

FEBRUARY 25, 2009

A Meeting of the Board of Lee County Commissioners was held on this date to conduct a Public Hearing to consider adoption of amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) with the following Commissioners present:

Ray Judah, Chairman
Tammara Hall, Vice-Chairwoman
Robert P. Janes
Frank B. Mann
A. Brian Bigelow

ON FILE IN THE MINUTES OFFICE:

THE LEE PLAN EVALUATION AND APPRAISAL REPORT, COMMUNITY DEVELOPMENT PLANNING DIRECTOR PAUL S. O'CONNOR'S MEMORANDUM DATED FEBRUARY 12, 2009, AND ALL HANDOUTS PRESENTED DURING THE MEETING.

1. Call to Order; Certification of Affidavit of Publication

The Chairman called the meeting to order at 9:33 a.m. He advised there would be a recess between 12 noon and 1 p.m., and it was agreed that CPA2007-53 – NUHA, LLC., be heard out of order, before the San Carlos Island amendment. Assistant County Attorney Donna Marie Collins approved, as to legal form and sufficiency, the Affidavit of Publication, Notice of Amendment to the Lee County Comprehensive Plan, explained the hearing process and advised those present, who would like to receive a courtesy informational statement prior to the publication of the Notice of Intent, to provide their information on a sign-in sheet at the rear of Chambers for forwarding to the Department of Community Affairs (DCA). Following a reading of the Consent Agenda Plan Amendments, the Chairman called for public comment and the following persons came forward:

CPA2007-55 – Alan Freeman, representing affected residents
CPA2007-01 – Jim Green
CPA2007-01 – East Lee County Council President Ed Kimball
CPA2007-01 – Dan Delisi, with Delisi Fitzgerald, on behalf of Bill Byrus

Commissioner Hall moved to pull Item CPA2007-55 for discussion, seconded by Commissioner Janes, called and carried

2. CONSENT AGENDA

A. CPA2006-15 — Cauthen

Amend the Future Land Use Map Series, Map 1, for an approximate 13.5 ± acre site to change the Future Land Use classification from the "Rural" to "Commercial." The site is generally located in the southeast corner of Pine Island Road and Veterans Parkway.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

B. CPA2006-26 — Conservation Lands Update

Amend the Future Land Use Map Series, Map 1, by updating the Conservation Lands land use categories.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

C. CPA2006-27 - Corridor Access Management Plans

Amend the Future Land Use Element of the Lee Plan to update Policy 1.8.2 to reflect the Corridor Access Management Plans for State Route 82 and for Gunnery Road.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

D. CPA2007-01 - Caloosahatchee Shores Community Plan

Amend the Future Land Use Element, Goal 21, to add a policy that prohibits land use map amendments to the remaining Rural lands category unless a finding of overriding public necessity is made by three members of the Board of County Commissioners.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

E. CPA2007-55 — Commercial/Industrial Study

Evaluate and incorporate into the Future Land Use Element and Glossary appropriate Lee Plan policy changes and additions consistent with the Commercial/Industrial Study.

PULLED FOR DISCUSSION

Community Development Planning Director Paul S. O'Connor agreed to the removal of the parenthesized wording in Policy 2.12.2 on page 20 of the Staff Report, which reads: "(with the exception of the lands designated as Industrial Development between US 41 and I-75, north of Alico Road)", as requested by Mr. Freeman during public comment. Commissioner Hall moved approval to strike the parenthesized language, seconded by Commissioner Mann, called and carried. Commissioner Hall then moved adoption of the revised amendment, seconded by Commissioner Mann, called and carried.

F. CPA2007-57 - Southwest Florida International Airport Table 5 Update

Amend Lee Plan Table 5, pertaining to the development schedule for the Southwest Florida International Airport, by reformatting and updating the table to: broaden the allowable uses; recognize existing as-built conditions; recognize existing airport facilities inadvertently omitted from Table 5 when originally adopted in 2004; incorporate two conversion options for "non-aviation uses"; and to delete several completed projects.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

G. Adopt the following Ordinance, which adopts the Consent Agenda items:

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 2007-2008 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.

Commissioner Hall moved approval, seconded by Commissioner Janes, called and carried.

ORDINANCE NO. 09-06**3. ADMINISTRATIVE AGENDA****A. CPA2006-09 - Alva Community Plan**

Amend the Future Land Use Element of the Lee Plan and Future Land Use Map Series to incorporate the recommendations of the Alva Community Planning effort. Establish a new Vision Statement, new Future Land Use category, "Rural Village", and reclassify the area known as central Alva from the "Urban Community" future land use category to the new "Rural Village" category. Incorporate a new goal, objectives, and policies specific to a portion of the Alva Community.

The Chairman called for public comment and the following persons came forward all in support:

Alva Community Planning member [William Redfern](#)
Alva, Inc. President [Ruby Daniels](#)
Conservancy of S.W. Florida representative [Steven Brown](#)
[Jim Green](#)
East Lee County Council President [Ed Kimball](#)

Commissioner Mann moved approval, seconded by Commissioner Hall, called and carried.

B. Adopt the following Ordinance, which adopts CPA2006-09:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2006-09 (PERTAINING TO THE ALVA COMMUNITY PLAN) APPROVED DURING THE COUNTY'S 2007-2008 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL

APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS,
AND AN EFFECTIVE DATE.

Commissioner Janes moved approval, seconded by Commissioner Hall, called and carried.
ORDINANCE NO. 09-07

C. CPA2006-11 - Page Park Community Plan

Amend the Future Land Use Element of the Lee Plan to incorporate the recommendations of the Page Park Community Planning effort. Amend the Future Land Use element to establish a new Vision Statement, Goal, Objectives, and Policies specific to Page Park. Amend Map 1, Page 2 of 6, Special Treatment Areas, to reference new Goal specific to the Page Park Community. Amend Map 1, Future Land Use, to include a Page Park overlay map.

The Chairman called for public comment and the following person came forward:

John Sibley on behalf of the Page Park Community

Division of Planning Principal Planner Jim Mudd and Mr. O'Connor agreed to the request of Mr. Sibley that Policy 27.4.2 on page 25 be deleted. Commissioner Hall moved adoption of the revised amendment eliminating Policy 27.4.2, seconded by Commissioner Bigelow, called and carried.

D. Adopt the following Ordinance, which adopts CPA2006-11:

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 AMENDMENT CPA2006-11 (PERTAINING TO THE PAGE PARK COMMUNITY PLAN) APPROVED DURING THE COUNTY'S 2007-2008 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF THE "LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

Commissioner Hall moved approval, seconded by Commissioner Bigelow, called and carried.
ORDINANCE NO. 09-08

E. CPA2007-50 - North Captiva Community Plan

Amend the Future Land Use Element to incorporate the recommendations of the North Captiva Community Planning effort. Establish a new Vision Statement Goal, Objectives, and Policies specific to North Captiva. Amend Map 1, Page 2 of 6, Special Treatment Areas, to reference new Goal specific to the North Captiva Community. Amend Policy 1.4.2.

Division of Planning Principal Planner Jim Mudd provided a clarification on the Staff Report that a reference to the Vision Statement was removed. The Chairman called for public comment and the following persons came forward in support:

Margaret Banyan
Kristie Anders

Commissioner Hall moved approval, seconded by Commissioner Janes, called and carried.

F. Adopt the following Ordinance, which adopts CPA2007-50:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA 2007-50 (PERTAINING TO THE NORTH CAPTIVA COMMUNITY PLAN) APPROVED DURING THE COUNTY'S 2007-2008 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

Commissioner Hall moved approval, seconded by Commissioner Janes, called and carried.

ORDINANCE NO. 09-09**G. CPA2006-03 - Olga Community Plan**

Amend the Future Land Use Element of the Lee Plan to add a new Goal, Objective, and Policies specific to the Olga Community, located within the Caloosahatchee Shore Planning Community as defined in the Lee Plan. Amend the Future Land Use Map Series, Map 1, Page 1 of 6, for specified parcels located east of South Olga Road and fronting SR 80, containing approximately 48.7 acres from the "Suburban" and "Rural" future land use classifications to the "Commercial" and "Conservation Lands" Future Land Use classifications. Amend the Future Land Use Series, Map 1, Page 2 of 6, Special Treatment Areas, to reference a new Goal specific to the Olga Community.

Division of Planning Principal Planner Jim Mudd provided a memorandum update on changes to Policy 26.12 (copy on file in the Minutes Office), requesting that the Board not adopt Policy 26.12 at this time. Following response to Board questions by Principal Planner Matt Noble, the Chairman called for public comment, and the following persons came forward:

Attorney Michael J. Ciccarone, of the law firm of Fowler, White, Boggs and Banks, representing R & D Cattle Co., LLC,
Steven Brown, representing the Conservancy of S.W. Florida
Jim Green
Olga property owner and former Olga Community Club President William Byrus
Dan DeLisi

Commissioner Hall moved to approve adoption with the addition of Policy 26.23, elimination of Policy 26.12, and inclusion of Policy 26.14, as recommended by Staff, seconded by Commissioner Janes, called and carried.

H. Adopt the following Ordinance, which adopts CPA2006-03:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA 2006-03 (PERTAINING TO THE OLGA COMMUNITY PLAN) APPROVED DURING THE COUNTY'S 2007-2008 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

ORDINANCE NO. 09-10**I. CPA2007-56 - North Fort Myers Community Plan**

Amend the Future Land Use Element to incorporate the recommendations of the North Fort Myers Community Planning effort. Establish a new Vision Statement, Goal, Objectives, and Policies specific to North Fort Myers. Amend Future Land Use Map Series for property containing approximately 85.3 acres located between Orchid Road and Barrett Road, south of Pine Island Road, from "Suburban," "Central Urban," and "Sub-Outlying Suburban" to "Commercial" and "Conservation Lands." Amend Future Land Use Series, Map 1, Page 2 of 6, Special Treatment Areas, to reference Goal specific to the North Fort Myers Planning Community.

Division of Planning Principal Planner Jim Mudd reported that Staff has addressed DCA's concerns and revised Policy 28.2, and Objectives 28.3, 28.4 and 28.5. Environmental Sciences staff member Aaron Martin commented on a compromise reached on the Conservation Lands. The Chairman called for public comment, and the following person came forward:

North Fort Myers Civic Association President, Community Planning Panel Member, and Design and Review Board Member Gregg Makepeace

Commissioner Hall moved approval, with the amendments recommended by staff, seconded by Commissioner Mann, called and carried.

J. Adopt the following Ordinance, which adopts CPA2007-56:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA 2007-56 (PERTAINING TO THE NORTH FORT MYERS COMMUNITY PLAN) APPROVED DURING THE COUNTY'S 2007-2008 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.
[ORDINANCE NO. 09-11](#)

4. ADMINISTRATIVE AGENDA – OTHER

A. [CPA2006-14 — Raymond Building Supply Corp.](#)

Amend the Future Land Use Series, Map 1, for a 14± acre parcel from the "Suburban" future land use category to the "Industrial Development" future land use category. Amend Lee Plan Policy 1.1.7 to impose a Floor Area Ratio of 0.3 on the subject property. The site is located on the north side of Bayshore Road, approximately one mile west of I-75.

Community Development Planner Pete Blackwell reviewed the amendment, and along with Principal Planner Matt Noble, addressed changes agreed to by applicant in response to objections by DCA around a need for a traffic study and by staff on gopher tortoises. Attorney Matt Uhle, of the Knott Consoer Law Firm, on behalf of the applicant, referred to the extensive presentation made at the Transmittal Hearing; and stated they were now in complete agreement with staff recommendation at this time. The Chairman called for public comment; however, no one came forward. Commissioner Hall moved adoption with staff recommended amendments, seconded by Commissioner Mann, called and carried.

B. Adopt the following Ordinance, which adopts CPA2006-14:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA 2006-14 (PERTAINING TO RAYMOND BUILDING SUPPLY) APPROVED DURING THE COUNTY'S 2007-2008 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.
[ORDINANCE NO. 09-12](#)

C. [CPA2006-20 — Water Supply Facilities Work Plan](#)

Amend the Community Facilities and Services, Potable Water sub-element, the Conservation and Coastal Management Element, and the Intergovernmental Coordination Element to coordinate appropriate aspects of the comprehensive plan with the South Florida Water Management District Water Supply Plan and to include a ten-year [Water Supply Facilities Work Plan](#) as required by Florida Statutes.

Community Development Principal Planner Matt Noble reviewed the amendment. The Chairman called for public comment; however, no one came forward. Commissioner Hall moved adoption, seconded by Commissioner Mann, called and carried.

D. Adopt the following Ordinance, which adopts CPA2006-20:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA 2006-20 (PERTAINING TO WATER SUPPLY FACILITIES PLAN) APPROVED DURING THE COUNTY'S 2007-2008 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL

APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS,
AND AN EFFECTIVE DATE.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

ORDINANCE 09-13

E. CPA2007-48 - Page Field Airport Master Plan

Amend the Future Land Use Map Series, Map 1, to change the Future Land Use designation of a portion of the Page Field Airport property from the "Public Facilities" Future Land Use Category to the "Airport" Future Land Use Category. Revise Map 3G to reflect the latest approved Airport Layout Plan. Amend the Vision Statement, the Future Land Use Element, the Ports, Aviation, and Related Facilities Sub-element of the Transportation Element, the Intergovernmental Coordination Element, and, the Glossary of the Lee Plan to incorporate the Page Field Airport Master Plan, Airport Layout Plan, thereby exempting the airport from the DRI process pursuant to Florida Statutes.

Community Development Principal Planner Matt Noble reviewed the amendment, and advised that staff had modified several policies as a result of objections by the DCA. The Chairman called for public comment, however, on one came forward. Commissioner Hall moved adoption with staff amendments, seconded by Commissioner Mann, called and carried.

F. Adopt the following Ordinance, which adopts CPA2007-48:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA 2007-48 (PERTAINING TO THE PAGE FIELD AIRPORT MASTER PLAN) APPROVED DURING THE COUNTY'S 2007-2008 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

ORDINANCE 09-14

AT THE REQUEST OF CHAIRMAN JUDAH, ITEM CPA2007-53 – NUHA, LLC WAS HEARD AT THIS TIME, FOR ACTION TAKEN SEE THAT PORTION OF THE MEETING. ITEM CPA2007-51, SAN CARLOS ISLAND, WAS HEARD IMMEDIATELY FOLLOWING NUHA, LLC.

G. CPA2007-51 — San Carlos Island

Amend the Future Land Use Map Series, Map 1 to change the future land use category of 28.97 acres designated "Urban Community," "Suburban," and "Industrial Development" to "Destination Resort Mixed-Use Water-Dependent," and 7.09 acres designated "Wetlands" to "Conservation Lands." Incorporate a new land use category and new Objectives and Policies guiding development in this area. Add one footnote to Table 1(a). Amend Table 1(b) to incorporate the new Future Land Use category. The property is generally located on San Carlos Island on both sides of main Street, and is bordered by Hurricane Bay to the north and Matanzas Pass to the south.

Community Development Principal Planner Matt Noble reviewed the requested amendment and DCA's objections, and provided a memorandum dated February 24, 2009, ([copy on file in the Minutes office](#)), outlining three (3) minor changes that staff recommended the Board incorporate into the Goals, Objectives and Policies of this amendment. Mr. Noble and Community Development Planning Director Paul S. O'Connor responded to Board questions. Attorney Matt Uhle, of the Knott Consoer Law Firm, representing the applicant, outlined his concerns with some of the issues raised in the ORC report, noted how his client has addressed many of the issues, and introduced McHarris Planning and Design representative Joe McHarris, who narrated a Power Point presentation of the site proposal ([copy on file in the Minutes Department](#)). TR Transportation Consultant Ted Treesh and DeLisi Fitzgerald representative Drew Fitzgerald addressed the Board on behalf of the applicant.

THE CHAIRMAN RECESSED THE MEETING FOR LUNCH AND RECONVENED THE MEETING WITH ALL COMMISSIONERS PRESENT. DISCUSSION CONTINUED ON CPA2007 -51.

Smart Growth Executive Director Wayne Daltry requested that the Board direct staff to work with the developer to achieve a well-functioning community planning effort, and consider striking language to provide a Category 5 hurricane site shelter due to the State's evacuation mandate already in place. He concluded by requesting different

protocol for review of parcels with multiple pages of Plan Amendments. Commissioner Hall indicated she would prefer to blue sheet Mr. Daltry's requests. Mr. Noble referred to a letter from Attorney Ralf Brookes on behalf of Mary Ellen and Roger Ruddick ([copy on file in the Minutes Department](#)), and advised that the Fort Myers Beach Town Council has decided not to take a position on this application. The Chairman called for public comment, and the following persons came forward:

Emily Lane resident [Mary Ellen Ruddick](#) ([handout](#) on file in Minutes office))
 Business owner [Dennis Henderson](#)
 Business owner [Jim Ballard](#)
 Port Carlos Cove resident [Robert Warren](#)
 Business owner [Brad Lewis](#)
 Business owner [Joanne Semmer](#)
 Business owner [Linda Miller](#)
 Oyster Bay Lane resident [Francis Sibley](#)

Attorney Uhle responded to a Board question on sea turtle-friendly lighting, and requested a menu of options. Discussion ensued on the most critical issues, and Commissioner Judah requested that:

- a) additional language be inserted in Policy XX.9.2, on page 84 of the Staff Report, which would then read "The developer will provide a liaison **and resources** to any harbor planning committee...;"
- b) draft language that would mandate lighting be compliant with the Sea Turtle Ordinance;
- c) Blue Sheet a directive to staff to work with the San Carlos Island Community in the development of a comprehensive plan;
- d.) delete the language requiring a Category 5 hurricane site shelter.

Following comments by Commissioner Bigelow on his inability to support the application without community planning efforts, Commissioner Hall moved to adopt the amendment, with the inclusion of the applicant's requested maximum height, the elimination of the hotel guest shelter requirement, the additional language in Policy XX.9.2 as requested above, mandated lighting compliant with the Sea Turtle Ordinance, and inclusion of staff's memorandum. The motion was seconded by Commissioner Janes, called and carried with Commissioner Bigelow voting nay. Commissioner Janes then moved to Blue Sheet a directive to Staff to work with the San Carlos Island Community in the development of a Comprehensive Plan, seconded by Commissioner Hall, called and carried. Mr. O'Connor agreed that he and Mr. Daltry would coordinate with the community to accomplish the planning intent and Blue Sheet it for future action.

H. Adopt the following Ordinance, which adopts CPA2007-51:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA 2007-51 (PERTAINING TO SAN CARLOS ISLAND) APPROVED DURING THE COUNTY'S 2007-2008 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

Commissioner Hall moved approval, seconded by Commissioner Janes, called and carried with Commissioner Bigelow voting nay.

ORDINANCE NO. 09-15

I. CPA2007-53 - NUHA, LLC

Amend the Future Land Use Element, Policy 1.8.2, to allow for right-in/right-out access to Gunnery Road for the property at the southwest corner of Gunnery Road and Leonard Boulevard.

Community Development Principal Planner Matt Noble reviewed the amendment request utilizing a site plan depiction, responded to Board questions, and advised that staff continues to recommend denial. The Chairman called for public comment; however, no one came forward.

[Mike Roeder](#), Director of Planning for the law firm of Knott, Consoer, representing the applicant, provided testimony; and Banks Engineering expert witness Jim Banks provided further testimony and responded to Board questions. Mr. Noble and DOT Planner Dave Loveland provided further input and responded to additional questions. Following lengthy Board discussion and rebuttal by Mr. Roeder, Commissioner Janes moved to deny the requested amendment,

seconded by Commissioner Judah for discussion. Following further comments, the motion was called and carried with Commissioners Mann and Bigelow voting nay.

J. Adopt the following Ordinance, which adopts CPA2007-53:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA 2007-53 (PERTAINING TO NUHA, LLC) APPROVED DURING THE COUNTY'S 2007-2008 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

NO FORMAL ACTION WAS TAKEN, AS THE AMENDMENT REQUEST WAS DENIED

K. CPA2007-54 - Realmark Burnt Store Marina, LLC

Amend the Lee Plan Future Land Use Map Series, Map 1, for 18.25 ± acre site from the "Rural" Future Land Use category to the proposed "Burnt Store Marina Village" Future Land Use category. Amend Table 1(a) to add the "Burnt Store Marina Village" Future Land Use category. Amend 1(b) to reallocate seven acres of commercial, six acres of industrial, four acres of residential and one acre of public land uses acres to accommodate the proposed development. The site is generally located west of Burnt Store Road within the Burnt Store Marina community.

Community Development Zoning Division Planner Lisa Hines reviewed the request and staff response to comments in the ORC report. She indicated staff recommended a maximum height of 185 feet with incorporated parking while the applicant requested 220 feet. Attorney Matt Uhle, with the Knott Consoer Law firm, representing applicant, indicated the applicant/owner Will Stout would address the overall development concept, and that they are in basic agreement with staff's recommendation. Realmark Group owner Will Stout outlined the importance to this project of the 220 foot maximum height request and advised of marketing initiatives. The Chairman called for public comment, and the following persons came forward:

Admiralty Village Homeowners Association President [Darrell Beaty](#) (handout on file in Minutes office)

[Dan Loren](#)

[Bob Akers](#)

[Harvey Hallberg](#)

[Daniel Leather](#) (handout on file in Minutes office)

Commodore Club President [Ken Shelly](#)

[Cathy Loreda](#)

[Tomas Loreda](#)

[Jacky Hill](#)

[Janet Osborn](#)

Burnt Store Marina President [Ann Hirst](#)

Admirals Point Condo Association President [Jim Hinch](#)

[Robert Brazeal](#)

[Peter Van Oosterhut](#)

[Mary Gelinias](#)

[Donald Epler](#)

[Marilyn Akers](#)

Following Attorney Uhle's rebuttal to the public comment, Mr. Noble responded to questions from the Board. During Board discussion, it was noted that the zoning process would address many of the concerns raised. Commissioner Bigelow commented on his continued concern with the height allowance. Commissioner Judah pointed out the extraordinary clash of components on this application, while receiving assurance from staff that traffic conditions will be closely monitored and looked at extensively during the zoning process. Commissioner Hall moved to adopt this private initiative amendment with the 220 foot requested maximum height, seconded by Commissioner Mann. At Commissioner Judah's request, staff assured the residents that they will be appropriately contacted as this initiative moves through the zoning process. The motion was then called and carried with Commissioner Bigelow voting nay.

L. Adopt the following Ordinance, which adopts CPA2007-54:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA 2007-54 (PERTAINING TO REALMARK BURNT STORE MARINA, LLC) APPROVED DURING THE COUNTY'S 2007-2008 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

Commissioner Hall moved approval, seconded by Commissioner Janes, called and carried with Commissioner Bigelow voting nay.

ORDINANCE NO. 09-16

M. CPA2007-59 - Hurricane Evacuation/Coastal High Hazard Area

Amend the Conservation and Coastal Management Element of the Lee Plan to establish a Category 5 hurricane evacuation standard, a shelter time standard, and mitigation measures for future plan amendments increasing density in the Coastal High Hazard Area. Amend the Future Land Use Map Series, Map 5, Coastal High Hazard Area, and the Glossary to redefine the Coastal High Hazard Area.

Community Development Principal Planner Matt Noble reviewed the amendment request. Commissioner Mann moved to adopt the amendment, seconded by Commissioner Hall, called and carried.

N. Adopt the following Ordinance, which adopts CPA2007-59:

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 AMENDMENT CPA 2007-59 (PERTAINING TO HURRICANE EVACUATION/COASTAL HIGH HAZARD AREA) APPROVED DURING THE COUNTY'S 2007-2008 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF THE "LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

ORDINANCE NO. 09-17

The Chairman adjourned the meeting at 3:20 p.m.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

Chairman, Lee County Commission