

**PAT 96-23  
BoCC SPONSORED  
EAR ADDENDUM AMENDMENT  
TO THE**

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LEE COUNTY COMPREHENSIVE PLAN

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**THE LEE PLAN**

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BoCC Adoption Document

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**June 3, 1998**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
PAT 96-23**

<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>T</b>	<b>Board of County Commissioners Hearing for Transmittal</b>
<b>T</b>	<b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b>
<b>T</b>	<b>Board of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: April 29, 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 Policies 7.1.2 and 7.1.6. by clarifying the zoning districts which are allowable to achieve the intent of these two policies. In addition amend Policy 7.1.6 to correctly reference the interchange areas that allow light industrial uses.

**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 Land Uses - Goal 7*

*Since the adoption of the Proposed 1994 Lee Plan Based on the Adopted Evaluation and Appraisal Report, November 1, 1994 (As Adopted), the Lee County Land Development Regulations have been amended to include a Mixed Planned Development (MPD) zoning district. The MPD and Commercial Planned Development (CPD) districts, as well as the Industrial Planned Development (IPD) district, allow industrial uses. Policies 7.1.2 and 7.1.6 both refer to industrial developments being required to*

*be rezoned to IPD for various reasons. Clarification of the zoning districts which are allowable to achieve the intent of these two policies is necessary.*

*When the revisions to Policy 7.1.6 were made during the EAR process, an additional recommendation was to consolidate the Industrial, General, General Commercial, and Industrial Commercial Interchange areas into one interchange district. This change was not adopted as part of the proposed 1994 plan. The adopted Lee Plan, however, did not reinstate the multiple interchange areas in the list of categories, in 7.1.6, which allow industrial uses.*

The Lee Plan Evaluation and Appraisal Report, adopted by the Lee County Board of County Commissioners on July 7, 1994, recommended that the four categories should be consolidated into one Interchange district. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations and Comments (ORC) Report objecting to the proposed consolidation. 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), stated that "The county's interest in reducing the number of categories is insufficient to justify potential litigation." The Proposed 1994 Lee Plan Based on the Adopted Evaluation & Appraisal Report, November 1, 1994, (As Adopted) retained the distinct interchange categories.

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

### **1. RECOMMENDATION:**

Planning staff recommends that Lee Plan Policies 7.1.2 and 7.1.6 be amended as follows:

**POLICY 7.1.2:** Industrial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds shall be developed as ~~P~~planned ~~industrial~~ ~~D~~evelopments designed to arrange uses as an integrated and cohesive unit in order to:

- C promote compatibility and screening;
- C reduce dependence on the automobile;
- C promote pedestrian movement within the development;
- C utilize joint parking, access and loading facilities;
- C avoid negative impacts on surrounding land uses and traffic circulation;
- C protect natural resources; and
- C provide necessary facilities and services where they are inadequate to serve the proposed use.

(Amended by Ordinance No. 94-30)

**POLICY 7.1.6:** Land that is located outside of the Industrial Development, Airport Commerce, and Industrial Interchange areas but within the designated Future Urban Areas may be developed for light industrial purposes so long as adequate services and facilities are available, the use will not adversely impact surrounding land uses, and natural resources are protected, if one of the following conditions is met:

- a. The parcel is located in the Intensive Development, Central Urban, or Urban Community land use categories, was zoned IL or IG prior to the adoption of the 1984 Lee Plan, and does not exceed 50 acres in size (unless it is adjacent to other existing or designated industrial lands); or
  - b. The parcel is located in the Intensive Development, Central Urban, ~~or~~ Urban Community, General Interchange, Industrial Commercial Interchange, or University Village Interchange land use categories, and is zoned ~~HPD~~ as a Planned Development.
- (Amended by Ordinance No. 94-30)

## **2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

As stated in the conclusions section of the Staff Analysis section (Part II). This amendment corrects an oversight and clarifies the appropriate zoning districts which are allowed to achieve the intent of these two policies.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

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). The EAR based amendments inadvertently omitted references to these categories when the Proposed 1994 Lee Plan was adopted. This amendment is a result of staff and several members of the public realizing that by failing to recognize this oversight, there is the potential that planned developments (CPDs and MPDs) could be prevented from achieving industrial uses in appropriate locations.

The intent of Policies 7.1.2 and 7.1.6 is to allow properties meeting those specified requirements, to develop light industrial uses if they were zoned for such uses prior to adoption of the Lee Plan or if they are rezoned as planned developments. The staff recommendation is consistent with this intent.

Due, in part, to the ORC Report objection to the consolidation of the interchange categories, planning staff has identified that there are three additional Interchange Areas that allow light industrial uses but are not identified by Policy 7.1.6. These areas are the General Interchange, Industrial Commercial Interchange, and the University Village Interchange. The staff recommendation adds these Interchange Areas to the list contained in Policy 7.1.6.

### **B. CONCLUSIONS**

This amendment clarifies which zoning districts are allowed to achieve the intent of these two policies. This amendment resolves an oversight by adding the appropriate omitted future land use categories to Policy 7.1.6.

### **C. STAFF RECOMMENDATION**

Planning staff recommends that Lee Plan Policies 7.1.2 and 7.1.6 be amended to clarify which zoning districts are allowed to achieve the intent of these two policies. Further staff recommends that Policy 7.1.6 be amended by

adding references to the General Interchange, Industrial Commercial Interchange, and the University Village Interchange.

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

DATE OF LPA HEARING: May 6, 1997

**A. LOCAL PLANNING AGENCY REVIEW**

The LPA had no discussion or questions concerning this amendment.

**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:**

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

**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:**

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

**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:**

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