

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20041618

1. REQUESTED MOTION:

ACTION REQUESTED: DENY the request for rehearing of the Board decision in Zoning Case # DCI2003-00090 (Blue Stone RPD) located on McGregor Boulevard and Pine Ridge Road.

WHY ACTION IS NECESSARY: The Land Development Code allows an aggrieved party to file a request for a rehearing in a zoning action where the party believes there is new evidence or points of law or fact which may have been overlooked or misunderstood by the Board of County Commissioners.

WHAT ACTION ACCOMPLISHES: Allows the Board to consider whether a rehearing is warranted.

2. DEPARTMENTAL CATEGORY: 04

COMMISSION DISTRICT # 3

A4A

3. MEETING DATE:

03-15-2005

4. AGENDA

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER (LDC Section 34-84)

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER _____
- B. DEPARTMENT Community Development
- C. DIVISION Zoning
- BY M. Smith

7. BACKGROUND: On November 1, 2004, the Board of County Commissioners denied a request to rezone a 28.89± acre parcel located at the northwest quadrant of Pine Ridge Road and Loverock Way from community commercial (CC) and residential multiple-family (RM-2) to residential planned development (RPD). The proposed residential planned development (RPD) was to allow 326 multiple-family dwelling units not to exceed 65 feet in height. The Board denied the request primarily because of the density of approximately 10 units per acre.

The Lee County Land Development Code, Section 34-84(a) provides that any person who may be aggrieved by a decision of the Board of County Commissioners may file a request for a rehearing where the party believes there is new evidence or points of law or fact which may have been overlooked or misunderstood by the Board of County Commissioners.

On November 16, 2004, the applicant filed a request for a rehearing before the Board of County Commissioners. The applicant seeks to re-address several issues including density, reconfiguration of the site plan and clubhouse parking (see attached).

Staff believes the record reflects that the Board has not overlooked or misunderstood any evidence or points of law offered in the record of the hearings. The applicant's proposal to reduce units, height and square footage is a new request that was not considered during the public hearing and does not constitute an appropriate basis for rehearing.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

A Department Director	B Purchasing or Contract	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OA	QM	Risk	GC	
<u>M. Smith</u>	N/A	N/A		<u>Richard Rudolph 3/1/05</u>	<u>1/3/05</u>	<u>3/2/05</u>	<u>3/1/05</u>	<u>3/1/05</u>	<u>L. Smith</u>

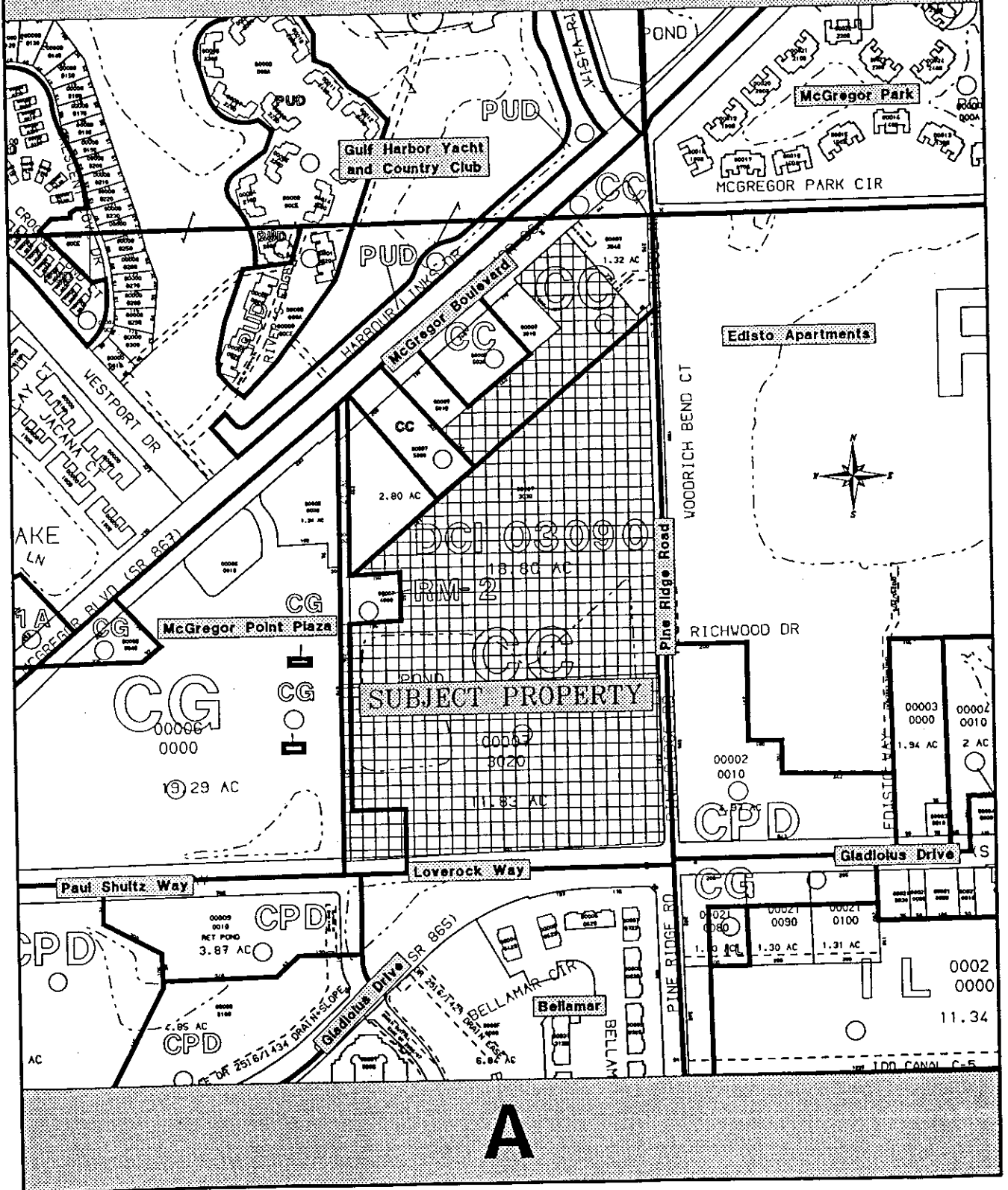
10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 3/1/05
Time: 11:30
Forwarded to: 3/1/05

3/1/05
3:10pm
FORWARDED TO: [Signature]

ZONING MAP



RECEIVED
NOV 16 2004

R. Don Throgmartin and Ron Throgmartin in reference to Blue Stone

RPD

Case #DCI2003-00090

Hearing Examiner Date: August 25, 2004

Board of County Commissioners Hearing Date: November 1, 2004

PERMIT COUNTER

1. Project Overview:

The subject property is located at 11100 and 15031 McGregor Boulevard. The request is to rezone the property from community commercial (CC) and residential multiple-family (RM-2) to a residential planned development (RPD). The subject property is located in the Central Urban Future Land Use Category of the Lee Plan. The property is surrounded to the north by several retail business including a convenience food and beverage store with fuel pumps, to the south is Paul Shultz Drive/Loverock Way, then Gladiolus Drive, then a multi-family residential development, to the west is a Lee County Utilities storage tank, Firestone Mastercare Car Service and McGregor point plaza, and to the east is Pine Ridge Road then Edisto Lake Apartments which is a multi-family residential development. The properties to the north, south, and west are in the Central Urban land use category with the property to the east being in the Urban Community land use category.

The plan that was presented to the County Commission on November 1st depicts five separate residential multiple-family buildings. Each building would have stepped down in height from 65 feet to 55 feet with the greater height oriented towards the interior of the project away from the surrounding residential developments. Each of the five multiple family buildings would have had free standing accessory garages with a maximum height of 20 feet. The five residential buildings would have housed 326 single family dwelling units or approximately 65 residential units per building.

Lee County Staff recommended approval of the proposed development as evidenced by the Staff Report and Staff's presentation at the public hearing. The Hearing Examiner also recommended approval of the proposed development which is evidenced by the Hearing Examiner's recommendation to the Board of County Commissioners. Additionally, there was no public opposition to the project at the Hearing Examiner Hearing.

2. Facts that the Board of County Commissioners Misunderstood, as well as Overlooked:

1. The parking calculations, available spaces, and the size of the clubhouse were overlooked. The clubhouse will contain a Recreation/Conference room of 1,300 s.f., an Exercise/Children's room of 880 s.f., a Leasing office of 1,365 s.f., Bathrooms/Storage of 527 s.f., Golf Cart storage of 527 s.f., Telecommunications room of 475 s.f. with a total area of 4,813

RECEIVED

PERMIT COUNTER

s.f. Therefore, the LDC will require that the clubhouse provide 48 parking spaces. There will be 18 parking spaces in the clubhouse parking lot with an additional 27 parking spaces across the internal access way from the clubhouse that are in front of Building 4. This will give the clubhouse a total of 45 parking spaces which is only 3 less than the required. It was overlooked that the reduction in parking for the clubhouse is not as great as once thought. Additionally, the recreation area will only be available to the residents of this development. It will not be open to the public. It was misunderstood by the BOCC that this clubhouse would be open to the public and available for public meetings, weddings, etc. Instead of meeting only 25% of the parking requirement for the clubhouse, the development will be meeting approximately 96% of the parking requirement for the clubhouse.

2. The pedestrian friendliness of this development was overlooked. The detailed master concept plan provides for mulch paths around the development along with boardwalks across the lakes. Staff provided a condition to provide for additional sidewalks which the developer is happy to provide and the sidewalks will further enhance the pedestrian friendly community.
3. As evidenced in the table on Page 13 in the Hearing Examiner's recommendation, the proposed development would significantly reduce traffic versus if it was developed as retail which the current zoning allows. If the property was developed as Multi-family the Weekday A.M. Peak Hour trips would be reduced from 235 trips to 130 trips which is a 45% \pm reduction. The Weekday P.M. Peak Hour trips would be reduced from 990 trips to 165 trips which is an 83% \pm reduction. Finally, the Average Daily 2-Way trips would be reduced from 10,655 trips to 1,785 trips which is an 83% \pm reduction. This clearly indicates that the proposed development would reduce the intensity instead of the property being developed with the current commercial zoning.
4. The existing lake is far more dangerous than what is being requested. The existing lake has approximately 400 feet of lake frontage along Pine Ridge Road and the development would significantly reduce the amount of lake frontage along this road. The proposed development will reduce the lake frontage to approximately 150 along Pine Ridge Rd. Staff and the Hearing Examiner recommended approval of the deviation with the condition that elements for the protection of wayward vehicles be provided at time of local development order. If the protection of wayward vehicles cannot be provided in the 20 foot lake setback from the property line to the satisfaction of development services then the lake setback will have to be increased. Additionally, Chapter 10 of the Land Development Code allows lake setbacks to be reduced administratively as long as the development provides for the protection of wayward vehicles. Reduced lake setbacks

RECEIVED
NOV 16 2004

PERMIT COUNTER

RECEIVED

PERMIT COUNTER

have been approved in several cases as long as there is protection of wayward vehicles. Some examples are Zoning Resolution's Z-04-032, Z-04-037, Z-96-73, and Z-04-043.

5. The site is not crammed on the property. Not only is the development providing a minimum of 40% open space but it is providing aesthetically pleasing lakes, mulch walking paths, boardwalks across the lakes, sufficient building separation and sufficient setbacks to created an excellent development. To further the openness of the development only 25% of the lakes can count toward the open space requirements which would equal approximately 2.88 acres. The master concept plan clearly indicates a total of 7.49 acres of lakes in the development. This equates to approximately 4.61 acres of lakes that will be constructed but not count toward the open space requirement. This clearly shows that the site will have more than the minimum requirement of 40% open space.

3. **Proposed Changes to the Development:**

The applicant will agree to remove 48 dwelling units from the requested density. This will be achieved by eliminating one floor from Building's 2, 3, and 5 which contain 16 dwelling units on each floor. This in turn reduces the building height to 55 feet and reduces the building heights along Pine Ridge Road and Gladiolus Drive. Additionally, Building's 2 and 3 are in the Coastal High Hazard Area. The elimination of one floor on these buildings will remove 32 units from the Coastal High Hazard Area. This will reduce the density from 9.9 dwelling units per acre, which was approved by Staff and the Hearing Examiner, to 8.52 dwelling units per acre.

RECEIVED
NOV 16 2004

PERMIT COUNTER

TRIP GENERATION COMPARISON BLUE STONE

**Table 1
Trip Generation
Blue Stone as Proposed
328 Multi-Family Dwelling Units**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Multi-Family (328 units)	20	110	130	110	55	165	1,785

**Table 2
Trip Generation
Blue Stone as Commercial Property
200,000 Square Feet of Retail Space**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Retail (200,000 s.f.)	145	90	235	475	515	990	10,655

Source: Institute of Transportation Engineer's (ITE) Trip Generation Report, 7th Edition

RECEIVED
NOV 16 2004
PERMIT COUNTER

RECEIVED
PERMIT COUNTER