties. This concern is over industrial uses that may store hazardous materials and the potential for contamination of the residential areas.

### **Soils and Florida Land Use Cover Classification System (FLUCCS)**

The applicant has provided a lengthy description, from the 1984 U.S. Department of Agriculture Soil Survey of Lee County, on the various soil types found on the subject property. These soils are 6-Hallandale fine sand, 14-Valkaria fine sand, hydric, 26-Pineda fine sand, hydric, 27-Pompano fine sand, depressional, 28-Immokalee sand, and 73-Pineda fine sand, depressional. For a more detailed discussion see the applicants soil submittal information.

The applicant has provided a discussion of the FLUCCS codes covering the subject property. For a more detailed discussion see the applicants FLUCCS submittal information. The applicant's environmental representative has verbally indicated to planning staff that all but 13.9 acres (FLUCCS 411M) of the subject site will in all probability be determined to be state jurisdictional wetlands.

### **Endangered Species**

Environmental Sciences staff has provided a memorandum concerning the subject parcel (see Attachment 6). This memo states environmental staff conducted a cursory site inspection on June 20, 1997. This inspection revealed significant wetland areas throughout the property. The memo also states that no listed flora or fauna species were observed. The memo further provides that there is a high probability that the site is used by Big Cypress fox squirrel since they have been observed foraging on the abutting Old Hickory golf course immediately to the west. This memo further states that wading birds can be expected to use flooded areas of the site during

the wet season. The memo also provides that much of the site has been invaded by melaleuca. This memo concludes that an 80% coverage of the site, as approved for LDC listed species surveys, would be needed to determine with any accuracy the actual presence of listed flora or fauna species.

### **Urban Sprawl/Need For More Future Urban Land**

The applicant has submitted the following concerning urban sprawl: "The LOS of the surrounding infrastructure is adequate to determine this petition as not being classified as 'urban sprawl'. Planning staff believes that this is an inadequate response to the urban sprawl issue. The Florida Department of Community Affairs Technical Memo, Volume 4, Number 2, in part defines sprawl as development that "is not functionally related to or integrated with other development." The applicant has not provided sufficient data and analysis to indicate that the request would not constitute sprawl.

The first goal in the Lee Plan relates to the Future Land Use Map. Goal 1 is reproduced below:

***GOAL 1: FUTURE LAND USE MAP.*** *To maintain and enforce a Future Land Use Map showing the proposed distribution, location, and extent of future land uses by type, density, and intensity in order to protect natural and man-made resources, provide essential services in a cost-effective manner, and discourage urban sprawl. (Amended by Ordinance No. 94-30)*

One of the purposes of this map is to reflect where the County's growth will occur throughout the life of the plan. In 1989 a study was included in the Lee Plan documentation that indicated that the Future Land Use Map contained in the Future Land Use Element could accommodate the expected population growth for the next 70 years, approximately through the year 2059. Since the remainder of the plan centered around a 20 year planning horizon, Lee County created the Year 2010 Overlay to allocate only the necessary acreage needed to accommodate the expected population growth through the Year 2010. Had Lee County not implemented the Year 2010 Overlay, it would have been required to reduce the allowable densities of the Future Land Use Categories or remove land from the urban areas on the FLUM.

Since the onset of the Year 2010 Overlay, its administration has been problematic at best. Therefore, the County has made a conscientious effort to eliminate the Overlay from the Lee Plan. The first attempt to eliminate the Overlay was done through the 1993 Evaluation and Appraisal Report (EAR). Unlike the 1989 methodology, the EAR population accommodation study removed the cities and their expected population growth from the Lee Plan FLUM accommodation equation. The County also reviewed the FLUM to determine any areas where the map designation projected a higher density than was actually being developed. The EAR also proposed a Vested Community designation for the Lehigh Acres Community to control the growth of this pre-platted community. The County also felt that a certain amount of flexibility should be built into the map to allow for changes in population trends. The goal set for this flexibility factor was for the map to accommodate the projected population plus an additional 25%. This is in line with accommodation studies used elsewhere in the State of Florida. Using this methodology, the Future Land Use Map included in the EAR now accommodates less than 130% of the projected 2020 population. Lee County felt the EAR Future Land Use Map adequately project the future land uses through the year 2020 and proposed to eliminate Year 2010 Overlay from the Lee Plan. The Department of Community Affairs (DCA) objected to the deletion of the Year 2010 Overlay from the Lee Plan. After going

through the Administrative Hearing Process with the State of Florida, the Year 2010 Overlay was ultimately retained in the Lee Plan.

No justification has been submitted by the applicant to show that the existing Urban Service Area needs to be expanded. Sufficient data and analysis indicating that existing undeveloped urban lands cannot accommodate the proposed use has not been provided.

## **B. CONCLUSIONS**

The Old Hickory subdivision is located adjacent to the west of the subject property. The subject site has been in the "Rural" category since the adoption of the first FLUM. The subject parcel is located adjacent to land that is currently designated as Outlying Suburban. In fact lands with this designation abut this property on the northern and western property line. Planning staff is concerned that the request, if approved, could result in incompatible development adjacent to existing residential uses. Planning staff finds that the request is in an area that is developed and is being developed with residential uses. Planning staff believes that the request, if approved, could result in uses that are "potentially destructive to the character and integrity of the residential environment."

Immediately north of the subject site is an approved Commercial Planned Development (CPD) known as "Interchange Office Park." Access to this property is less than desirable for the anticipated intensity of industrial square footage. The southern section of Fiddlesticks Boulevard, which the industrial traffic of this proposed project would traverse, mainly serves existing and developing residential projects such as Old Hickory, Fiddlesticks, and Kings Wood (Section 28 RPD). If the amendment is approved no change in the population accommodation capacity of the FLUM would occur.

The applicant has not provided sufficient data and analysis to indicate that the request would not constitute sprawl. No justification has been submitted to show that the existing Urban Service Area needs to be expanded. Sufficient data and analysis indicating that existing undeveloped urban lands cannot accommodate the proposed use has not been provided.

## **C. STAFF RECOMMENDATION**

Staff recommends that the applicant's request not be transmitted and that no further processing of this amendment be undertaken at this time. This recommendation is based upon the previously discussed issues and conclusions.

It is apparent that the applicant has not presented a convincing case for the redesignation of the subject property. The applicant has not provided sufficient data and analysis to indicate that the proposed development could not be accommodated within existing undeveloped lands already designated in the Urban Service Area. The applicant has not demonstrated that there is any need to designate additional Future Urban Lands on the Lee Plan Future Land Use Map. Serious long range planning concerns pertaining to urban sprawl and land use compatibility have not been adequately addressed in the application.

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

DATE OF TRANSMITTAL HEARING: June 26, 1997

**A. LOCAL PLANNING AGENCY REVIEW**

The applicant made a presentation concerning the request. One LPA member asked staff about the urban sprawl concern. This member asked whether the concern was just the acreage, and adding it to the urban area, and then not being needed, is that the point? Staff responded that is part of it, but staff does not believe there has been sufficient analysis by the applicant to state conclusively whether this is or is not sprawl. This LPA member further asked were the staff looking for some statement in terms of the 9J-5 criteria, indicators and so on. Staff replied yes. The applicant responded that this was not really missing. One LPA member asked the applicant about the timing of this request and the timing of the improvements to Fiddlestick Boulevard.

One LPA member stated that this was a hard one. This member continued that residential use is not a reasonable use for this property. This member also stated that this area is primarily a residential area, and the member understands the residents concerns about compatibility. This member concluded that his attitude might be different if they were closer to the point of actually having the new road in place. It would be a harder call at that point, but as it stands now, this member could not fathom the idea of having industrial trucks on Fiddlesticks Boulevard as it's designed and built today.

One LPA member thought changing the noise zone for the subject site would allow some uses that would be more appropriate for the area. A second LPA member stated that the applicant is not interested in the Outlying Suburban designation. Another LPA member shared the same concerns regarding changing the noise zone on the subject property.

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners **not** transmit this amendment.
  
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by the staff.

**C. VOTE:**

<b>CARRON DAY</b>	<b>ABSENT</b>
<b>RICHARD DURLING</b>	<b>NAY</b>
<b>EARL HAMILTON</b>	<b>ABSENT</b>
<b>RONALD INGE</b>	<b>AYE</b>
<b>BILL SPIKOWSKI</b>	<b>ABSENT</b>
<b>GREG STUART</b>	<b>AYE</b>

