

May 29, 2019

John Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison – MSC 160
Tallahassee, FL. 32399-0800

Re: Amendment to the Lee Plan
Transmittal Submission Package
CPA2018-10008, Old Corkscrew Commercial

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, please find attached the proposed Comprehensive Plan Amendment, known locally as CPA2018-10008 (Old Corkscrew Commercial). The proposed amendment is being submitted through the expedited state review process as described in Chapter 163.3184. The amendment is as follows:

CPA2018-10008, Old Corkscrew Commercial:

- *Amend Lee Plan Policies 13.2.9 and 13.3.9 to add neighborhood commercial development as a use that may be permitted within the Private Recreational Facilities Planned Development (PRFPD) zoning district in the Density Reduction/Groundwater Resource future land use category subject to the provisions of Lee Plan Goal 13.*
- *Amend Lee Plan Map 6: Lee County Utilities Future Water Service Areas and Lee Plan Map 7: Lee County Utilities Future Sewer Service Areas to add 18.4± acres of property to Lee County Utilities' future water and sanitary sewer service areas.*


The Local Planning Agency held a public hearing for the plan amendment on April 22, 2019. The Board of County Commissioners voted to transmit the amendment on May 22, 2019. The proposed amendments are not applicable to an area of critical state concern. The Board of County Commissioners stated their intent to hold an adoption hearing following the receipt of the review agencies' comments.

The name, title, address, telephone number, and email address of the person for the local government who is most familiar with the proposed amendment is as follows:

Mr. Brandon Dunn, Principal Planner
Lee County Planning Section
P.O. Box 398
Fort Myers, Florida 33902-0398
(239) 533-8585
Email: bdunn@leegov.com

Included with this package are one paper copy and two CD ROM copies, in PDF format, of the proposed amendment and supporting data and analysis. By copy of this letter and its attachments, I certify that this amendments and supporting data and analysis have been sent on this date to the agencies listed below.

Sincerely,



Mikki Rozdolski, Planning Manager
Department of Community Development
Planning Section

All documents and reports attendant to this transmittal are also being sent by copy of this cover in an electronic format to:

Comprehensive Plan Review
Department of Agriculture and Consumer Services

Mark Weigly
Department of Education

Plan Review
Department of Environmental Protection

Deena Woodward
Florida Department of State

Scott Sanders
Florida Fish and Wildlife Conservation Commission

Sarah Catala
FDOT District One

Margaret Wuerstle
Southwest Florida Regional Planning Council

Terry Manning, AICP, Senior Planner, Intergovernmental Coordination Section
South Florida Water Management District

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

Attn:

LCBC-DEPT OF COMM DEVELOPMENT-
1500 MONROE ST
FORT MYERS, FL 33902

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, May 22, 2019. 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:

CPA2019-00001 Wetland Impacts: Amend the Lee Plan to clarify uses allowed in the Wetlands future land use category on property where impacts are authorized by a State agency.

CPA2018-10008 Old Corkscrew Commercial: Amend Lee Plan Goal 13 to add neighborhood Commercial development as an allowed use for consideration within the Private Recreation Facilities Planned Development zoning district in the DR/GP Amend Lee Plan Map 6: Lee County Utilities Future Water Service Areas, and Map 7: Lee county Utilities Future Sewer Service Areas by adding approximately 18.4 acres of Property, located about 2 miles east of the Corkscrew Road and Alico Road Intersection, to the Future Water and Sewer Service Areas.

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> or at the Department of Community Development located at 1500 Monroe Street, Fort Myers, Florida. 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, at least five business days in advance.
AD# 3553728 May 10, 2019

STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared Diana Figueroa, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

Legal Notices

In the Twentieth Judicial Circuit Court was published in said newspaper in the issues of:

05/10/19

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 10th of May 2019, by Diana Figueroa who is personally known to me.


Affiant


Notary



STAFF REPORT FOR
CPA2018-10008: Old Corkscrew Commercial
Privately Initiated **Text** and **Map** Amendments to the Lee Plan



Applicant:

Old Corkscrew Golf Club, LLC

Representative:

Daniel DeLisi, AICP

Property Size:

18.4± acres

Property Location:

16999 Dormie Dr.

Planning District/

Community:

Southeast Lee County

Commissioner

District: #3

Attachments:

Text Amendments
Map Amendments
(Maps 6 & 7)

Hearing Dates:

LPA: 4/22/2019
BoCC: 5/22/2019

REQUEST

- Amend Lee Plan Policies 13.2.9 and 13.3.9 to add neighborhood commercial development as a use that may be permitted within the Private Recreational Facilities Planned Development (PRFPD) zoning district in the Density Reduction/Groundwater Resource future land use category subject to the provisions of Lee Plan Goal 13.
- Amend Lee Plan Map 6: Lee County Utilities Future Water Service Areas and Lee Plan Map 7: Lee County Utilities Future Sewer Service Areas to add 18.4± acres of property to Lee County Utilities' future water and sanitary sewer service areas.

SUMMARY

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

LOCATION

For purposes of the Map amendments, the subject property is located adjacent to Corkscrew Road, 2± miles east of the Corkscrew Road and Alico Road intersection.



Figure 1 - Aerial Location Map

RECOMMENDATION

Staff recommends that the Board of County Commissioners **transmit** the amendments as provided in Attachment 1 based on the analysis of this staff report and **direct** staff to amend the Land Development Code to add neighborhood commercial uses to the PRFPD zoning district.

**PART 1
CONCURRENT APPLICATION REVIEW**

The Old Corkscrew Commercial comprehensive plan amendment was filed on June 29, 2018 with a request to change the Future Land Use Map designations on the subject property from DR/GR and Wetlands to Commercial and Wetlands. A companion rezoning application (DCI2018-10016) was also filed to rezone the property from PRFPD to CPD. The applicant revised their comprehensive plan amendment request and submitted new application materials on March 15, 2019. The previous zoning application was subsequently withdrawn and a new zoning application (DCI2019-00007) was submitted on April 4, 2019 for an amendment to the PRFPD.

Florida Statutes Chapter 163.3184(12) provides that “At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this subsection.” This requires Lee County provide concurrent review of the rezoning request.

Staff notes that through the rezoning process, the applicant must demonstrate that the companion rezoning is consistent with all applicable provisions of the Lee Plan, including the proposed amendments, in order to receive a favorable recommendation. All new land uses in the DR/GR are subject to Policy 1.4.5. which, in part, requires demonstration of compatibility with maintaining surface and groundwater levels at their historic levels utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure.

**PART 2
STAFF DISCUSSION AND ANALYSIS**

The request is comprised of both a map amendment and a text amendment to the Lee Plan. The map amendment is property specific whereas, the text amendment has broader implications. In the discussion and analysis below, the requested map amendments and text amendments are addressed separately.

MAP AMENDMENTS

The applicant’s map request is to amend Maps 6 and 7 to add approximately 18.4 acres to the Lee County Utilities Future Water and Sanitary Sewer Service areas. The location of the property is shown below; it is within the Southeast Lee County Community Planning area and has future land use classifications of DR/GR and Wetlands. It is also identified as a Private Recreational Facility on Lee Plan Map 4 and as a Rural Golf Course Community on Lee Plan Map 17.

Lands that are within Community Plan areas are subject to the requirements of Goal 17 and Objective 17.3 which provides public input requirements. Based on these requirements the applicant conducted a public information meeting within the Southeast Lee County planning community on February 22, 2019.

Zoning History:

In 2000, the property that is the subject of the map amendment was included in the rezoning of 275.5± acres known as ‘The Retreat’ from Agricultural (AG-2) to Private Recreation Facility Planned Development (PRFPD), approved by Resolution Z-01-051, to allow a maximum of an 18-hole golf course; 20,000-square-foot golf clubhouse; two 150-square-foot restrooms; 25,000-square-foot golf

maintenance facility and one caretaker's residence. In 2010, an amendment to the PRFPD was approved by Resolution Z-11-14 to add bed and breakfast, fractional ownership, and timeshare units to the schedule to uses with a Master Concept Plan on approximately 20 acres. This current request is substantially the same property that is approved for the fractional ownership and timeshare units.

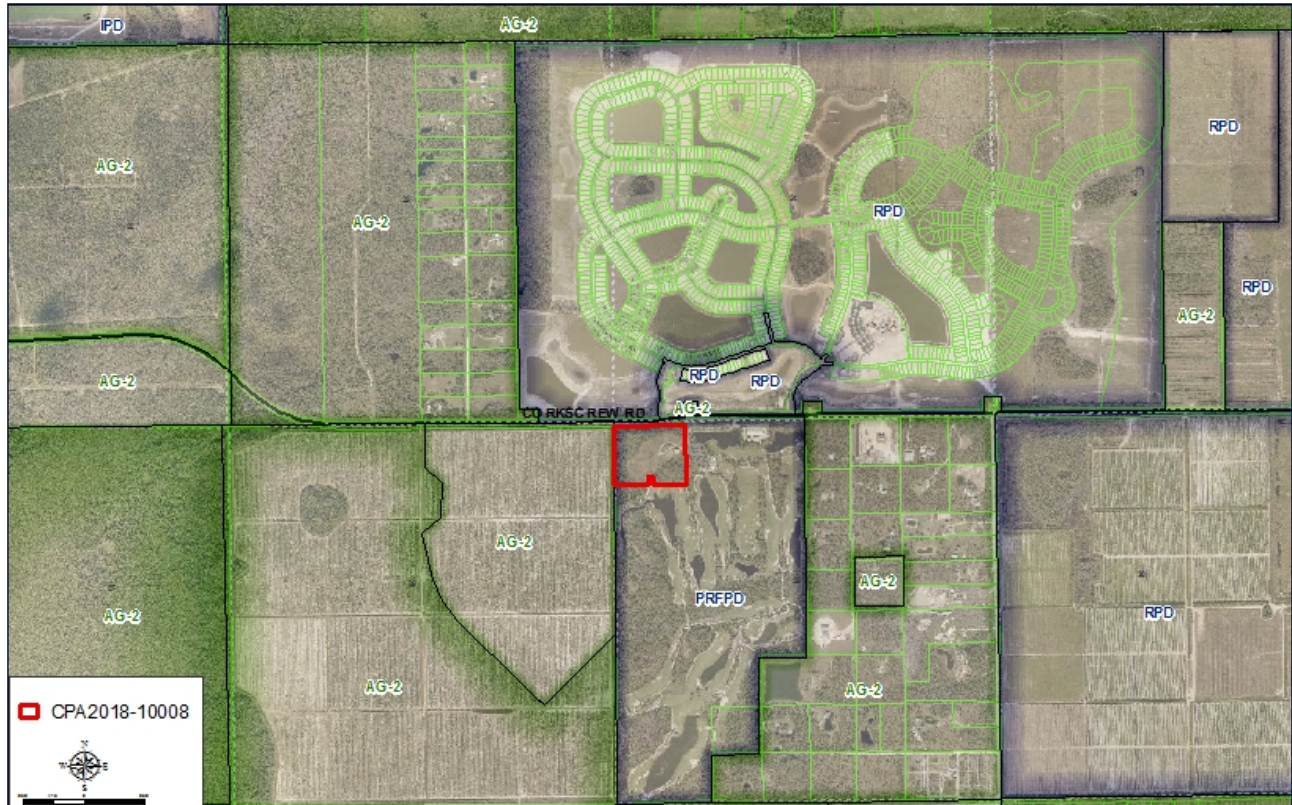


Figure 2 - Surrounding Properties and Zoning Map

Surrounding Properties:

North of the subject property, across Corkscrew Road, is a Residential Planned Development (RPD) zoned property known as The Place. The Place is approximately 1,361 acres and is within the Environmental Enhancement and Preservation Communities Overlay (EEPCO). The Place is approved for 1,325 dwelling units and is currently under development. Further north in the Conservation Lands (uplands and wetlands) future land use category is the AG-2 zoned Airport Mitigation Park. The Airport Mitigation Park and includes the Imperial Marsh, the largest freshwater marsh in Lee County, and connects to the Flint Pen Strand.

East and south of the subject areas is the Old Corkscrew Golf Course. The golf course property is zoned PRFPD (Private Recreational Facilities Planned Development). Further to the east generally located at the intersection of 6 L's Farm Road and Corkscrew Road is a large lot single family residential subdivision, zoned AG-2. Located further east are the Pepperland Ranch and Verdana Residential Planned Developments. These properties are approved at approximately 1 unit an acre as part of the EEPCO and have existing agricultural uses.

West of the subject area is the Florida Farm Development Company property. The Florida Farm Development Company property is zoned AG-2 and has active agricultural uses.

Lee Plan Consistency

The Lee Plan requires that areas to be served by Lee County Utilities are identified on Map 6: Lee County Utilities Future Water Service Areas and on Map 7: Lee County Future Sanitary Sewer Services Areas. Therefore, the applicant is proposing to amend Map 6 and 7 to add 18.4± acres to each service area.

The Lee Plan, in Standard 4.1.1(6), allows a developer/owner to request to be added to a water service area. Standard 4.1.1(6) is provided below:

6. If a development lies outside any service area as described above, the developer may:
 - request that the service area of Lee County Utilities or an adjacent water utility be extended to incorporate the property;
 - establish a community water system for the development; or
 - develop at an intensity that does not require a community water system.

In Standard 4.1.2(5), allows a developer/owner to request to be added to a sanitary sewer service area. Standard 4.1.2(5) is provided below:

5. If a development lies outside any service area as described above, the developer may:
 - request that the service area of Lee County Utilities or an adjacent sewer utility be expanded to incorporate the property;
 - establish a self-provided sanitary sewer system for the development;
 - develop at an intensity that does not require sanitary sewer service; or
 - if no more than 5000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Chapter 64E-6, F.A.C. may be utilized, contingent on approval by all relevant authorities.

Potable water and wastewater lines are in operation adjacent to the property. Potable water is available from the Corkscrew Water Treatment Plant. Wastewater service is available from the Three Oaks Wastewater Treatment Plant. A memo stating there is adequate capacity to serve the subject property is included in the application materials.

The request is consistent with Goal 33: Southeast Lee County, which in part, seeks to protect the groundwater resource area for long-term water storage. This is supported by the requirements found in Goal 13, Objective 13.4, Policy 13.4.2, Goal 63, Objective 63.1, and other applicable Lee Plan provisions. These provisions address general water resource protection and wellfield protection requirements. Lee County has a wellfield that extends along Corkscrew Road adjacent to the subject property. Extending Maps 6 and 7 will result in less individual wells and septic systems adjacent to Lee County wellfields and aquifers.

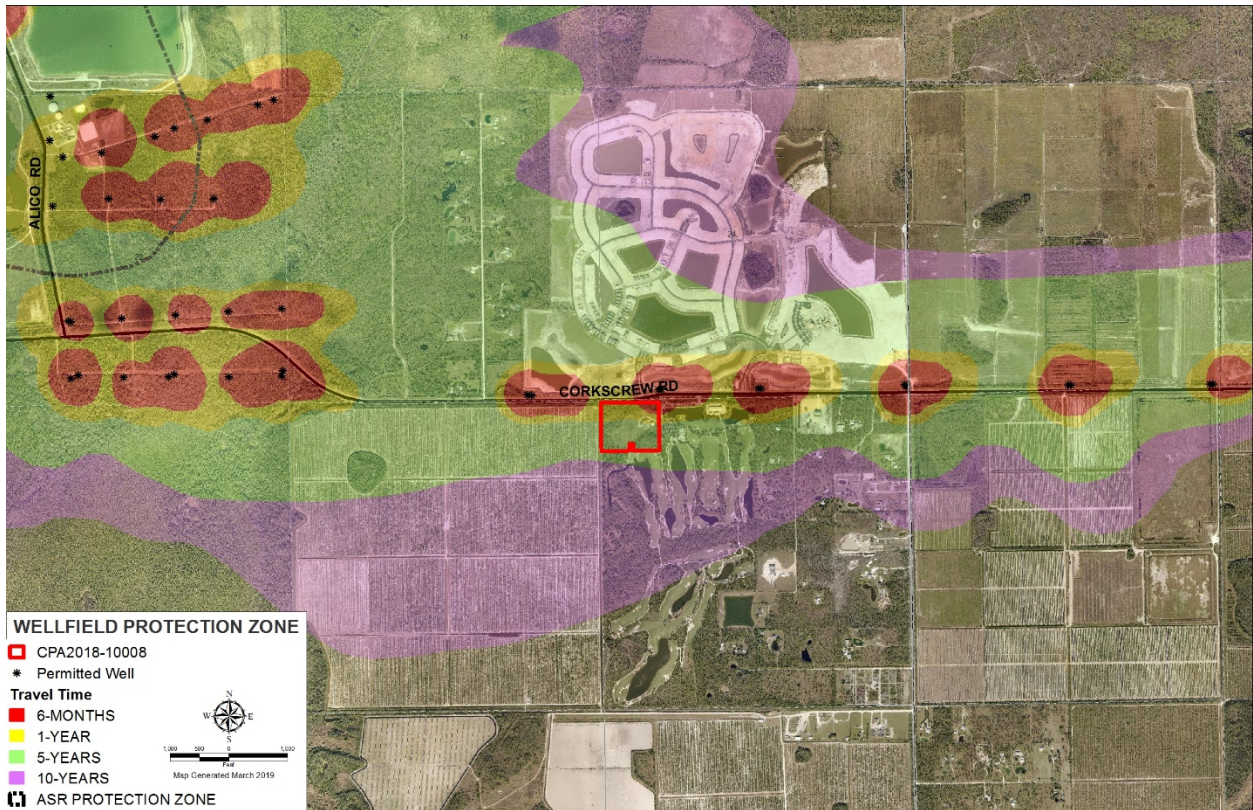


Figure 3 - Subject property in relationship to Lee County Wellfield Protection Zones

TEXT AMENDMENTS

The applicant’s requested text amendments would allow development of neighborhood commercial uses in the DR/GR future land use category, limited to locations appropriate for Private Recreational Facilities and depicted on the Private Recreational Facilities Overlay (Lee Plan Map 4).

Density Reduction/Groundwater Resource Future Land Use Category

The DR/GR future land use category is described in Lee Plan Policy 1.4.5 as 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.

Permitted land uses in the DR/GR future land use category include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres), and Private Recreational Facilities pursuant to Goal 13. Limited commercial and civic uses are only allowed in the DR/GR within Southeast Lee County if incorporated into a Mixed-Use Community (Policy 33.3.2 & 33.4.2) or if it’s an accessory use to a residential Environmental Enhancement and Preservation Community (Policy 33.3.4), both of which are depicted on Lee Plan Map 17, the Southeast DR/GR Residential Overlay.

Southeast Lee County Community Plan Area

The Southeast Lee County Community Plan area, which is typically identified as south of SR 82 and east of the Southwest Florida International Airport, Florida Gulf Coast University and municipalities of Estero and Bonita Springs. The Southeast Lee County Community Plan area contains property within the

DR/GR, Wetlands, Conservation Lands (uplands and wetlands), and Public Facilities future land use categories. The Community Plan area is anticipated to develop at relatively low densities and intensities. Development within the Southeast Lee Community Plan area is guided, in part, by Goal 33 of the Lee Plan.

Goal 33, in part, states: “Residential and commercial development will not be significantly increased except where development rights are being explicitly concentrated by this plan.” Commercial uses within Southeast Lee County are limited as a result of commercial not being a permitted use in the Wetlands, Conservation Lands (uplands and wetlands), and Public Facilities future land use categories and restricted within the DR/GR future land use category. Therefore, outside of being approved as accessory to a residential Environmental Enhancement and Preservation Community (Policy 33.3.4) or as “non-residential floor area” within a Mixed-Use Community (Policies 33.3.2 and 33.4.2) commercial uses within Southeast Lee County are not allowed. Development of either an Environmental Enhancement and Preservation Community or Mixed-Use Community requires designation on Lee Plan Map 17 and the significant obligation to protect or enhance flowways, groundwater resources, and wildlife habitat.

Private Recreational Facilities

Private Recreational Facilities may be permitted in the DR/GR future land use category pursuant to Policy 1.4.5 if rezoned to a Private Recreational Facilities Planned Development (PRFPD) and consistent with the location, design, and performance standards provided in Goal 13. The Private Recreation Facilities Overlay, Lee Plan Map 4, shows the locations that are appropriate for the development of Private Recreation Facilities in the DR/GR area. It should be noted that there are locations depicted on Map 4 that are no longer in the DR/GR future land use category and therefore not appropriate for PRFPD zoning.

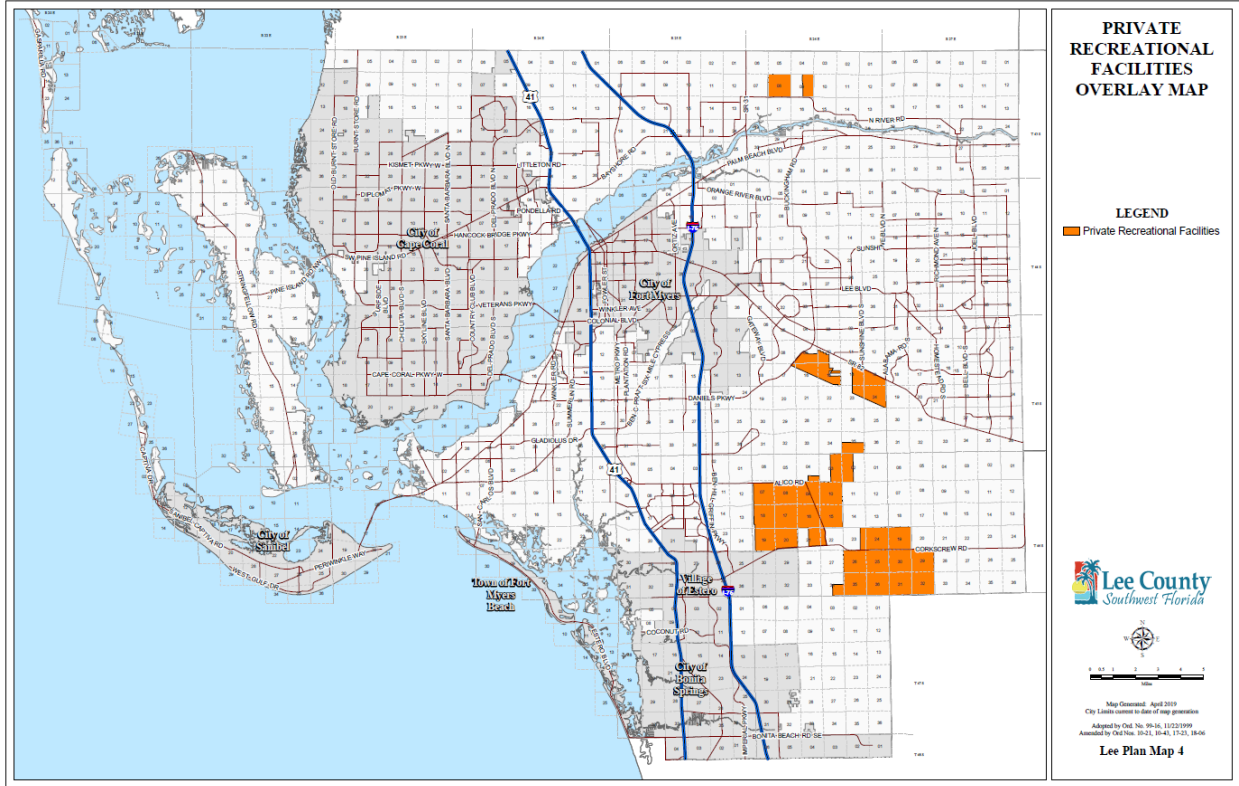


Figure 4 - Private Recreational Facilities Overlay Map

Goal 13 is intended to assure development of Private Recreational Facilities is consistent with the DR/GR future land use category, and that water resources are protected. Goal 13 states:

GOAL 13: PRIVATE RECREATIONAL FACILITIES IN THE DR/GR. To ensure that the development of Private Recreational Facilities in the DR/GR areas is compatible with the intent of this Future Land Use category, including recharge to aquifers, development of future wellfields and the reduction of density. (Ordinance No. 99-16, 18-18)

The provisions of Objective 13.3 set forth the permitted uses, parcel size, density, intensity and design of Private Recreational Facilities which are necessary for the protection of water quality, quantity, natural resources, and compatibility. One requirement, set forth in Policy 13.3.8, is a minimum provision of 85% open space. As comparison, residential Environmental Enhancement and Preservation Communities are required to provide a minimum of 60% open space.

Private Recreational Facilities must also be located, designed and operated in accordance with the provisions of Objectives 13.4 and 13.6 so as to: maintain or improve the storage and distribution of surface water resources; not degrade the ambient surface or groundwater quality or adversely impact the county's existing and future water supply; minimize environmental impacts; and, where appropriate, protect, enhance and manage natural resources such as flowways, waterways, wetlands, natural water bodies, and indigenous uplands. The location, design and operation of Private Recreational Facilities must also incorporate preservation and/or management activities that restrict the unnecessary loss of wildlife habitat or impact on protected species, species of special concern, threatened or endangered species in accordance with the policies under Objective 13.5. Furthermore,

Private Recreational Facilities development is subject to an ongoing monitoring program pursuant to Objective 13.7.

Neighborhood Commercial Development

The proposed amendment is to allow the consideration of Neighborhood Commercial Development within the DR/GR by including it as a use that could be permitted in the PRFPD zoning district. To accomplish this, the use must be added to the Policy 13.2.9, to allow commercial uses in conjunction or accessory to Private Recreation Facilities. Language currently in Policy 13.2.9 is duplicative of Policy 13.1.2 and is not needed. Commercial uses must also be added to the density/intensity table provided in Policy 13.3.9. The amendments are shown below in strike-through/underline with the applicant’s proposed revisions. Additional revisions proposed by staff are shown in double stike-through/underline.

POLICY 13.2.9: ~~Private Recreational Facilities within the DR/GR may only be located in the areas depicted on the Private Recreational Facilities Map, Map 4. (Ordinance No. 99-16, 10-43, 18-18)~~ **COMMERCIAL USES.** Commercial uses may be permitted within Private Recreational Facility Planned Development as provided in Policy 13.3.9 when ancillary or in conjunction with Private Recreation Facilities.

POLICY 13.3.9: DENSITY/INTENSITY LIMITATIONS. ~~Proposed uses~~ Uses in a PRFPD are subject to the following limitations:

Clubhouse/Administrative Area:	20,000 SF/18 hole golf course.
Golf Course Restrooms:	Not to exceed two structures per 18 hole golf course, limited to 150 SF per structure.
Maintenance Area:	Not to exceed 25,000 SF of enclosed or semi-enclosed building area, on a maximum of 5 acres of land per 18 hole golf course.
Fractional Ownership/Time-share Units:	The maximum allowable units will be calculated based on 1 du/10 acres for the entire area of the PRFPD. All timeshare/fractional ownership units must be transferred in accordance with Policy 33.3.3(1).
Bed and Breakfast Establishments:	The maximum number of Bed and Breakfast establishments will be limited to 1 per every 18 holes of golf. Bedrooms within a Bed and Breakfast establishment will be limited to a maximum of 7 per unit, with a maximum of two adult occupants per bedroom.
Horse Stable:	40,000 SF of stable building/10 acres.
Camping Restrooms:	1 toilet per four camp units, clustered in structures not to exceed 500 SF per structure. 1 shower per 4 toilets.
Camping Area Office:	1,000 SF per campground.
<u>Commercial Uses:</u>	<u>Limited to neighborhood commercial development with uses that are in compliance with the Wellfield Protection Ordinance without any exemptions¹. Total commercial gross floor area for the entire area of the PRFPD may not exceed 100,000 square feet, not including clubhouse square footage.</u>

1. No uses that would require the storage of any toxic, hazardous substances as identified in the Wellfield Protection Ordinance or sanitary hazards may be permitted.

The Lee Plan defines Neighborhood Commercial Development as “Commercial development that provides for the sale of convenience goods and personal services, such as food, drug, sundries, and hardware items and has a gross floor area range of 30,000 to 100,000 square feet.” Although the gross floor area range is provided in the definition, staff recommends a maximum gross floor area be included in the density/intensity table so that the maximum is clear within the policy itself.

The Neighborhood Commercial Development definition is consistent with neighborhood commercial centers described by the Urban Land Institute. The Urban Land Institute provides that neighborhood commercial centers range from 30,000 to 100,000 square feet of leasable area, with the median size of about 60,000 square feet, and a typical service trade area of 3,000 to 40,000 people within a five to ten minute drive (ULI development Handbook Series Fourth Edition for ‘Retail Development’ (pg. 10, 2008)). Based on approved residential development and existing residential subdivisions in the DR/GR, at build-out there will be a large enough population to warrant a Neighborhood Commercial Development.

Wellfield Protection Ordinance

As previously discussed, the DR/GR future land use category provides substantial recharge to aquifers most suitable for future wellfield development. Lee Plan Map 8, reproduced below, shows the location of the County’s Wellfield Protection Zones.

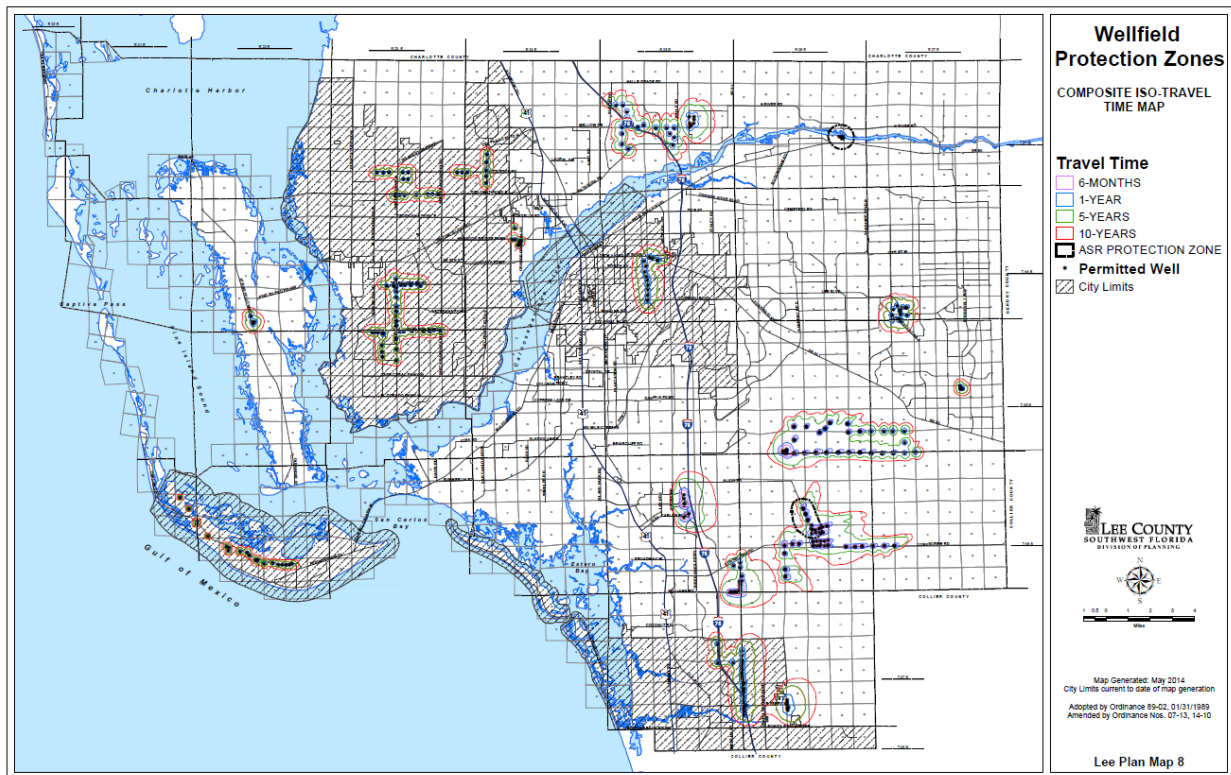


Figure 5 - Wellfield Protection Zones

The County’s Wellfield Protection Ordinance is codified in the Land Development Code, Chapter 14, Article III. The intent of this article is to further safeguard the public health, safety and welfare of the residents of the county by providing criteria for the regulation of activities that may allow the entrance

of brackish water into identified protection zones surrounding existing wellfields, and prohibiting or regulating hazardous substances, toxic substances or sanitary hazards within identified protection zones surrounding such wellfields, thereby protecting existing public potable water supply wells from contamination.

Applications for Private Recreational Facilities in or near existing and proposed wellfields, pursuant to Policy 13.4.2, must be designed to minimize the possibility of contamination of the groundwater during construction and operation. Additionally, the proposed language specifically requires that commercial uses approved allowed for consideration in a PRFPD must meet all the requirements of the Wellfield Protection Ordinance.

Natural Resources

Lee County staff reviewed the proposed request for potential impacts to natural resources. Water quality is a major concern on this project due to its close vicinity to the public water supply system. The requirements of the PRFPD zoning described in Objectives 13.3 and 13.4 include permitted uses, parcel size, density, intensity and design which are necessary for the protection of water quality, quantity, natural resources, and compatibility. The proposed amendments, which allow Lee County to consider commercial uses, will require the applicant to demonstrate water resources (including water quality) will not be degraded through the rezoning process. Objective 13.7 also requires that, in order to ensure development does not degrade the ambient conditions of water quality and water quantity, an ongoing monitoring program must be established.

To ensure water resources are protected in the vicinity of Lee County wellfields it is recommended that the following items shall be addressed and resolved during the PRFPD approval process:

1. Potential contamination of public water supply system due to construction or operational activities on the project site.
2. Storm water discharge to water management lakes and potential contamination of public water supply system.
3. Design of the water management system to mimic the functions of the natural system.
4. Discharge of storm water from the development into the County's MS4 system.
5. Maintain historic flow through the property and avoid flooding of adjacent properties.
6. A water quality monitoring plan for review and approval by the Division of Natural Resources.
7. A lake management plan for review and approval by the Division of Natural Resources. Among other issues, the plan shall address issues related to maintenance of water levels and littoral plants in the lake.
8. Elimination of storage of any toxic, hazardous substances as identified in the Wellfield Protection Ordinance or sanitary hazards, which would degrade groundwater quality.
9. Setback requirements of Chapter 62-532 with regard to sanitary sewer lines from public water supply system.
10. Compliance with Wellfield Protection Ordinance.

Based on the information provided and given the above concerns are to be addressed in the PRFPD approval process, the Lee County Division of Natural Resources staff finds that no significant impacts on present or future water resources are expected as a result from the proposed change to the Lee Plan. Therefore, the Division of Natural Resources staff recommends that the Board of County Commissioners make a formal finding that no significant impacts on present or future water resources are expected as a

result from the proposed amendment to the Lee Plan. A memo from the Lee County Division of Natural Resources is attached.

Applicant's Original Request

The Applicant's original request was to amend the Future Land Use Map designation on 18.4+/- acres from DR/GR and Wetland to Commercial and Wetland to allow the subject area to be developed for commercial use. The Commercial future land use category is specifically designated for commercial use and does not permit residential density. Because it is specifically for commercial use there are no limitations in the commercial category concerning the type or amount of commercial that could be permitted, nor is there any ability to create conditions that could assure protections of the environment or surrounding residential uses. Allowing unfettered commercial is not appropriate in an environmentally sensitive area and could have led to potential inconsistencies with the vision for Southeast Lee County and Lee Plan requirements with the Wellfield Protection Ordinance.

Whereas the original request, to amend the future land use category to Commercial, would not have included any limitations on the type or location of commercial of commercial uses, the proposed amendments utilize an established provisions that through required monitoring will ensure ongoing consistency of any future commercial development with the Southeast Lee County Community Plan area, the DR/GR future land use category, and the Wellfield Protection Ordinance. Development as part of a PRFPD provides for protection of water resources, wildlife, and flowways in a manner that is rigorous and consistent with how residential uses are permitted within the Environmental Enhancement and Preservation Communities Overlay.

PART 4 CONCLUSIONS

Staff is recommending amendments to Map 6: LCU Future Water Service Areas, Map 7: LCU Future Sewer Service Areas, and the Future Land Use element to allow the consideration of Neighborhood Commercial development in Southeast Lee County when approved through a Private Recreational Facilities Planned Development. As discussed in this staff report:

- The PRFPD rezoning will assure protection of flowways, groundwater resources, and wildlife habitat;
- Based on existing and approved development near the subject property there is a need for commercial uses;
- Applicants will be required to amend the Lee Plan prior to approval of additional commercial uses; and,
- Prior to final zoning approval there is a requirement for adequate public facilities and services.

Staff recommends that the Board of County Commissioners **transmit** the proposed amendments, as identified in Attachment 1 and **direct** staff to amend the Land Development Code to add neighborhood commercial uses to the PRFPD zoning district.

PART 5
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: April 22, 2019

A. LOCAL PLANNING AGENCY REVIEW:

The applicant provided a presentation that included an overview of the subject and surrounding properties, zoning history, proposed amendments, and consistency with the Lee Plan. Following the applicant's presentation members of the LPA asked about the precedent that would be set by the amendments, ownership of the commercial and golf course properties, and clarification about what would happen if the golf course were to close down.

Following questions from the LPA, staff provided a presentation which covered proposed amendments, consistency with the Lee Plan, reasons for the proposed amendments, and staff recommendation.

Two members of the public addressed the LPA concerning the proposed amendments. Members of the public stated that additional commercial uses were not needed along this area of Corkscrew Road and thought the amendments would set a bad precedent to allow additional commercial uses in Southeast Lee County.

Following the public comments the applicant provided a brief rebuttal about the proliferation of commercial uses and the need of commercial uses to serve the approved residential uses.

Members of the LPA further discussed the proposed text and map amendments; their discussion included uncertainty about the cumulative impacts of the text amendments when applied to other areas identified on Map 4, the intended character of Southeast Lee County, precedent setting potential of the amendments, and whether commercial uses are needed to serve nearby residential uses.

B. LOCAL PLANNING AGENCY RECOMMENDATION:

A motion was made to recommend that the BoCC ***transmit the map amendments***, and ***not transmit the text amendments*** of CPA2018-10014. The motion was passed 4 to 2.

VOTE:

RAYMOND BLACKSMITH	NAY
RHONDA BREWER	NAY
JAMES INK	AYE
KRISTINE SMALE	AYE
STAN STOUDE	AYE

DON SCHROTENBOER
HENRY ZUBA

ABSENT

AYE

C. STAFF RESPONSE TO LPA RECOMMENDATIONS:

Staff continues to recommend that the Board of County Commissioners **transmit** the proposed amendments, as identified in Attachment 1.

PRFPD rezoning requirements will assure protection of flowways, groundwater resources, and wildlife habitat; compatibility with nearby uses; provision of public services based on existing Lee Plan requirements:

- Policy 13.1.2: Requires PRFPDs must be located on Map 4.
- Policy 13.2.8: Requires adequate public facilities and no adverse effects of dust, lighting, or odor on surrounding uses.
- Policy 13.2.10: Requires PRFPDs will not negatively affect adjacent conservation uses.
- Policy 13.3.6: Requires PRFPDs have downward facing lights and that light poles in parking areas are limited to 12 feet in height.
- Policy 13.3.7: Provides native plant requirements for PRFPDs.
- Policy 13.3.8: Requires PRFPDs provide 85% open space.
- Policy 13.4.1: Requires that PRFPDs will not negatively impact present or future water resources.
- Policy 13.4.3: Requires that PRFPDs monitor groundwater quality and quantity.
- Policy 13.4.5: Requires that any areas of a PRFPD within any wellfield protection zone remain in compliance with the protection requirements for Zone 1 (the most restrictive).
- Policy 13.5.1: Requires that there is no adverse impact to wildlife habitat in PRFPDs.
- Policy 13.6.1: Requires that PRFPDs Use BMPs in natural areas.
- Objective 13.7: Provides specific monitoring requirements for PRFPDs.

Staff also request that the BoCC **direct staff to amend the Land Development Code** to add neighborhood commercial uses to the PRFPD zoning district.

PART 6
BOARD OF COUNTY COMMISSIONERS
TRANSMITTAL HEARING FOR PROPOSED AMENDMENT

DATE OF PUBLIC HEARING: May 22, 2019

A. BOARD REVIEW:

Staff provided a brief presentation for the proposed amendment which covered consistency with the Lee Plan and the LPA and staff recommendations. One member of the BoCC asked for clarification concerning the LPA recommendation. Following staff's presentation, the applicant's representatives gave a brief presentation that addressed the concern that the proposed amendments may lead to a proliferation of commercial uses in Southeast Lee County.

Six members from the public addressed the BoCC concerning the proposed amendments. Five members of the public spoke in favor of the proposed amendments and one person was concerned that the amendments would lessen the distinction between the urban and not urban areas of the county.

B. BOARD ACTION:

A motion was made to transmit CPA2018-10008 as recommended by staff. The motion was passed 3 to 0.

VOTE:

BRIAN HAMMAN	AYE
FRANK MANN	ABSENT
JOHN MANNING	AYE
CECIL L. PENDERGRASS	AYE
VACANT	N/A

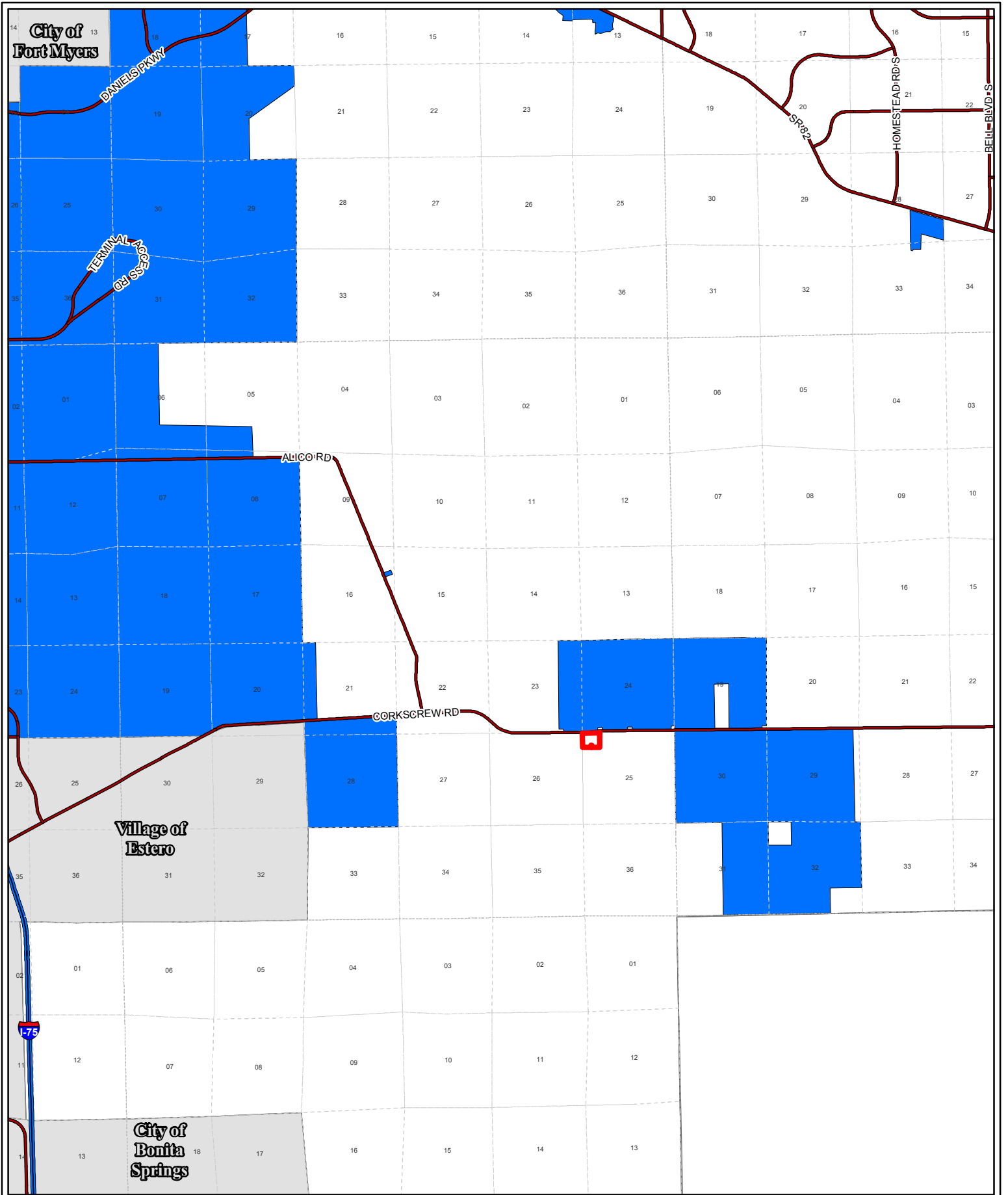
TEXT AMENDMENTS:

POLICY 13.2.9: ~~Private Recreational Facilities within the DR/GR may only be located in the areas depicted on the Private Recreational Facilities Map, Map 4. (Ordinance No. 99-16, 10-43, 18-18)~~ **COMMERCIAL USES.** Commercial uses may be permitted within Private Recreational Facility Planned Development as provided in Policy 13.3.9 when ancillary or in conjunction with Private Recreation Facilities.

POLICY 13.3.9: DENSITY/INTENSITY LIMITATIONS. ~~Proposed uses~~ Uses in a PRFPD are subject to the following limitations:

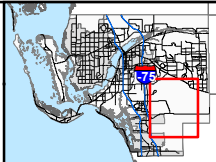
Clubhouse/Administrative Area:	20,000 SF/18 hole golf course.
Golf Course Restrooms:	Not to exceed two structures per 18 hole golf course, limited to 150 SF per structure.
Maintenance Area:	Not to exceed 25,000 SF of enclosed or semi-enclosed building area, on a maximum of 5 acres of land per 18 hole golf course.
Fractional Ownership/Time-share Units:	The maximum allowable units will be calculated based on 1 du/10 acres for the entire area of the PRFPD. All timeshare/fractional ownership units must be transferred in accordance with Policy 33.3.3(1).
Bed and Breakfast Establishments:	The maximum number of Bed and Breakfast establishments will be limited to 1 per every 18 holes of golf. Bedrooms within a Bed and Breakfast establishment will be limited to a maximum of 7 per unit, with a maximum of two adult occupants per bedroom.
Horse Stable:	40,000 SF of stable building/10 acres.
Camping Restrooms:	1 toilet per four camp units, clustered in structures not to exceed 500 SF per structure. 1 shower per 4 toilets.
Camping Area Office:	1,000 SF per campground.
Commercial Uses:	<u>Limited to neighborhood commercial development with uses that are in compliance with the Wellfield Protection Ordinance without any exemptions¹. Total commercial gross floor area for the entire area of the PRFPD may not exceed 100,000 square feet, not including clubhouse square footage.</u>

1. No uses that would require the storage of any toxic, hazardous substances as identified in the Wellfield Protection Ordinance or sanitary hazards may be permitted.



Legend

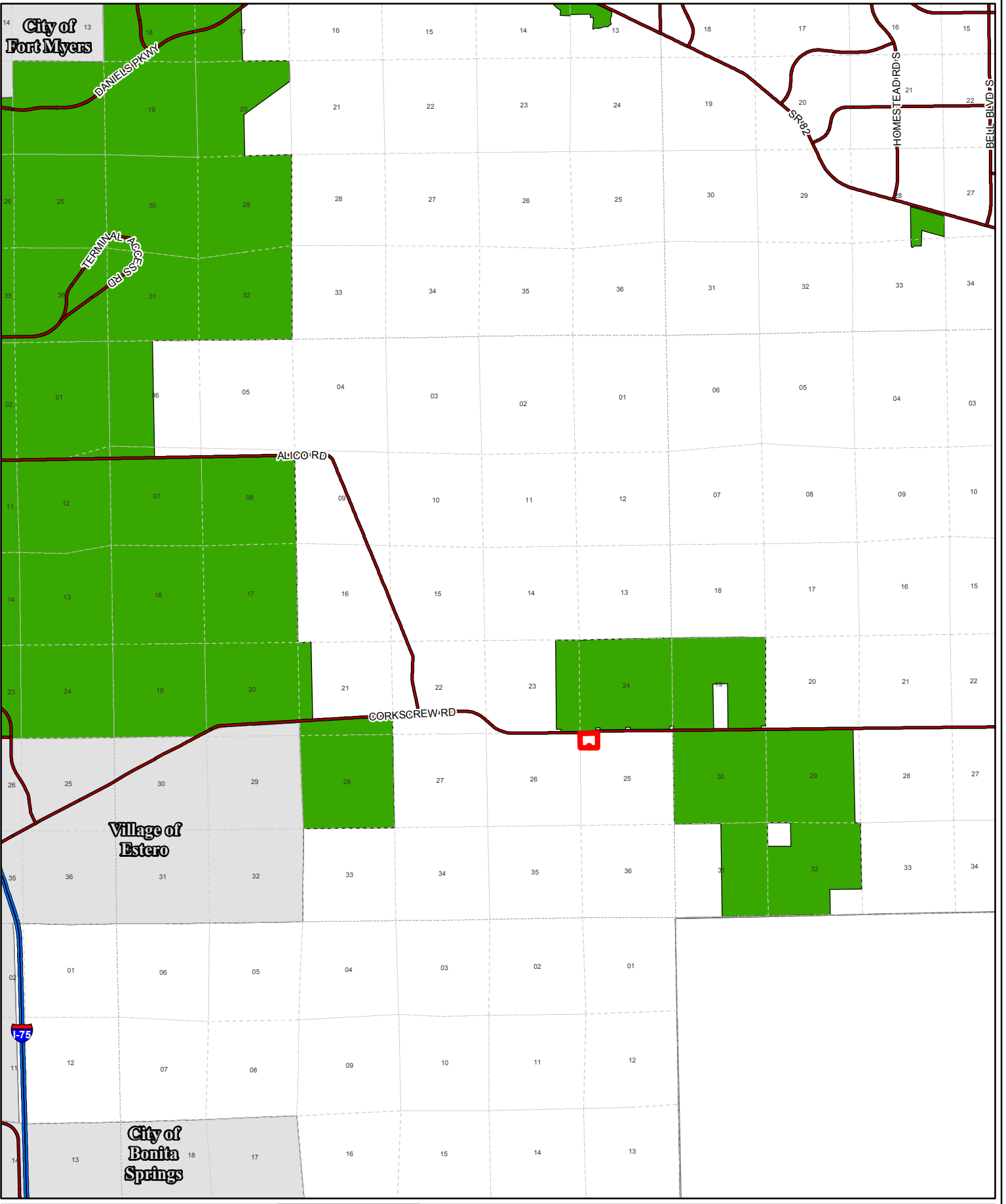
- Extend the existing service area to cover subject property
- Future Water Service Areas



Map Generated April 2019

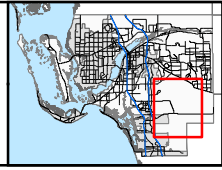
CPA2018-10008 - Old Corkscrew Commercial

**MAP 6 PROPOSED LEE COUNTY
FUTURE WATER SERVICE AREAS**



Legend

- Extend the existing service area to cover subject property
- Future Sewer Service Areas



CPA2018-10008 - Old Corkscrew Commercial

Map Generated April 2019

**MAP 7 PROPOSED LEE COUNTY
FUTURE SEWER SERVICE AREAS**

FOR ADDITIONAL SUPPORT
DOCUMENTATION, CLICK THE LINK
BELOW:

[Click Here](#)