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**CPA2004-02  
ESTERO OUTDOOR DISPLAY  
PRIVATELY INITIATED AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

**Privately Initiated Application  
and Lee County Staff Analysis**

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**BoCC Adoption Document**

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*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 479-8585*

**October 12, 2005**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2004-00002**

**Text Amendment**

**Map Amendment**

<b>This Document Contains the Following Reviews:</b>	
<input checked="" type="checkbox"/>	<b>Staff Review</b>
<input checked="" type="checkbox"/>	<b>Local Planning Agency Review and Recommendation</b>
<input checked="" type="checkbox"/>	<b>Board of County Commissioners Hearing for Transmittal</b>
<input checked="" type="checkbox"/>	<b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b>
<input checked="" type="checkbox"/>	<b>Board of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: January 14, 2005

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. SPONSOR/APPLICANT:**

**A. APPLICANT**

Argonaut Holdings, Inc.  
C.O. Director of Retail Real Estate  
General Motors World Wide Real Estate  
200 Renaissance Center, 38th Floor  
Detroit, MI 48265

**2. REQUEST:**

Amend Policy 19.2.5 to allow outdoor display in excess of one acre within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

## **B. LANGUAGE TRANSMITTED BY THE BOARD OF COUNTY COMMISSIONERS:**

**Policy 19.2.5:** The following uses are prohibited within the Estero Planning Community: “detrimental uses” (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre. Outdoor display in excess of one acre is permitted within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

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

**1. RECOMMENDATION:** Approval of the request to allow outdoor display in excess of one acre within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

Staff recommends that Policy 19.2.5 be amended as follows:

**Policy 19.2.5:** The following uses are prohibited within the Estero Planning Community: “detrimental uses” (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre. Outdoor display in excess of one acre is permitted within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

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

- Policy 19.2.5 was adopted by the Board of County Commissioners on January 10, 2002. That policy prohibits uses that require outdoor display in excess of one acre.
- Prior to the adoption of Policy 19.2.5 there was no acreage restriction on outdoor display in Estero.
- The one acre outdoor display restriction was proposed by the Estero community as a result of their concerns about the location of the Estero Greens Commercial Planned Development (CPD). The Estero Greens CPD allowed for a car dealership within its schedule of uses for property located south of Williams Road on the West side of Hwy. 41. A car dealership is under construction on that site at this time.
- The property located within the General Interchange area west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard has an approved CPD known as the Corkscrew Commerce Center CPD.
- The Corkscrew Commerce Center CPD is approved for 100,000 square feet of retail use; 30,000 square feet of office use; and a 120 unit hotel/motel, with buildings not to exceed 65 feet in height.

- The applicant has expressed a desire to allow outdoor display in excess of one acre for the Corkscrew Commerce Center CPD. They believe the proposed use for that site is more appropriate for the area than the allowed uses approved for the Corkscrew Woodlands CPD.
- This plan amendment will allow for a car dealership at the southwest intersection of Corkscrew Road and I-75. The proposed project was presented to the Estero Community at a publicly advertised meeting and received favorable comments. The Estero Community Planning Panel has taken the position that they prefer the proposed master concept plan for the car dealership over the approved Corkscrew Commerce Center CPD.
- The Corkscrew Commerce Center CPD will have to be amended through the public hearing process to allow for a vehicle and equipment dealer (car dealership).

#### **D. BACKGROUND INFORMATION**

On September 15, 1997 the Board of County Commissioners approved the Estero Greens CPD for property located south of Williams Road, immediately west of Hwy. 41, and adjacent to the Fountain Lakes residential subdivision. Among the approved schedule of uses for that CPD was vehicle and equipment dealers, class 1 and 2, which allows automobile dealers.

On February 4, 2005, at the request of the applicant, staff issued a zoning verification letter stating that a proposed 10 acre car dealer was not a neighborhood commercial use and therefore was not consistent with the Suburban Future Land Use Category where the site was located. Staff's response was appealed to the Hearing Examiner and staff's interpretation was overturned. The Board of County Commissioners appealed the Hearing Examiner decision to the Circuit Court who upheld the HEX decision.

The Estero Community submitted a Community Plan to Lee County on September 28, 2000. The Community Plan included a new Goal, Objectives and Policies that were adopted by the Board of County Commissioners on January 10, 2002. Policy 19.2.5 of Goal 19, Estero, of the Lee plan reads:

*Policy 19.2.5: The following uses are prohibited within the Estero Planning Community: "detrimental uses" (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre. (Amended by Ordinance No. 022-05)*

The restriction of no more than one acre of outdoor display was intended to prevent automobile dealerships in Estero as a direct result of the concerns of Estero residents with the Estero Greens CPD that allowed an automobile dealership adjacent to the Fountain Lakes multi-family residential development. That automobile dealership is currently under construction and is nearing completion.

## PART II - STAFF ANALYSIS

### A. STAFF DISCUSSION

On January 8, 2004, representatives from General Motors Corporation gave a presentation to the Estero community about a Chevrolet automobile dealership they were considering for the southwest corner of Corkscrew Road and I-75. That site currently has an approved CPD known as the Corkscrew Commerce Center. That CPD is approved for 100,000 square feet of retail use; 30,000 square feet of office use; and a 120 unit hotel/motel, with buildings not to exceed 65 feet in height.

Following the General Motors presentation, two neighborhood associations (Corkscrew Woodlands Association, Inc., and Island Club Association, Inc.) wrote the General Motors representative a letter in general support of the proposal. The Corkscrew Woodlands neighborhood is immediately adjacent to the south of the Corkscrew Commerce Center and the Island Club is nearby to the southwest of the site. The Associations state in their letter of support, "in general these Associations are supportive of your proposed 'Chevrolet Store' occupancy as a vast improvement over the multiple parcels or 'bubble plan' zoning now in existence". The concerns put forward in their letter were not with the automobile dealership, but with increased automobile traffic, access, signage, storm water and pedestrian and vehicular circulation.

The Estero Community Planning Panel who formed to initiate the Estero Community Plan has also expressed support to planning staff for the automobile dealership at that specific location.

The one acre restriction on outdoor display in Policy 19.2.5 of the Lee Plan will effectively prevent the Chevrolet dealership from locating in Estero. Prior to the January 10, 2002 adoption of Policy 19.2.5 there was no restriction on outdoor display in Estero. The Estero community proposed Policy 19.2.5 to prevent automobile dealerships in the Estero Planning Community. Since the adoption of that policy they have reconsidered their decision for the specific site located west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

Staff did not object to the restriction on outdoor display in the Estero Community back in 2002 because that request was made by the community after a number of public meetings and as a result of the Estero Community Plan. The same individuals that requested the restriction on outdoor display in Estero have reconsidered their request for the Corkscrew Commerce Park site to allow an automobile dealer at that location in lieu of the uses allowed under the existing CPD.

Vehicle and equipment dealers (automobile dealerships) are a permitted use in the General Commercial and Light Industrial zoning categories and are consistent with the General Interchange Future Land Use Category. Lee Plan Policy 1.3.2 states:

*Policy 1.3.2: The General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial and light industrial/commercial. (Amended by Ordinance No. 94-30, 99-18)*

Automobile dealerships are permitted uses in the CPD zoning category. An automobile dealership at the site of the Corkscrew Commerce Park will require an amended Master Concept Plan which will be subject to the same public hearing process as a CPD rezoning. All of the concerns expressed by the Corkscrew Woodlands Association, Inc., and the Island Club Association, Inc., can be addressed at that time.

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

DATE OF PUBLIC HEARING: January 24, 2005

**A. LOCAL PLANNING AGENCY REVIEW**

Following a brief presentation by staff one member of the LPA asked if this amendment applied only to the specific location at the southwest corner of I-75 and Corkscrew Road. Staff confirmed that to be the case.

No further questions were posed to staff or the applicant and there was no public comment.

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT  
SUMMARY**

**1. RECOMMENDATION:**

The LPA recommended that the Board of County Commissioners transmit the propose amendment to 19.2.5 as revised in Section B. 1. of this report.

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

**C. VOTE:**

<b>NOEL ANDRESS</b>	<u>AYE</u>
<b>MATT BIXLER</b>	<u>AYE</u>
<b>DEREK BURR</b>	<u>AYE</u>
<b>RONALD INGE</b>	<u>AYE</u>
<b>CARLETON RYFFEL</b>	<u>AYE</u>
<b>RAYMOND SCHUMANN, ESQ.</b>	<u>AYE</u>
<b>VACANT</b>	<u>                    </u>

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: June 1, 2005

**A. BOARD REVIEW:** Following a presentation by staff, one Board member asked if the Estero community supported this request. Staff responded that they had received letters of support from the community and received no objections.

The Board then opened the hearing to public comment. One member of the Estero Planning Panel spoke on behalf of the Panel and noted that there was community support for this amendment. He also spoke on behalf of the applicant and stated that this amendment would allow for uses on the subject property that were less intense than an already approved commercial planned development for the property. He asked the Board to transmit the amendment.

The Board closed the public hearing and a motion was made and seconded to transmit the amendment. The motion carried 5-0.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

1. **BOARD ACTION:** Motion to transmit the amendment carried 5-0.

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

The Board accepted the findings of fact as advanced by staff.

**C. VOTE:**

<b>JOHN ALBION</b>	<b>AYE</b>
<b>TAMMY HALL</b>	<b>AYE</b>
<b>BOB JANES</b>	<b>AYE</b>
<b>RAY JUDAH</b>	<b>AYE</b>
<b>DOUG ST. CERNY</b>	<b>AYE</b>

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

DATE OF ORC REPORT: August 19, 2005

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

The Department of Community Affairs provided no objections, recommendations or comments concerning the proposed amendment.

**B. STAFF RESPONSE**

Adopt the proposed amendment as transmitted.

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

DATE OF ADOPTION HEARING: October 12, 2005

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

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

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

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

**C. VOTE:**

<b>JOHN ALBION</b>	<u>AYE</u>
<b>TAMMY HALL</b>	<u>AYE</u>
<b>BOB JANES</b>	<u>AYE</u>
<b>RAY JUDAH</b>	<u>AYE</u>
<b>DOUG ST. CERNY</b>	<u>AYE</u>



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PERMIT COUNTER

Lee County Board of County Commissioners  
Department of Community Development  
Division of Planning  
Post Office Box 363  
Fort Myers, FL 33902-0363  
Telephone: (811) 478-8686  
FAX: (811) 478-8518

APPLICATION FOR A  
COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D 2-25-04

REC'D BY: AKC

APPLICATION FEE \$2500.00

TIDEMARK NO: CPA 2004-00002

THE FOLLOWING VERIFIED:

Zoning CPD

Commissioner District  3

Designation on FLUM

General Interchange 12.22

rest lands 12.44

(To be completed by Planning Staff)

Plan Amendment Cycle:  Normal  Small Scale  DRI  Emergency

Request No: \_\_\_\_\_

APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: \_\_\_\_\_

Submit 6 copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

2/23/04  
DATE

Shirley Munday  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

**I. APPLICANT/AGENT/OWNER INFORMATION**Argonaut Holdings Inc., C/O Director Of Real EstateAPPLICANTGeneral Motors World Wide Real Estate, 200 Renaissance Center, 38th FloorADDRESSDetroit, MI 48265CITYSTATEZIPTELEPHONE NUMBERFAX NUMBERSue Murphy, AICP, Ruden McCloskyAGENT\*401 E. Jackson Street, Suite 2700ADDRESSTampa,FL33602CITYSTATEZIP813-222-6634813-314-6934TELEPHONE NUMBERFAX NUMBEROWNER(s) OF RECORDADDRESSCITYSTATEZIPTELEPHONE NUMBERFAX NUMBER

Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.

\* This will be the person contacted for all business relative to the application.

**II. REQUESTED CHANGE (Please see Item 1 for Fee Schedule)**

A. TYPE: (Check appropriate type)

Text Amendment

Future Land Use Map Series Amendment  
(Maps 1 thru 20)  
List Number(s) of Map(s) to be amended

B. SUMMARY OF REQUEST (Brief explanation):

See attached Summary Request

**III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY  
(for amendments affecting development potential of property)**

A. Property Location:

1. Site Address: in the vicinity and including Corkscrew Commerce Center

2. STRAP(s): 35-46-25-00-00001-1030 Corkscrew Commerce Center

B. Property Information

Total Acreage of Property: \_\_\_\_\_

Total Acreage included in Request: \_\_\_\_\_

Area of each Existing Future Land Use Category: \_\_\_\_\_

Total Uplands: \_\_\_\_\_

Total Wetlands: \_\_\_\_\_

Current Zoning: \_\_\_\_\_

Current Future Land Use Designation: \_\_\_\_\_

Existing Land Use: \_\_\_\_\_

## **SUMMARY OF REQUEST**

The applicant is proposing a text amendment to the Lee Plan that would allow outdoor storage over one acre within a very limited portion of the Estero Planning Community area. Specifically, outdoor storage would be permitted within a portion of the General Interchange land use designation within the area, which is the interchange of I-75/Corkscrew Road.

C. State if the subject property is located in one of the following areas and if so how does the proposed change effect the area:

*N.A.*  
Lehigh Acres Commercial Overlay: \_\_\_\_\_

Airport Noise Zone 2 or 3: \_\_\_\_\_

Acquisition Area: \_\_\_\_\_

Joint Planning Agreement Area (adjoining other jurisdictional lands): \_\_\_\_\_

Community Redevelopment Area: \_\_\_\_\_

D. Proposed change for the Subject Property:  
\_\_\_\_\_

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

*N.A.*  
Residential Units/Density \_\_\_\_\_

Commercial Intensity \_\_\_\_\_

Industrial Intensity \_\_\_\_\_

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density \_\_\_\_\_

Commercial Intensity \_\_\_\_\_

Industrial Intensity \_\_\_\_\_

#### IV. AMENDMENT SUPPORT DOCUMENTATION

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of amendment packets, the applicant is encouraged to provide all data and analysis electronically. (Please contact the Division of Planning for currently accepted formats)

##### A. General Information and Maps

**NOTE:** For each map submitted, the applicant will be required to provide a reduced map (8.5" x 11") for inclusion in public hearing packets.

The following pertains to all proposed amendments that will affect the development potential of properties (unless otherwise specified).

- N.A.
1. Provide any proposed text changes. See attached Proposed Text Amendment Language
  2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
  3. Map and describe existing land uses (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.
  4. Map and describe existing zoning of the subject property and surrounding properties.
  5. The legal description(s) for the property subject to the requested change.
  6. A copy of the deed(s) for the property subject to the requested change.
  7. An aerial map showing the subject property and surrounding properties.
  8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

**B. Public Facilities Impacts**

*NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario (see Part II.H.).*

**1. Traffic Circulation Analysis**

N.A.

The analysis is intended to determine the effect of the land use change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit the following information:

**Long Range - 20-year Horizon:**

- N.A.
- a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;
  - b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);

- N.A.
- c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;
  - d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
  - e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
  - f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range - 5-year CIR horizon:

- N.A.
- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (Indicate laneage, functional classification, current LOS, and LOS standard);
  - b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;  
Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);
  - c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place; with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
  - d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

- N.A.
2. Provide an existing and future conditions analysis for:
    - a. Sanitary Sewer
    - b. Potable Water
    - c. Surface Water/Drainage Basins
    - d. Parks, Recreation, and Open Space.

Analysis should include (but is not limited to) the following:

- o Franchise Area, Basin, or District in which the property is located;

N.A

- o Current LOS, and LOS standard of facilities serving the site;
- o Projected 2020 LOS under existing designation;
- o Projected 2020 LOS under proposed designation;
- o Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
- o Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).

N.A

3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:
  - a. Fire protection with adequate response times;
  - b. Emergency medical service (EMS) provisions;
  - c. Law enforcement;
  - c. Solid Waste;
  - d. Mass Transit; and
  - e. Schools.

*In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation. This application should include the applicant's correspondence to the responding agency.*

**C. Environmental Impacts**

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (Identify the source of the information).
3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
5. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).



**D. Impacts on Historic Resources**

List all historic resources (including structure, districts, and/or archeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archeological sensitivity map for Lee County.

**E. Internal Consistency with the Lee Plan      SEE ATTACHED**

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

**F. Additional Requirements for Specific Future Land Use Amendments**

1. Requests involving industrial and/or categories targeted by the Lee Plan as employment centers (to or from).
  - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
  - b. Provide data and analysis required by Policy 2.4.4,
  - c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.
2. Requests moving lands from a Non-Urban Area to a Future Urban Area.
  - a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.

N.A

- 3. Requests involving lands in ~~critical~~ areas for future water supply must be evaluated based on policy 2.4.2.
- 4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.

G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis. See Attached Justification Statement

Item 1: Fee Schedule

Map Amendment Flat Fee	\$2,000.00 each
Map Amendment > 20 Acres	\$2,000.00 and \$20.00 per 10 acres up to a maximum of \$2,255.00
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each

AFFIDAVIT

I, Sue Murphy, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

Sue Murphy \_\_\_\_\_ 2/23/04  
 Signature of owner or owner-authorized agent Date

Sue Murphy  
 Typed or printed name

STATE OF FLORIDA )  
 COUNTY OF ~~OSCEOLA~~ ) HILLSBOROUGH

The foregoing instrument was certified and subscribed before me this 23rd day of Feb 2004,  
 by Sue Murphy, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Betty S. Reehinger  
 MY COMMISSION # DD198449 EXPIRES  
 March 4, 2010  
 BOARD OF COUNTY COMMISSIONERS

Betty S. Reehinger  
 Signature of notary public

Betty S. Reehinger  
 Printed name of notary public

**PROPOSED TEXT AMENDMENT LANGUAGE**

**POLICY 19.2.5:** The following uses are prohibited within the Estero Planning Community: "detrimental uses" (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre. Outdoor display in excess of one acre is permitted within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

## Section E. Internal Consistency with the Lee Plan

1. Discuss how the proposal affects established Lee County population projections and the total capacity of the Lee Plan Future Land Use Map.

The proposed text amendment will not affect neither the Lee County population projections nor the total capacity of the Lee Plan Future Land Use Map.

2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.

The proposed text amendment primarily affects the Estero Community Plan and the Corkscrew Main Street Overlay by permitting outdoor display over one acre in a very limited area at the interchange of I-75 and Corkscrew Road. The following goals, objectives and policies are addressed:

Goal 19: Estero: To protect the character, natural resources and quality of life in Estero by establishing minimum aesthetic requirements, managing the location and intensity of future commercial and residential uses, and providing greater opportunities for public participation in the land development approval process. This Goal and subsequent objectives and policies apply to the Estero Planning Community as depicted on Map 16.

Objective 19.1: Community Character: The Estero Community will draft and submit regulations, policies, and discretionary actions affecting the character and aesthetic appearance of Estero for Lee County to adopt and enforce to help create a visually attractive community.

Policy 19.1.1: By the end of 2002, The Estero Community will draft and submit regulations or policies for Lee County to review, amend or establish as Land Development Code regulations that provide for enhanced landscaping along roadway corridors, greater buffering, shading of parking areas, signage and lighting consistent with the Community Vision, and architectural standards.

Policy 19.1.2: Lee County is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards.

The applicant is proposing the addition of outdoor display areas over one acre as a permitted use in the General Interchange land use category in the Estero Community. This limits the permitted outdoor display location to the quadrants of the I-75/Corkscrew Road interchange. The intent is to allow outdoor storage over 1 acre in the area containing the Corkscrew Commerce Center PID. The other

quadrants are primarily developed and contain a mixture of residential, institutional and commercial uses, including the TECO arena, the Miramar outlet mall, and Florida Gulf Coast University.

The requested amendment would not only limit this use to this small, specific area, but it will also require increased buffers and setbacks to ensure compatibility with surrounding uses. The development of outdoor display over one acre in this area will be bound to the architectural, signage and other regulations for the Corkscrew Main Street Overlay district, except outdoor display areas will require increased buffering and setbacks. There is also a requirement that any outdoor display areas be approved as a CPD zoning so that adequate controls can be placed on the development.

The applicant has met with the surrounding neighborhood and with the Estero Planning Board to discuss this issue. As far as can be determined, there is no opposition and much support for this request, as evidenced by the attached letters and newspaper articles.

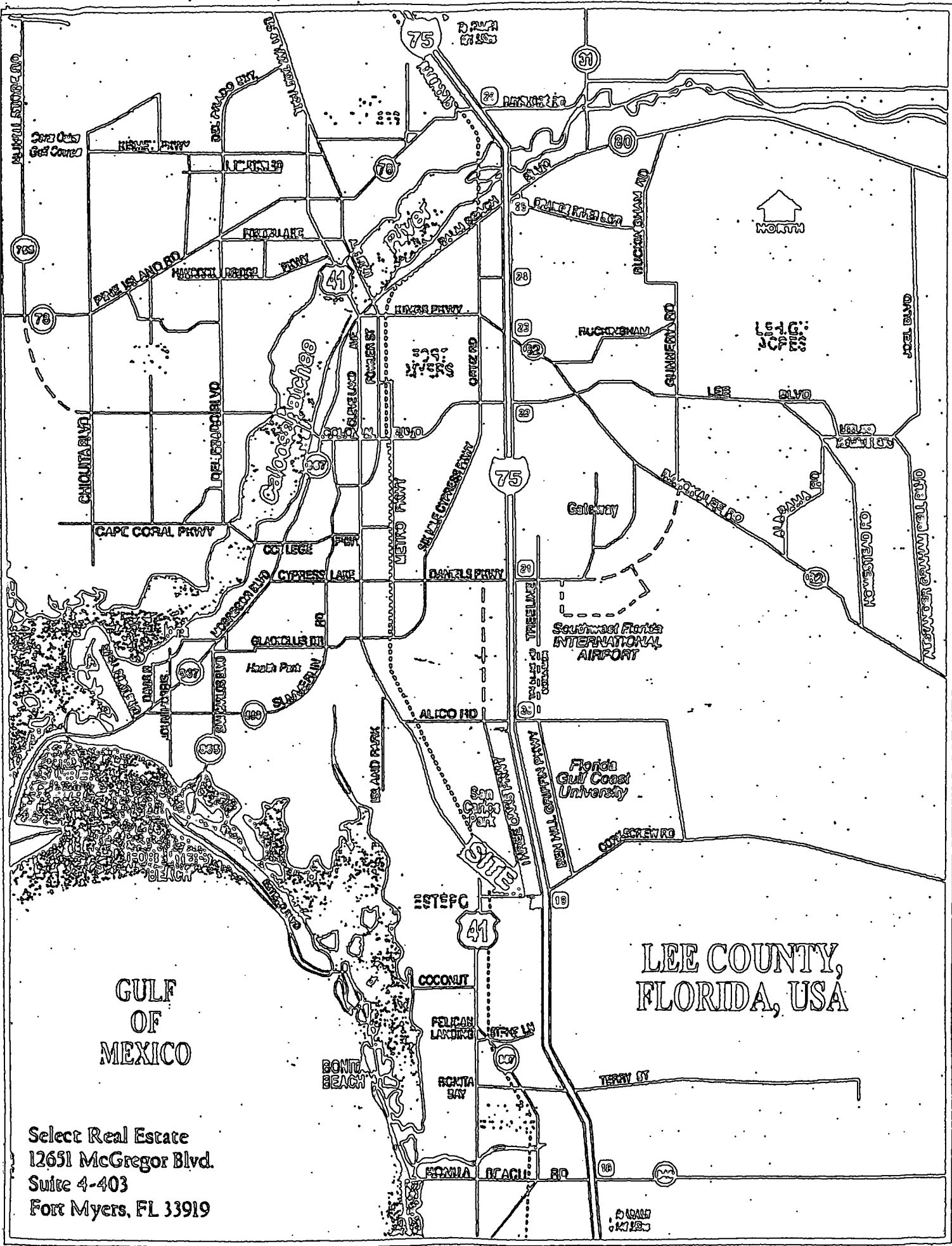
**Objective 19.2: Commercial Land Uses.** Existing and future County regulations, land use interpretations, policies, zoning approvals, and administrative actions must recognize the unique conditions and preferences of the Estero Community to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage, and provide for employment opportunities, while discouraging uses that are not compatible with adjacent uses and have significant adverse impacts on natural resources.

**Policy 19.2.1:** All new commercial development that requires rezoning within the Estero Planning Community must be reviewed as a Commercial Planned Development.

**Policy 19.2.2:** All retail uses must be in compliance with the Commercial Site Location Standards.

**Policy 19.2.5:** The following uses are prohibited within the Estero Planning Community: "detrimental uses" (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre.

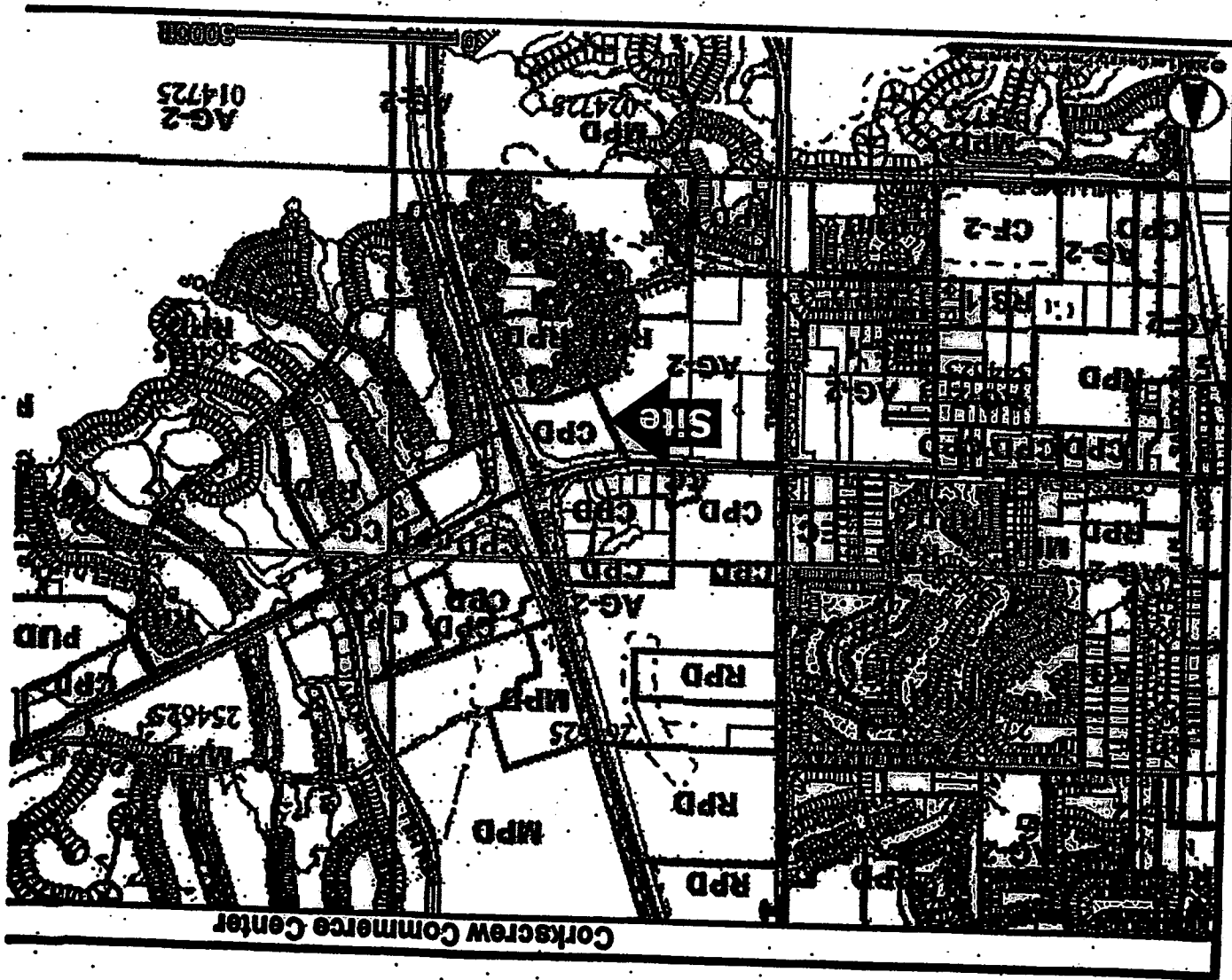
The proposed text amendment will require CPD zoning with appropriate conditions to mitigate impacts and provide for an aesthetically pleasing development. CPD zoning can mandate adherence to the signage, lighting and applicable architectural standards of the Corkscrew Main Street Overlay and the Estero Community Plan will be required for outdoor display areas over one acre. CPD Zoning can also require the provision of enhanced buffer yards, landscaping and setbacks to ensure compatibility with surrounding uses.



GULF OF MEXICO

LEE COUNTY, FLORIDA, USA

Select Real Estate  
 12651 McGregor Blvd.  
 Suite 4-403  
 Fort Myers, FL 33919



# Naples Daily News

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## Panel sees car dealer as a way to address corner

By CHRISTINA HOLDER, [cholder@naplesnews.com](mailto:cholder@naplesnews.com)

February 10, 2004

An Estero panel that in the past has been wary of car dealerships settling into the community is supporting a North Carolina businessman's plan to pursue property for a Chevrolet franchise.

Charles Winton, 41, of Charlotte, N.C., said he would like to build the car dealership on the southwest corner of Corkscrew Road and Interstate 75, a tract adjacent to two neighborhoods.

Yet first he will have to purchase about 10 of the 20 available acres on the interstate corner and get a zoning change that would allow a car display in excess of one acre.

If approved, the zoning amendment would bypass a rule limiting outdoor displays to one acre that Estero activists worked to get into the community's county-endorsed plan several years ago to regulate businesses like car dealerships.

Yet panel members on Monday night supported Winton's plan to pursue the property because it could eliminate potential users of the site's parcels from eight to three and decrease the risk of bars, fast-food restaurants or similar businesses that the panel would like to limit in the area.

"This is sort of an opportunity I've seen to take care of this corner," panel member Greg Toth said. "What we are trying to do, is take eight users, limit it to three, which will mean less traffic, less impact to the area, more green space."

Toth, who is acting as Winton's broker, said he would recuse himself from the panel's discussion should Winton's plan come before the panel in the future.

Getting community support for Winton's project in a timely manner is important, Toth said, because Lee County is likely to issue a development order for the parcel within the next few weeks and the owner of the parcel will be looking for buyers.

"What I'm trying to do is come in before that," he said. "We really need the community to be behind us before we discuss those financial negotiations."

If Winton were to purchase 10 acres, the remaining acres would leave room for two parcels open for additional users. The dream would be to buy all eight parcels, Winton said, but he could not guarantee he could purchase the entire lot.

The presidents of the Board of Directors for neighboring Island Club and Corkscrew Woodlands wrote a letter, dated Jan. 19, to Winton and Toth in support of the franchise.

However, the letter listed several concerns as the plan develops, including potential traffic problems on Corkscrew Road and Corkscrew Boulevard and questions about how storm water would be managed.



Panel member Mitch Hutchcraft said a car dealership is a better user for the site than other businesses, such as fast-food restaurants.

"Those operations last much longer into the night," he said. "Their lighting requirements are much higher."

Winton said it was his dream to become an entrepreneur and own a car dealership, but he also wanted to make Estero his home.

"I'm going to be there every day," Winton said. "I want to live in the Estero community. They would have a local business on site."

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## Estero welcomes Chevy lot

### Nearby residents back dealership

By DENISE L. SCOTT, [dscott@news-press.com](mailto:dscott@news-press.com)

Published by [news-press.com](http://news-press.com) on February 10, 2004

Chevy may be coming to Estero, and it's getting a warmer welcome than Ford.

Estero Community Planning Panel member Greg Toth, acting as real estate agent, presented preliminary plans for a Chevrolet dealership at the southwest corner of Corkscrew Road and Interstate 75 to his fellow panel members Monday night.

Unlike the Galloway Ford dealership being built on U.S. 41, which was fought by Fountain Lakes residents, those in Island Club and Corkscrew Woodlands adjacent to the Chevrolet property support it — with a few concerns.

The General Motors franchise owner, Charles Winton, 41, of Charlotte, N.C., wants to purchase 10 of the property's 20 acres, leaving two 1 1/4-acre outparcels for other businesses.

He received written support from the two community associations after meeting with residents in January. The panel also responded positively Monday night, citing the benefits of one car dealership with two small outlots versus eight separate parcels on the same property.

Toth said the property's owner, James Goldie of Galleria Properties, soon will receive a development order and begin selling off parcels. He said Winton must buy the property before it's too late to limit the number of businesses, which under current zoning could include gas stations, bars and fast food restaurants.

"We can take eight users and trim down to three," Toth said, noting that would reduce traffic and the impact on the community. And, he said, rezoning could limit the allowable uses for the two outparcels.

Toth said this would ensure a unified architectural and landscape plan, unlike what is happening across Corkscrew Road with the mishmash of buildings, including Embassy Suites and Tires Plus.

In addition to rezoning, the possibly two-year process would require an amendment to Estero-specific county code to permit more than 1-acre of outdoor display, and a deviation to the Corkscrew Road overlay so the building could be set back from the road.

"We do need community support to put the amount of money necessary to hold the property while it's going through amendments and zoning," Toth said.

Panel Chairman Neal Noethlich cautioned that the county code amendment restricting outdoor display to one acre or less was created specifically for car dealerships.

"We want to be very careful we don't open up some other problem for us," he said.

Toth said the amendment could be written specific to the I-75 corridor.

The community associations' letter cites concerns including traffic, entrances, signs, storm water, sidewalks and the relocation of their entrance gates.

"We'll be dealing with their concerns. None are back breakers," Toth said, noting the site plan includes two large fountains and an expansion of the green space to 6 acres.

Winton said he plans to move to provide local ownership and realizes the importance of

community support to get the property rezoned.

"Time is of the essence," he said. "I'm going to have Greg sit down with Mr. Goldie right away."

Ralph Colter, 67, has lived in Island Club for five years and said he is impressed with Winton's willingness to work with residents.

"He seems to be real amicable about trying to answer the questions we had and take care of our needs for buffering, noise, roadway and lighting," he said. "I personally don't want eight businesses there."

Toth said they would bring the project back to the panel for a formal presentation during the rezoning process, at which time he would recuse himself from panel discussions and voting.

In other business, the panel discussed residents' e-mail campaign that failed to get Wal-Mart representatives to postpone presenting plans for a Supercenter at Coconut Road and U.S. 41 to the Estero Design Review Committee on Wednesday. The goal was to have Wal-Mart meet with neighboring residents first.

"We're trying every way we can to ensure significant public dialogue for this store," Noethlich said, noting a meeting at Marsh Landing has been tentatively set for early March.

"They are ignoring the wishes of potentially thousands of customers," panel member and Marsh Landing resident Jim Ramsburg said. "I'm a little disgusted with their refusal."

[Back to Bonita](#)

Return to story: <http://www.news-press.com/news/bonita/040210estero.html>

**Corkscrew Woodlands  
Association, Inc.**

**21600 Corkscrew Woodlands Blvd.  
Estero, Florida 33928**

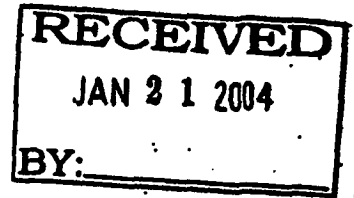
**Island Club  
Association, Inc.**

**21500 Corkscrew Woodlands Blvd.  
Estero, Florida 33928**

**January 19, 2004**

**Mr. Charles D. Winton  
B722 Briar Oak Court  
Charlotte, North Carolina 28226**

**Mr. Gregory F. Toth  
12651 McGregor Boulevard  
Fort Myers, Florida 33919**



**Subject: Corkscrew Commerce Park – Proposed Rezoning**

**The residents of our communities attentively participated in your presentation and discussion on January 8, 2004, in the Community Center of the Island Club Association. Much interest was exhibited as you may recall. The two Associations are residential communities dead-ended in an entrance road easement which also may serve the commercial interests on either side. Thus, we are most concerned that our future living environment is perhaps enhanced and certainly not adversely affected.**

**In general these Associations are supportive of your proposed "Chevrolet Store" occupancy as a vast improvement over the multiple parcels or "bubble plan" zoning now in existence. We prefer to know in advance who our neighbors will be and we commend this effort to do that for the majority of the land area involved in the 20 plus acres plot.**

**There are, however, some concerns and questions that we respectfully request be specifically addressed as part of the approval process.**

- **Safety and traffic control onto and off of Corkscrew Road and Corkscrew Boulevard are vital to our residential interests.**

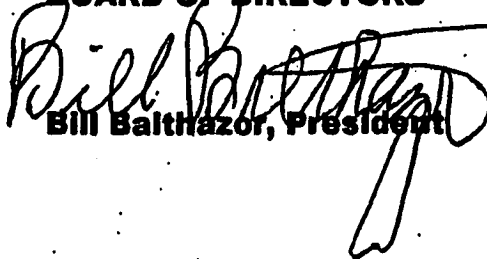
**The increased emphasis of Corkscrew Road as a main street of Estero plus the planned widening of the ramp and of I-75 appear to indicate much increased traffic in near term. Also the potential entrance needs of the 43 acre parcel on the West of Corkscrew**

**Woodlands Boulevard ought be determined since the four adjoining entitles are apparently involved in the Corkscrew Woodlands Boulevard entrance road easements from Corkscrew Road.**

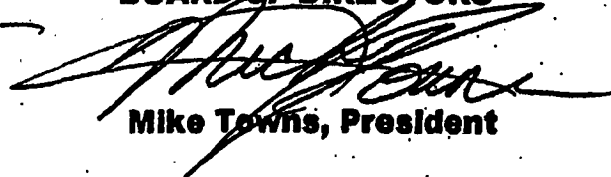
- **It is proposed that specific occupancies be determined on the two out parcels which total 3.75 acres. Entrances to be only from the internal road, not directly from Corkscrew Woodlands Boulevard.**
- **It is presumed our present entrance sign on Corkscrew Woodlands Boulevard at Corkscrew Road would remain. Is so?**
- **Storm water shall not be drained onto the Island Club Association and continue on into Corkscrew Woodlands Lake as was apparently anticipated in the past.**
- **A pedestrian walkway from the Island Club boundary on Corkscrew Woodlands Boulevard to the Corkscrew Road walkway is proposed. A bus pickup and discharge area also is proposed.**
- **The traffic control gates located at the Island Club boundary ought be located much closer to Corkscrew Road to curtail unwanted traffic to the communities. Provisions should be made for vehicles and especially large vehicles to be able to turn around before the gates to the residential communities.**

**The opportunity to further comment on this important subject is very much appreciated. Thank You. We hope the identification and resolution of these issues might aid in the development of a mutually advantageous project. While we have identified these concerns it is assumed our ability to have voice in this process is assured as the project moves forward. We would welcome that involvement.**

**BOARD OF DIRECTORS**

  
**Bill Balthazor, President**

**BOARD OF DIRECTORS**

  
**Mike Towns, President**

LEE COUNTY ORDINANCE NO. 05-19  
(Consent Ordinance)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE LAND USE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENTS APPROVED ON THE CONSENT AGENDA DURING THE COUNTY'S 2004/2005 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan (hereinafter referred to as the "Lee Plan") Policy 2.4.1 and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners; and,

WHEREAS, the Lee County Board of County Commissioners, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held public hearings pursuant to Chapter 163, Part II, Florida Statutes, and the Lee County Administrative Code on January 24, 2005, March 28, 2005, April 25, 2005, and May 23, 2005; and,

WHEREAS, the Board of County Commissioners, pursuant to Florida Statutes and the Lee County Administrative Code held a public hearing for the transmittal of the proposed amendments on June 1, 2005. At that hearing, the Board approved a motion to send, and did later send, the proposed amendment to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the transmittal hearing on June 1, 2005, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on August 19, 2005; and,

WHEREAS, the Board moved to adopt the proposed amendments to the Lee Plan set forth herein during its statutorily prescribed public hearing for the plan amendments on October 12, 2005.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:**

**SECTION ONE: PURPOSE, INTENT AND SHORT TITLE**

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted a series of public hearings to consider proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the certain amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as amended, will continued to be the "Lee Plan." **This ordinance may be referred to as the "2004/2005 Regular Comprehensive Plan Amendment Cycle Consent Ordinance."**

**SECTION TWO: ADOPTION OF LEE COUNTY'S 2004/2005 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE (Consent Agenda Items)**

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting amendments, as revised by the Board of County Commissioners on October 12, 2005, known as: CPA2004-02, CPA2004-08, CPA2004-09, CPA2004-12, CPA2004-14, and CPA2004-15. The aforementioned amendments amend the text of the Lee Plan including the Future Land

Use Map series and the Lee Plan Land Use Allocation Table (Table 1b). A brief summary of the content of those amendments is set forth below:

**CPA2004-02 (Estero Outdoor Display)**

Amend Lee Plan Policy 19.2.5. of the Future Land Use Element to allow outdoor display in excess of one acre at the intersection of I-75 and Corkscrew Road. Sponsor: Argonaut Holdings, Inc.

**CPA2004-08 (Oak Creek)**

Amend the Future Land Use Map Series for a 27.25±-acre portion of land located in Section 17, Township 43 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Suburban." Amend the Future Land Use Map Series for a 17.81±-acre portion of land located in Section 19, Township 43 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from "Suburban" to "Rural." Sponsor: S.W. Florida Land 411, LLC.

**CPA2004-09 (Captiva)**

Amend Goal 13 of the Lee Plan pertaining to the Captiva Community to incorporate recommendations of the Captiva Island Community Planning effort. Amend Goal 84: Wetlands to add a new policy 84.1.4. Sponsor: BOCC.

**CPA2004-12 (Boca Grande)**

Amend the Future Land Use Element of the Lee Plan to incorporate recommendations of the Boca Grande Community Planning effort. Establish a new Vision Statement and a new Goal, including Objectives and Policies specific to Boca Grande. Sponsor: BOCC.



**CPA2004-14 (Coastal High Hazard Area Density)**

Amend the Lee Plan's Conservation and Coastal Management Element Policy 75.1.4. to consider limiting the future population exposed to coastal flooding while considering applications for rezoning in the Coastal High Hazard Area. Sponsor: BOCC

**CPA2004-15 (Fort Myers Shore Table 1b Update)**

Text amendment to revise the Lee Plan Land Use Allocation Table (Table 1b) for the Fort Myers Shores Planning Community to address the establishment of the Outlying Suburban Future Land Use Category within the planning community. Sponsor: BOCC

The corresponding Staff Reports and Analysis, along with all attachments for these amendments are adopted as "Support Documentation" for the Lee Plan.

**SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"**

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

**SECTION FOUR: GEOGRAPHIC APPLICABILITY**

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

**SECTION FIVE: SEVERABILITY**

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

**SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR**

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

**SECTION SEVEN: EFFECTIVE DATE**

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made

effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Albion, who moved its adoption. The motion was seconded by Commissioner Hall, and, when put to a vote, the vote was as follows:

Robert P. Janes	Aye
Douglas St. Cerny	Aye
Ray Judah	Aye
Tammy Hall	Aye
John Albion	Aye

DONE AND ADOPTED this 12<sup>th</sup> day of October 2005.

ATTEST:  
CHARLIE GREEN, CLERK

BY: *Spa Pierce*  
Deputy Clerk

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: *[Signature]*  
Chairman

DATE: 10/12/05

Approved as to form by:

*[Signature]*  
Donna Marie Collins  
County Attorney's Office



**CPA2004-02  
ESTERO OUTDOOR DISPLAY  
PRIVATELY INITIATED AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

**Privately Initiated Application  
and Lee County Staff Analysis**

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**BoCC Public Hearing Document  
for the  
October 12<sup>th</sup> Adoption Hearing**

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*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 479-8585*

**August 19, 2005**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2004-00002**

**Text Amendment**

**Map Amendment**

<b>This Document Contains the Following Reviews:</b>	
<input checked="" type="checkbox"/>	<b>Staff Review</b>
<input checked="" type="checkbox"/>	<b>Local Planning Agency Review and Recommendation</b>
<input checked="" type="checkbox"/>	<b>Board of County Commissioners Hearing for Transmittal</b>
<input checked="" type="checkbox"/>	<b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b>
<input type="checkbox"/>	<b>Board of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: January 14, 2005

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. SPONSOR/APPLICANT:**

**A. APPLICANT**

Argonaut Holdings, Inc.  
C.O. Director of Retail Real Estate  
General Motors World Wide Real Estate  
200 Renaissance Center, 38th Floor  
Detroit, MI 48265

**2. REQUEST:**

Amend Policy 19.2.5 to allow outdoor display in excess of one acre within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

## **B. LANGUAGE TRANSMITTED BY THE BOARD OF COUNTY COMMISSIONERS:**

**Policy 19.2.5:** The following uses are prohibited within the Estero Planning Community: “detrimental uses” (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre. Outdoor display in excess of one acre is permitted within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

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

**1. RECOMMENDATION:** Approval of the request to allow outdoor display in excess of one acre within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

Staff recommends that Policy 19.2.5 be amended as follows:

**Policy 19.2.5:** The following uses are prohibited within the Estero Planning Community: “detrimental uses” (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre. Outdoor display in excess of one acre is permitted within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

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

- Policy 19.2.5 was adopted by the Board of County Commissioners on January 10, 2002. That policy prohibits uses that require outdoor display in excess of one acre.
- Prior to the adoption of Policy 19.2.5 there was no acreage restriction on outdoor display in Estero.
- The one acre outdoor display restriction was proposed by the Estero community as a result of their concerns about the location of the Estero Greens Commercial Planned Development (CPD). The Estero Greens CPD allowed for a car dealership within its schedule of uses for property located south of Williams Road on the West side of Hwy. 41. A car dealership is under construction on that site at this time.
- The property located within the General Interchange area west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard has an approved CPD known as the Corkscrew Commerce Center CPD.
- The Corkscrew Commerce Center CPD is approved for 100,000 square feet of retail use; 30,000 square feet of office use; and a 120 unit hotel/motel, with buildings not to exceed 65 feet in height.

- The applicant has expressed a desire to allow outdoor display in excess of one acre for the Corkscrew Commerce Center CPD. They believe the proposed use for that site is more appropriate for the area than the allowed uses approved for the Corkscrew Woodlands CPD.
- This plan amendment will allow for a car dealership at the southwest intersection of Corkscrew Road and I-75. The proposed project was presented to the Estero Community at a publicly advertised meeting and received favorable comments. The Estero Community Planning Panel has taken the position that they prefer the proposed master concept plan for the car dealership over the approved Corkscrew Commerce Center CPD.
- The Corkscrew Commerce Center CPD will have to be amended through the public hearing process to allow for a vehicle and equipment dealer (car dealership).

#### **D. BACKGROUND INFORMATION**

On September 15, 1997 the Board of County Commissioners approved the Estero Greens CPD for property located south of Williams Road, immediately west of Hwy. 41, and adjacent to the Fountain Lakes residential subdivision. Among the approved schedule of uses for that CPD was vehicle and equipment dealers, class 1 and 2, which allows automobile dealers.

On February 4, 2005, at the request of the applicant, staff issued a zoning verification letter stating that a proposed 10 acre car dealer was not a neighborhood commercial use and therefore was not consistent with the Suburban Future Land Use Category where the site was located. Staff's response was appealed to the Hearing Examiner and staff's interpretation was overturned. The Board of County Commissioners appealed the Hearing Examiner decision to the Circuit Court who upheld the HEX decision.

The Estero Community submitted a Community Plan to Lee County on September 28, 2000. The Community Plan included a new Goal, Objectives and Policies that were adopted by the Board of County Commissioners on January 10, 2002. Policy 19.2.5 of Goal 19, Estero, of the Lee plan reads:

*Policy 19.2.5: The following uses are prohibited within the Estero Planning Community: "detrimental uses" (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre. (Amended by Ordinance No. 022-05)*

The restriction of no more than one acre of outdoor display was intended to prevent automobile dealerships in Estero as a direct result of the concerns of Estero residents with the Estero Greens CPD that allowed an automobile dealership adjacent to the Fountain Lakes multi-family residential development. That automobile dealership is currently under construction and is nearing completion.

### **PART II - STAFF ANALYSIS**

#### **A. STAFF DISCUSSION**

On January 8, 2004, representatives from General Motors Corporation gave a presentation to the Estero community about a Chevrolet automobile dealership they were considering for the southwest corner of

Corkscrew Road and I-75. That site currently has an approved CPD known as the Corkscrew Commerce Center. That CPD is approved for 100,000 square feet of retail use; 30,000 square feet of office use; and a 120 unit hotel/motel, with buildings not to exceed 65 feet in height.

Following the General Motors presentation, two neighborhood associations (Corkscrew Woodlands Association, Inc., and Island Club Association, Inc.) wrote the General Motors representative a letter in general support of the proposal. The Corkscrew Woodlands neighborhood is immediately adjacent to the south of the Corkscrew Commerce Center and the Island Club is nearby to the southwest of the site. The Associations state in their letter of support, "in general these Associations are supportive of your proposed 'Chevrolet Store' occupancy as a vast improvement over the multiple parcels or 'bubble plan' zoning now in existence". The concerns put forward in their letter were not with the automobile dealership, but with increased automobile traffic, access, signage, storm water and pedestrian and vehicular circulation.

The Estero Community Planning Panel who formed to initiate the Estero Community Plan has also expressed support to planning staff for the automobile dealership at that specific location.

The one acre restriction on outdoor display in Policy 19.2.5 of the Lee Plan will effectively prevent the Chevrolet dealership from locating in Estero. Prior to the January 10, 2002 adoption of Policy 19.2.5 there was no restriction on outdoor display in Estero. The Estero community proposed Policy 19.2.5 to prevent automobile dealerships in the Estero Planning Community. Since the adoption of that policy they have reconsidered their decision for the specific site located west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

Staff did not object to the restriction on outdoor display in the Estero Community back in 2002 because that request was made by the community after a number of public meetings and as a result of the Estero Community Plan. The same individuals that requested the restriction on outdoor display in Estero have reconsidered their request for the Corkscrew Commerce Park site to allow an automobile dealer at that location in lieu of the uses allowed under the existing CPD.

Vehicle and equipment dealers (automobile dealerships) are a permitted use in the General Commercial and Light Industrial zoning categories and are consistent with the General Interchange Future Land Use Category. Lee Plan Policy 1.3.2 states:

*Policy 1.3.2: The General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial and light industrial/commercial. (Amended by Ordinance No. 94-30, 99-18)*

Automobile dealerships are permitted uses in the CPD zoning category. An automobile dealership at the site of the Corkscrew Commerce Park will require an amended Master Concept Plan which will be subject to the same public hearing process as a CPD rezoning. All of the concerns expressed by the Corkscrew Woodlands Association, Inc., and the Island Club Association, Inc., can be addressed at that time.



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

DATE OF PUBLIC HEARING: January 24, 2005

**A. LOCAL PLANNING AGENCY REVIEW**

Following a brief presentation by staff one member of the LPA asked if this amendment applied only to the specific location at the southwest corner of I-75 and Corkscrew Road. Staff confirmed that to be the case.

No further questions were posed to staff or the applicant and there was no public comment.

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. RECOMMENDATION:**

The LPA recommended that the Board of County Commissioners transmit the propose amendment to 19.2.5 as revised in Section B. 1. of this report.

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

**C. VOTE:**

NOEL ANDRESS	AYE
MATT BIXLER	AYE
DEREK BURR	AYE
RONALD INGE	AYE
CARLETON RYFFEL	AYE
RAYMOND SCHUMANN, ESQ.	AYE
VACANT	

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: June 1, 2005

**A. BOARD REVIEW:** Following a presentation by staff, one Board member asked if the Estero community supported this request. Staff responded that they had received letters of support from the community and received no objections.

The Board then opened the hearing to public comment. One member of the Estero Planning Panel spoke on behalf of the Panel and noted that there was community support for this amendment. He also spoke on behalf of the applicant and stated that this amendment would allow for uses on the subject property that were less intense than an already approved commercial planned development for the property. He asked the Board to transmit the amendment.

The Board closed the public hearing and a motion was made and seconded to transmit the amendment. The motion carried 5-0.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

1. **BOARD ACTION:** Motion to transmit the amendment carried 5-0.

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

The Board accepted the findings of fact as advanced by staff.

**C. VOTE:**

<b>JOHN ALBION</b>	<u>AYE</u>
<b>TAMMY HALL</b>	<u>AYE</u>
<b>BOB JANES</b>	<u>AYE</u>
<b>RAY JUDAH</b>	<u>AYE</u>
<b>DOUG ST. CERNY</b>	<u>AYE</u>

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

DATE OF ORC REPORT: August 19, 2005

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

The Department of Community Affairs provided no objections, recommendations or comments concerning the proposed amendment.

**B. STAFF RESPONSE**

Adopt the proposed amendment as transmitted.

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

DATE OF ADOPTION HEARING: October 12, 2005

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

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

**C. VOTE:**

**JOHN ALBION**

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**TAMMY HALL**

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**BOB JANES**

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**RAY JUDAH**

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**DOUG ST. CERNY**

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**CPA2004-02  
ESTERO OUTDOOR DISPLAY  
PRIVATELY INITIATED AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

**Privately Initiated Application  
and Lee County Staff Analysis**

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**DCA Transmittal Document**

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*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 479-8585*

**June 7, 2005**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2004-00002**

**Text Amendment**

**Map Amendment**

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

STAFF REPORT PREPARATION DATE: January 14, 2005

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. SPONSOR/APPLICANT:**

**A. APPLICANT**

Argonaut Holdings, Inc.  
C.O. Director of Retail Real Estate  
General Motors World Wide Real Estate  
200 Renaissance Center, 38th Floor  
Detroit, MI 48265

**2. REQUEST:**

Amend Policy 19.2.5 to allow outdoor display in excess of one acre within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

## **B. LANGUAGE TRANSMITTED BY THE BOARD OF COUNTY COMMISSIONERS:**

**Policy 19.2.5:** The following uses are prohibited within the Estero Planning Community: “detrimental uses” (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre. Outdoor display in excess of one acre is permitted within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

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

**1. RECOMMENDATION:** Approval of the request to allow outdoor display in excess of one acre within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

Staff recommends that Policy 19.2.5 be amended as follows:

**Policy 19.2.5:** The following uses are prohibited within the Estero Planning Community: “detrimental uses” (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre. Outdoor display in excess of one acre is permitted within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

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

- Policy 19.2.5 was adopted by the Board of County Commissioners on January 10, 2002. That policy prohibits uses that require outdoor display in excess of one acre.
- Prior to the adoption of Policy 19.2.5 there was no acreage restriction on outdoor display in Estero.
- The one acre outdoor display restriction was proposed by the Estero community as a result of their concerns about the location of the Estero Greens Commercial Planned Development (CPD). The Estero Greens CPD allowed for a car dealership within its schedule of uses for property located south of Williams Road on the West side of Hwy. 41. A car dealership is under construction on that site at this time.
- The property located within the General Interchange area west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard has an approved CPD known as the Corkscrew Commerce Center CPD.
- The Corkscrew Commerce Center CPD is approved for 100,000 square feet of retail use; 30,000 square feet of office use; and a 120 unit hotel/motel, with buildings not to exceed 65 feet in height.

- The applicant has expressed a desire to allow outdoor display in excess of one acre for the Corkscrew Commerce Center CPD. They believe the proposed use for that site is more appropriate for the area than the allowed uses approved for the Corkscrew Woodlands CPD.
- This plan amendment will allow for a car dealership at the southwest intersection of Corkscrew Road and I-75. The proposed project was presented to the Estero Community at a publicly advertised meeting and received favorable comments. The Estero Community Planning Panel has taken the position that they prefer the proposed master concept plan for the car dealership over the approved Corkscrew Commerce Center CPD.
- The Corkscrew Commerce Center CPD will have to be amended through the public hearing process to allow for a vehicle and equipment dealer (car dealership).

#### **D. BACKGROUND INFORMATION**

On September 15, 1997 the Board of County Commissioners approved the Estero Greens CPD for property located south of Williams Road, immediately west of Hwy. 41, and adjacent to the Fountain Lakes residential subdivision. Among the approved schedule of uses for that CPD was vehicle and equipment dealers, class 1 and 2, which allows automobile dealers.

On February 4, 2005, at the request of the applicant, staff issued a zoning verification letter stating that a proposed 10 acre car dealer was not a neighborhood commercial use and therefore was not consistent with the Suburban Future Land Use Category where the site was located. Staff's response was appealed to the Hearing Examiner and staff's interpretation was overturned. The Board of County Commissioners appealed the Hearing Examiner decision to the Circuit Court who upheld the HEX decision.

The Estero Community submitted a Community Plan to Lee County on September 28, 2000. The Community Plan included a new Goal, Objectives and Policies that were adopted by the Board of County Commissioners on January 10, 2002. Policy 19.2.5 of Goal 19, Estero, of the Lee plan reads:

*Policy 19.2.5: The following uses are prohibited within the Estero Planning Community: "detrimental uses" (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre. (Amended by Ordinance No. 022-05)*

The restriction of no more than one acre of outdoor display was intended to prevent automobile dealerships in Estero as a direct result of the concerns of Estero residents with the Estero Greens CPD that allowed an automobile dealership adjacent to the Fountain Lakes multi-family residential development. That automobile dealership is currently under construction and is nearing completion.

### **PART II - STAFF ANALYSIS**

#### **A. STAFF DISCUSSION**

On January 8, 2004, representatives from General Motors Corporation gave a presentation to the Estero community about a Chevrolet automobile dealership they were considering for the southwest corner of



Corkscrew Road and I-75. That site currently has an approved CPD known as the Corkscrew Commerce Center. That CPD is approved for 100,000 square feet of retail use; 30,000 square feet of office use; and a 120 unit hotel/motel, with buildings not to exceed 65 feet in height.

Following the General Motors presentation, two neighborhood associations (Corkscrew Woodlands Association, Inc., and Island Club Association, Inc.) wrote the General Motors representative a letter in general support of the proposal. The Corkscrew Woodlands neighborhood is immediately adjacent to the south of the Corkscrew Commerce Center and the Island Club is nearby to the southwest of the site. The Associations state in their letter of support, "in general these Associations are supportive of your proposed 'Chevrolet Store' occupancy as a vast improvement over the multiple parcels or 'bubble plan' zoning now in existence". The concerns put forward in their letter were not with the automobile dealership, but with increased automobile traffic, access, signage, storm water and pedestrian and vehicular circulation.

The Estero Community Planning Panel who formed to initiate the Estero Community Plan has also expressed support to planning staff for the automobile dealership at that specific location.

The one acre restriction on outdoor display in Policy 19.2.5 of the Lee Plan will effectively prevent the Chevrolet dealership from locating in Estero. Prior to the January 10, 2002 adoption of Policy 19.2.5 there was no restriction on outdoor display in Estero. The Estero community proposed Policy 19.2.5 to prevent automobile dealerships in the Estero Planning Community. Since the adoption of that policy they have reconsidered their decision for the specific site located west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

Staff did not object to the restriction on outdoor display in the Estero Community back in 2002 because that request was made by the community after a number of public meetings and as a result of the Estero Community Plan. The same individuals that requested the restriction on outdoor display in Estero have reconsidered their request for the Corkscrew Commerce Park site to allow an automobile dealer at that location in lieu of the uses allowed under the existing CPD.

Vehicle and equipment dealers (automobile dealerships) are a permitted use in the General Commercial and Light Industrial zoning categories and are consistent with the General Interchange Future Land Use Category. Lee Plan Policy 1.3.2 states:

*Policy 1.3.2: The General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial and light industrial/commercial. (Amended by Ordinance No. 94-30, 99-18)*

Automobile dealerships are permitted uses in the CPD zoning category. An automobile dealership at the site of the Corkscrew Commerce Park will require an amended Master Concept Plan which will be subject to the same public hearing process as a CPD rezoning. All of the concerns expressed by the Corkscrew Woodlands Association, Inc., and the Island Club Association, Inc., can be addressed at that time.

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

DATE OF PUBLIC HEARING: January 24, 2005

**A. LOCAL PLANNING AGENCY REVIEW**

Following a brief presentation by staff one member of the LPA asked if this amendment applied only to the specific location at the southwest corner of I-75 and Corkscrew Road. Staff confirmed that to be the case.

No further questions were posed to staff or the applicant and there was no public comment.

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. RECOMMENDATION:**

The LPA recommended that the Board of County Commissioners transmit the propose amendment to 19.2.5 as revised in Section B. 1. of this report.

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

**C. VOTE:**

NOEL ANDRESS	<u>AYE</u>
MATT BIXLER	<u>AYE</u>
DEREK BURR	<u>AYE</u>
RONALD INGE	<u>AYE</u>
CARLETON RYFFEL	<u>AYE</u>
RAYMOND SCHUMANN, ESQ.	<u>AYE</u>
VACANT	<u>          </u>

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: June 1, 2005

**A. BOARD REVIEW:** Following a presentation by staff, one Board member asked if the Estero community supported this request. Staff responded that they had received letters of support from the community and received no objections.

The Board then opened the hearing to public comment. One member of the Estero Planning Panel spoke on behalf of the Panel and noted that there was community support for this amendment. He also spoke on behalf of the applicant and stated that this amendment would allow for uses on the subject property that were less intense than an already approved commercial planned development for the property. He asked the Board to transmit the amendment.

The Board closed the public hearing and a motion was made and seconded to transmit the amendment. The motion carried 5-0.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:** Motion to transmit the amendment carried 5-0.

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

The Board accepted the findings of fact as advanced by staff.

**C. VOTE:**

<b>JOHN ALBION</b>	<b>AYE</b>
<b>TAMMY HALL</b>	<b>AYE</b>
<b>BOB JANES</b>	<b>AYE</b>
<b>RAY JUDAH</b>	<b>AYE</b>
<b>DOUG ST. CERNY</b>	<b>AYE</b>

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

DATE OF ORC REPORT: \_\_\_\_\_

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

**B. STAFF RESPONSE**

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

DATE OF ADOPTION HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

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

**C. VOTE:**

**JOHN ALBION**

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**TAMMY HALL**

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**BOB JANES**

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**RAY JUDAH**

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**DOUG ST. CERNY**

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**CPA2004-02  
ESTERO OUTDOOR DISPLAY  
PRIVATELY INITIATED AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

**Privately Initiated Application  
and Lee County Staff Analysis**

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**BoCC Public Hearing Document  
for the  
June 1, 2005 Transmittal Hearing**

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*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 479-8585*

**May 18, 2005**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2004-00002**

**Text Amendment**

**Map Amendment**

<b>This Document Contains the Following Reviews:</b>	
<input checked="" type="checkbox"/>	<b>Staff Review</b>
<input checked="" type="checkbox"/>	<b>Local Planning Agency Review and Recommendation</b>
	<b>Board of County Commissioners Hearing for Transmittal</b>
	<b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b>
	<b>Board of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: January 14, 2005

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. SPONSOR/APPLICANT:**

**A. APPLICANT**

Argonaut Holdings, Inc.  
C.O. Director of Retail Real Estate  
General Motors World Wide Real Estate  
200 Renaissance Center, 38th Floor  
Detroit, MI 48265

**2. REQUEST:**

Amend Policy 19.2.5 to allow outdoor display in excess of one acre within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

## **B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:**

**1. RECOMMENDATION:** Approval of the request to allow outdoor display in excess of one acre within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

Staff recommends that Policy 19.2.5 be amended as follows:

**Policy 19.2.5:** The following uses are prohibited within the Estero Planning Community: “detrimental uses” (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre. Outdoor display in excess of one acre is permitted within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

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

- Policy 19.2.5 was adopted by the Board of County Commissioners on January 10, 2002. That policy prohibits uses that require outdoor display in excess of one acre.
- Prior to the adoption of Policy 19.2.5 there was no acreage restriction on outdoor display in Estero.
- The one acre outdoor display restriction was proposed by the Estero community as a result of their concerns about the location of the Estero Greens Commercial Planned Development (CPD). The Estero Greens CPD allowed for a car dealership within its schedule of uses for property located south of Williams Road on the West side of Hwy. 41. A car dealership is under construction on that site at this time.
- The property located within the General Interchange area west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard has an approved CPD known as the Corkscrew Commerce Center CPD.
- The Corkscrew Commerce Center CPD is approved for 100,000 square feet of retail use; 30,000 square feet of office use; and a 120 unit hotel/motel, with buildings not to exceed 65 feet in height.
- The applicant has expressed a desire to allow outdoor display in excess of one acre for the Corkscrew Commerce Center CPD. They believe the proposed use for that site is more appropriate for the area than the allowed uses approved for the Corkscrew Woodlands CPD.
- This plan amendment will allow for a car dealership at the southwest intersection of Corkscrew Road and I-75. The proposed project was presented to the Estero Community at a publicly advertised meeting and received favorable comments. The Estero Community Planning Panel has taken the position that they prefer the proposed master concept plan for the car dealership over the approved Corkscrew Commerce Center CPD.



- The Corkscrew Commerce Center CPD will have to be amended through the public hearing process to allow for a vehicle and equipment dealer (car dealership).

## **C. BACKGROUND INFORMATION**

On September 15, 1997 the Board of County Commissioners approved the Estero Greens CPD for property located south of Williams Road, immediately west of Hwy. 41, and adjacent to the Fountain Lakes residential subdivision. Among the approved schedule of uses for that CPD was vehicle and equipment dealers, class 1 and 2, which allows automobile dealers.

On February 4, 2005, at the request of the applicant, staff issued a zoning verification letter stating that a proposed 10 acre car dealer was not a neighborhood commercial use and therefore was not consistent with the Suburban Future Land Use Category where the site was located. Staff's response was appealed to the Hearing Examiner and staff's interpretation was overturned. The Board of County Commissioners appealed the Hearing Examiner decision to the Circuit Court who upheld the HEX decision.

The Estero Community submitted a Community Plan to Lee County on September 28, 2000. The Community Plan included a new Goal, Objectives and Policies that were adopted by the Board of County Commissioners on January 10, 2002. Policy 19.2.5 of Goal 19, Estero, of the Lee plan reads:

*Policy 19.2.5: The following uses are prohibited within the Estero Planning Community: "detrimental uses" (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre. (Amended by Ordinance No. 022-05)*

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## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

On January 8, 2004, representatives from General Motors Corporation gave a presentation to the Estero community about a Chevrolet automobile dealership they were considering for the southwest corner of Corkscrew Road and I-75. That site currently has an approved CPD known as the Corkscrew Commerce Center. That CPD is approved for 100,000 square feet of retail use; 30,000 square feet of office use; and a 120 unit hotel/motel, with buildings not to exceed 65 feet in height.

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Associations state in their letter of support, "in general these Associations are supportive of your proposed 'Chevrolet Store' occupancy as a vast improvement over the multiple parcels or 'bubble plan' zoning now in existence". The concerns put forward in their letter were not with the automobile dealership, but with increased automobile traffic, access, signage, storm water and pedestrian and vehicular circulation.

The Estero Community Planning Panel who formed to initiate the Estero Community Plan has also expressed support to planning staff for the automobile dealership at that specific location.

The one acre restriction on outdoor display in Policy 19.2.5 of the Lee Plan will effectively prevent the Chevrolet dealership from locating in Estero. Prior to the January 10, 2002 adoption of Policy 19.2.5 there was no restriction on outdoor display in Estero. The Estero community proposed Policy 19.2.5 to prevent automobile dealerships in the Estero Planning Community. Since the adoption of that policy they have reconsidered their decision for the specific site located west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

Staff did not object to the restriction on outdoor display in the Estero Community back in 2002 because that request was made by the community after a number of public meetings and as a result of the Estero Community Plan. The same individuals that requested the restriction on outdoor display in Estero have reconsidered their request for the Corkscrew Commerce Park site to allow an automobile dealer at that location in lieu of the uses allowed under the existing CPD.

Vehicle and equipment dealers (automobile dealerships) are a permitted use in the General Commercial and Light Industrial zoning categories and are consistent with the General Interchange Future Land Use Category. Lee Plan Policy 1.3.2 states:

***Policy 1.3.2:** The General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial and light industrial/commercial. (Amended by Ordinance No. 94-30, 99-18)*

Automobile dealerships are permitted uses in the CPD zoning category. An automobile dealership at the site of the Corkscrew Commerce Park will require an amended Master Concept Plan which will be subject to the same public hearing process as a CPD rezoning. All of the concerns expressed by the Corkscrew Woodlands Association, Inc., and the Island Club Association, Inc., can be addressed at that time.

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

DATE OF PUBLIC HEARING: January 24, 2005

**A. LOCAL PLANNING AGENCY REVIEW**

Following a brief presentation by staff one member of the LPA asked if this amendment applied only to the specific location at the southwest corner of I-75 and Corkscrew Road. Staff confirmed that to be the case.

No further questions were posed to staff or the applicant and there was no public comment.

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. RECOMMENDATION:**

The LPA recommended that the Board of County Commissioners transmit the propose amendment to 19.2.5 as revised in Section B. 1. of this report.

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

**C. VOTE:**

<b>NOEL ANDRESS</b>	<u>AYE</u>
<b>MATT BIXLER</b>	<u>AYE</u>
<b>DEREK BURR</b>	<u>AYE</u>
<b>RONALD INGE</b>	<u>AYE</u>
<b>CARLETON RYFFEL</b>	<u>AYE</u>
<b>RAYMOND SCHUMANN, ESQ.</b>	<u>AYE</u>
<b>VACANT</b>	<u>                    </u>

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: June 1, 2005

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

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

**C. VOTE:**

**JOHN ALBION**

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**TAMMY HALL**

\_\_\_\_\_

**BOB JANES**

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**RAY JUDAH**

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**DOUG ST. CERNY**

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

DATE OF ORC REPORT: \_\_\_\_\_

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

**B. STAFF RESPONSE**

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

DATE OF ADOPTION HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

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

**C. VOTE:**

**JOHN ALBION**

**TAMMY HALL**

**BOB JANES**

**RAY JUDAH**

**DOUG ST. CERNY**

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**CPA2004-02  
ESTERO OUTDOOR DISPLAY  
PRIVATELY INITIATED AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

**Privately Initiated Application  
and Lee County Staff Analysis**

---

**LPA Public Hearing Document  
for the  
January 24, 2005 Public Hearing**

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*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 479-8585*

**January 14, 2005**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2004-00002**

**Text Amendment**

**Map Amendment**

<b>This Document Contains the Following Reviews:</b>	
<input checked="" type="checkbox"/>	<b>Staff Review</b>
	<b>Local Planning Agency Review and Recommendation</b>
	<b>Board of County Commissioners Hearing for Transmittal</b>
	<b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b>
	<b>Board of County Commissioners Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: January 14, 2005

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1.S PONSOR/APPLICANT:**

**A. APPLICANT**

Argonaut Holdings, Inc.  
C.O. Director of Retail Real Estate  
General Motors World Wide Real Estate  
200 Renaissance Center, 38th Floor  
Detroit, MI 48265

**2.R EQUEST:**

Amend Policy 19.2.5 to allow outdoor display in excess of one acre within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.



## **B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:**

**1. RECOMMENDATION:** Approval of the request to allow outdoor display in excess of one acre within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

Staff recommends that Policy 19.2.5 be amended as follows:

**Policy 19.2.5:** The following uses are prohibited within the Estero Planning Community: “detrimental uses” (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre. Outdoor display in excess of one acre is permitted within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

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

- Policy 19.2.5 was adopted by the Board of County Commissioners on January 10, 2002. That policy prohibits uses that require outdoor display in excess of one acre.
- Prior to the adoption of Policy 19.2.5 there was no acreage restriction on outdoor display in Estero.
- The one acre outdoor display restriction was proposed by the Estero community as a result of their concerns about the location of the Estero Greens Commercial Planned Development (CPD). The Estero Greens CPD allowed for a car dealership within its schedule of uses for property located south of Williams Road on the West side of Hwy. 41. A car dealership is under construction on that site at this time.
- The property located within the General Interchange area west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard has an approved CPD known as the Corkscrew Commerce Center CPD.
- The Corkscrew Commerce Center CPD is approved for 100,000 square feet of retail use; 30,000 square feet of office use; and a 120 unit hotel/motel, with buildings not to exceed 65 feet in height.
- The applicant has expressed a desire to allow outdoor display in excess of one acre for the Corkscrew Commerce Center CPD. They believe the proposed use for that site is more appropriate for the area than the allowed uses approved for the Corkscrew Woodlands CPD.

- This plan amendment will allow for a car dealership at the southwest intersection of Corkscrew Road and I-75. The proposed project was presented to the Estero Community at a publicly advertised meeting and received favorable comments. The Estero Community Planning Panel has taken the position that they prefer the proposed master concept plan for the car dealership over the approved Corkscrew Commerce Center CPD.
- The Corkscrew Commerce Center CPD will have to be amended through the public hearing process to allow for a vehicle and equipment dealer (car dealership).

## C. BACKGROUND INFORMATION

On September 15, 1997 the Board of County Commissioners approved the Estero Greens CPD for property located south of Williams Road, immediately west of Hwy. 41, and adjacent to the Fountain Lakes residential subdivision. Among the approved schedule of uses for that CPD was vehicle and equipment dealers, class 1 and 2, which allows automobile dealers.

On February 4, 2005, at the request of the applicant, staff issued a zoning verification letter stating that a proposed 10 acre car dealer was not a neighborhood commercial use and therefore was not consistent with the Suburban Future Land Use Category where the site was located. Staff's response was appealed to the Hearing Examiner and staff's interpretation was overturned. The Board of County Commissioners appealed the Hearing Examiner decision to the Circuit Court who upheld the HEX decision.

The Estero Community submitted a Community Plan to Lee County on September 28, 2000. The Community Plan included a new Goal, Objectives and Policies that were adopted by the Board of County Commissioners on January 10, 2002. Policy 19.2.5 of Goal 19, Estero, of the Lee plan reads:

*Policy 19.2.5: The following uses are prohibited within the Estero Planning Community: "detrimental uses" (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre. (Amended by Ordinance No. 022-05)*

The restriction of no more than one acre of outdoor display was intended to prevent automobile dealerships in Estero as a direct result of the concerns of Estero residents with the Estero Greens CPD that allowed an automobile dealership adjacent to the Fountain Lakes multi-family residential development. That automobile dealership is currently under construction and is nearing completion.

## PART II - STAFF ANALYSIS

### A. STAFF DISCUSSION

On January 8, 2004, representatives from General Motors Corporation gave a presentation to the Estero community about a Chevrolet automobile dealership they were considering for the southwest corner of Corkscrew Road and I-75. That site currently has an approved CPD known as the Corkscrew Commerce

Center. That CPD is approved for 100,000 square feet of retail use; 30,000 square feet of office use; and a 120 unit hotel/motel, with buildings not to exceed 65 feet in height.

Following the General Motors presentation, two neighborhood associations (Corkscrew Woodlands Association, Inc., and Island Club Association, Inc.) wrote the General Motors representative a letter in general support of the proposal. The Corkscrew Woodlands neighborhood is immediately adjacent to the south of the Corkscrew Commerce Center and the Island Club is nearby to the southwest of the site. The Associations state in their letter of support, "in general these Associations are supportive of your proposed 'Chevrolet Store' occupancy as a vast improvement over the multiple parcels or 'bubble plan' zoning now in existence". The concerns put forward in their letter were not with the automobile dealership, but with increased automobile traffic, access, signage, storm water and pedestrian and vehicular circulation.

The Estero Community Planning Panel who formed to initiate the Estero Community Plan has also expressed support to planning staff for the automobile dealership at that specific location.

The one acre restriction on outdoor display in Policy 19.2.5 of the Lee Plan will effectively prevent the Chevrolet dealership from locating in Estero. Prior to the January 10, 2002 adoption of Policy 19.2.5 there was no restriction on outdoor display in Estero. The Estero community proposed Policy 19.2.5 to prevent automobile dealerships in the Estero Planning Community. Since the adoption of that policy they have reconsidered their decision for the specific site located west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

Staff did not object to the restriction on outdoor display in the Estero Community back in 2002 because that request was made by the community after a number of public meetings and as a result of the Estero Community Plan. The same individuals that requested the restriction on outdoor display in Estero have reconsidered their request for the Corkscrew Commerce Park site to allow an automobile dealer at that location in lieu of the uses allowed under the existing CPD.

Vehicle and equipment dealers (automobile dealerships) are a permitted use in the General Commercial and Light Industrial zoning categories and are consistent with the General Interchange Future Land Use Category. Lee Plan Policy 1.3.2 states:

*Policy 1.3.2: The General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial and light industrial/commercial. (Amended by Ordinance No. 94-30, 99-18)*

Automobile dealerships are permitted uses in the CPD zoning category. An automobile dealership at the site of the Corkscrew Commerce Park will require an amended Master Concept Plan which will be subject to the same public hearing process as a CPD rezoning. All of the concerns expressed by the Corkscrew Woodlands Association, Inc., and the Island Club Association, Inc., can be addressed at that time.

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

DATE OF PUBLIC HEARING: January 24, 2005

**A. LOCAL PLANNING AGENCY REVIEW**

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

**1. RECOMMENDATION:**

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

**C. VOTE:**

**NOEL ANDRESS**

**MATT BIXLER**

**DEREK BURR**

**RONALD INGE**

**RAYMOND SCHUMANN, ESQ.**

**CARLETON RYFFEL**

**VACANT**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

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

**C. VOTE:**

**JOHN ALBION**

\_\_\_\_\_

**TAMMY HALL**

\_\_\_\_\_

**BOB JANES**

\_\_\_\_\_

**RAY JUDAH**

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**DOUG ST. CERNY**

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\_\_\_\_\_

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

DATE OF ORC REPORT: \_\_\_\_\_

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

**B. STAFF RESPONSE**

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

DATE OF ADOPTION HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

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

**C. VOTE:**

**JOHN ALBION**

\_\_\_\_\_

**TAMMY HALL**

\_\_\_\_\_

**BOB JANES**

\_\_\_\_\_

**RAY JUDAH**

\_\_\_\_\_

**DOUG ST. CERNY**

\_\_\_\_\_

\_\_\_\_\_

RECEIVED  
FEB 25 2004



PERMIT COUNTER

Lee County Board of County Commissioners  
Department of Community Development  
Division of Planning  
Post Office Box 398  
Fort Myers, FL 33902-0398  
Telephone: (941) 479-8585  
FAX: (941) 479-8519

APPLICATION FOR A  
COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D 2-25-04

REC'D BY: mkw

APPLICATION FEE \$2500.00

TIDEMARK NO: CPA 2004-00002

THE FOLLOWING VERIFIED:

Zoning CPD

Commissioner District 3

Designation on FLUM  GEN INTL CHANG 282.22% wetlands 17.44%

(To be completed by Planning Staff)

Plan Amendment Cycle:  Normal  Small Scale  DRI  Emergency

Request No: \_\_\_\_\_

APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: \_\_\_\_\_

Submit 6 copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

2/23/04  
DATE SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE  
Shirley Murphy



**I. APPLICANT/AGENT/OWNER INFORMATION**

Sue Murphy, AICP, Ruden, McClosky

APPLICANT  
401 E. Jackson Street, Suite 2700

ADDRESS  
Tampa, FL 33602

CITY STATE ZIP  
813-222-6634 813-314-6934

TELEPHONE NUMBER FAX NUMBER

Same as above

AGENT\*

ADDRESS

CITY STATE ZIP

TELEPHONE NUMBER FAX NUMBER

OWNER(s) OF RECORD

ADDRESS

CITY STATE ZIP

TELEPHONE NUMBER FAX NUMBER

Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.

\* This will be the person contacted for all business relative to the application.

**II. REQUESTED CHANGE (Please see Item 1 for Fee Schedule)**

A. TYPE: (Check appropriate type)

Text Amendment

Future Land Use Map Series Amendment  
(Maps 1 thru 20)  
List Number(s) of Map(s) to be amended

B. SUMMARY OF REQUEST (Brief explanation):

\_\_\_\_\_  
See attached Summary Request  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY  
(for amendments affecting development potential of property)**

A. Property Location:

1. Site Address: in the vicinity and including Corkscrew Commerce Center
2. STRAP(s): 35-46-25-00-00001-1030 Corkscrew Commerce Center

B. Property Information

Total Acreage of Property: \_\_\_\_\_  
Total Acreage included in Request: \_\_\_\_\_  
Area of each Existing Future Land Use Category: \_\_\_\_\_  
Total Uplands: \_\_\_\_\_  
Total Wetlands: \_\_\_\_\_  
Current Zoning: \_\_\_\_\_  
Current Future Land Use Designation: \_\_\_\_\_  
Existing Land Use: \_\_\_\_\_

## **SUMMARY OF REQUEST**

The applicant is proposing a text amendment to the Lee Plan that would allow outdoor storage over one acre within a very limited portion of the Estero Planning Community area. Specifically, outdoor storage would be permitted within a portion of the General Interchange land use designation within the area, which is the interchange of I-75/Corkscrew Road.

C. State if the subject property is located in one of the following areas and if so how does the proposed change effect the area:

N.A

Lehigh Acres Commercial Overlay: \_\_\_\_\_

Airport Noise Zone 2 or 3: \_\_\_\_\_

Acquisition Area: \_\_\_\_\_

Joint Planning Agreement Area (adjoining other jurisdictional lands): \_\_\_\_\_

Community Redevelopment Area: \_\_\_\_\_

D. Proposed change for the Subject Property:

\_\_\_\_\_

E. Potential development of the subject property:

N.A

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density \_\_\_\_\_

Commercial intensity \_\_\_\_\_

Industrial intensity \_\_\_\_\_

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density \_\_\_\_\_

Commercial intensity \_\_\_\_\_

Industrial intensity \_\_\_\_\_

**IV. AMENDMENT SUPPORT DOCUMENTATION**

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of amendment packets, the applicant is encouraged to provide all data and analysis electronically. (Please contact the Division of Planning for currently accepted formats)

**A. General Information and Maps**

*NOTE: For each map submitted, the applicant will be required to provide a reduced map (8.5" x 11") for inclusion in public hearing packets.*

The following pertains to all proposed amendments that will affect the development potential of properties (unless otherwise specified).

- N.A.
1. Provide any proposed text changes. See attached Proposed Text Amendment Language
  2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
  3. Map and describe existing land uses (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.
  4. Map and describe existing zoning of the subject property and surrounding properties.
  5. The legal description(s) for the property subject to the requested change.
  6. A copy of the deed(s) for the property subject to the requested change.
  7. An aerial map showing the subject property and surrounding properties.
  8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

B. Public Facilities Impacts

*NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario (see Part II.H.).*

N.A.

1. Traffic Circulation Analysis

The analysis is intended to determine the effect of the land use change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit the following information:

Long Range – 20-year Horizon:

- N.A.
- a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;
  - b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);

- N.A.
- c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;
  - d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
  - e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
  - f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range – 5-year CIP horizon:

- N.A.
- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
  - b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;  
Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);
  - c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
  - d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

2. Provide an existing and future conditions analysis for:

- N.A.
- a. Sanitary Sewer
  - b. Potable Water
  - c. Surface Water/Drainage Basins
  - d. Parks, Recreation, and Open Space.

Analysis should include (but is not limited to) the following:

- Franchise Area, Basin, or District in which the property is located;

N.A

- Current LOS, and LOS standard of facilities serving the site;
- Projected 2020 LOS under existing designation;
- Projected 2020 LOS under proposed designation;
- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).

N.A

3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:
  - a. Fire protection with adequate response times;
  - b. Emergency medical service (EMS) provisions;
  - c. Law enforcement;
  - c. Solid Waste;
  - d. Mass Transit; and
  - e. Schools.

*In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation. This application should include the applicant's correspondence to the responding agency.*

**C. Environmental Impacts**

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
5. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

D. Impacts on Historic Resources

List all historic resources (including structure, districts, and/or archeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archeological sensitivity map for Lee County.

E. Internal Consistency with the Lee Plan SEE ATTACHED

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

F. Additional Requirements for Specific Future Land Use Amendments

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)
  - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
  - b. Provide data and analysis required by Policy 2.4.4,
  - c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.
2. Requests moving lands from a Non-Urban Area to a Future Urban Area
  - a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.



N.A.

- 3. Requests involving lands in ~~critical~~ areas for future water supply must be evaluated based on policy 2.4.2.
- 4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.

G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis. See Attached Justification Statement

**Item 1: Fee Schedule**

Map Amendment Flat Fee	\$2,000.00 each
Map Amendment > 20 Acres	\$2,000.00 and \$20.00 per 10 acres up to a maximum of \$2,255.00
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each

**AFFIDAVIT**

I, Sue Murphy, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

Sue Murphy  
Signature of owner or owner-authorized agent

2/23/04  
Date

Sue Murphy  
Typed or printed name

STATE OF FLORIDA )  
COUNTY OF ~~DEE~~ ) HILLSBOROUGH

The foregoing instrument was certified and subscribed before me this 23<sup>rd</sup> day of Feb 2004, by Sue Murphy, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Betty S. Hechinger  
MY COMMISSION # DD095449 EXPIRES  
March 6, 2006  
BONDED THRU TROY FAIN INSURANCE, INC

Betty S. Hechinger  
Signature of notary public

Betty S. Hechinger  
Printed name of notary public

## **PROPOSED TEXT AMENDMENT LANGUAGE**

**POLICY 19.2.5:** The following uses are prohibited within the Estero Planning Community: “detrimental uses” (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre, except as noted below:

**19.2.5 (A)** Outdoor display in excess of one acre shall be permitted subject to the following limitations:

1. The site must have a land use plan designation of General Interchange as shown on the Lee County Plan Future Land Use map and must abut the interchange of I-75 and Corkscrew Road.
2. The site must be zoned CPD so that site-specific compatibility issues can be addressed.

## **Section E. Internal Consistency with the Lee Plan**

1. Discuss how the proposal affects established Lee County population projections and the total capacity of the Lee Plan Future Land Use Map.

**The proposed text amendment will not affect neither the Lee County population projections nor the total capacity of the Lee Plan Future Land Use Map.**

2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.

**The proposed text amendment primarily affects the Estero Community Plan and the Corkscrew Main Street Overlay by permitting outdoor display over one acre in a very limited area at the interchange of I-75 and Corkscrew Road. The following goals, objectives and policies are addressed:**

**Goal 19: Estero: To protect the character, natural resources and quality of life in Estero by establishing minimum aesthetic requirements, managing the location and intensity of future commercial and residential uses, and providing greater opportunities for public participation in the land development approval process. This Goal and subsequent objectives and policies apply to the Estero Planning Community as depicted on Map 16.**

**Objective 19.1: Community Character: The Estero Community will draft and submit regulations, policies, and discretionary actions affecting the character and aesthetic appearance of Estero for Lee County to adopt and enforce to help create a visually attractive community.**

**Policy 19.1.1: By the end of 2002, The Estero Community will draft and submit regulations or policies for Lee County to review, amend or establish as Land Development Code regulations that provide for enhanced landscaping along roadway corridors, greater buffering, shading of parking areas, signage and lighting consistent with the Community Vision, and architectural standards.**

**Policy 19.1.2: Lee County is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards.**

**The applicant is proposing the addition of outdoor display areas over one acre as a permitted use in the General Interchange land use category in the Estero Community. This limits the permitted outdoor display location to the quadrants of the I-75/Corkscrew Road interchange. The intent is to allow outdoor storage over 1 acre in the area containing the Corkscrew Commerce Center PD. The other**

quadrants are primarily developed and contain a mixture of residential, institutional and commercial uses, including the TECO arena, the Miramar outlet mall, and Florida Gulf Coast University.

The requested amendment would not only limit this use to this small, specific area, but it will also require increased buffers and setbacks to ensure compatibility with surrounding uses. The development of outdoor display over one acre in this area will be bound to the architectural, signage and other regulations for the Corkscrew Main Street Overlay district, except outdoor display areas will require increased buffering and setbacks. There is also a requirement that any outdoor display areas be approved as a CPD zoning so that adequate controls can be placed on the development.

The applicant has met with the surrounding neighborhood and with the Estero Planning Board to discuss this issue. As far as can be determined, there is no opposition and much support for this request, as evidenced by the attached letters and newspaper articles.

**Objective 19.2: Commercial Land Uses.** Existing and future County regulations, land use interpretations, policies, zoning approvals, and administrative actions must recognize the unique conditions and preferences of the Estero Community to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage, and provide for employment opportunities, while discouraging uses that are not compatible with adjacent uses and have significant adverse impacts on natural resources.

**Policy 19.2.1:** All new commercial development that requires rezoning within the Estero Planning Community must be reviewed as a Commercial Planned Development.

**Policy 19.2.2:** All retail uses must be in compliance with the Commercial Site Location Standards.

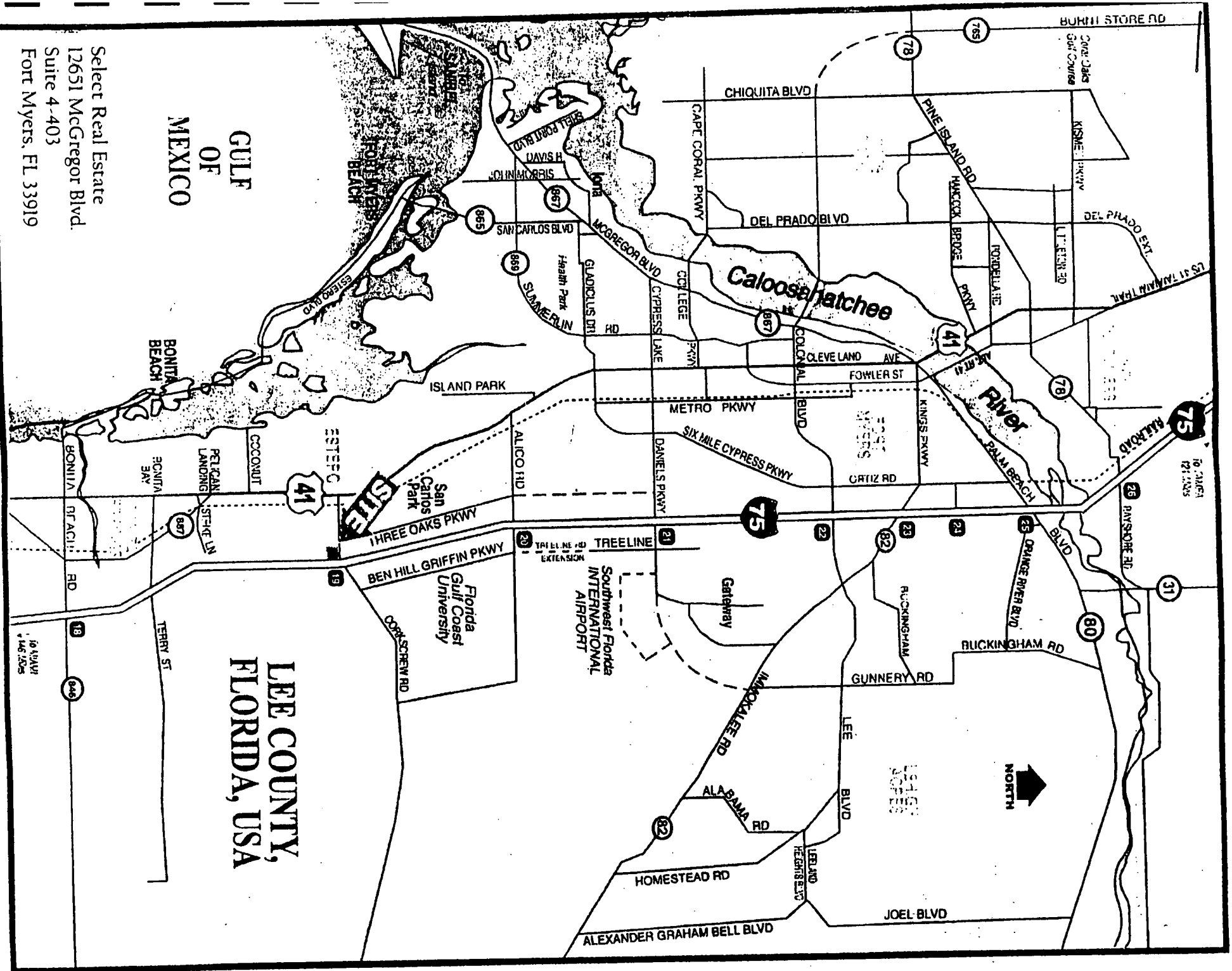
**Policy 19.2.5:** The following uses are prohibited within the Estero Planning Community: "detrimental uses" (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre.

The proposed text amendment will require CPD zoning with appropriate conditions to mitigate impacts and provide for an aesthetically pleasing development. CPD zoning can mandate adherence to the signage, lighting and applicable architectural standards of the Corkscrew Main Street Overlay and the Estero Community Plan will be required for outdoor display areas over one acre. CPD Zoning can also require the provision of enhanced buffer yards, landscaping and setbacks to ensure compatibility with surrounding uses.

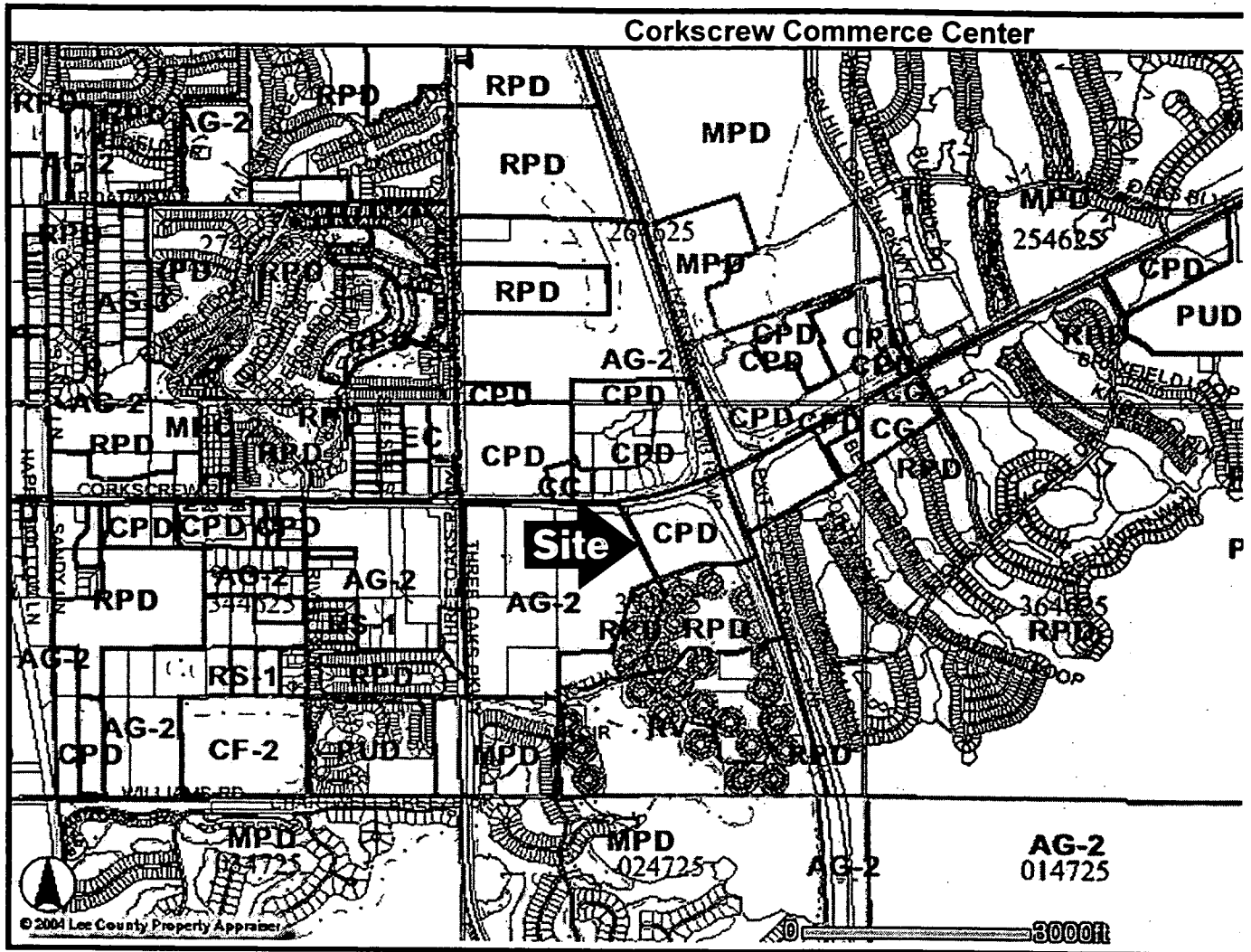
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## Naples Daily News

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### Panel sees car dealer as a way to address corner

By **CHRISTINA HOLDER**, [cholder@naplesnews.com](mailto:cholder@naplesnews.com)

February 10, 2004

An Estero panel that in the past has been wary of car dealerships settling into the community is supporting a North Carolina businessman's plan to pursue property for a Chevrolet franchise.

Charles Winton, 41, of Charlotte, N.C., said he would like to build the car dealership on the southwest corner of Corkscrew Road and Interstate 75, a tract adjacent to two neighborhoods.

Yet first he will have to purchase about 10 of the 20 available acres on the interstate corner and get a zoning change that would allow a car display in excess of one acre.

If approved, the zoning amendment would bypass a rule limiting outdoor displays to one acre that Estero activists worked to get into the community's county-endorsed plan several years ago to regulate businesses like car dealerships.

Yet panel members on Monday night supported Winton's plan to pursue the property because it could eliminate potential users of the site's parcels from eight to three and decrease the risk of bars, fast-food restaurants or similar businesses that the panel would like to limit in the area.

"This is sort of an opportunity I've seen to take care of this corner," panel member Greg Toth said. "What we are trying to do, is take eight users, limit it to three, which will mean less traffic, less impact to the area, more green space."

Toth, who is acting as Winton's broker, said he would recuse himself from the panel's discussion should Winton's plan come before the panel in the future.

Getting community support for Winton's project in a timely manner is important, Toth said, because Lee County is likely to issue a development order for the parcel within the next few weeks and the owner of the parcel will be looking for buyers.

"What I'm trying to do is come in before that," he said. "We really need the community to be behind us before we discuss those financial negotiations."

If Winton were to purchase 10 acres, the remaining acres would leave room for two parcels open for additional users. The dream would be to buy all eight parcels, Winton said, but he could not guarantee he could purchase the entire lot.

The presidents of the Board of Directors for neighboring Island Club and Corkscrew Woodlands wrote a letter, dated Jan. 19, to Winton and Toth in support of the franchise.

However, the letter listed several concerns as the plan develops, including potential traffic problems on Corkscrew Road and Corkscrew Boulevard and questions about how storm water would be managed.

Panel member Mitch Hutchcraft said a car dealership is a better user for the site than other businesses, such as fast-food restaurants.

"Those operations last much longer into the night," he said. "Their lighting requirements are much higher."

Winton said it was his dream to become an entrepreneur and own a car dealership, but he also wanted to make Estero his home.

"I'm going to be there every day," Winton said. "I want to live in the Estero community. They would have a local business on site."

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## Estero welcomes Chevy lot

Nearby residents back dealership

By **DENISE L. SCOTT**, [dscott@news-press.com](mailto:dscott@news-press.com)

Published by [news-press.com](http://news-press.com) on February 10, 2004

Chevy may be coming to Estero, and it's getting a warmer welcome than Ford.

Estero Community Planning Panel member Greg Toth, acting as real estate agent, presented preliminary plans for a Chevrolet dealership at the southwest corner of Corkscrew Road and Interstate 75 to his fellow panel members Monday night.

Unlike the Galloway Ford dealership being built on U.S. 41, which was fought by Fountain Lakes residents, those in Island Club and Corkscrew Woodlands adjacent to the Chevrolet property support it — with a few concerns.

The General Motors franchise owner, Charles Winton, 41, of Charlotte, N.C., wants to purchase 10 of the property's 20 acres, leaving two 1¼-acre outparcels for other businesses.

He received written support from the two community associations after meeting with residents in January. The panel also responded positively Monday night, citing the benefits of one car dealership with two small outlots versus eight separate parcels on the same property.

Toth said the property's owner, James Goldie of Galleria Properties, soon will receive a development order and begin selling off parcels. He said Winton must buy the property before it's too late to limit the number of businesses, which under current zoning could include gas stations, bars and fast food restaurants.

"We can take eight users and trim down to three," Toth said, noting that would reduce traffic and the impact on the community. And, he said, rezoning could limit the allowable uses for the two outparcels.

Toth said this would ensure a unified architectural and landscape plan, unlike what is happening across Corkscrew Road with the mishmash of buildings, including Embassy Suites and Tires Plus.

In addition to rezoning, the possibly two-year process would require an amendment to Estero-specific county code to permit more than 1 acre of outdoor display, and a deviation to the Corkscrew Road overlay so the building could be set back from the road.

"We do need community support to put the amount of money necessary to hold the property while it's going through amendments and zoning," Toth said.

Panel Chairman Neal Noethlich cautioned that the county code amendment restricting outdoor display to one acre or less was created specifically for car dealerships.

"We want to be very careful we don't open up some other problem for us," he said.

Toth said the amendment could be written specific to the I-75 corridor.

The community associations' letter cites concerns including traffic, entrances, signs, storm water, sidewalks and the relocation of their entrance gates.

"We'll be dealing with their concerns. None are back breakers," Toth said, noting the site plan includes two large fountains and an expansion of the green space to 6 acres.

Winton said he plans to move to provide local ownership and realizes the importance of

community support to get the property rezoned.

"Time is of the essence," he said. "I'm going to have Greg sit down with Mr. Goldie right away."

Ralph Colter, 67, has lived in Island Club for five years and said he is impressed with Winton's willingness to work with residents.

"He seems to be real amicable about trying to answer the questions we had and take care of our needs for buffering, noise, roadway and lighting," he said. "I personally don't want eight businesses there."

Toth said they would bring the project back to the panel for a formal presentation during the rezoning process, at which time he would recuse himself from panel discussions and voting.

In other business, the panel discussed residents' e-mail campaign that failed to get Wal-Mart representatives to postpone presenting plans for a Supercenter at Coconut Road and U.S. 41 to the Estero Design Review Committee on Wednesday. The goal was to have Wal-Mart meet with neighboring residents first.

"We're trying every way we can to ensure significant public dialogue for this store," Noethlich said, noting a meeting at Marsh Landing has been tentatively set for early March.

"They are ignoring the wishes of potentially thousands of customers," panel member and Marsh Landing resident Jim Ramsburg said. "I'm a little disgusted with their refusal."

[Back to Bonita](#)

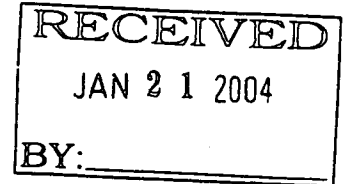
Return to story: <http://www.news-press.com/news/bonita/040210estero.html>

*Corkscrew Woodlands  
Association, Inc.  
21600 Corkscrew Woodlands Blvd.  
Estero, Florida 33928*

*Island Club  
Association, Inc.  
21500 Corkscrew Woodlands Blvd.  
Estero, Florida 33928*

January 19, 2004

Mr. Charles D. Winton  
8722 Briar Oak Court  
Charlotte, North Carolina 28226



Mr. Gregory F. Toth  
12651 McGregor Boulevard  
Fort Myers, Florida 33919

**Subject: Corkscrew Commerce Park - Proposed Rezoning**

The residents of our communities attentively participated in your presentation and discussion on January 8, 2004, in the Community Center of the Island Club Association. Much interest was exhibited as you may recall. The two Associations are residential communities dead-ended in an entrance road easement which also may serve the commercial interests on either side. Thus, we are most concerned that our future living environment is perhaps enhanced and certainly not adversely affected.

In general these Associations are supportive of your proposed "Chevrolet Store" occupancy as a vast improvement over the multiple parcels or "bubble plan" zoning now in existence. We prefer to know in advance who our neighbors will be and we commend this effort to do that for the majority of the land area involved in the 20 plus acres plot.

There are, however, some concerns and questions that we respectfully request be specifically addressed as part of the approval process.

- o Safety and traffic control onto and off of Corkscrew Road and Corkscrew Boulevard are vital to our residential interests.

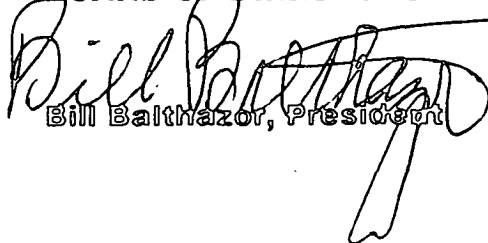
The increased emphasis of Corkscrew Road as a main street of Estero plus the planned widening of the ramp and of I-75 appear to indicate much increased traffic in near term. Also the potential entrance needs of the 43 acre parcel on the West of Corkscrew

Woodlands Boulevard ought be determined since the four adjoining entities are apparently involved in the Corkscrew Woodlands Boulevard entrance road easements from Corkscrew Road.

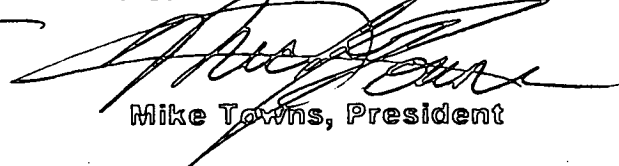
- o It is proposed that specific occupancies be determined on the two out parcels which total 3.75 acres. Entrances to be only from the internal road, not directly from Corkscrew Woodlands Boulevard.
- o It is presumed our present entrance sign on Corkscrew Woodlands Boulevard at Corkscrew Road would remain. Is so?
- o Storm water shall not be drained onto the Island Club Association and continue on into Corkscrew Woodlands Lake as was apparently anticipated in the past.
- o A pedestrian walkway from the Island Club boundary on Corkscrew Woodlands Boulevard to the Corkscrew Road walkway is proposed. A bus pickup and discharge area also is proposed.
- o The traffic control gates located at the Island Club boundary ought be located much closer to Corkscrew Road to curtail unwanted traffic to the communities. Provisions should be made for vehicles and especially large vehicles to be able to turn around before the gates to the residential communities.

The opportunity to further comment on this important subject is very much appreciated. Thank You. We hope the identification and resolution of these issues might aid in the development of a mutually advantageous project. While we have identified these concerns it is assumed our ability to have voice in this process is assured as the project moves forward. We would welcome that involvement.

BOARD OF DIRECTORS

  
Bill Balthazor, President

BOARD OF DIRECTORS

  
Mike Towns, President

**From:** Lindsey Sampson  
**To:** Noble, Matthew  
**Date:** 3/24/04 6:53PM  
**Subject:** Re: 2004 Lee Plan Private Amendments - Summaries...

Matt,

I don't have any objections to the requested amendments that are summarized below.

Lindsey

Lindsey J. Sampson  
Lee County Solid Waste Division  
sampsolj@leegov.com  
Ph. 239-338-3302  
Fax 239-461-5871

>>> Matthew Noble 03/23/04 07:50AM >>>  
Good morning all,

Here is a brief summary for the Plan amendments that I email late yesterday:

1. CPA 2004-01 - Small Scale Amendment (from General Commercial Interchange to Central Urban)- Leeward Yacht Club L.L.C., Leeward Yacht Club Mixed Use Planned Development (Hansen's Marina property @ S.R. 80 & I-75).

(EAR ROUND OF AMENDMENTS PRIVATE REQUESTS:)

2. CPA 2004-02 - Text Amendment, Sue Murphy, AICP, Estero, allow outdoor storage over one acre within a portion of the General Interchange land use category at Corkscrew & I-75.

3. CPA 2004-03 - Text and FLUM Amendment, Weeks Landing L.L.C., Michele Pessin, Manager, Creation of the "Public Marine Mixed Use" category and application to Weeks Fish Camp property (23 acres).

4. CPA 2004-04 - FLUM Amendment, William Fitzgerald, Trustee, Amend from Outlying Suburban to Urban Community (54 acres) from Rural to Outlying Suburban (55 acres), located near Daniels Parkway & I-75.

5. CPA 2004-05 - Text Amendment, Pine Island, Pine Island Agriculture & Landowners' Association, Inc., Amend Policy 14.2.2.

6. CPA 2004-06 - FLUM and Text Amendment, Florida Citrus Corporation, North East Lee County (Alva), Creation of the Rural Village land use category, Amend from Rural and Open Lands to the new Rural Village category for a 3,713 acre property.

7. CPA 2004-07 - Text Amendment, Watermen Development Group Corp., Buckingham, Amend Policy 17.1.3 to "allow lots to be clustered as part of an Agricultural Planned Development."

8. CPA 2004-08 - FLUM Amendment, Advance Homes, Inc., Mill Creek Florida Properties No. 3, L.L.C., Richard D. Fernandez, SW Florida Land 411 L.L.C., Development known as Oak Creek, Amend Rural to Suburban (10 acres), and Suburban to Rural (10 acres), North Fort Myers (near Raymond Lumber)

9. CPA 2004-09 - Text Amendment, Captiva Community Panel, Captiva, Proposing six additional policies.

10. CPA 2004-10 - FLUM Amendment, Hawks Haven Investment, L.L.C., East Lee County (off S.R. 80),

Amend approximately 1,623 acres of Rural and 79 acres of Suburban to Outlying Suburban with a density limit of 2 units per acre and Public Facilities (20 acres).

Matthew A. Noble, Principal Planner  
Lee County Department of Community Development  
Division of Planning  
Email: [noblema@bocc.co.lee.fl.us](mailto:noblema@bocc.co.lee.fl.us)  
(239) 479-8548  
(941) 479-8319 FAX



# Fee History

Case #: CPA2004-00002

Case #: CPA2004-00002  
Property Owner: GOLDIE JAMES M TR  
Property Address: CORKSCREW COMMERCE CT ES  
Contractor:  
License Number:  
Fax Number:

application for, comp plan text change in estero to include outdoor display at the interchange area for an auto dealership.

Description	Revenue Account Number	Fees	Paid	Date Paid	Due
Text Amendment Flat Fee	LB5150715500.322000.9018	2,500.00	2,500.00	2/25/2004	0.00
		<b>Total Fees: \$2,500.00</b>	<b>Paid: \$2,500.00</b>	<b>TOTAL REMAINING DUE:</b>	<b>\$0.00</b>