



**LOCAL PLANNING AGENCY
ADMINISTRATION EAST BUILDING
2201 SECOND STREET, FORT MYERS, FL 33901
ROOM 118 (FIRST FLOOR)
MONDAY, JULY 27, 2020
9:00 AM**

The general public staging area will be in the Green Room (Room Number 130 – located next to the lobby reception desk at this same location).

AGENDA

1. Call to Order/Review of Affidavit of Publication/Pledge of Allegiance
2. Public Forum
3. Approval of Minutes – February 17, 2020
4. Lee Plan Amendment
 - A. CPA2019-00010 - Central Park Mixed-Use Overlay
Amend Lee Plan Map 1, Page 6 of 7, to add a 6.4+/- acre parcel (23-45-24-60-00000.2010) located on Cypress Lake Terrace Circle to the Mixed-Use Overlay.
 - B. CPA2019-00009 – Small Brothers Commercial
Amend the Lee Plan Future Land Use Element to allow neighborhood commercial development in the Density Reduction/Groundwater Resource (DR/GR) future land use category.
 - C. CPA2019-00011 – Small Brothers Commercial Utilities
Amend Lee Plan Map 6, Future Water Service Areas, and Map 7 Future Sanitary Sewer Service Areas to add property located near the intersection of Corkscrew Road and Alico Road (15230 Corkscrew Road).
5. Other Business
6. Adjournment

This meeting is open to the public. Interested parties may appear at the meeting and be heard. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

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**MINUTES REPORT
LOCAL PLANNING AGENCY
FEBRUARY 17, 2020**

MEMBERS PRESENT:

Ray Blacksmith
Dustin Gardner
James Ink (Chair)

Alicia Olivo
Don Schrotenboer
Henry Zuba

MEMBERS ABSENT:

Stan Stouder (Vice Chair)

STAFF PRESENT:

Dirk Danley, Jr., Zoning
Audra Ennis, Zoning Manager
Michael Jacob, Deputy County. Atty.
Dave Loveland, DCD Director
Janet Miller, Recording Secretary

Luis Molina, Natural Resources
Anthony Rodriguez, Zoning
Mikki Rozdolski, Planning Manager
Amanda Swindle, Assistant County Attorney

Agenda Item 1 – Call to Order, Review of Affidavit of Publication/Pledge of Allegiance

Mr. Jacob, Deputy County Attorney, certified the affidavit of publication and stated it was legally sufficient as to form and content.

Mr. Ink, Chair, welcomed our newest LPA members aboard (Dustin Gardner and Alicia Olivo) and asked them to provide background information on themselves.

Agenda Item 2 – Election of Officers

Chair

Mr. Schrotenboer made a motion to keep the current officer in place as Chair (James Ink), seconded by Mr. Zuba. The motion was called and passed 6-0.

Vice Chair

Mr. Blacksmith made a motion to keep the current officer in place as Vice Chair (Stan Stouder), seconded by Mr. Schrotenboer. The motion was called and passed 6-0.

Agenda Item 3 – Public Forum - None

Agenda Item 4 – Approval of Minutes – December 9, 2019

Mr. Zuba made a motion to approve the December 9, 2019 LPA meeting minutes, seconded by Mr. Schrotenboer. The motion was called and passed 6-0.

For the audio recordings for today's meeting, type in the following link.

<http://www.leegov.com/dcd/committees/committeesearch>

Agenda Item 5 – Land Development Code Amendments

A. Wetlands Transfer of Development Rights Program

Mr. Rodriguez gave an overview of the amendments along with a PowerPoint presentation.

Mr. Blacksmith asked if this was related to any of the lands that are under the old EEPKO environmental overlay. Ms. Rozdolski stated that if the land is in the EEPKO, being used for density already, and is being committed for open space or conservation area, then it would not apply.

Mr. Schrotenboer referred to (d) on Page 3 of 5 under Section 2-149 where it states, “*Under no circumstances will natural bodies of water be included in the calculation for TDUs.*” He asked if an aggregate mining lake would be considered a natural body of water. Ms. Rozdolski stated a mining lake would not be considered a wetland under the state jurisdictional definition, so it would not be considered a natural body of water or a wetland either.

Mr. Zuba referred to the December Board of County Commissioner (BOCC) recommendation and asked if it specifically included the ratio of 1 unit per 5 acres. Mr. Rodriguez stated it did.

Mr. Zuba asked what the ratio standards were based on. Mr. Rodriguez stated the ratios came from the stakeholder roundtable that was held after the BOCC gave direction to further incentivize the transfer of development rights off of the wetland area. From that meeting, it was concluded that the most appropriate way to further incentivize the wetland TDR program was to increase what we already have “on the books” in terms of the creation of wetland TDUs.

Mr. Zuba asked for confirmation that the motive to do this is to create more opportunity for the Wetland TDUs to be used. Mr. Rodriguez stated that was correct and to also further incentivize it and make it more marketable.

Mr. Zuba asked if we previously had many requests along these lines. Ms. Rozdolski stated that previously we did not have great use of the Wetlands TDR Program. Staff has implemented the Greater Pine Island TDR Program within the past 3 or 4 years. As a result of that, staff has seen some movement with that program. When staff created this Wetlands TDR Program, they modeled it off of the Pine Island program because it was discovered that there was interest in using TDUs for commercial/industrial intensity and open space. Staff also recognized these multipliers were necessary to create an incentive.

Mr. Zuba stated he assumed the motivation is so that we can guarantee that there would be no pressure on the wetlands to be redeveloped in some way. Ms. Rozdolski stated the motivation is to try and eliminate some of that pressure and to incentivize developers to preserve and conserve the wetlands.

Mr. Zuba stated that currently a wetland cannot be developed, so he did not understand why we would incentivize someone to do that through a TDU. Ms. Rozdolski stated that construction in those wetlands is permitted as a result of amendments that were adopted by the Board and made effective as of January 30, 2020.

Mr. Zuba asked if public land ownership was more common than private ownership with wetlands. Ms. Rozdolski stated she did not have that information.

Mr. Zuba referred to Pine Island and asked if the land that was transferred was publicly owned or private. Ms. Rozdolski stated that all of the land for the Pine Island TDR Program was owned by the County except the ones that were purchased and extinguished by private property owners.

Mr. Zuba asked if it was the County's judgment that the future use of this program would mainly be for public ownership. Mr. Loveland stated that the idea is that the wetlands be preserved. There is an incentive by taking those development rights off of one piece of property, preserving those wetlands, and utilizing that density somewhere else. Those wetlands are then put in a conservation easement.

Mr. Zuba asked if there would be any incentive for someone to buy wetlands in order to be able to transfer them elsewhere under this kind of program. Ms. Rozdolski stated that would be a possibility.

Mr. Zuba stated he did not think there was much of an incentive in this proposal for someone to do that. He asked for confirmation that staff believes the standards being proposed might incentivize that kind of scenario. Ms. Rozdolski stated that was the intention. They have drafted the language so that people who are participants in the program are put on notice that changes could occur. Hopefully, if changes are made, it would be done in order to make the program more successful.

Mr. Blacksmith referred to Table 1 on Page 3 of 5 and noted it looked as if it was based upon the size of wetlands they are trying to protect in relationship to the amount of TDUs that someone is able to obtain. He asked if the County gave any consideration to the quality of the wetland. For instance, a farmland wetland would not be worth as much as a cypress wetland. Ms. Rozdolski stated staff did not undergo that type of detailed analysis of the wetlands because it is up to the State on whether or not a particular wetland is going to be something that can be impacted or not. If it is a wetland that is not being impacted, then staff gives it the same value regardless of whether it is good or bad.

Mr. Loveland stated that when staff initially tried to find an incentive program, they discussed the possibility of easing up on regulations such as parking and open space; however, they felt it would only lead to arguments with applicants in the future over the quality of the wetlands, what they are preserving, and how much deduction they would receive from the regulations. In the end, staff felt the TDR program was the most workable incentive.

Mr. Blacksmith asked for confirmation that if he had a parcel of land that he wanted to develop and have increased density, he could find another parcel that had a wetland on it, agree to preserve the wetland, and get credit for it on the other parcel where he wants the increased density. He also asked if there would be some type of easement document that would turn over rights to Lee County for the wetland property to ensure it would be preserved. Ms. Rozdolski stated that was correct. The document would sever the property owner's rights to the wetland property. In exchange for the conservation easement, the property owner would be given a certain amount of increased density such as 1 unit per 5 acres. It becomes part of their ownership that they can own, trade, or apply to another piece of property. During the Development Order process, it will be extinguished. Mr. Loveland stated the conservation easement would remain on the wetlands in perpetuity.

Mr. Blacksmith asked how the long term maintenance of the property would be handled. Although the County's intent is to protect the wetland, money must be put aside for the perpetual maintenance, which can become cost prohibitive to a developer. This is one reason people lean towards buying wetland credits.

Mr. Ink felt it should be handled similar to what is done with the Water Management's conservation easements. They also have uses, restrictions, and responsibilities outlined in their documents.

Mr. Schrotenboer referred to Item (c)(2) on Page 2 of 5 under Section 2-148. He noted there is verbiage that covers property management and management activities. However, he acknowledged that it is unclear whether it covers long term maintenance. It seems to address the initial maintenance.

Mr. Blacksmith stated that for someone to have the maintenance responsibility in perpetuity is difficult.

Mr. Loveland stated that the document that records the easement will indicate who is responsible for the maintenance.

Mr. Ink stated that with the Water Management's easements the responsibility is outlined. The County would have Code Enforcement control over it so if the property is not being maintained, the County can go back to the base property owner where the units came from.

Mr. Schrotenboer asked if the sending and receiving areas were identified somewhere. Mr. Jacob stated the receiving areas are identified by the future land use categories and are extensive. The County does not have a map showing just them.

Mr. Ink referred to Item (c) on Page 3 of 5 under Section 2-149 where it states, "*TDUs created pursuant to (a) or (b) above, may be doubled if the wetlands are within the Coastal High Hazard Area (CHHA) (Lee Plan Map 5).*" He asked if someone would be allowed to move them from one coastal high hazard area to another and double it. Ms. Rozdolski stated that would not be permissible.

Mr. Ink asked where that is clarified. Ms. Rozdolski stated it is clarified in the provisions of the coastal high hazard area which states that you cannot use TDU bonus density.

Mr. Ink asked if the 1 unit per 20 acres would still apply if someone is only doing density calculations for a wetland on a piece of property. Ms. Rozdolski stated the existing program is still in place for residential uses. A developer would be able to calculate their upland density or they would be allowed to calculate the wetland density at the upland rate if they are preserving it. The 1 unit per 20 acres of wetlands will go away if you preserve it. If you are not going to develop the property and agree to preserve it, then you could have 1 unit per 5 acres that can be used offsite. She reiterated that for on-site residential, the current program stays in place.

Mr. Schrotenboer asked for confirmation that this program would be allowed to work for any landowner who has a large enough piece that they could preserve wetlands within their own property boundary and transfer them to uplands for development. Staff confirmed that was correct.

Mr. Schrotenboer clarified that this was not a mandated program, but another "tool in the toolbox." Ms. Rozdolski stated that was correct.

Mr. Ink referred to (c)(1) on Page 4 of 5 under Section 2-150 and asked for further clarification on the reduction of open space where it mentions 50 percent, 35 percent, and 20 percent. He asked how staff came up with the percentages. Ms. Rozdolski stated it was based on the Pine Island TDR Program. This provision mirrors that program.

Mr. Ink asked where the Pine Island numbers were derived from. Mr. Jacob stated that during this process the County utilized an expert planner (Greg Stuart) to figure out the percentages based on per unit amounts. They were tasked with trying to calculate the percentages based on whether someone develops an acre of property, what the equivalent values of one unit will be, and if they have reduced open space or increased commercial.

Mr. Ink stated that at this point he was unsure how uncomfortable he is with this provision. To him, it seemed that we were losing green space because someone can reduce their open space wherever the receiving property is. Although he understood the County's need to find incentives, he was unsure on how he felt about the 50%, 35%, and 20% language.

Mr. Jacob stated that the percentages themselves are a way to ensure that someone does not eliminate their open space everywhere. It gives a cap.

Mr. Ink stated he did not have a problem with the concept because it takes units from more suburban/rural areas and puts them in urban areas where you would expect to see a reduction.

Mr. Jacob stated this provision is useful for people who already have a developed site and are set up for their planned development, such as large retail furniture stores off of the Interstate that have a large amount of parking that never gets used. With this provision, they can use some of these TDUs to reduce their parking and open space and create purchase an out parcel.

Mr. Ink noted that we no longer have as much suburban as we once had. This is a factor that needs to be addressed. Mr. Loveland stated that is part of the overall goal as well. There are growth pressures that the County faces and they are trying to redirect those back to areas that have infrastructure versus spreading it out.

Mr. Ink opened this item for public comment. Public input was received by Julianne Thomas representing the Conservancy of SW Florida (opposed).

Mr. Zuba complimented the Conservancy of SW Florida for taking such a detailed look at these provisions. He read their findings beforehand that were e-mailed to the LPA and was impressed that the Conservancy sees the value of this program.

Mr. Ink stated he currently had two projects that are actively looking at the Pine Island TDR program as a way to increase density for some projects they have. He noted that some of the constraints regarding increasing density on a site is the Land Development Code and whether they can fit everything on their property. He did not feel this program goes far enough, but he agreed that the program for the wetlands was a good start.

Mr. Zuba asked if it would be beneficial to add a timeframe as part of the motion to re-evaluate this periodically. He asked what would be a reasonable timeframe. Mr. Jacob stated it was already built into the Code for staff to have the ability to re-examine it at any point in time. For instance, if the County sees that too many people are pulling too many units and putting them in some of these categories, they can decide not to allow so many. The County can do that at any time and it has been made clear in the regulations. He did not feel putting a time frame stipulation in the motion would be helpful because you cannot really re-evaluate it until you see if people are using it and ultimately abusing it. It can be re-evaluated at that time.

Ms. Rozdolski noted that Community Development and Economic Development were working collaboratively to put together a program to help market this provision and to educate the property owners and agents on where our sending and receiving areas can be found along with the different methods for pursuing approval of using the TDR program which includes an administrative approval without having to go through the public hearing process to utilize them.

Mr. Loveland stated that the BOCC specifically asked for that when they approved the comprehensive plan amendments. As part of that, staff is trying to explain the three TDR programs that we have: Wetlands, Pine Island, and Southeast Lee County.

Mr. Schrottenboer made a motion to find the Land Development Code amendments (Wetlands Transfer of Development Rights Program) consistent with the Lee Plan, seconded by Mr. Blacksmith. The motion was called and passed 6-0.

Agenda Item 6 – Other Business - None

Agenda Item 7 – Adjournment – Next Meeting Date: January 27, 2020

The next Local Planning Agency meeting is scheduled for Monday, March 23, 2020, at 9:00 a.m.

The meeting adjourned at 9:37 a.m.

CPA2019-00010

CENTRAL PARK
MIXED USE
OVERLAY

STAFF REPORT FOR

CPA2019-00010:

Central Park Mixed Use Overlay

Privately Initiated Small Scale Map Amendment to the Lee Plan



Applicant:

Fort Pegasus, LLC

Representative:

Veronica Martin, TDM
Consulting, Inc.

Property Location:

Cypress Lake Terrace Circle,
west of US 41, approximately ¼
mile south of Cypress Lake
Drive

Size:

± 6.4 acres

Planning Community:

South Fort Myers

Commissioner District:

District #2

Attachments:

Existing &
Proposed Map 1, Page 6

Hearing Dates:

LPA: 7/27/2020

REQUEST

Amend Lee Plan Map 1, Page 6 of 7, to add a 6.4± acre parcel located on Cypress Terrace Circle to the Mixed Use Overlay.

SUMMARY

The requested amendment would allow the subject property to develop using the Mixed Use Overlay regulations that allows for more urban forms of development and a variety of uses.

PROJECT LOCATION

The subject property is located on Cypress Terrace Circle, west of US41, approximately ¼ mile south of Cypress Lake Drive.



Figure 1: Aerial Location Map

RECOMMENDATION

Staff recommends that the Board of County Commissioners **adopt** the requested amendments based on the analysis and findings provided in this staff report.

PART 1

PROPERTY INFORMATION

History:

The 6.4± acre subject property is located on Cypress Terrace Circle, west of US 41, approximately 1/4 mile south of Cypress Lake Drive. It is within the Cypress Lake Center Development of Regional Impact (DRI) and is zoned Mixed Use Planned Development (MPD).

The Cypress Lake Center DRI, as amended, is approved for 336,340 square feet of shopping center, 40,000 square feet of business corporate office area, 165,000 square feet of executive business park, 275 room hotel (with 200 seat restaurant and 100 seat conference center), and 210 multiple family dwelling units. The subject property is shown as a portion of Tract B and Lot 6 on the DRI Master Development Plan and is labeled as Mixed Use Development. The DRI is predominantly built-out and currently contains a number of commercial uses including the Costco Wholesale store in the Cypress Lake Plaza.

The MPD zoning covers a portion of the DRI and contains 9.2 acres. The MPD is approved for 58,200 square feet of commercial use, and up to 166 residential units (Z-05-064; ADD2007-00167; ADD2014-00055). The 6.4± acre subject property is within the approved 9.2± acre MPD.

The application materials indicate that the future development will be consistent with the existing DRI and zoning approvals. No additional commercial intensity or residential units will be requested. Granting this request would allow reduced parking, buffers, landscaping, open space, and setbacks associated with the Mixed Use Overlay. If approved, the existing MPD zoning would need to be amended to accommodate a modified site design. Granting this amendment does not guarantee zoning approval.

South Fort Myers Vision Statement:

The subject property is located in the South Fort Myers Planning Community. The South Fort Myers planning community is located in the center of Lee County and contains higher intensity land use categories. The South Fort Myers planning community contains retail services and economic drivers such as the Gulf Coast Hospital, Florida Southwest College and the Twins spring training baseball stadium. Continued growth is anticipated through the year 2030.

Intensive Development Future Land Use Category:

The subject property is designated as Intensive Development on the Future Land Use Map and has been since 1984. Lands with the Intensive Development future land use category, as provided in Policy 1.1.2 below, are well suited to accommodate high densities and intensities.

POLICY 1.1.2: The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, East Fort Myers west of I-75, and South Fort Myers. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6), and office uses are encouraged to be developed as described in Objective 11.1, where appropriate. As Lee County develops as a metropolitan complex, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum total density is twenty-two dwelling units per

acre (22 du/acre). The maximum total density may be increased to thirty dwelling units per acre (30 du/acre) utilizing Greater Pine Island Transfer of Development Units. (Ordinance No. 94-30, 09-06, 10-10, 16-07)

Surrounding Properties

The surrounding properties to the north, south, and east are within the Intensive future land use category, zoned CPD, MPD, CG, CC, CT, CS-1 and CT and are within the Cypress Lake Center DRI. Lakes Park is located to the west and is in the Central Urban future land use designation and zoned residential RM-2. More detailed information on the surrounding properties is provided below in Table 1.

Table 1: Surrounding Properties Information

	Future Land Use	Zoning	Existing Use
North	Intensive Development (14 units/acre ¹)	Cypress Lake Center DRI/CPD - Approved for 394,540 SF, commercial, 104 hotel rooms, and 417 units; CG	Cypress Lake Plaza commercial retail (Costco) and restaurants, commercial outparcels; office condos
Northwest	Intensive Development (14 units/acre ¹)	Reflection Lakes RPD- Approved for 14 units on 8.3 acres; Spring Lake single family & condos;	Lake, single family residences, condos
South	Intensive Development (14 units/acre ¹)	Cypress Lake Center DRI/CG; CT	DRI preserve area; car sales lot
East	Intensive Development (14 units/acre ¹)	Cypress Lake Center DRI/MPD/CPD; CG; CS-1, CC	Central Park Professional Center office condos, medical offices, hotel, car sales
West	Central Urban (10 units/acre ²)	RM-2	Lakes Park Regional Park

¹ Up to 22 units/acre may be approved using bonus density. Up to 30 units/acre may be approved by purchasing Greater Pine Island TDUs.

² Up to 15 units/acre may be approved using bonus density. Up to 20 units/acre may be approved by purchasing Greater Pine Island TDUs.

PART 2

STAFF DISCUSSION AND ANALYSIS OF PROPOSED AMENDMENTS

The Mixed Use Overlay seeks to address the growing population of Lee County. The subject property is in South Fort Myers. According to projections, by 2040 the population of South Fort Myers will have grown from 53,281 persons in 2019 to 64,892 persons. The population of South Fort Myers relative to the county as whole will remain around 6.5% through 2040. Shown below is a map of the Lee County residential population densities in 2010 and 2040 projections based MPO projected distribution,

showing relatively higher densities throughout the county's Future Urban Areas, including South Fort Myers.

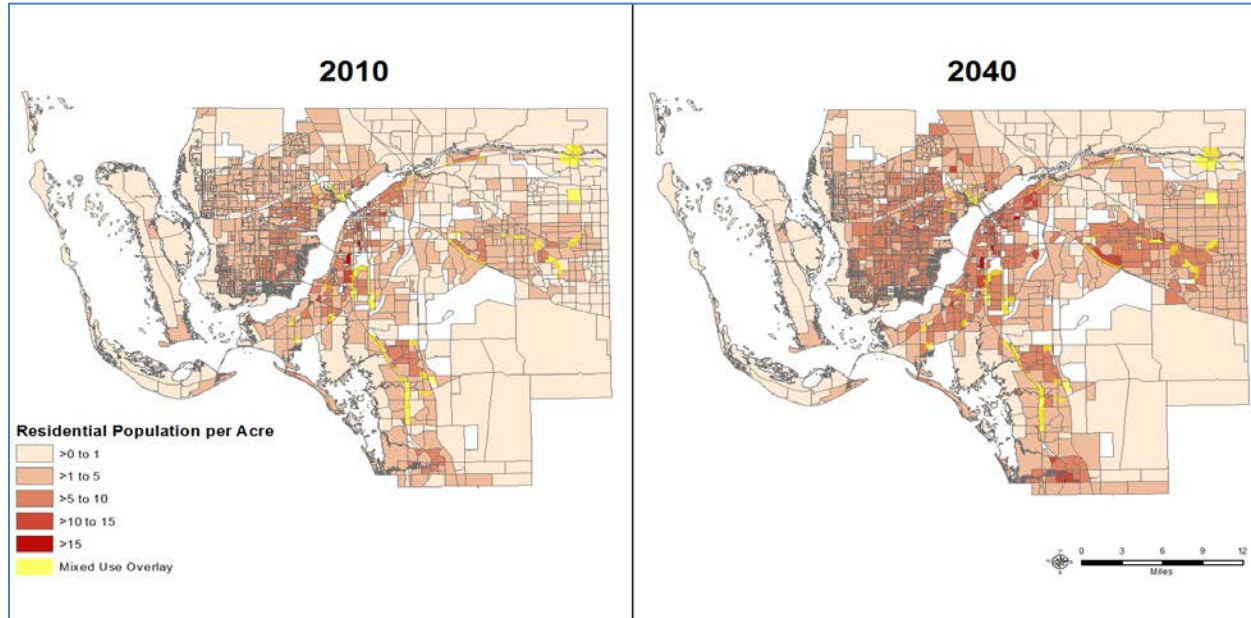


Figure 2: 2010 and 2040 (Projected) residential population densities per acre.

The proposed amendment will also help to support anticipated employment density in the areas in Lee County where employment is projected to increase. Figure 2, shows employment density based on 2010 employment data and the 2040 Transportation Model adopted by the MPO.

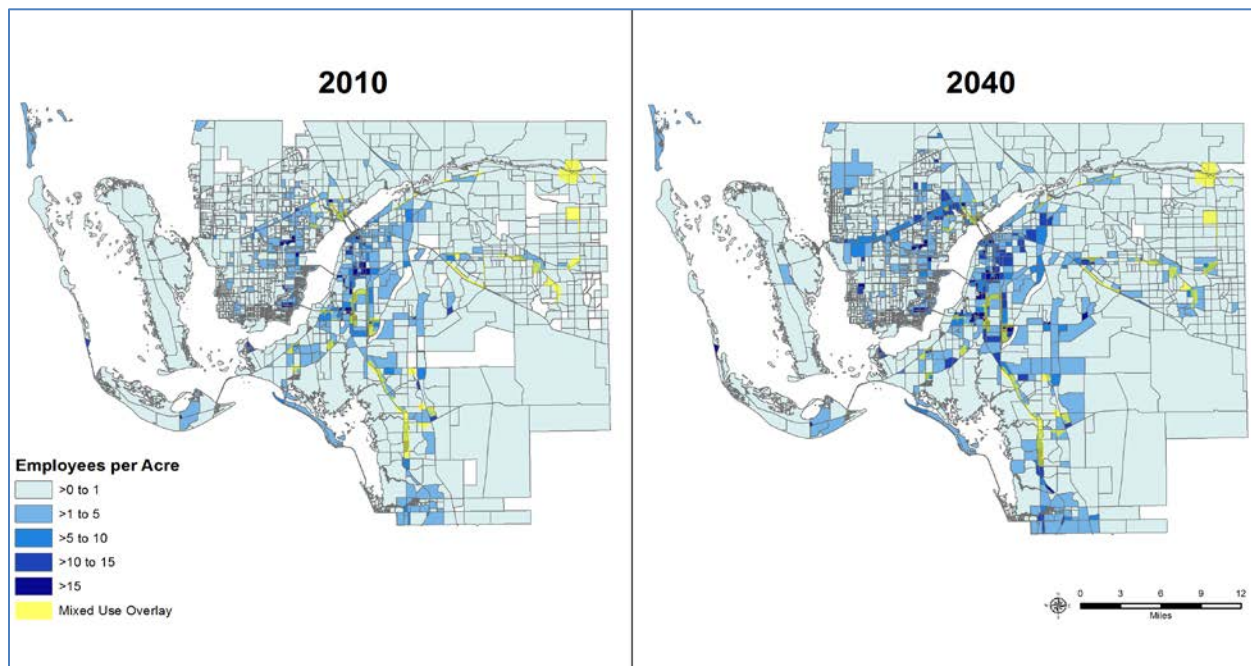


Figure 3: 2010 and 2040 (Projected) employment densities per acre.

Adding property to the Mixed Use Overlay that are located in the Intensive Development future land use category in proximity to a major transportation corridor in South Fort Myers will help to accommodate

the projected 2040 population and employment distribution within the Future Urban Areas of Lee County.

Lee Plan Consistency

The existing Mixed Use Overlay boundary is located along the north border of the subject property. The applicant is requesting to extend the Mixed Use Overlay as shown on Lee Plan Map 1, Page 6 to include the subject property. The more urban design standards allowed in the Mixed Use Overlay will help the already approved 166 multifamily units to fit on the property. The Mixed Use Overlay would allow for reduced parking, buffers, landscaping, open space, and setbacks to accommodate the applicant's project design. The existing MPD zoning would need to be amended accordingly.

Staff has reviewed the identified properties and determined that including the subject property within the Mixed Use Overlay is consistent with the Lee Plan. The Lee Plan analysis is provided below.

The Lee Plan Vision Statement identifies themes of great importance. The first of these addresses growth patterns and encourages a clear distinction between urban and rural areas. Including these properties in the Mixed Use Overlay will help to enhance the distinction between urban and rural areas within Lee County. The inclusion into the Mixed Use Overlay will allow the property to develop in a more urban form of development.

Objective 2.1 states that, "Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services". The subject property has access to arterial roadways, transit services, utilities, and open space. Adding this property to the Mixed Use Overlay will encourage contiguous and compact growth patterns in appropriate areas, and is therefore consistent with Objective 2.1 of the Lee Plan.

Lee Plan Policy 2.1.1 provides that "Most residential, commercial, industrial and public development is expected to occur within the designated Future Urban Areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories." The property in this amendment is within the Intensive Development future land use categories. The Lee Plan identifies the Intensive Development future land use category as a Future Urban Area. Therefore, the proposed amendment will encourage additional residential and commercial uses within Lee County's Future Urban Areas.

Consistent with Objective 11.1 and Policy 11.1.1, the current zoning on the subject property allows for a mix of residential and commercial uses (Z-05-064; ADD2007-00167; ADD2014-00055). The subject property is within a portion of the approved MPD. The property is in the Intensive Development future land use category and has interconnecting infrastructure and public services available. Adding the Mixed Use Overlay to the subject property will encourage mixed use development in the Intensive Future Land Use category.

OBJECTIVE 11.1: MIXED USE DEVELOPMENT. Allow and encourage mixed use development within certain future land use categories and at appropriate locations where sufficient infrastructure exists to support development. (Ordinance 17-13)

POLICY 11.1.1: Developments located within the Intensive Development, Central Urban, or Urban Community future land use categories that have existing connectivity or can demonstrate that connectivity may be created to adjacent neighborhoods are strongly encouraged to be developed with

two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use). (Ordinance No. 17-13)

Adding the subject property to the Mixed Use Overlay is consistent with Objective 11.2 that seeks to locate the Mixed Use Overlay in areas that are close to urban services. The subject property is in proximity to shopping centers and public transit routes along US 41. Lakes Park is located immediately east of the subject property with access provided off of Gladiolus Drive. The Reflection Lakes residential community is located to the northeast with access off of Cypress Lake Drive and Summerlin Boulevard. Florida Southwestern State College is located on Cypress Lake Drive east of Summerlin Boulevard. Cypress Lake Middle School and Cypress Lake High School are located off of Cypress Lake Drive.

OBJECTIVE 11.2: MIXED USE OVERLAY. *The county will maintain an overlay in the future land use map series identifying locations appropriate for mixed use located in proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns are encouraged and preferred within the Mixed Use Overlay. (Ordinance No. 07-15, 17-13)*

The request is consistent with Policy 11.2.1 that identifies the criteria for extending the mixed use overlay.

- **Located within the extended pedestrian shed of established transit routes:** The property is within ¼ mile of a fixed route corridor. The closest bus routes are Routes 140 and 240 along S. Tamiami Trail. Bus stop #1485 is located on west side of S. Tamiami Trail, south of Cypress Terrace. Bus Stop #1588 is located on the east side of S. Tamiami Trail, north of Sauer Drive.
- **Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways:** Roadways and sidewalks in the subject property area are interconnected. Sidewalks are located on a portion of Cypress Terrace Circle within the adjacent development, and on Vector Avenue, Cypress Terrace, Lakes Avenue and Lakes Terrace.
- **Located within the Intensive Development, Central Urban, or Urban Community future land use categories:** The subject property is within the Intensive Development future land use category.
- **Availability of adequate public facilities and infrastructure:** Services are available to the subject property.
 - Utilities: The subject property is within the Lee County Utilities future potable water and sanitary sewer service areas. Potable water and wastewater lines are in operation adjacent to the subject property. Potable water is available from the Green Meadows Water Treatment Plant. Wastewater service would be provided by the Fiesta Village Water Reclamation Facility.
 - Fire: The South Trail Fire Protection & Rescue Service District indicated they are capable of providing fire protection. In a letter dated August 28, 2019, the Fire District states they do not object to the amendment and can adequately protect this property if and when it is developed.

- EMS: The subject property has access to EMS services. In a letter dated August 27, 2019, Lee County Emergency Medical Services indicates they will be able to serve the property from Medic 1 located 1.9 miles north of the property, and a second EMS facility, Medic 8, is located 3.7 miles from the property.
- Police: The Lee County Sheriff will provide law enforcement services primarily from the South District office in Bonita Springs. The Sheriff indicated in a letter dated September 27, 2019 that the development of the subject property will not affect the ability of the Lee County Sheriff's Office to provide core services at this time.
- Solid Waste: The subject property has access to solid waste services. Solid waste collection services will be provided by Lee County using the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.
- Schools: There is adequate school seat capacity to serve the subject property.
- Transportation: Development of the subject property was previously approved and no changes to the intensities or densities are proposed. The request is needed to accommodate reduced parking, buffers, landscaping, open space, and setbacks on the property. Therefore, the proposed amendment will not result in an increase in vehicle trips from the currently approved uses.
- **Will not intrude into predominately single-family residential neighborhoods**: Extending the Mixed Use Overlay will not intrude into a single-family residential neighborhood. The closest single-family developments are Reflection Lakes and Spring Lakes that are located west of the subject property. There is a large buffer that ranges between 380± and 500± feet between the subject property and the closest residences. The Reflection Lakes and Spring Lakes subdivisions are accessed from Cypress Lake Drive and Summerlin Road.

The subject property is within the Cypress Lake DRI. The DRI is predominantly within the Mixed Use Overlay. Adding the subject property to the Mixed Use Overlay is consistent with Policy 11.2.3 which allows the boundary to be extended to accommodate developments located partially within the Overlay.

***POLICY 11.2.3:** At the discretion of the Board of County Commissioners, the Mixed Use Overlay boundary may be extended up to one-quarter mile to accommodate developments located partially within a Mixed Use Overlay or immediately adjacent to a Mixed Use Overlay. (Ordinance No. 07-15, 17-13)*

PART 3 CONCLUSIONS

Adding the subject property to the Mixed Use Overlay is consistent with Lee Plan. The property is within the Intensive Future Land Use Map classification, is immediately adjacent to other lands within the Mixed Use Overlay, has interconnecting infrastructure and services are available. For the reasons discussed in this staff report, staff recommends that the Board of County Commissioners **adopt** the proposed amendment.

PART 4
ATTACHMENTS

Attachment 1:

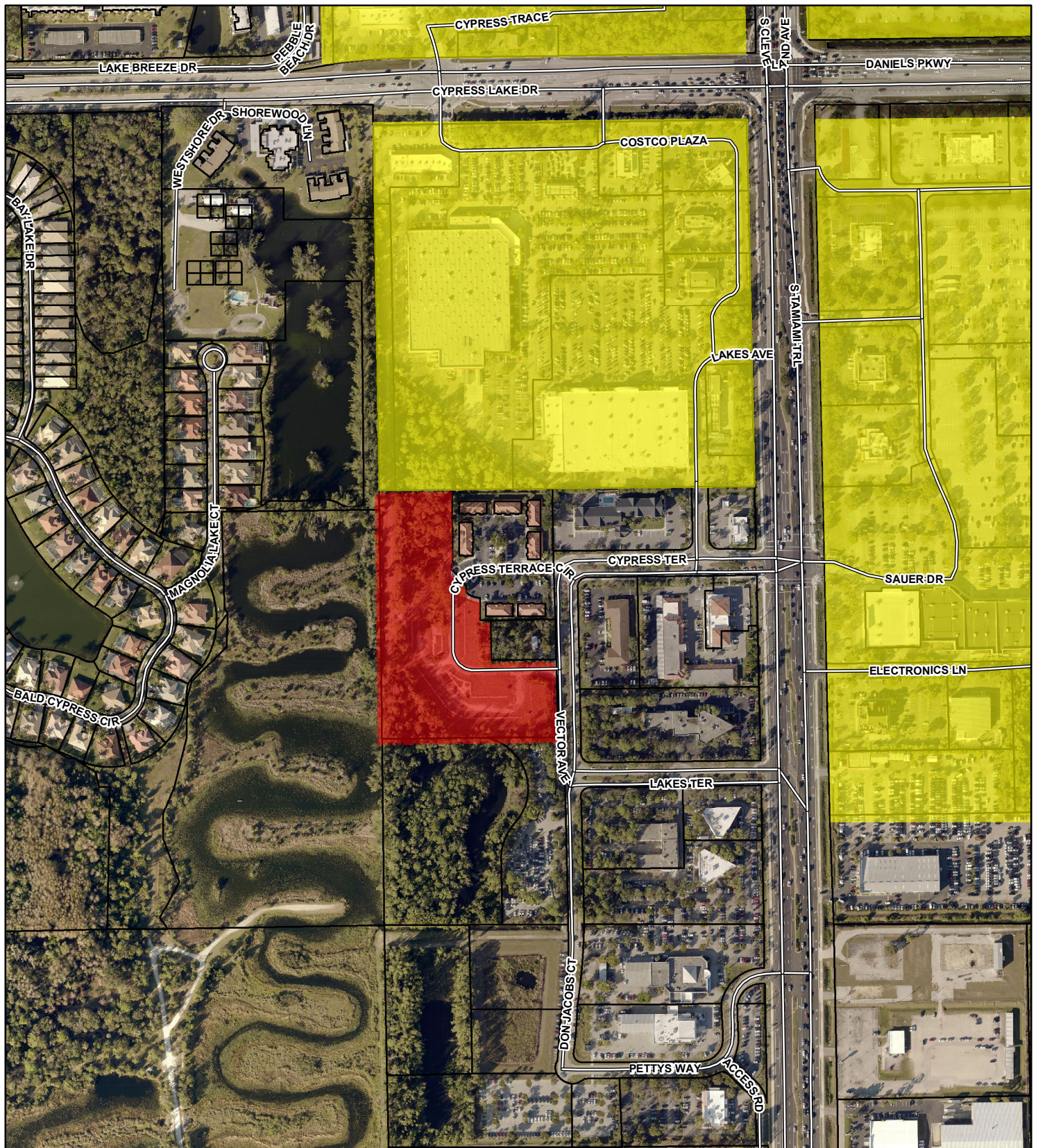
- Existing & Proposed Map 1, Page 6: Mixed Use Overlay Map

Attachment 2:

- Letters of Availability

Electronic Files:

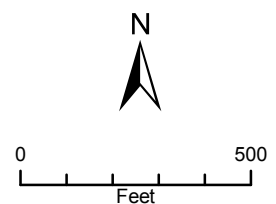
<https://www.leegov.com/dcd/planning/cpa/compplansearch?case=CPA2019-00010>



CPA2019-00010
 Central Park
 Existing and Proposed
 Mixed Use Overlay



- Proposed Mixed Use Overlay
- Existing Mixed Use Overlay



Map Generated: Feb 2020



BOARD OF COUNTY COMMISSIONERS

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Roger Desjarlais
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
*County Chief
Hearing Examiner*

October 14, 2019

Via E-Mail

Veronica Martin
TDM Consulting, Inc.
43 Barkley Cir, Suite 200
Fort Myers, FL 33907

**RE: Potable Water and Wastewater Availability
Central Park Condo
STRAP # 23-45-24-60-00000.2010**

Dear Ms. Martin:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 6 and 7 of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 166 single family residential units with an estimated flow demand of approximately 35,465 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

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

Sanitary sewer service will be provided by our our Fiesta Village Water Reclamation Facility. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

Prior to beginning design work on this project, please meet with LCU Staff to determine the best point of connection and discuss requirements for construction.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

October 14, 2019

Page 2

Further, this letter of availability of potable water and sanitary sewer service is to be utilized for Comprehensive Plan Amendment only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES



Mary McCormic
Technician Senior
239-533-8532
UTILITIES ENGINEERING

Carmine Marceno
Sheriff



"Proud to Serve"

State of Florida
County of Lee

September 27, 2019

Veronica Martin
TDM Consulting
43 Barkley Circle, Suite 200
Fort Myers, FL 33907

Ms. Martin,

A Comprehensive Plan Amendment request to add a 6.4-acre parcel in south Fort Myers with STRAP #23-45-24-60-00000.2010 to the Mixed-Use Overlay Map does not affect the ability of the Lee County Sheriff's Office to provide core services at this time. As such, this agency does not object to a maximum of 166 dwelling units or 10,000 square feet per acre of commercial intensity.

We will provide law enforcement services primarily from our West District office in south Fort Myers. At the time of application for new development orders or building permits, the applicant shall provide a Crime Prevention Through Environmental Design (CPTED) report to the Lee County Sheriff's Office for review and comments. Please contact Community Relations Supervisor Beth Schell at 258-3287 with any questions regarding the CPTED study.

Respectfully,

A handwritten signature in cursive script that reads "Stanley B Nelson".

Stan Nelson
Director, Planning and Research



"The Lee County Sheriff's Office is an Equal Opportunity Employer"
14750 Six Mile Cypress Parkway • Fort Myers, Florida 33912-4406 • (239) 477-1000

EXHIBIT M17



THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966 ♦ WWW.LEESCHOOLS.NET

DOMINIC GEMELLI
PROJECT MANAGER
239-335-1478

GWYNETTA S. GITTENS
CHAIR, DISTRICT 5

CHRIS N. PATRICCA
VICE CHAIR, DISTRICT 3

MARY FISCHER
DISTRICT 1

MELISA W. GIOVANNELLI
DISTRICT 2

DEBBIE JORDAN
DISTRICT 4

BETSY VAUGHN
DISTRICT 6

CATHLEEN O'DANIEL MORGAN
DISTRICT 7

GREGORY K. ADKINS, Ed. D.
SUPERINTENDENT

ALAN L. GABRIEL, ESQ.
BOARD ATTORNEY

October 30, 2019

Veronica Martin
Senior Planner
TDM Consulting
43 Barkley Circle Suite 200
Fort Myers, Florida 33907

RE: Cypress Lake Center DRI Strap #23-45-24-60-0000.2010

Dear Ms. Martin:

This letter is in response to your request for comments dated August 17, 2019 for the Cypress Lake Center DRI in regard to educational impact. The project is located in the South Choice Zone, S2.

This is a requested CPA amendment would represent increase of Multi-Family units in this CSA of 166.

For Multi-Family homes, the generation rate is .116 and further broken down by grade level into the following, .058 for elementary, .028 for middle and .03 for high. A total of 20 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

The Concurrency Analysis attached, displays the impact of this development. Capacity is not an issue within the Concurrency Service Area (CSA)

Thank you and if I may be of further assistance, please contact me at 239-335-1478

Sincerely,

Dominic Gemelli

Dominic Gemelli, Planner

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY Lee County School District
NAME/CASE NUMBER MPD Ammendment
OWNER/AGENT Cypress Lake Center DRI
ITEM DESCRIPTION MPD impacts in South CSA, sub area S2

LOCATION Unknown
ACRES 6.40 Strap # 23-45-24-60-0000.2010
CURRENT FLU Intensive Development
CURRENT ZONING MPD

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
	166	0

STUDENT GENERATION

Student Generation Rates			
SF	MF	MH	Projected Students
Elementary School	0.058		9.63
Middle School	0.028		4.65
High School	0.03		4.98
Source: Lee County School District, September 8, 2018 letter			

CSA SCHOOL NAME 2023/24

	CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH Capacity	Adjacent CSA Available Capacity w/Impact
South CSA, Elementary	13,291	11,993	1,298	10	1288	90%	
South CSA, Middle	6,904	5,561	1,343	5	1338	81%	
South CSA, High	8,703	8,347	356	5	351	96%	
(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan							
(2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity)							
(3) Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual							

Prepared by: Dominic Gemelli, Planner



LEE COUNTY

SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

August 27, 2019

Veronica Martin
TDM Consulting
43 Barkley Circle, Ste. 200
Fort Myers, FL 33907

Re: Letter of Service Availability

Ms. Martin,

I am in receipt of your letter requesting a Letter of Service Availability for a Comprehensive Plan Amendment for a 6.4-acre parcel in South Fort Myers. The STRAP for the parcel is #23-45-24-60-00000.2010.

Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the address you have provided. Because we currently serve this area and have a sufficient response data sample, we evaluated response times in this vicinity to simulate the anticipated demand and response.

The primary ambulance for this location is Medic 1, located 1.9 miles north. In addition, Medic 8 is located 3.7 miles to the south. These locations are projected to be able to meet existing service standards, as required in County Ordinance 08-16.

It is our opinion that the service availability for the proposed development of this property is adequate at this time. Should the plans change or more information becomes available, a new analysis of this impact would be required.

Sincerely,

Benjamin Abes
Chief
Division of Emergency Medical Services

RECEIVED
SEP 05 2019

COMMUNITY DEVELOPMENT

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111
Internet address <http://www.lee-county.com>
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

CPA 2019-00010

John E. Manning
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Cecil L. Pendergrass
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Brian Hamman
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Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

August 21, 2019

Veronica Martin
Senior Planner
TDM Consulting, Inc.
43 Barkley Cir, Suite 200
Fort Myers, FL, 33907

RE: Central Park Mixed-Use Overlay

Dear Ms. Martin,

LeeTran has reviewed your request for service availability in regard to a Comprehensive Plan Amendment application to add 6.4 acres within the Cypress Lake Center DRI into the existing Mixed-Use Overlay. After reviewing the site and comparing the location with our existing and planned route locations according to the 2016 Transit Development Plan (TDP), the following has been determined:

- Proposed development is within one-quarter mile of a fixed-route corridor.
- 1485 is the closest bus stop to proposed development.
- Routes 140 & 240 operate in north and southbound directions on S. Tamiami Trl.
- Bus stop landing pad does not meet Lee County LDC requirements.
- There is no bicycle storage rack.

Conclusion:

Development order meets applicability outlined in Sec 10-441. The development order also meets Sec 10-442 (a) (1) for required facilities because it is less than 30,000 square feet in total floor area and the vehicular entrance is within one-quarter mile of an existing bus stop.

The closest bus stop does not currently meet the Sec 10-296 for landing pad size or Sec 10-442 (a) (1) for required transit amenities. At time of DO submittal, Developer will need to meet the requirements based on the current Transit LDC.

Attached is a map of our route serves in relation to the site. If you have any questions or require further information, please do not hesitate to contact me at (239) 533-0233 or dhuff3@leegov.com.

Sincerely,

Dawn Huff

Dawn Huff

Senior Planner, LeeTran Mobility Enhancement Team

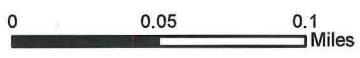
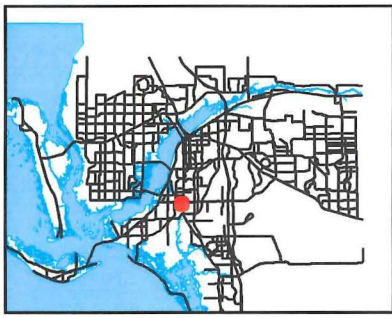
01000-6107-10
JANUARY 2010
CITY OF TAMPA



Development Review

Central Park Mixed-Use Overlay

-  Bus Stops
-  Bus Route
-  Subject Property





SOUTH TRAIL FIRE PROTECTION & RESCUE SERVICE DISTRICT

Established 1965

"Compassion, Commitment, Courage"

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Jeff Haugh
Vice-Chairman

John F. Anderson II
Secretary-Treasurer

Ron Tarantino
Commissioner

Ken Brown
Commissioner

Administration

Benjamin A. Bengston
Fire Chief

Gene Rogers
Assistant Fire Chief

August 28, 2019

Letter of Adequacy and Support

Veronica Martin
TDM Consulting Inc.
43 Barkley Circle Suite 200
Fort Myers, FL 33907

To Whom It May Concern,

As the Division Chief of Fire and Life Safety for South Trail Fire District, I have reviewed the information provided by TDM Consultants pertaining to the submission of a Comprehensive Plan Amendment requesting to add the 6.4 acres parcel to the Mixed-Use Overlay Map. The subject property is located behind the Costco Shopping Plaza at Cypress Lake Dr. and US 41 within my fire district.

South Trail Fire District has no objection to this amendment and can adequately protect this property if and when it is developed.

If there are any questions regarding this letter please contact me.

Respectfully,

Nate Burley
Division Chief – Fire and Life Safety
South Trail Fire District
239-482-8030
nburley@southtrailfire.org

RECEIVED
SEP 05 2019

5531 Halifax Ave. Fort Myers, FL 33912-4403
Administration Phone: 239.433.0080 • Prevention Phone: 239.482.8030
WWW.SOUTHTRAILFIRE.ORG

CPA 2019-00010



John E. Manning
District One

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
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Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

August 26, 2019

TDM Consulting
Attn.: Ms. Veronica Martin
43 Barkley Circle, Suite 200
Fort Myers, FL 33907

RE: Letter of Availability
STRAP 23-45-24-60-00000.2010 - 6.4 acres behind Costco in SFM

Dear Ms. Martin,

The Lee County Solid Waste Division is capable of providing solid waste collection and disposal service for the above planned Mixed Use Planned Development in South Fort Myers. Disposal of the solid waste will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

To ensure service, it is the responsibility of the property owner to follow Lee County Ordinance 11-27 for commercial dumpster space and recycling container requirements. For access of the collection vehicle to the dumpster enclosure we recommend an area unobstructed by trees and away from abutting parking spaces. The area should be accessible by the collection vehicle without crossing lanes or obstructing traffic. A minimum of 60' from the collection vehicle straight to the dumpster enclosures gate is needed. This requirement changes to a minimum of 70' unrestricted operating room if your design incorporates a compactor. A service agreement with the County's contracted Franchise Collection Company is required for the collection of solid waste. For multi-family dwelling units please consider additional space for the placement and collection of bulky items such as mattresses and sofas.

If you have any questions, please call me at (239) 533-8000.

Sincerely,

Brigitte Kantor
Public Utilities Manager
Lee County Solid Waste Division

RECEIVED
SEP 05 2019

TO VIEW APPLICANT MATERIALS,
CLICK THE LINK BELOW:

[Click Here](#)

CPA2019-00009

&

CPA2019-00011

SMALL BROTHERS
COMMERCIAL

STAFF REPORT FOR
CPA2019-00009 & CPA2019-00011:

Small Brothers Commercial

Privately Initiated Text & Map Amendments to the Lee Plan



Applicant:

Small Brothers
Commercial

Representative:

Daniel Delisi, AICP

Property Location:

SW corner of Corkscrew
Road & Alico Road
Intersection

Size:

±12.1 acres

Planning Community:

Southeast Lee County

Commissioner District:

District #3

Attachments:

1. Recommended Text Amendments
2. Proposed Maps 6 & 7 Boundary Changes
3. Link to Applicant Materials

Hearing Dates:

LPA: 7/27/2020

REQUESTS

- Amend Policies 1.4.5 and 33.3.5, and create Objective 33.5 to allow commercial development on properties located in Southeast Lee County with previously approved commercial zoning in the Density Reduction/Groundwater Resource (DR/GR) Future Land Use category.
- Amend Maps 6 and 7 to add 12.1 ± acres to the Lee County Utilities Future Water and Wastewater Service Areas.

SUMMARY

The amendments are to allow commercial development with a maximum intensity of 10,000 square feet per upland acre on properties located in Southeast Lee County that were zoned commercial prior to the creation of the DR/GR future land use category (September 17, 1990). Properties meeting this criteria will be required to use the planned development rezoning process in order to ensure commercial development will be: consistent with the process required to allow commercial development in the Environmental Enhancement Preservation, Mixed-Use, and Rural Golf Course Communities; compatible with the Wetlands and DR/GR future land use categories; and, designed to protect water and other environmental resources.

FIGURE A: AERIAL LOCATION MAP



RECOMMENDATION

Staff recommends that the Board of County Commissioners **TRANSMIT** CPA2019-00009 and CPA2019-00011, as provided in attachments 1 and 2, based on the analysis and findings provided in this staff report.

PART 1 BACKGROUND

Request:

The applicant has submitted two applications to amend the Lee Plan, a text amendment and a map amendment. The text amendment is to amend Policies 1.4.5 and 33.3.5 and create Objective 33.5 in order to allow neighborhood commercial development on properties located in Southeast Lee County with the Density Reduction/Groundwater Resource (DR/GR) Future Land Use category (see Attachment 1).

The map amendment is to add 12.1 acres to the future water and wastewater service areas, Lee Plan Maps 6 and 7 (see Attachment 2).

Subject Property:

Throughout this staff report the property that will benefit from the text amendments and that is being added to Maps 6 and 7 is referred to as “the subject property”.

The subject property is on the south side of Corkscrew Road, near the intersection of Alico Road and Corkscrew Road. As provided in Table 1, the subject property was rezoned to Community Commercial (CC) in 1982 and received a variance (Zoning Resolution ZAB-82-337) to allow a private sewer treatment plant on the western side of the property in association with the proposed development of a mobile home park on the property to the south (SP-82-337). The mobile home community was never constructed and is now owned by South Florida Water Management District.

TABLE 1: SUBJECT PROPERTY

STRAP	Size/ Use	Future Land Use Category	Zoning	Wellfield Zone
22-46-26-00-00001.0010	12.1 acres/ vacant	DR/GR & Wetlands	Zoned CC; Zoning Resolution ZAB-82-337, Hearing #81-11-1 DCI	6-month to 5-year travel time

Surrounding Properties:

The surrounding properties to the north, south, east and west are predominantly within DR/GR, Wetlands and Conservation future land use categories and are zoned Agricultural (AG-2), Mobile Home (MH-1), Industrial Planned Development (IPD) and Residential Planned Development (RPD). Additional information on the surrounding properties is provided below in Table 2.

**TABLE 2:
SURROUNDING PROPERTIES**

	Future Land Use Category	Zoning	Existing Use	Wellfield Travel Times
North	DR/GR & Wetlands	West Lakes Excavation IPD; 177.6 acre mining	Corkscrew Road, Mining operation	ASR Zone, 6 months to 5 years
Northeast	DR/GR, Public Facilities & Wetlands	AG-2	Lee County Utilities Wellfield	ASR Zone, 6 months to 5 years

South	Conservation Lands Wetlands & Uplands	MH-1	Conservation (Governmental – SFWMD)	6 months to 5 years
East	DR/GR & Wetlands	AG-2	Conservation (Governmental – Lee County)	ASR Zone, 6 months to 5 years
West	DR/GR	Corkscrew Shores RPD; approved for 800 residential units	Single Family Residential	1 to 5 years

PART 2

STAFF DISCUSSION AND ANALYSIS OF PROPOSED AMENDMENTS

The subject property is located in the Southeast Lee Planning Community and is within the DR/GR and Wetlands future land use categories.

Southeast Lee Planning Community:

The Southeast Lee Planning Community allows for agricultural, residential, conservation and mining operations. Development in the Southeast Lee County community plan area is guided by Goal 33 which seeks to balance the need protect and restore natural resources and groundwater resource areas and accommodate managed growth. Residential and commercial developments are not anticipated to be significantly increased except in very limited areas where development rights are concentrated by the Lee Plan (Vision and Goal 33). Policy 33.3.5 permits commercial development in Southeast Lee County in conjunction with an Environmental Enhancement and Preservation Community, Rural Golf Course Community, or Mixed-Use Community which are specifically depicted on Map 17: Southeast DR/DR Residential Overlay and do not include the subject property. These developments, through requirements of the Lee Plan¹ and approved Planned Development zonings², have committed substantial amounts of land for environmental purposes and resource protection, including restoration of flowways and habitat for listed species.

Future Land Use Category:

The subject property has been designated as DR/GR and Wetlands on the Future Land Use Map since 1990. The DR/GR and Wetlands future land use categories, as provided in Policies 1.4.5 and 1.5.1 below, restrict commercial development.

Policy 1.4.5.2.a provides that “*Commercial and civic uses can be incorporated into Mixed-Use Communities, Environmental Enhancement and Preservation Communities, and Rural Golf Course Communities that are depicted on Map 17 to the extent specifically provided in those policies.*” There are no other references to commercial uses in Policy 1.4.5. The subject property is not in any of the areas identified in the Policy.

Policy 1.5.1 provides that “*land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in*

¹ Lee Plan Goal 13: Private Recreation Facility Planned Development; Objective 33.3: Residential and Mixed-Use Development

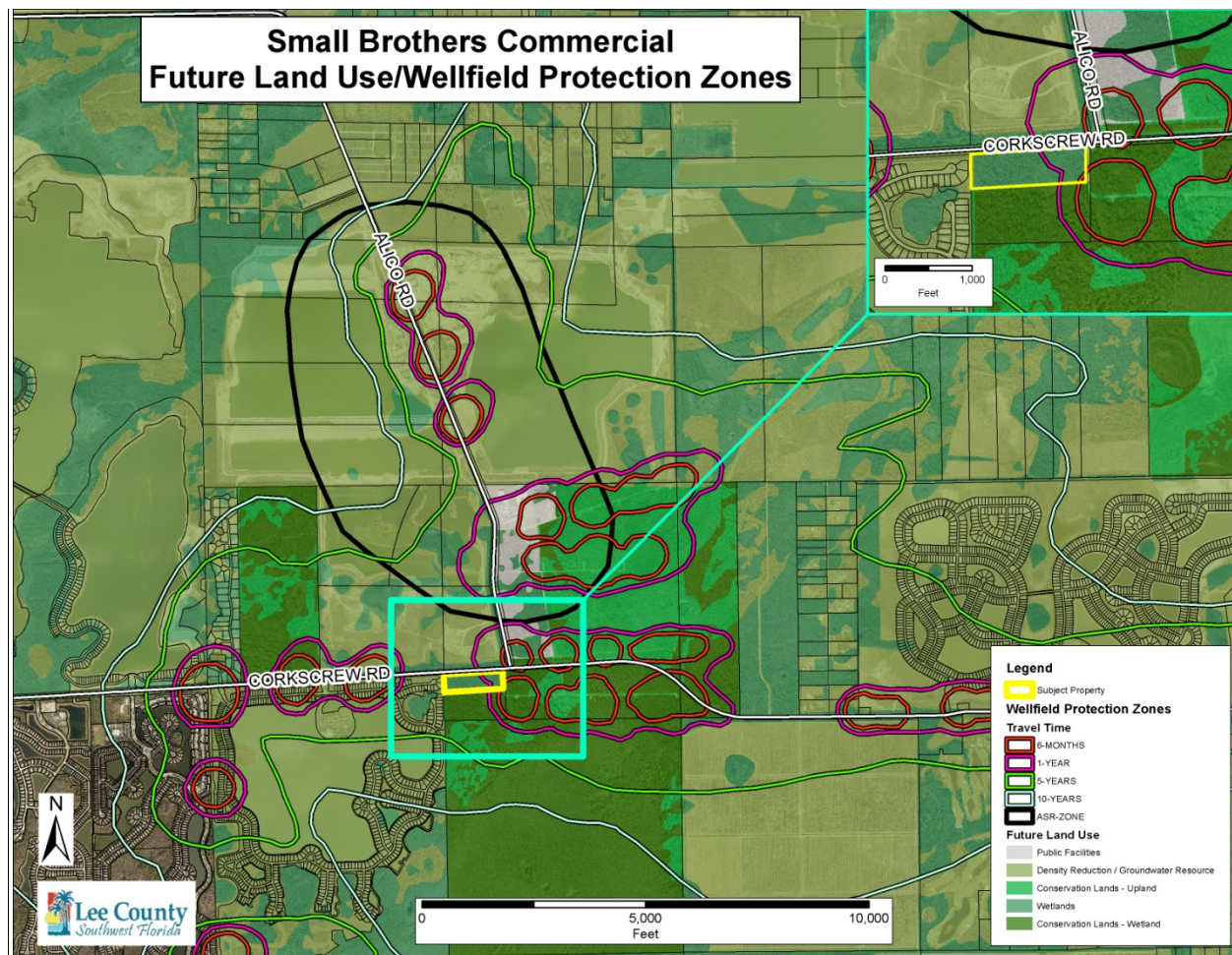
² DCI2014-00009 (WildBlue); DCI2019-00018 (Verdana Village); DCI2019-00007 (Old Corkscrew Golf Club Commercial)

Wetlands must be consistent with Goal 124 of this plan.” While Policy 1.5.1 does not allow for commercial uses in the Wetlands future land use category, Policy 124.1.2 provides for development of non-residential uses on wetlands that have been impacted, or will be impacted, in accordance with a state agency permit with non-residential uses permitted in the immediately adjacent, least intense, upland future land use category. In the case of the subject property, the immediately adjacent, least intense future land use categories are DR/GR and Conservation Lands – Uplands. Neither of these categories would allow for commercial uses on the subject site.

Wellfield Protection:

The subject property is within the Wellfield Protection Zones for the Pinewoods Water Treatment Plant, which provides the drinking water supply to much of south Lee County. The Pinewoods Water Treatment Plant treats groundwater from the Sandstone and Surficial aquifers using nanofiltration and water from the Lower Hawthorn aquifer using reverse osmosis from the Pinewoods wellfield. The water from both treatment units is then blended together and sent to degasifiers, where hydrogen sulfide is removed and the water is further treated.

FIGURE B: FUTURE LAND USE CATEGORIES & WELLFIELD PROTECTION ZONES



The Wellfield Protection Ordinance provides regulations to ensure that Lee County has adequate potable water supply (quality and quantity) by restricting activities and substances that may occur or be used within the County's Wellfield protection zones. Objective 63.1 and Policies 63.1.2 and 63.1.3 require all development applications for the subject property to be reviewed by the staff hydrologist for consistency with the Wellfield Protection Ordinance. This is because the entire property is within the 10-year and 5-year travel times from existing wellheads, and portions of the property are within the 1-year and 6-month travel times (Policy 63.1.2). The upland portions are also within the DR/GR future land use category (Policy 63.1.3).

Community Commercial (CC) Zoning District:

The Lee County Land Development Code (LDC), Section 34-841 (g), provides "the purpose and intent of the CC district is to permit the designation of suitable locations for **medium- to large-scale consumer-oriented commercial facilities, particularly for multiple-occupancy complexes known as community or regional shopping centers**, and to facilitate their proper development and use. In addition to the retail sale of consumer goods, this district is intended to permit a wide range of services, financial and other, including business and professional offices, all arranged in discrete commercial centers or evolving business districts. **Such centers or districts differ from neighborhood commercial facilities in concentrating a greater floor area of use and a broader mix of goods and services in order to serve a wider market or service area and a larger population. This is expected to create greater impact on surrounding land uses and therefore require buffering and designed gradients of intensity adjacent to less intense uses** (emphasis added)." As its intended, the CC district is not consistent with either of the property's future land use categories (Wetlands and DR/GR) or the property's location within Lee County's Wellfield Protection Zones.

Closer examination of the uses allowed within the CC district confirm that there are a number of land uses allowed that are not consistent with the Wellfield Ordinance. Given the subject property's proximity to wellfields, land uses should be limited to protect the county's drinking water supply. These uses includes things such as auto and boat repair, fuel pumps, car wash, cleaning and maintenance services, funeral homes, on-site dry cleaning, research and development laboratories, vehicle equipment dealers or any other similar use that may contain the storage of hazardous chemicals. Additionally, through a Special Exception or other process, uses such as bus station or depot, excavation of oil of gas and commercial parking lot could be permitted in the CC district could be approved if deemed consistent with the Lee Plan. Many of these uses have been specifically prohibited on properties subject to the Environmental Enhancement and Preservation Community Overlay (Policy 33.3.4.e). Additionally, in the Rural Golf Course Community Overlay, the storage of toxic or hazardous substances is specifically prohibited (Policy 13.3.9).

There are uses that are allowed in the CC district such as places of worship and schools that would be appropriate on the subject property; however, development of commercial uses would be inconsistent with the subject property's future land use categories, Wellfield Protection Ordinance, and commercial limitations identified for the Southeast Lee County community plan area (Policy 33.3.5). Furthermore, development of the subject property would be limited in accordance with: Florida Statute 163.3194 which requires all development must be consistent with the local comprehensive plan; LDC 34-491 which provides where there is a conflict between the Lee Plan and any regulation in the LDC, the Lee Plan prevails; LDC 10-81 which requires that development order approvals, including amendments to existing or approved development orders, must be consistent with the Lee Plan provisions and approved zoning actions applicable to the subject property at the time the approvals are issued; and, Lee Plan

Chapter XIII which states that “development permits issued by the county must be consistent with the Plan as adopted on the date of issuance.”

Proposed Lee Plan Amendments

To address the inconsistencies of allowing commercial uses on the subject property with the Lee Plan, the proposed text amendments would require the subject property be rezoned to a planned development in order to ensure consistency with commercial development allowed in the Environmental Enhancement Preservation, Mixed-Use, and Rural Golf Course Communities; compatibility with the Wetlands and DR/GR future land use categories; and, protection of Southeast Lee County’s water and other environmental resources.

The remainder of this report identifies the proposed text amendments and analysis by staff. All proposed edits are shown in strikethrough and underline of existing Lee Plan language.

Cross References in POLICY 1.4.5 (DR/GR future land use category): The requested amendments to Policy 1.4.5 simplifies existing language and adds a cross-reference to the new Objective 33.5, which is proposed to address stand-alone commercial development in Southeast Lee County. Staff supports adoption of the following amendments to Policy 1.4.5:

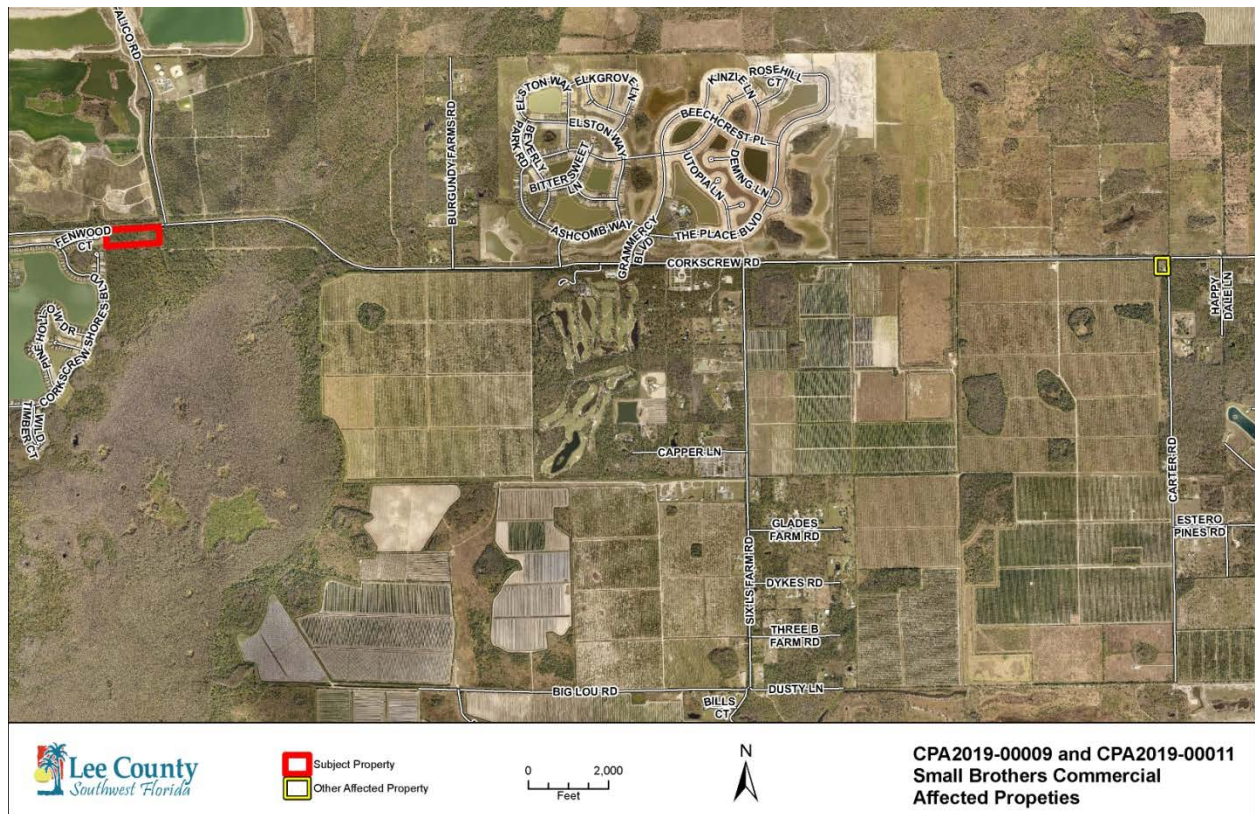
POLICY 1.4.5:

2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). See Objectives 33.3 and 33.4 ~~Policies 33.3.2, 33.3.3, and 33.3.4~~ for potential density adjustments resulting from concentration or transfer of development rights.
 - a. ~~For residential development, also see Objective 33.3 and following policies.~~ Commercial and civic uses ~~can~~ may only be permitted on properties in Southeast Lee County as provided in Objectives 33.3 and 33.5, incorporated into Mixed Use Communities, Environmental Enhancement and Preservation Communities, and Rural Golf Course Communities that are depicted on Map 17 to the extent specifically provided in those policies.

General Commercial Limitations in Southeast Lee County: The following amendment to Policy 33.3.5 is proposed to maintain consistency within the Lee Plan:

POLICY 33.3.5: Commercial uses may only be permitted if on property with existing conventional commercial zoning approved prior to September 17, 1990, or if incorporated into a Mixed-Use Community, Environmental Enhancement and Preservation Community, or Rural Golf Course Community depicted on Map 17. The maximum commercial floor area that may be approved within the Southeast Lee County community plan area may not exceed 300,000 square feet.

The amendment to Policy 33.3.5 is necessary to allow commercial development on the subject property which is otherwise limited by its location within the Southeast Lee County community plan area and DR/GR and Wetlands future land use categories. The proposed text amendments would be applicable to the subject property and one other property in Southeast Lee County that also has conventional commercial zoning approved prior to the adoption of the DR/GR future land use category.



The amendment to Policy 33.3.5 will require development of the subject property to comply with the overall commercial intensity threshold for the Southeast Lee County community plan area of 300,000 square feet. This will ensure that the amount of commercial development will not promote the urbanization of this less dense area of the county while providing commercial services to the residents in the immediate area. Policy 33.3.5 also limits additional intensity and external impacts, such as traffic, to a level that is already anticipated within Southeast Lee County.

A review of recent approvals and recent applications in Southeast Lee County demonstrate that of the 300,000 square feet, there is still commercial square footage available - WildBlue (DCI2014-00009) was approved with 40,000 square feet of commercial, Verdana Village (DCI2019-00018) was approved with 100,000 square feet of commercial, and Old Corkscrew Golf Club Commercial (DCI2019-00007) has requested 100,000 square feet of commercial, which leaves approximately 60,000 square feet of commercial development available for approval³.

Commercial Development Requirements: These text amendments create a new Objective in Goal 33 to provide guidance for commercial development within the DR/GR future land use category within Southeast Lee County. The new Objective 33.5, specific for commercial zonings approved prior to the adoption of the DR/GR future land use category is proposed as follows:

³ The calculation of available commercial square feet per Policy 33.3.5 is based on the maximum commercial square footage either approved by zoning, or as being requested in the case of DCI2019-00007 which has not yet been heard by the BoCC. Actual commercial square feet will be confirmed at time of development order and could be less than the maximum approved by zoning.

OBJECTIVE 33.5: COMMERCIAL ZONING APPROVED PRIOR TO SEPTEMBER 17, 1990: To allow development of commercial uses on properties designated DR/GR that have existing conventional commercial zoning approved prior to September 17, 1990.

The addition of Objective 33.5 is appropriate to address stand-alone commercial development on properties with existing commercial zoning in Southeast Lee County. Goal 33 does not currently have an Objective that addresses commercial as a primary use since the only commercial currently permitted is subject to Objective 33.3: Residential and Mixed Use Development. Objective 33.3 contains a number of residential overlays, some of which allow for commercial uses, but all of which require residential development as the primary use and, if proposed, the commercial uses as secondary. All of these overlays are also identified on Lee Plan Map 17: Southeast DR/GR Residential Overlay. This map does not include or identify commercial-only development.

Commercial development allowed under Objective 33.3 requires a planned development rezoning. The same requirement is proposed in Policy 33.5.1. Through the planned development process consistency with the additional criteria outlined in Policy 33.5.1 must be demonstrated. Policy 33.5.1 is proposed as follows:

POLICY 33.5.1: Property with existing conventional commercial zoning approved prior to September 17, 1990 may be approved for development of commercial uses if the project is found consistent with and demonstrates through a planned development rezoning all of the following:

1. The allowable total square footage for commercial uses in Southeast Lee County set forth in Policy 33.3.5 is not exceeded.
2. The development will be served by central water and sewer.
3. The development will be designed to minimize impacts to wetlands by only allowing impacts for stormwater retention/detention, accessways, and limited parking. Buildings and structures are prohibited in wetlands. Deviations may be considered through the planned development process to facilitate protection of wetlands.
4. The development does not exceed 10,000 square feet per upland acre of commercial uses and does not include any of the following uses: auto parts stores, lawn and garden supply stores, fuel pump stations, drycleaners (on-site), or any other use that is not compatible with protecting Southeast Lee County's environment.
5. If development is proposed within the 6-month, 1-year, 5-year, or 10-year travel zones of the Wellfield Protection Ordinance, a total of 1 ½ -inches of treatment, ½ -inch of which must be completed via dry pretreatment, must be provided at a minimum. Dry and wet treatment must be located outside of the 6-month and 1-year travel zones. The entire development will be considered to be within the most restrictive wellfield protection zone as provided in the Wellfield Protection Ordinance.
6. Ground water quality monitoring well(s) for the Surficial Aquifer System are provided and located between Lee County's nearest production well(s) and the development.
7. Flowway connection(s) are provided for all surface water discharge to adjacent Conservation Lands.

The criteria proposed in Policy 33.5.1 is to ensure wellfield and wetlands are protected. To ensure that wellfields are protected and that surface and groundwater is not degraded, which is critically important for protecting the county's public drinking water supply and groundwater, criteria is proposed to limit uses to those compatible with the wellfield protection zones and to allow for conditions that address mitigation for potential impacts. Minimizing impacts to wetlands on this project will allow recharge to the public supply wells. To ensure wetlands are protected, criteria is proposed to limit impacts on wetlands by not allowing construction of buildings or structures in these areas and restricting what types of improvements may be permitted. Consistent with Objective 60.4, the criteria allows for wetlands to be incorporated into future surface water management systems required for development. In addition, through the planned development rezoning process, deviations necessary to facilitate protection of wetlands may be considered.

The applicant has also proposed amendments to Lee Plan Maps 6 and 7 that would allow the property to connect to public water and sewer services (CPA2019-00011). Staff supports the request to add the property to Lee Plan Maps 6 and 7.

Public Service Availability:

The proposed amendment to the Future Land Use Map would expand the types of uses allowed on the subject property to include commercial uses. There are adequate potable water, sanitary sewers, solid waste, police, and fire/EMS, and transportation facilities to serve the subject property.

Transportation: The subject property is located at the southwest corner of Corkscrew Road and Alico Road. Alico Road is a major collector roadway and Corkscrew Road is an arterial facility, both are maintained by the County. Corkscrew Road from Ben Hill Griffin Parkway to Alico Road will be widened from 2-lane to 4-lane within 5 years.

Lee Plan amendments require a short range (5 years) and long range (20+ years) level of service (LOS) analysis. The 5 year and the long range 2040 LOS analysis indicates that in the three mile study area all the roadway segments are anticipated to operate at or better than the adopted LOS standard in year 2024 and year 2040. Based on the submitted data and analysis, there are no required modifications to the adopted Lee County 2040 Cost Feasible Plan network as result of this request.

Utilities: Potable water is available from the Pinewood Water Treatment Plant and wastewater service would be provided by the Three Oaks Water Reclamation Facility.

Solid Waste: The subject property has access to solid waste services. Solid waste collection services will be provided by Lee County using the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.

Fire: Estero Fire Rescue indicated they are capable of providing fire protection.

EMS: The subject property has access to EMS services by Lee County Emergency Medical Services.

Police: The Lee County Sheriff will provide law enforcement services primarily from the Lehigh Acres and Bonita Springs substations. The future development of the subject property will not affect the ability of the Lee County Sheriff's Office to provide core services at this time.

PART 4 CONCLUSIONS

The proposed text amendments will allow two properties in Southeast Lee County with existing zoning that is inconsistent with the Lee Plan to obtain limited commercial development by rezoning to a planned development.

The proposed amendments will require development to:

- Be consistent with the allowable total square footage for commercial uses in Southeast Lee County set forth in Policy 33.3.5;
- Connect to central water and sewer;
- Limit wetland impacts;
- Limit intensity to 10,000 square feet per upland acre and precludes uses that are not compatible with protecting Southeast Lee County's environment;
- Provide enhanced stormwater management system;
- Provide ground water quality monitoring well(s); and,
- Provide flowway connections to adjacent Conservation Lands.

The proposed map amendments will allow the subject property to be added to Maps 6 and 7 in order to be within the central water and wastewater service areas.

For the reasons discussed in this staff report, staff recommends that the Board of County Commissioners ***TRANSMIT CPA2019-0009 and CPA2019-00011.***

PART 5 ATTACHMENTS

Attachment 1: Proposed Text Amendments (CPA2019-00009)

Attachment 2: Proposed Map 6 & 7 Boundary Change (CPA2019-00011)

Electronic Files:

<https://www.leegov.com/dcd/planning/cpa/compplansearch?case=CPA2019-00009>

<https://www.leegov.com/dcd/planning/cpa/compplansearch?case=CPA2019-00011>

ATTACHMENT 1

II. Future Land Use

POLICY 1.4.5: The Density Reduction/Groundwater Resource (DR/GR) land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed.

2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). See Objectives 33.3 and 33.4~~Policies 33.3.2, 33.3.3, and 33.3.4~~ for potential density adjustments resulting from concentration or transfer of development rights.

- a. ~~For residential development, also see Objective 33.3 and following policies.~~ Commercial and civic uses ~~can~~may only be permitted on properties in Southeast Lee County as provided in Objectives 33.3 and 33.5.~~incorporated into Mixed-Use Communities, Environmental Enhancement and Preservation Communities, and Rural Golf Course Communities that are depicted on Map 17 to the extent specifically provided in those policies.~~

(Ordinance No. 91-19, 94-30, 99-16, 02-02, 10-20, 12-24, 15-13, 18-18)

POLICY 33.3.5: Commercial uses may only be permitted if on properties with existing conventional commercial zoning approved prior to September 17, 1990, or if incorporated into a Mixed-Use Community, Environmental Enhancement and Preservation Community, or Rural Golf Course Community depicted on Map 17. The maximum commercial floor area that may be approved within the Southeast Lee County community plan area may not exceed 300,000 square feet.

OBJECTIVE 33.5: COMMERCIAL ZONING APPROVED PRIOR TO SEPTEMBER 17, 1990. To allow development of commercial uses on properties designated DR/GR that have existing conventional commercial zoning approved prior to September 17, 1990.

POLICY 33.5.1: Property with existing conventional commercial zoning approved prior to September 17, 1990 may be approved for development of commercial uses if the project is found consistent with and demonstrates through a planned development rezoning all of the following:

1. The allowable total square footage for commercial uses in Southeast Lee County set forth in Policy 33.3.5 is not exceeded.
2. The development will be served by central water and sewer.
3. The development will be designed to minimize impacts to wetlands by only allowing impacts for stormwater retention/detention, accessways, and limited parking. Buildings and structures are prohibited in wetlands. Deviations may be considered through the planned development process to facilitate protection of wetlands.
4. The development does not exceed 10,000 square feet per upland acre of commercial uses and does not include any of the following uses: auto parts stores, lawn and garden supply stores, fuel pump stations, drycleaners (on-site), or any other use that is not compatible with protecting Southeast Lee County's environment.
5. If development is proposed within the 6-month, 1-year, 5-year, or 10-year travel zones of the Wellfield Protection Ordinance, a total of 1 ½ inches of treatment, ½ inch of which must be completed via dry pretreatment, must be provided at a minimum. Dry and wet treatment must be located outside of the 6-month and 1-year travel zones. The entire development will be considered to be within the most restrictive wellfield protection zone as provided in the Wellfield Protection Ordinance.
6. Ground water quality monitoring well(s) for the Surficial Aquifer System are provided and located between Lee County's nearest production well(s) and the development.
7. Flowway connection(s) are provided for all surface water discharge to adjacent Conservation Lands.

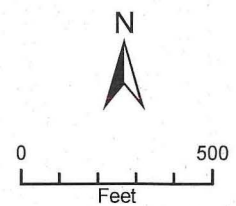
ATTACHMENT 2



CPA2019-00011
Small Brothers Commercial
Current Water and Sewer Service Area



- Subject Property
- Existing Future Water and Sewer Service Area



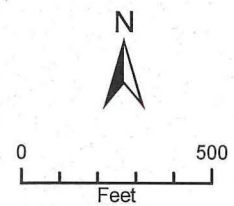
Map Generated: April 2020



CPA2019-00011
Small Brothers Commercial
Proposed Water and Sewer Service Area



- Subject Property
- Proposed Future Water and Sewer Service Area



Map Generated: April 2020

TO VIEW APPLICANT MATERIALS FOR
CPA2019-00009 (SMALL BROTHERS
COMMERCIAL)

CLICK THE LINK BELOW:

[Click Here](#)

TO VIEW APPLICANT MATERIALS FOR
CPA2019-00011 (SMALL BROTHERS
COMMERCIAL UTILITIES)

CLICK THE LINK BELOW:

[Click Here](#)