



LEE COUNTY BOARD OF COUNTY COMMISSIONERS

ZONING  
and  
COMPREHENSIVE PLAN AMENDMENT HEARING  
AGENDA

Wednesday, September 5, 2018

9:30AM

DCI2017-00026  
**Z-18-012**

JOEL BLVD & NORTH AVE CPD

CPA2018-00007

PUBLIC FACILITIES/CONSERVATION LANDS – TRANSMITTAL

CPA2017-00006

CONSERVATION AND COASTAL MANAGEMENT - TRANSMITTAL

CPA2017-00007

WATER DEPENDENT OVERLAY - TRANSMITTAL

**NOTICE OF PROPOSED AMENDMENT TO THE  
LEE COUNTY COMPREHENSIVE LAND USE PLAN  
(TRANSMITTAL HEARING)**

The Lee County Board of County Commissioners will hold a public hearing to consider proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, September 5, 2018. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers at 2120 Main Street in Downtown Fort Myers. At the hearing, the Board will consider the proposed amendments for transmittal to the Florida Department of Economic Opportunity:

CPA2017-00006 Conservation and Coastal Management: Amend Lee Plan goals, objectives, and policies currently within Goals 101-115, 117, 118, 121, 122, 124, 125, and 127 to align provisions within Lee Plan with the Board of County Commissioners strategic policy priority of preservation, water quality, and flood management. The amendments will also reduce redundancies; align with state statutes; and, provide better organization of the Lee Plan.

CPA2017-00007 Water Dependent Overlay: Amend policies and objectives in Goal 8, 128, and 158 of the Lee Plan to clarify the definitions of Water-Dependent Overlay, water-dependent uses, and marine-dependent uses, and to allow for greater flexibility of uses in the Water-Dependent Overlay. In addition, data will be moved from Map 1, Page 2: Special Treatment Areas and Map 2: San Carlos Island Map 12: Water-Dependent Overlay Zones to locate the Water-Dependent Overlay designation zones onto a single map series.

CPA2018-00007 Public Facilities/Conservation Lands: Amend the Lee Plan Future Land Use Map to designate 31 +/- acres from Conservation Lands (Uplands and Wetlands) to Public Facilities and to designate 44.5 +/- acres from Density Reduction/Groundwater Resource (DR/GR) and Wetlands to Conservation Lands (Uplands and Wetlands).

This transmittal hearing is the first step in a two step public hearing process to amend the Lee Plan. A second hearing will follow the Department of Economic Opportunity's review of the application.

Documentation for the Proposed Comprehensive Plan Amendment is available at <https://www.leegov.com/dcd/planning/cpa>. This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

It is the intent of the Board of County Commissioners that the provisions of this Comprehensive Plan Amendment may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

Lee County will not discriminate against individuals with disabilities. To request an accommodation, contact Joan LaGuardia, (239) 533-2314, Florida Relay Service 711, or [ADArequests@leegov.com](mailto:ADArequests@leegov.com), at least five business days in advance.

**CPA2018-00007**

**PUBLIC FACILITIES  
AND  
CONSERVATION  
LANDS**

# Summary Sheet

## Public Facilities and Conservation Lands, CPA2018-07

### Purpose:

Amend the Lee Plan Future Land Use Map to designate 31 ± acres from Conservation Lands to Public Facilities and Wetlands (Parcel A) and to designate 44.5 ± acres from Density Reduction/Groundwater Resource (DR/GR) and Wetlands to Conservation Lands (Parcel B). Both parcels are located in Southeast Lee County.



### Public Comments:

No members of the public spoke in favor of or against the proposed amendments.

### LPA Motion:

A motion was made to recommend that the Board of County Commissioners **transmit** CPA2018-00007 as recommended by staff. The motion passed 6 to 0.

### Staff Recommendation:

Staff recommends the Board of County Commissioners **transmit** the amendment to the state reviewing agencies.

**STAFF REPORT FOR**  
**CPA2018-07: Public Facilities and Conservation Lands**  
County Initiated Map Amendments to the Lee Plan



**Representative:**

DCD Planning  
Section

**Size:**

31± acres  
44.5 ± acres

**Location:**

Southeast Lee  
County

**Commissioner**

**District: #2**

**Attachments:**

FLUM Existing  
FLUM Proposed

**Hearing Dates:**

LPA: 7/23/2018  
BoCC: 9/05/2018

**REQUEST**

Amend the Lee Plan Future Land Use Map to designate 31 ± acres from Conservation Lands (Uplands and Wetlands) to Public Facilities and Wetlands and to designate 44.5 ± acres from Density Reduction/Groundwater Resource (DR/GR) and Wetlands to Conservation Lands (Uplands and Wetlands).

**PROJECT LOCATIONS**

Lee County Utilities' property is located at 14201 Alico Road. Conservation 20/20's property is located on 18501 Corkscrew Road. Both properties are within the Southeast Lee County Planning Community.

**FIGURE A: AERIAL LOCATION MAP**



**RECOMMENDATION**

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

**Background:**

On October 17, 2017, the BoCC authorized an Inter-County land swap between Lee County Utilities (LCU) and Conservation 20/20. To properly represent the parcels on the future land use map, on June 5, 2018 the BoCC authorized staff to prepare Lee Plan amendments to change the future land use designations of the LCU and Conservation 20/20 properties to Public Facilities and Wetlands and to Conservation Lands (Uplands and Wetlands). Please refer the Figure A Aerial Location Map and to Attachment 1.

**PART 1  
PROPERTY INFORMATION**

Parcel A: The LCU property is located near Alico Road's curve to Corkscrew Road. The Future Land Use designation of this property would change 31 ± acres from Conservation Lands (Uplands and Wetlands) to Public Facilities and Wetlands future land use categories to accommodate future public facilities. This property is a highly disturbed agricultural land that is more suitable for active use than for conservation purposes. The Property Appraiser identifies the parcels as STRAP numbers 04-46-26-00-00001.0010 and 09-46-26-00-00001.0170 and the property address is 14201 Alico Road.

Parcel B: The Conservation 20/20 property is within the Density Reduction Groundwater Resource (DR/GR) future land use category and is located along the north side Corkscrew Road. The property is surrounded by "The Place" conservation area. If approved, the proposed plan amendments would redesignate 44.5± acres from DR/GR to Conservation Lands (Uplands and Wetlands) on the Future Land Use Map which is consistent with Conservation 20/20's goals and future use of the property. The Property Appraiser identifies the parcel as STRAP number 19-46-27-00-00001.0030 and the property address is 18501 Corkscrew Road.

Parcels A and B are located in the Southeast Lee County planning district which is intended to remain low density residential, agricultural, and mining areas.

Upon approval, the proposed future land use map designation for Parcel A would be Public Facilities and Wetlands on the future land use map to accommodate future public utilities. Policy 1.1.8 regulates the land uses allowed in the Public Facilities category and provides the local government to determine the appropriate uses on the land.

**POLICY 1.1.8:** The Public Facilities areas include the publicly owned lands within the county such as public schools, parks, airports, public transportation, and other governmental facilities. The allowable uses within these areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction. (Ordinance No. 10-10)

The future land use map designation for Parcel B will be amended from Density Reduction/Groundwater Resource (DR/GR) to Conservation Lands. DR/GR lands provide recharge to aquifers as provided in Policy 1.4.5. Conservation lands are set aside for preserves as provided in Policy 1.4.6.

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

**POLICY 1.4.6:** The Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. Upland and wetland conservation lands will be shown as separate categories on the FLUM. Upland conservation lands will be subject to the provisions of this policy. Wetland conservation lands will be subject to the provisions of both the Wetlands category described in Objective 1.5 and the Conservation Lands category described in this policy. The most stringent provisions of either category will apply to wetland conservation lands. Conservation lands will include all public lands required to be used for conservation purposes by some type of legal mechanism such as statutory requirements, funding and/or grant conditions, and mitigation preserve areas required for land development approvals. Conservation Lands may include such uses as wildlife preserves; wetland and upland mitigation areas and banks; natural resource based parks; ancillary uses for environmental research and education, historic and cultural preservation, and natural resource based parks (such as signage, parking facilities, caretaker quarters, interpretive kiosks, research centers, and quarters and other associated support services); and water conservation lands such as aquifer recharge areas, flowways, flood prone areas, and well fields. Conservation 20/20 lands designated as conservation are also subject to more stringent use provisions of the 20/20 Program or 20/20 ordinances. (Ordinance No. 98-09, 02-02)

Both Parcels A and B contain Wetlands which will remain designated in the Wetlands future land use category. Development in Wetlands future land use category is limited to low density residential, limited recreation, open space and conservation.

**OBJECTIVE 1.5: WETLANDS.** Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended in F.S. 373.4211. (Ordinance No. 94-30)

**POLICY 1.5.1:** Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 114 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan. (Ordinance No. 94-30)

**Existing Land Use:**

Parcel A and B are undeveloped and are zoned Agricultural AG-2.

**Surrounding Properties:**

As provided in Table 1, areas surrounding Parcel A are located within the Conservation, Wetlands and DR/GR future land use categories and are zoned Agricultural AG-2 and Mixed Use Planned Development (MPD).

**TABLE 1  
Parcel A SURROUNDING PROPERTIES INFORMATION**

	Future Land Use	Zoning	Existing Use
<b>North</b>	Conservation, DR/GR & Wetlands	AG-2	Undeveloped
<b>South</b>	DR/GR & Wetlands	AG-2	Undeveloped; Large lot single family residences
<b>East</b>	DR/GR & Wetlands	AG-2	Undeveloped
<b>West</b>	Conservation, Wetlands & DR/GR	AG-2	Undeveloped
<b>Southwest</b>	DR/GR & Wetlands	MPD	Undeveloped; indigenous vegetative preserve/conservation area associated with the WildBlue MPD approved for 1,096 units and 40,000 SF commercial on 2,960 acres

As provided in Table 2, areas surrounding Parcel B are located within the DR/GR & Wetlands future land use categories and are zoned Residential Planned Development (RPD).

**TABLE 2**  
**Parcel B SURROUNDING PROPERTIES INFORMATION**

	<b>Future Land Use/ Maximum Density</b>	<b>Zoning</b>	<b>Existing Use</b>
<b>North</b>	DR/GR	RPD	Undeveloped; Preserve areas associated with The Place (fka Corkscrew Farms RPD) approved 1,325 units and 50,000 SF residential amenities on 1,361 acres
<b>South</b>	DR/GR	RPD	Undeveloped; Pepperland Ranch RPD approved for 700 residential units & 50,000 SF residential amenities on 637.5 acres
<b>East</b>	DR/GR & Wetlands	RPD	Undeveloped; Preserve areas associated with The Place (fka Corkscrew Farms RPD) approved 1,325 units and 50,000 SF residential amenities on 1,361 acres
<b>West</b>	DR/GR & Wetlands	RPD	Undeveloped; Preserve areas associated with The Place (fka Corkscrew Farms RPD) approved 1,325 units and 50,000 SF residential amenities on 1,361 acres

**PART 2**  
**STAFF DISCUSSION AND ANALYSIS OF PROPOSED AMENDMENTS**

The amendments would accommodate a county land swap between LCU and Conservation 20/20 lands. The LCU property, Parcel A, would be designated to Public Facilities and Wetlands and the Parcel B Conservation 20/20 property would be designated Conservation lands Uplands and Wetlands.

Parcel A’s site conditions and proximity to developing areas make it suitable for future public facilities. Parcel B would remain undeveloped and preserved which is consistent with the adjacent lands to the north, east, and west which are preserve areas associated with The Place RPD. The amendment will result in a continuous uninterrupted preserve corridor for approximately four miles.

**Southeast Lee County**

Parcel A and B are within the Southeast Lee County planning community and subject to Lee Plan Goal 33. The Public Facilities, Wetlands and Conservation Lands Upland and Wetlands future land use categories are consistent with overall vision for Southeast Lee which seeks to protect natural resources (Objective 33.2). Although these parcels are not within the restoration area provided on Map 1, Page 4 of 8, Special Treatment Areas, placing Parcel B into the Conservation Lands future land use category promotes connectivity to adjacent preserve areas and is consistent with Policy 33.2.1.

**POLICY 33.2.1:** Large-scale ecosystem integrity in Southeast Lee County should be maintained and restored. Protection and/or restoration of land is of even higher value when it connects existing corridors and conservation areas. Restoration is also highly desirable when it can be achieved in conjunction with other uses on privately owned land including agriculture. Lee County Natural Resources, Conservation 20/20, and



Environmental Sciences staff will work with landowners who are interested in voluntarily restoring native habitats and landowners who are required to conduct restoration based upon land use changes. The parameters for the required restoration will be established in the Land Development Code by 2012 or within planned development zoning approvals as established in Objective 33.3.

Designating the significantly disturbed Parcel A to the Public Facilities future land use category is also consistent since the public facilities use on the land will provide protection to the natural environment from the proliferation of individual wells and septic systems on developing lands in the area.

If approved, the amendment to Parcel A would not increase the current allowable density on the subject property since residential units are not permitted in the Conservation or the Public Facilities future land use categories. However, the intensity will change to allow public utilities on the land that is not currently permitted under the Conservation Lands future land use category.

Conservation Lands (Policy 1.4.6) allows for wildlife preserves; wetland and upland mitigation areas and banks; natural resource based parks; ancillary uses for environmental research and education, historic and cultural preservation, and natural resource based parks (such as signage, parking facilities, caretaker quarters, interpretive kiosks, research centers, and quarters and other associated support services); and water conservation lands such as aquifer recharge areas, flowways, flood prone areas, and well fields.

The Public Facilities future land use category (Policy 1.1.8) is for publicly owned lands within the county. The allowable uses within these areas are determined by the entity owning each parcel and the local government having zoning and permitting jurisdiction. In this instance, Lee County Utilities owns the property and a public utility facility will be placed on the land.

The Parcel A amendment to the Public Facilities future land use category is consistent with Goals 55 and 56 to provide potable water and wastewater treatment throughout the county. The amendment is also consistent with Objective 4.1, Standards 4.1.1 Water and 4.1.2 Sewer by providing public facilities to assist new developments in meeting the Lee Plan Standards. Developing a public utility facility on Parcel A will provide utilities to the surrounding area and can ensure that water is properly treated before release. A wastewater treatment plant could also produce reuse water for irrigation for use elsewhere. No residential or commercial uses are proposed for the site; therefore approval of this amendment will not result in urban sprawl.

Parcel B Conservation 20/20 property is currently within the DR/GR future land use category and is proposed to be redesignated as Conservation lands Uplands and Wetlands. Policy 2.4.1 requires that all reclassifications of DR/GR undergo a special review to determine the short-term and long-term availability of irrigation, domestic water resources and if the proposed land uses would significantly impact present or future water resources.

**POLICY 2.4.1:** All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Lehigh Acres as described in Policy 54.1.9 and all land in the Density Reduction/Groundwater Resource land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change. (Ordinance No. 92-47, 94-30, 00-22, 02-02, 14-10, 18-05)

Changing Parcel B's future land use classification to Conservation Lands (Uplands and Wetlands) reduces the intensity of the uses allowed on the property under the DR/GR category.

**POLICY 2.4.2:** Future Land Use Map amendments to the existing DR/GR areas south of SR 82 east of I-75, excluding areas designated by the Port Authority as needed for airport expansion, which increase the current allowable density or intensity of land use will be discouraged by the county. It is Lee County's policy not to approve further urban designations there for the same reasons that supported its 1990 decision to establish this category. In addition to satisfying the requirements in 163 Part II Florida Statutes, the Strategic Regional Policy Plan, the State Comprehensive Plan, and all of the criteria in the Lee Plan, applicants seeking such an amendment must: 1. analyze the proposed allowable land uses to determine the availability of irrigation and domestic water sources; and, 2. identify potential irrigation and domestic water sources, consistent with the Regional Water Supply Plan. Since regional water suppliers cannot obtain permits consistent with the planning time frame of the Lee Plan, water sources do not have to be currently permitted and available, but they must be reasonably capable of being permitted; and, 3. present data and analysis that the proposed land uses will not cause any significant harm to present and future public water resources; and, 4. supply data and analysis specifically addressing urban sprawl. During the transmittal and adoption process, the Board of County Commissioners must review the application for all these analytical requirements and make a finding that the amendment complies with all of them. (Ordinance No. 97-05, 16-01, 18-05)

If approved, the amendment would not increase the current allowable density or intensity of lands uses allowed on the property. Public facilities are allowed in the DR/GR future land use category, but are not allowed in the Conservation Lands future land use category.

Land uses allowed in the DR/GR category (Policy 1.4.5) include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). As previously provided, Conservation Lands (Policy 1.4.6) allows for preserves and similar uses.

The Parcel B amendment to the Conservation Lands future land use category is consistent with Policy 2.4.2. The site is not within the Lee County Utilities water or wastewater service area and is not irrigated. The proposed Conservation Lands area is immediately adjacent to The Place RPD preserve areas. No residential or commercial uses are proposed for the site and approval of this amendment will not result in urban sprawl.

### **Transportation**

Parcel A is located on Alico Road. Parcel B is located on Corkscrew Road. Alico and Corkscrew Roads are county-maintained paved two-lane arterial roadways. Alico Road between Airport Haul Road and Green Meadow Drive is operating at a Level of Service (LOS) C. Corkscrew Road between Alico Road and 6L's Farms Road is operating at a LOS D (2016) and projected to operate at LOS E in 2021. Public utilities on Parcel A and conservation on Parcel B will not negatively impact the level of service standards on Alico or Corkscrew Roads.

### **Service Availability**

The land uses associated with public facilities and conservation areas will not increase the demand for potable water, sanitary sewers, solid waste, police, fire/EMS, schools or mass transit services.

### **PART 3 CONCLUSIONS**

The Public Facilities and Wetlands future land use categories on Parcel A and Conservation Lands Upland and Wetlands on Parcel B are consistent with the vision for Southeast Lee County and will allow public facilities to be developed on the disturbed lands (Parcel A) while increasing the preservation connectivity associated with Parcel B. The land uses in the surrounding area and infrastructure level of service will not be negatively impacted.

For the reasons discussed in this staff report, Staff recommends that the Board of County Commissioners **transmit** the map amendments to designate the subject property to Public Facilities and Wetlands and Conservation Lands Upland and Wetlands

### **PART 4 ATTACHMENTS**

**Attachment 1:**

- Existing Future Land Use Map
- Proposed Future Land Use Map

**Electronic File:** <https://www.leegov.com/dcd/planning/cpa/compllansearch?case=CPA2018-00007>

**PART 5  
LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: July 23, 2018

**A. LOCAL PLANNING AGENCY REVIEW:**

Staff provided a brief presentation for the proposed amendment that covered consistency with the Lee Plan, Board direction, and staff recommendation. Following staff's presentation, members of the LPA asked about the potential use on the Lee County Utilities property, its disturbed condition and the appropriateness of amending the designation to Public Facilities.

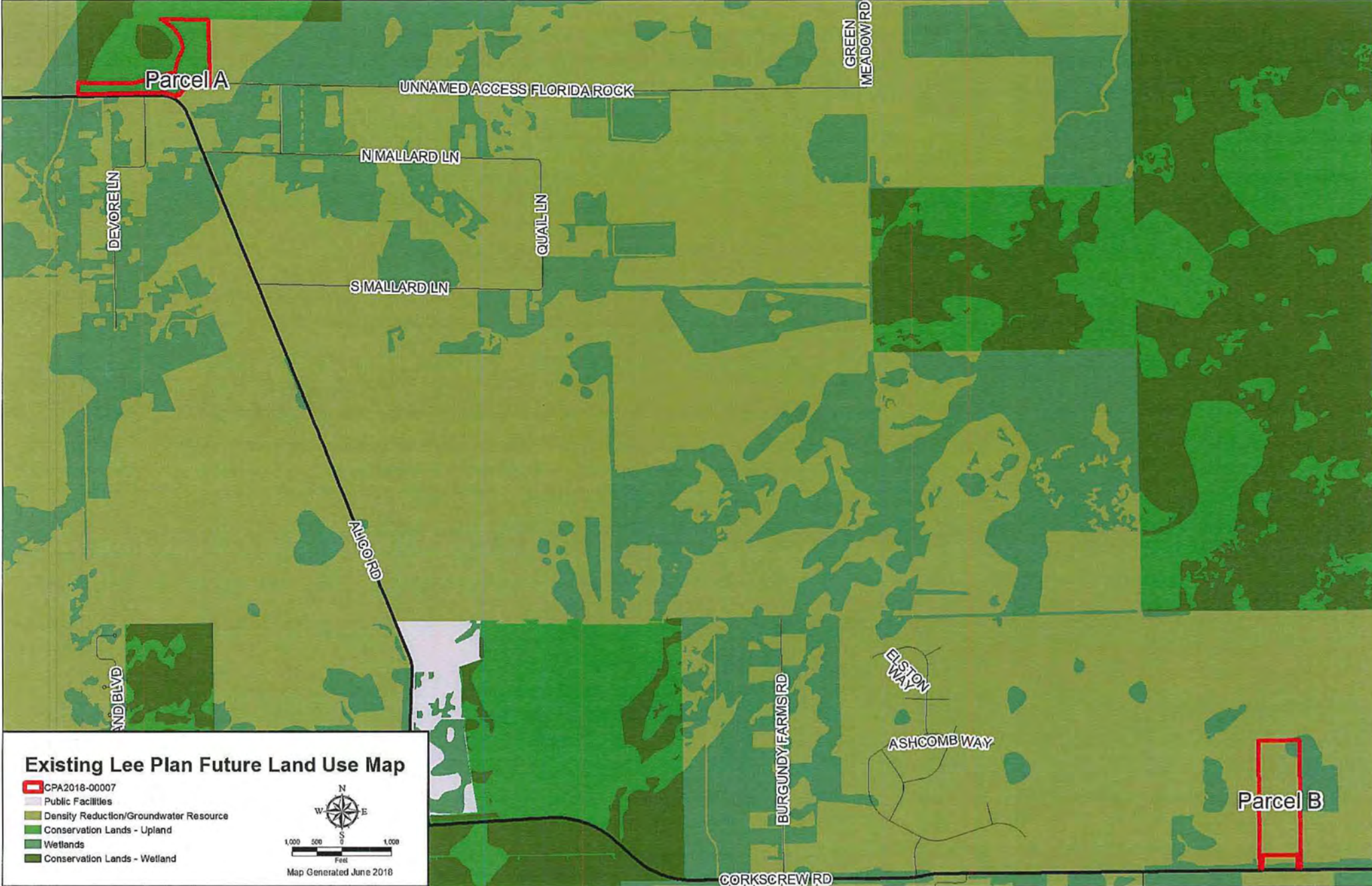
No members of the public spoke in favor of or against the proposed amendments.

**B. LOCAL PLANNING AGENCY RECOMMENDATION:**

A motion was made to recommend that the Board of County Commissioners transmit CPA2018-00007 as recommended by staff. The motion passed 6 to 0.

**VOTE:**

<b>DENNIS CHURCH</b>	<b>AYE</b>
<b>FRANK FEENEY</b>	<b>AYE</b>
<b>JAMES INK</b>	<b>AYE</b>
<b>KRISTINE SMALE</b>	<b>AYE</b>
<b>STAN STOUDE</b>	<b>AYE</b>
<b>JUSTIN THIBAUT</b>	<b>AYE</b>
<b>HENRY ZUBA</b>	<b>ABSENT</b>

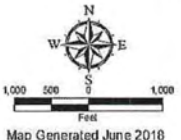


Parcel A

Parcel B

**Existing Lee Plan Future Land Use Map**

- CPA2018-00007
- Public Facilities
- Density Reduction/Groundwater Resource
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland



DEVORE LN

N MALLARD LN

S MALLARD LN

QUAIL LN

UNNAMED ACCESS FLORIDA ROCK

GREEN MEADOW RD

ALFORD RD

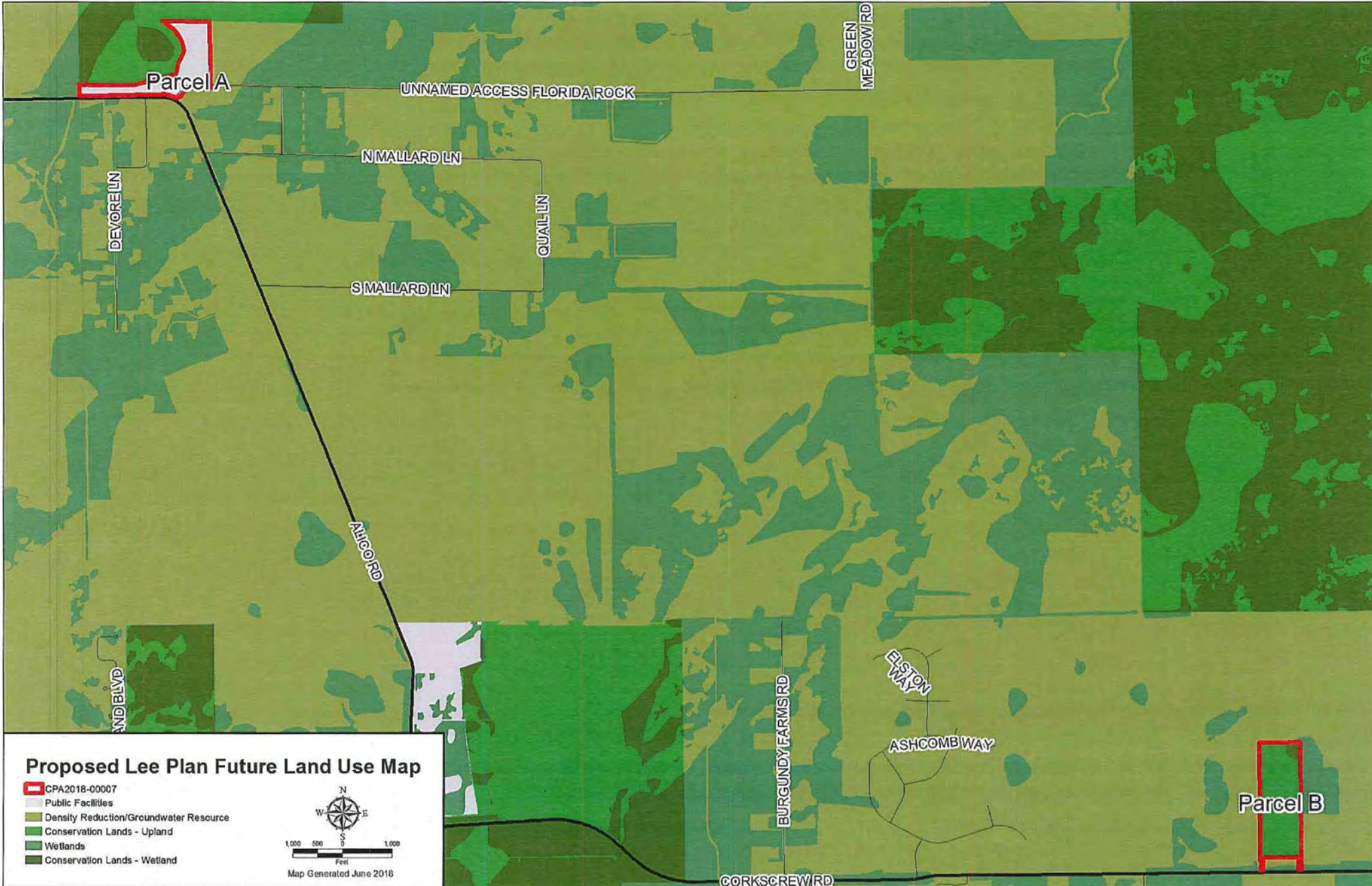
AND BLVD

BURGUNDY FARMS RD

ELSTON WAY

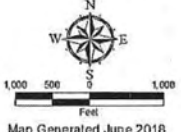
ASHCOMB WAY

CORKSCREW RD



**Proposed Lee Plan Future Land Use Map**

- CPA2018-00007
- Public Facilities
- Density Reduction/Groundwater Resource
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland



Map Generated June 2018