

DECEMBER 18, 2019

The [Zoning/Comprehensive Plan Meeting](#) of the [Board of Lee County Commissioners](#) was held on this date with the following Commissioners present:

- Brian Hamman, Chairman
- Franklin B. Mann, Vice-Chairman
- Cecil Pendergrass
- John E. Manning
- Ray Sandelli

The Chairman called the meeting to order at 9:31 a.m. and asked that everyone please rise for the Pledge of Allegiance.

<u>CASE NUMBER</u>	REZ2019-00005
<u>NAME</u>	Beaches Gateway Village
<u>REQUEST</u>	To rezone 14.97± acres from Commercial Planned Development (CPD) – Beachway Resort, Lee County Zoning Resolution No. Z-04-072A – to the Commercial (C-2) zoning district.
<u>LOCATION</u>	17365 San Carlos Blvd., Iona/McGregor Planning Community, Lee County, FL
<u>PROPERTY OWNER’S REPRESENTATIVE</u>	Tina Ekblad, MPA, AICP, LEED AP Morris – Depew Associates Inc. 2914 Cleveland Avenue Fort Myers, FL 33901

Community Development Planning Manager Mikki Rozdolski presented a [PowerPoint Presentation](#) and stated that the Hearing Examiner (HEX) recommended approval and Staff agrees with the [Hearing Examiner’s recommendation](#) of approval. The Chairman called on the Applicant to speak and Russell Schropp of Henderson Franklin Law Firm came forward for the Applicant. Mr. Schropp stated that the Applicant is in agreement with the HEX. The Chairman called each Participant of Record by name; however, no one came forward.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

[RESOLUTION No. Z-19-028](#)

LEE COUNTY COMPREHENSIVE PLAN AMENDMENTS - *Adoption*
Old Corkscrew Commercial
CPA2018-10008

REQUEST: The purpose of the applicant’s request is to allow neighborhood commercial development in the DR/GR future land use category by expanding the uses permitted in Private Recreational Facilities. Private Recreational Facilities in the DR/GR are subject to the provisions of Lee Plan Goal 13. If the text amendments are approved and the Land Development Code is subsequently amended, a maximum of 100,000 square feet of neighborhood commercial development may be requested on property in the DR/GR through the PRFPD zoning process. The request map amendments will allow connection of the property to water (Map 6) and sewer (Map 7) services.

The Ordinance adopted by the Board and filed was LEE COUNTY ORDINANCE NO. [19-25](#) entitled:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE OLD CORKSCREW COMMERCIAL (CPA2018-10008) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF “THE LEE PLAN”; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

Community Development Planning Manager Mikki Rozdolski presented a PowerPoint Presentation and stated that the first request is to amend Lee Plan Map 6: Lee County Utilities Future Water Service Areas and Lee Plan Map 7: Lee County Utilities Future Sewer Service Areas to add 18.4± acres of property to Lee County Utilities' future water and sanitary sewer service areas. The second request is to amend Lee Plan Policies 13.2.9 and 13.3.9 to add neighborhood commercial development as a use that may be permitted within the PRFPD zoning district in the Density Reduction/Groundwater Resource future land use category subject to the provisions of Lee Plan Goal 13.

The purpose of the applicant's request is to allow neighborhood commercial development in the DR/GR future land use category by expanding the uses permitted in Private Recreational Facilities. Private Recreational Facilities in the DR/GR are subject to the provisions of Lee Plan Goal 13. If the text amendments are approved and the Land Development Code is subsequently amended, a maximum of 100,000 square feet of neighborhood commercial development may be requested on property in the DR/GR through the Private Recreational Facility Plan Development (PRFPD) zoning process. The requested map amendments will allow connection of the property to water (Map 6) and sewer (Map 7) services. Since transmittal of the amendments Staff identified a minor amendment that is needed for internal consistency with the Lee Plan. The amendment is to add a cross reference to policy 13.3 to policy 6.1.2 regarding the location of the neighborhood commercial uses. Staff recommends the BoCC transmit the amendments including the additional requested amendment for policy 6.1.2.

The Chairman called on the Applicant to speak and Applicant's Representative Dan Delisi of Delisi and Associates came forward stating that the Applicant is in agreement with Staff recommendations.

Public Comment: Commissioner Hamman stated that he wanted speakers to have the maximum time allowed in order to voice their opinions. Attorney Jacobs stated that the maximum amount of time was 5 minutes per speaker. The Chairman called for public comment and ten [\(10\) speakers](#) came forward to speak.

Vote: Commissioner Pendergrass moved approval of CPA2018-10008 including the additional amendment to policy 6.1.2, seconded by Commissioner Manning, called and carried.

LEE COUNTY COMPREHENSIVE PLAN AMENDMENTS - *Adoption* **Impacted Wetlands** **CPA2019-01**

REQUEST: Amend the Lee Plan to clarify uses allowed in the Wetlands future land use category on property where impacts are authorized by a State agency.

The Ordinance adopted by the Board and filed was LEE COUNTY ORDINANCE NO. [19-26](#) entitled:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE WETLAND IMPACTS (CPA2019-00001) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED TEXT; LEGAL EFFECT OF "THE LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

Community Development Director Dave Loveland presented a PowerPoint Presentation and stated that the request is to amend the Lee Plan to clarify uses allowed in the Wetlands future land use category on property where impacts are authorized by a State agency. The purpose of these amendments is to recognize uses allowed in the Wetlands future land use category when an authorized State agency (South Florida Water Management District or Florida Department of Environmental Protection) permits impacts to wetlands on properties with adjacent upland approved for non-residential development. State agencies have the authority to permit impacts to wetlands. These areas are recognized by the state as "impacted wetlands." State permitting laws are intended to ensure that all permitted impacts to wetlands are adequately offset through mitigation. Lee County has the authority to determine the most appropriate use of land, including impacted wetlands. The Lee Plan acknowledges impacted wetlands for residential uses, allowing density to be calculated at a standard density of one dwelling unit per 20 acres; however, there are no provisions regarding non-residential uses. Lee County has traditionally issued Development Permits for non-residential uses on impacted wetlands when those uses are permitted on adjacent uplands. Staff/Applicant recommends the BoCC adopt the proposed text amendments which includes the updated Wetlands TDR Program in the Comprehensive Plan Amendment language. Also direct Staff to do the companion land development code amendments.

Board Discussion: There was Board discussion as well as some questions that were addressed by Mr. Loveland.

Public Comment: The Chairman called for public comment and thirteen [\(13\) speakers](#) came forward to speak.

Vote: Commissioner Pendergrass moved approval of CPA2019-01, Staff recommendations for updated Wetlands and Staff direction, seconded by Commissioner Manning, called and carried, with Commissioner Mann voting nay.

The Chairman adjourned the meeting at 10:58 a.m.

ATTEST:
LINDA DOGGETT, CLERK

By: _____
Deputy Clerk

Chairman, Lee County Commission