

**PAT 96-20
BoCC SPONSORED
EAR ADDENDUM AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

June 3, 1998

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
PAT 96-20**

T	This Document Contains the Following Reviews:
T	Staff Review
T	Local Planning Agency Review and Recommendation
T	Board of County Commissioners Hearing for Transmittal
T	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
T	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: June 19, 1997

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

2. REQUEST:

Amend the Future Land Use Element, Policy 1.1.7, the Industrial Development Category and Policy 1.3.1 the Industrial Interchange category, to further clarify the issue of commercial uses within these industrial districts.

B. BACKGROUND INFORMATION

This amendment was initiated by the Evaluation and Appraisal Report Addendum Report as adopted by the Board of County Commissioners on February 1, 1996. This report contained the following:

Industrial Development - Policy 1.1.8

During various rezonings, the limitation of commercial uses within the Industrial Development Category has been an issue. The current policy limits commercial in a planned industrial development to 5% of the total projects square footage while a parcel not zoned IPD would be allowed up to 30,000 square feet of commercial uses regardless of the size of the parcel. Changes to this policy were included in the July 7th proposed amendments. These changes were not included in the final adopted

version of the Lee Plan, which is based on the EAR, leaving the original concerns with this Lee Plan policy. This policy should be amended in the 1996 amendment cycle to allow some flexibility in the location of ancillary commercial used in the Industrial Development category while still preserving the industrial nature of these areas.

Recommendation: *Study and amend, if appropriate, Policy 1.1.8, the Industrial Development Category, as part of the 1996 amendment cycle, to more appropriately handle the issue of commercial uses within these districts.*

The Lee Plan Evaluation and Appraisal Report, adopted by the Lee County Board of County Commissioners on July 7, 1994, recommended that this policy be revised to acknowledge the existing non-retail commercial and wholesale/distribution uses in the Industrial Development areas. The EAR Report stated that “The current category description suggests that the lands to which it has been applied are prime industrial parcels which represent the county’s future economic base. In fact, these areas have been used for warehouses, small-scale retail businesses not suited for shopping centers, and wholesale/distribution centers.” The proposed category description language was as follows:

The Wholesale/Industrial areas are characterized by light industrial, warehouse, office, non-retail commercial, recreational, and wholesale/distribution uses. Residential uses are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Retail uses in this category may not exceed 30,000 square feet for each separate parcel existing on the effective date of this plan.

The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report objecting to the proposed language. Staff, in the Staff Response to DCA Objections, Recommendations, and Comments For 1994 2nd Round Amendments, (Evaluation & Appraisal Report Amendments), November 1, 1994, (As Adopted), provided the following recommendation:

Staff does not agree that the proposed category provides insufficient standards regarding the location of different kinds of uses. The current category, however, has not created any significant problems of interpretation since the mid 1980's. Since the clarifications to the policy are not essential, but merely desirable, staff recommends that the amendment be withdrawn, with the exception of the second sentence.

The Board of County Commissioners, on November 1, 1994, modified this policy consistent with the Staff Response to ORC recommendation. Staff notes that in codifying the Lee Plan as a result of the majority of the EAR based amendments becoming effective, staff has renumbered Policy 1.1.8 as Policy 1.1.7.

C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Planning staff recommends that Lee Plan Policy 1.1.7 be amended as follows:

POLICY 1.1.7: The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. 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. Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land uses, the Industrial Development area is to be reserved mainly for industrial activities per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research, properly buffered recreational uses (except where precluded by airport hazard zone regulations), and office complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. ~~Ancillary minor Rretail commercial uses designed to support the surrounding industrial land uses or wholesale of products manufactured or processed upon the premises~~ may be allowed at a ratio of 1 square foot of commercial uses to ~~20~~ 10 square feet of industrial use in association with an Industrial Planned Development. ~~Ancillary minor retail commercial uses not part of an Industrial Planned Development intended to support the surrounding industrial land uses~~ may not exceed 30,000 square feet per development; ~~and, at buildout, may not exceed more than ten percent (10%) of the total acreage of the lands designated as Industrial Development areas in each community outlined in Map 16.~~ Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. (Amended by Ordinance No. 94-30)

POLICY 1.3.1: The Industrial Interchange areas allow ~~essentially the same uses as those permitted in the Industrial Development areas--that is,~~ combinations of light industry, research, and offices uses. In addition, certain visitor-serving commercial uses such as restaurants and hotels ~~will be~~ are appropriate ~~if they are part of an integrated office park or industrial center.~~

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

As stated in the conclusions section of the Staff Analysis section (Part II). This amendment clarifies commercial uses within the Industrial Development and Industrial Interchange land use categories.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Through the rezoning process, planning staff has noted that the limitations on commercial use contained in Policy 1.1.7 are overly restrictive. The policy currently limits ancillary minor retail commercial uses, in association with an IPD, to 1 square foot of commercial uses to 20 square feet of industrial use. This effectively limits commercial uses to 5% of the industrial uses in a planned development scenario. The policy currently permits up to 30,000 square feet of freestanding ancillary minor retail commercial uses.

This "ancillary commercial" language was added to the Lee Plan in 1986 (Ordinance 86-35). The staff background study clearly states that commercial uses intended to serve the employees or patrons of industrial

operations are envisioned and to be permitted. The Industrial Land Use Needs study prepared by Thomas H. Roberts & Associates, August 18, 1983, recognized that "as 'industrial parks' continue evolving into 'light industrial/research/business parks' they will also include a scattering of retail, trade, services, and other employment." This report discussed at length the need for Lee County to attract new industry. The report also stressed the need to provide "flexibility" as it is virtually impossible to predetermine the precise requirements of future individual plants.

The Urban Land Institute (ULI) notes in the Institute's Business and Industrial Park Development Handbook that the "modern business park has evolved due to the accelerating shift of the economy from one driven by basic, heavy manufacturing to one driven by information, finance, and technology." The Handbook further notes that this evolution "has been in response to a new competitive environment that is far more demanding in terms of architectural quality and flexibility, site and landscape design, land use variety and controls, and amenities." The Handbook states that the uses found in the typical business/industrial parks have changed dramatically. The Handbook provides that "a range of new uses" are being accommodated in "countless variations" including corporate, industrial, back offices, research and high-technology facilities, showrooms, mini-warehouses, incubator spaces, as well as supporting retail activities such as restaurants, hotels, and recreational amenities. The Handbook states that these "new" uses are emerging as increasingly important elements of the business park environment. ULI provides that this trend is based on an awareness that businesses and their employees generate a demand for goods and services beyond what they can provide themselves. Commercial functions located within business parks provide beneficial services to both employees and visitors.

The Roberts report also recognizes the importance of protecting/reserving land for industrial development and "protecting it from pre-emption by other types of development such as residential or commercial projects." As Chapin and Kaiser note, in the text Urban Land Use Planning, retail uses are dependent upon local markets and are "among those urban activities most sensitive to accessibility to local and regional consumer distributions and most competitive in seeking desirable sites." This text notes, however, that industrial, wholesale, or other similar employment activities are more independent of local markets. Staff concludes that this is an important reason to preserve both land and flexibility for potential future industrial development.

Industrial Development Existing Use Inventory

Planning staff maintains a database of existing uses on all parcels located in unincorporated Lee County. This inventory includes 6,167,408 square feet of building area in the Industrial Development land use category. Of this total area, 14.48% or 893,014 square feet of building area has been inventoried by planning staff as being used for commercial purposes. Industrial use accounts for 85.52% or 5,274,394 square feet of building area. Since 68.59% of the land within the Industrial Development Category remains undeveloped, Staff feels there is no crisis in slowly migrating back to the 10% threshold in this policy. Planning staff concludes from this data that supportive commercial uses are in fact occurring in the land use category and this data indicates that the proposed language is consistent with the needs and actually occurring commercial uses of the Industrial Development areas in Lee County.

Since each of the communities designated by Map 16 will be monitored to determine when the 10% threshold is reached, an inventory of each area has been done to show the existing inventory. The Bonita Springs Industrial

Development areas currently contain 278,290 square feet of industrial uses and 98,443 square feet of commercial uses. The percentage split between commercial and industrial in this area is 26.13% commercial and 73.87% industrial. Within this area, only 34.06% of the land has been developed. Therefore, there is enough margin within this community to correct the commercial/industrial square footage split.

The Gateway/Airport Industrial Development areas currently contain 263,323 square feet of industrial uses and 92,778 square feet of commercial uses. The percentage split between commercial and industrial in this area is 26.05% commercial and 73.95% industrial. Within this area, only 29.09% of the land has been developed. Therefore, there is enough margin within this community to correct the commercial/industrial square footage split.

The North Fort Myers Industrial Development areas currently contain 341,446 square feet of industrial uses and 0 square feet of commercial uses. Since the area is currently developing with no commercial uses and is adjacent to a General Interchange area, staff feels there is no concern with this community maintaining a commercial/industrial square footage split within the specified 10% range.

The Fort Myers Industrial Development areas currently contain 2,729,339 square feet of industrial uses and 169,670 square feet of commercial uses. The percentage split between commercial and industrial in this area is 5.85% commercial and 94.15% industrial. Within this area 51.04% of the land has been developed. Since the commercial/industrial split is within the specified 10% range therefore appears to be no concern with this area complying with the proposed policy.

The Lehigh Industrial Development area currently contains 49,685 square feet of industrial uses and 2,160 square feet of commercial uses. The percentage split between commercial and industrial in this area is 4.17% commercial and 95.83% industrial. Within this area, only 2.09% of the land has been developed. Since the commercial/industrial split is within the specified 10% range therefore appears to be no concern with this area complying with the proposed policy. Furthermore, those areas within this industrial area that have the greatest potential for commercial are currently under review in the Lehigh Commercial Study and as a small scale amendment to remove them from the Industrial Development Category.

The San Carlos Park/Island Park/Estero Industrial Development areas currently contain 203,563 square feet of industrial uses and 80,600 square feet of commercial uses. The percentage split between commercial and industrial in this area is 28.36% commercial, 71.64% industrial. Within this area, only 46.53% of the land has been developed. Therefore, there is enough margin within this community to correct the commercial/industrial square footage split.

The Iona/McGregor Industrial Development areas currently contain 134,046 square feet of industrial uses and 163,256 square feet of commercial uses. The percentage split between commercial and industrial in this area is 54.91% commercial, 45.09% industrial. Within this area, only 23.58% of the land has been developed. Therefore, there is enough margin within this community to correct the commercial/industrial square footage split.

The South Fort Myers Industrial Development area currently contains 1,274,702 square feet of industrial uses and 286,107 square feet of commercial uses. The percentage split between commercial and industrial in this area is 18.33% commercial, 81.67% industrial. Within this area, only 19.71% of the land has been developed. This area is currently located along Metro Parkway and Six Mile Cypress Parkway. The area south of Daniels Parkway is currently being reviewed in this amendment cycle for its appropriateness as an industrial area. This amendment should further reduce the amount of Industrial Development lands which have a high potential for commercial uses. Therefore, there is enough margin within this community to correct the commercial/industrial square footage split.

This review shows that, historically, areas reserved for diversifying our economy with industrial uses is in reality being used for more commercial uses. The revised Policy 1.1.7 will reduce the restrictions on commercial development within a planned development while controlling the proliferation of freestanding commercial uses not within a planned development.

Attachment 1 provides a summary, by the new Planning Communities, of the inventoried industrial and commercial buildings in unincorporated Lee County. This table provides the number of records by community, building areas, total acres, the amount of land within the Industrial Development area still vacant, and the percentages of industrial and commercial uses within the Industrial Development areas of each communities. This data reveals that there are 315 inventoried parcels with industrial use occurring. The average building area (5,274,394/315) is approximately 16,744.11 square feet. This means that the average commercial potential based on the average building area and the recommended ratio of 1 square foot of commercial uses to 10 square feet of industrial use is an average of 1,674.4 square feet of commercial uses. This is a minimal amount of commercial use.

Staff Review of other Comprehensive Plans and Land Development Codes

Staff has reviewed the majority of Florida County comprehensive plans. Excerpts from those plans that contain provisions for allowing commercial uses in industrial land use categories are provided as Attachment 2A. This information reveals that many counties permit commercial uses in industrial areas. These counties include Brevard, Gadsden, Manatee, Dade, Taylor, and Wakulla. Several counties, such as Pinellas and Polk, permit commercial uses within industrial areas but have a Floor Area Restriction (FAR). Broward County has a Flexibility Rule in which 20% of the land designated industrial within a flexibility zone may be used for commercial and retail business uses. The Hillsborough Industrial Land Use Category provides that up to 20% of larger industrial developments maybe considered for certain retail, service and tourist-related uses. Hillsborough County allows free standing retail uses pursuant to other provisions contained in their "Locational Criteria." Planning staff concludes from this review of Florida County comprehensive plans that a variety of methods are used to assure flexibility and to allow commercial uses in areas designated for industrial use.

In addition, staff has reviewed a substantial number of municipal comprehensive plans. Excerpts from these plans are included as Attachment 2B. Similar to the county plans, the city plans contain a variety of methods to assure flexibility and to allow commercial uses in industrial areas.

Staff has also reviewed several Code of Ordinances and Land Development Codes. This information is provided as Attachment 2C. This information reveals that many local jurisdictions also permit retail/wholesale sales of items

manufactured on the premises in industrial areas. The percentage of commercial use to the industrial use varies from 5% in the Boca Raton code to 50% in the Manatee County Land Development Code. Several jurisdictions, such as Jupiter, Deerfield Beach, Winter Garden, and Belle Glade, simply limit commercial uses to the retail or wholesale of products manufactured or processed upon the premises. The Lake Wales Code of Ordinances provides that commercial uses "whose use is designed, intended and operated as a supporting facility for industrial uses" may be approved as a special exception. The St. Petersburg City Code limits accessory commercial use in industrial districts to a maximum of five acres.

Analysis

Planning staff believes that additional flexibility should be provided by the Lee Plan to allow limited retailing and wholesaling of products manufactured or processed upon the premises. The Lee Plan should also be flexible in allowing free standing minor retail commercial uses that are designed to support the surrounding industrial land uses. These free standing uses can provide beneficial services to both employees and visitors to industrial areas. These uses should, however, be limited and minor in scale so as to not preempt the availability of land for industrial use.

The Lee County Land Development Code provides for industrial uses in the Commercial, Industrial, and Mixed planned development zoning categories (CPD, IPD, and MPD categories). By not recognizing this in Policy 1.1.7, there is the potential that planned developments could be prevented from achieving industrial or a combination of uses in appropriate locations.

Planning staff believes that allowing limited retail and wholesaling opportunities provides flexibility and preserves a reasonable combination of uses for the future. As most texts on this subject indicate, the requirements for future industrial plants is unknown given the state of rapidly changing competition and technology. The ULI Handbook notes that "change is continuous and that today's innovations will inevitably give way to new concepts, techniques, and development strategies."

Planning staff also agrees with the texts that limited freestanding retail commercial uses designed to support the surrounding industrial uses should be provided by Policy 1.1.7. In keeping with the County's historic action to maintain these areas for industrial uses, planning staff believes that these freestanding uses should be limited to 10% of the total land area of contiguous Industrial Development areas. This limitation will provide an assurance that commercial uses will not preempt industrial uses on a large scale in any of the Industrial Development areas. This is an important limitation that seeks to preserve enough land that helps to assure that diversification of Lee County's economy can be achieved. Staff is aware of the argument that the County's diversification will be achieved by the new university and the Airport Commerce lands surrounding Southwest Florida International Airport. These areas are certainly important, however, multiple sites with varying attributes are necessary to assure the maximum level of possible accommodation for a variety of uses with different needs and locational requirements.

The Lee County Land Development Code provides that caretakers residences can be approved in association with an industrial development. For example, caretaker's residences can be approved as special exceptions in the IL, IG, and IPD zoning districts. Staff believes that Policy 1.1.7 should allow caretakers residences. These residences are important and should be acknowledged by the Lee Plan.

Staff Discussions with LPA Concerning Policy 1.3.1.

This amendment was discussed by the LPA at a public hearing on June 12th. The Industrial Interchange category, as described by Policy 1.3.1, references the permitted uses within the Industrial Development category. Several members expressed concern that the staff proposed changes to Policy 1.1.7 were causing an internal plan inconsistency. In response to that concern, planning staff offers the following discussion. The Industrial Interchange category is different than the Industrial Development category in that visitor-serving uses such as

restaurants and hotels are appropriate uses if they are part of an integrated office park or industrial center. Staff believes that no internal inconsistency is created by the proposed changes to Policy 1.1.7. Policy 1.3.1 states that the category allows "essentially the same uses as those permitted in the Industrial Development areas--that is, combinations of light industry, research, and offices." Planning staff believes that the reference to the Industrial Development areas adds nothing to the policy. The policy currently defines the allowable uses as combinations of light industry, research, and offices. Staff maintains that these uses and visitor-serving uses are appropriate in this category. Staff believes the reference to the Industrial Development areas should be deleted from Policy 1.3.1 to prevent any confusion on the intended uses allowed in this category.

Planning staff maintains that the Industrial Interchange category is unique in that it is an interchange area adjacent to the largest designated Industrial Development area in Lee County. Planning staff maintains that the general function of the interchange area is to provide services to persons utilizing the interstate highway system and also to provide locations to businesses that are dependent or benefit from the location adjacent to the highway. Staff sees no over riding reason that visitor serving commercial uses should only be provided in this interchange if they are part of an integrated office park or industrial center. This current restriction could preclude this area from having these typical interchange commercial uses that would both benefit the traveling public and the businesses and employees in the Industrial Development Area. Staff believes some freestanding commercial uses, such as hotels, would benefit the traveling public and the industrial businesses located in this largest industrial area in Lee County and should be allowed in this interchange area. In addition, the Industrial Interchange area should continue to preserve the flexibility to permit businesses engaged in light industrial, research, and office uses that would benefit from a location in close proximity to the interstate.

B. CONCLUSIONS

Flexibility in the planning requirements for future industrial lands is of paramount importance as the future needs and requirements is unknown. The 5% ancillary commercial limitation of Policy 1.1.7 is overly restrictive and does not provide for flexibility. Commercial functions located within business parks provide beneficial services to both employees and visitors. Planning staff concludes from the review of other jurisdictions' comprehensive plans and land development codes that there are a variety of methods, none clearly superior to another, to assure flexibility and to allow commercial uses in industrial areas. The Lee County Land Development Code provides that caretakers residences can be approved in association with an industrial development.

The reference to the Industrial Development areas adds nothing to Policy 1.3.1. The policy currently defines the allowable uses as combinations of light industry, research, and offices. These uses and visitor-serving uses are appropriate in this category. The reference to the Industrial Development areas should be deleted from Policy 1.3.1 to prevent any confusion on the intended uses allowed in this category.

There is no over riding reason that visitor serving commercial uses should only be provided in the Industrial Interchange area if they are part of an integrated office park or industrial center. This current restriction could preclude this area from having these typical interchange commercial uses that would both benefit the traveling public and the businesses and employees in the Industrial Development Area. The Industrial Interchange area should continue to preserve the flexibility to permit businesses engaged in light industrial, research, and office uses that would benefit from a location in close proximity to the interstate.

C. STAFF RECOMMENDATION

Planning staff recommends that Lee Plan Policy 1.1.7 be amended to provide additional flexibility in accommodating commercial uses in the Industrial Development land use category. This policy should also acknowledge caretaker residences as an appropriate use in the Industrial Development category. The reference to the Industrial Development areas should be deleted from Policy 1.3.1 to prevent any confusion on the intended uses allowed in this category. Lee Plan Policy 1.3.1 should be amended to remove the overly restrictive provision on visitor-serving uses.

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

DATE OF PUBLIC HEARING: June 26th, 1997

A. LOCAL PLANNING AGENCY REVIEW

The LPA asked for clarification of the allowable uses in the Industrial Interchange areas. Would the category allow gas stations, fast food restaurants, the usual visitor serving uses. Planning staff responded that these uses and other typical interchange uses would be appropriate. The LPA provided separate motions concerning the two policies under consideration.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit this amendment.

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

C. VOTE: Motion concerning Policy 1.1.7

CARRON DAY	<u>ABSENT</u>
RICHARD DURLING	<u>AYE</u>
EARL HAMILTON	<u>ABSENT</u>
RONALD INGE	<u>AYE</u>
BILL SPIKOWSKI	<u>ABSENT</u>
GREG STUART	<u>AYE</u>
MATT UHLE	<u>AYE</u>

C. VOTE: Motion concerning Policy 1.3.1

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

MATT UHLE ABSTAINED
PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT

DATE OF TRANSMITTAL HEARING: November 5, 1997

A. BOARD REVIEW: The Board provided no discussion on this amendment. This item was approved on the consent agenda.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: The Board voted to transmit this amendment.

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

C. VOTE:

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

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: February 5, 1998

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The DCA had no objections, recommendations, or comments concerning this amendment.

B. STAFF RECOMMENDATION

Adopt the amendment as transmitted.

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

DATE OF ADOPTION HEARING: May 27, 1998

A. BOARD REVIEW: The Board provided no discussion on this amendment. This item was approved on the consent agenda.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: The Board voted to adopt this amendment.

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

C. VOTE:

JOHN ALBION	AYE
ANDREW COY	AYE
RAY JUDAH	AYE
JOHN MANNING	AYE
DOUG ST. CERNY	ABSENT