



December 26, 2019

VIA E-Mail

John Manning  
District One

Cecil L. Pendergrass  
District Two

Ray Sandelli  
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 19-04 ESR  
CPA2018-10008, Old Corkscrew Commercial  
Adoption Submission Package**

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, this submission package constitutes the adoption of Comprehensive Plan Amendment known locally as CPA2018-10008. This amendment packet includes the final action and adopting ordinance for the following amendment:

***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.*

*(Adopted by Ordinance 19-25)*

The Lee County Board of County Commissioners held an adoption hearing to adopt the above identified ordinance for the plan amendment on December 18, 2019. As required by F.S. 163.3184, the final action on this amendment was completed within 180 days of the receipt of the State Land Planning Agency's review letter.

One change was made to the adopted amendment that the State Land Planning Agency did not previously review. The additional amendment to Policy 6.1.2 adds a cross reference to Objective 13.3 to maintain consistency within the Lee Plan.

The name of the local newspaper in which the Adoption Hearing was published is The News-Press, Fort Myers, Florida.

The name, title, address, telephone number, facsimile 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  
Department of Community Development  
Planning Section  
P.O. Box 398  
Fort Myers, Florida 33902-0398  
(239) 533-8585, Fax (239) 485-8344  
E-mail: bdunn@leegov.com

This package includes one paper copy and two CD ROM copies, in PDF format, of the adopted amendment and supporting data and analysis. All documents and reports attendant to this submission are also being sent, by copy of this cover, to:

Sincerely,  
**Lee County Department of Community Development  
Planning Section**



Mikki Rozdolski  
Manager, Community Development Operations

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**

**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

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](mailto:ADARequests@leegov.com), at least five business days in advance.  
AD# 3553728 May 10, 2019



# The News-Press media group

news-press.com A GANNETT COMPANY

Attn:

**LCBC-DEPT OF COMM DEVELOPMENT-  
1500 MONROE ST  
FORT MYERS, FL 33901**

STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared

Lee Henson

, 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

## Notice Public Hearing

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

12/06/19

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 6th of December 2019, by legal clerk who is personally known to me.

[Signature]

Affiant

[Signature]

Notary State of Wisconsin, County of Brown

This is not an invoice

notary exp 12-23

SHELLY HORA  
Notary Public  
State of Wisconsin

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

The Lee County Board of County Commissioners will hold a public hearing to consider the adoption of proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, December 18, 2019. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers, 2120 Main Street in Downtown Fort Myers.

The Board proposes to adopt an ordinance amending the Lee Plan as follows:

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/GR. 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 Allico Road Intersection, to the Future Water and Sewer Service Areas.

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.

Copies of this Notice and the proposed ordinance are available for inspection or copying during regular business hours at the Minutes Office of the Clerk of Courts of Lee County, located in the Courthouse Administration Building, 2115 Second 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 Ordinance 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@lee.gov.com, at least five business days in advance.

AD#3920875 Nov.6, 2019

RECEIVED  
DEC 12 2019

COMMUNITY DEVELOPMENT



**LEE COUNTY ORDINANCE NO. 19-25**

Old Corkscrew Commercial

CPA2018-10008

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

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

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

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on April 22, 2019; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on May 22, 2019. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Old Corkscrew Commercial (CPA2018-10008) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the May 22, 2019 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on December 18, 2019, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

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

## SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Old Corkscrew Commercial Ordinance (CPA2018-10008)."**

## SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends Lee Plan Goal 13 and Lee Plan Maps 6 and 7, known as Old Corkscrew Commercial (CPA2018-10008).

The corresponding Staff Reports and Analysis, along with all attachments and application submittals for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

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

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

## SECTION FOUR: MODIFICATION

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

## SECTION FIVE: GEOGRAPHIC APPLICABILITY

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

## SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held



unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

#### SECTION SEVEN: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

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

#### SECTION EIGHT: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

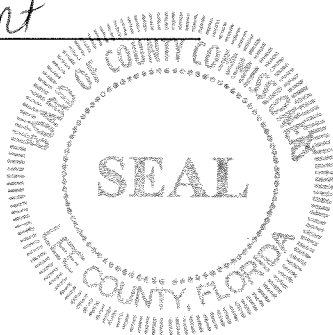
THE FOREGOING ORDINANCE was offered by Commissioner Pendergrass, who moved its adoption. The motion was seconded by Commissioner Manning. The vote was as follows:

John Manning	Aye
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DONE AND ADOPTED this 18<sup>th</sup> day of December 2019.

ATTEST:  
LINDA DOGGETT, CLERK  
**LEE COUNTY CLERK OF COURTS**

BY: Missy Flint  
Deputy Clerk



LEE COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY: Brian Hamman  
Brian Hamman, Chair

DATE: 12/18/19

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

[Signature]  
County Attorney's Office

Exhibit A: Adopted revisions to Goal 13, Lee Plan Maps 6 and 7  
(Adopted by BOCC December 18, 2019)



## EXHIBIT A

**Note:** Text depicted with underscore represents additions to the Lee Plan.  
**Strike-through text** represents deletions from the Lee Plan.

## TEXT AMENDMENTS:

**POLICY 6.1.2:** Commercial development in non-urban future land use categories is limited to Minor Commercial except that:

- Neighborhood Commercial uses serving the Lee County Civic Center are permitted within one quarter mile of SR31 between North River Road and the Caloosahatchee River in the North Olga Community Planning Area ~~and, Neighborhood Commercial~~ may be expanded to Community Commercial when approved as part of a planned development that is located at the intersection of two arterial roadways and has direct access to, or the ability to extend, existing water and sanitary sewer utilities.
- Neighborhood Commercial uses are permitted in the Southeast Lee County Planning Community as provided for in Objective 13.3.

*Remainder of policy remains unchanged.*

\*\*\*\*\*

**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.

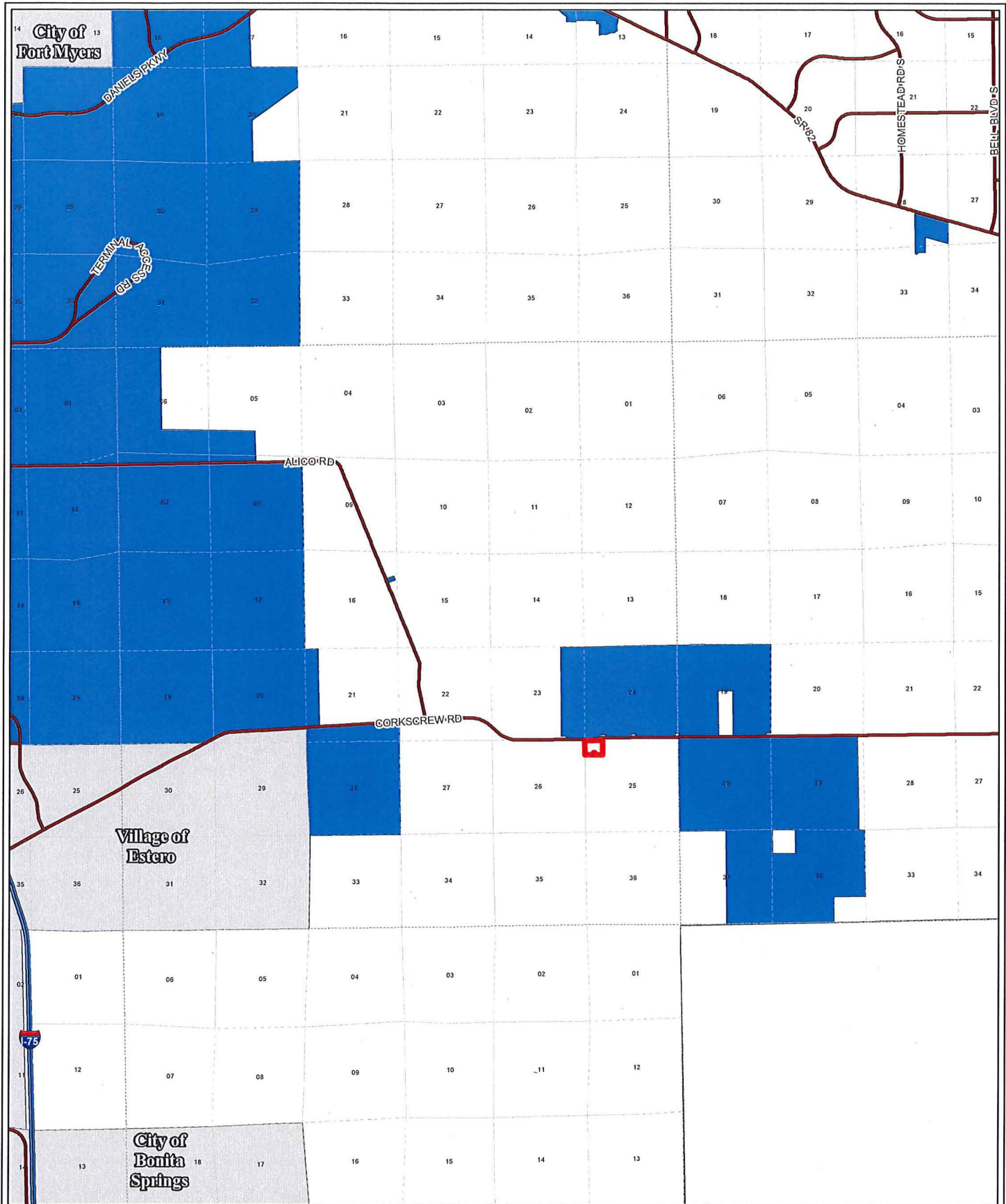
\*\*\*\*\*



**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 exemptions<sup>1</sup>. 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



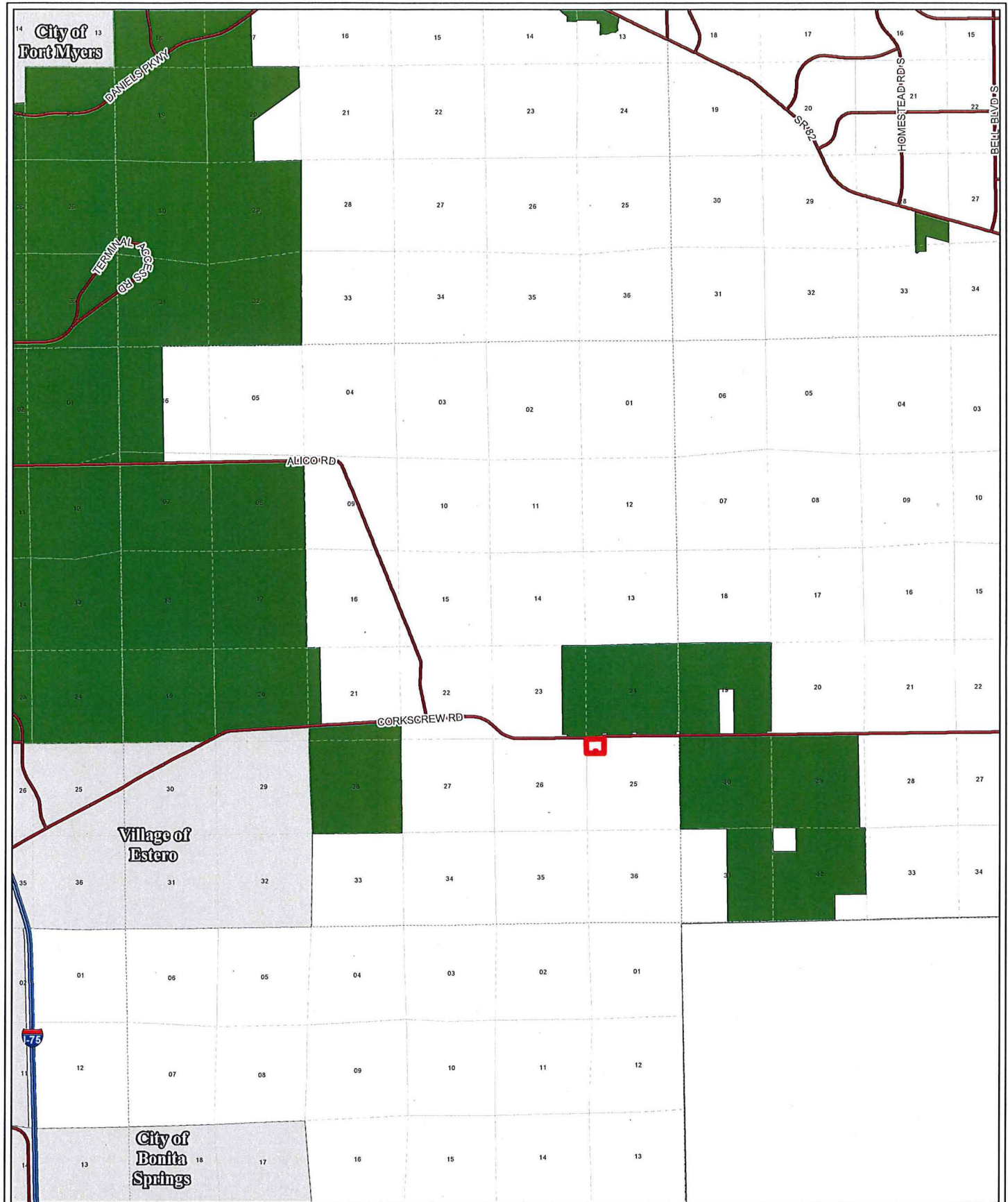
**CPA2018-10008 - Old Corkscrew Commercial**





Map Generated April 2019

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



Map Generated April 2019

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM  
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 19-25  
(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD

DESCRIPTOR: Planning

OTHER KEYFIELD

DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Old Corkscrew Commercial  
(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: 89-02 AMENDMENT #2: \_\_\_\_\_

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: \_\_\_\_\_ ; REPEAL #3: \_\_\_\_\_  
REPEAL #2: \_\_\_\_\_ ; REPEAL #4: \_\_\_\_\_

(Others Repealed: List All That Apply): \_\_\_\_\_

(FOR OFFICE USE ONLY):

COUNTY CODE NUMBER: \_\_\_\_\_

KEYFIELD 1 CODE: \_\_\_\_\_

KEYFIELD 2 CODE: \_\_\_\_\_

KEYFIELD 3 CODE: \_\_\_\_\_



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

December 18, 2019

Honorable Linda Doggett  
Clerk of the Circuit Courts  
Lee County  
Post Office Box 2469  
Fort Myers, Florida 33902-2469

Attn: Missy Flint

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Ordinance No. 19-25, which was filed in this office on December 18, 2019.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

## 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  
BoCC: 12/18/2019

#### 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 **adopt** 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.

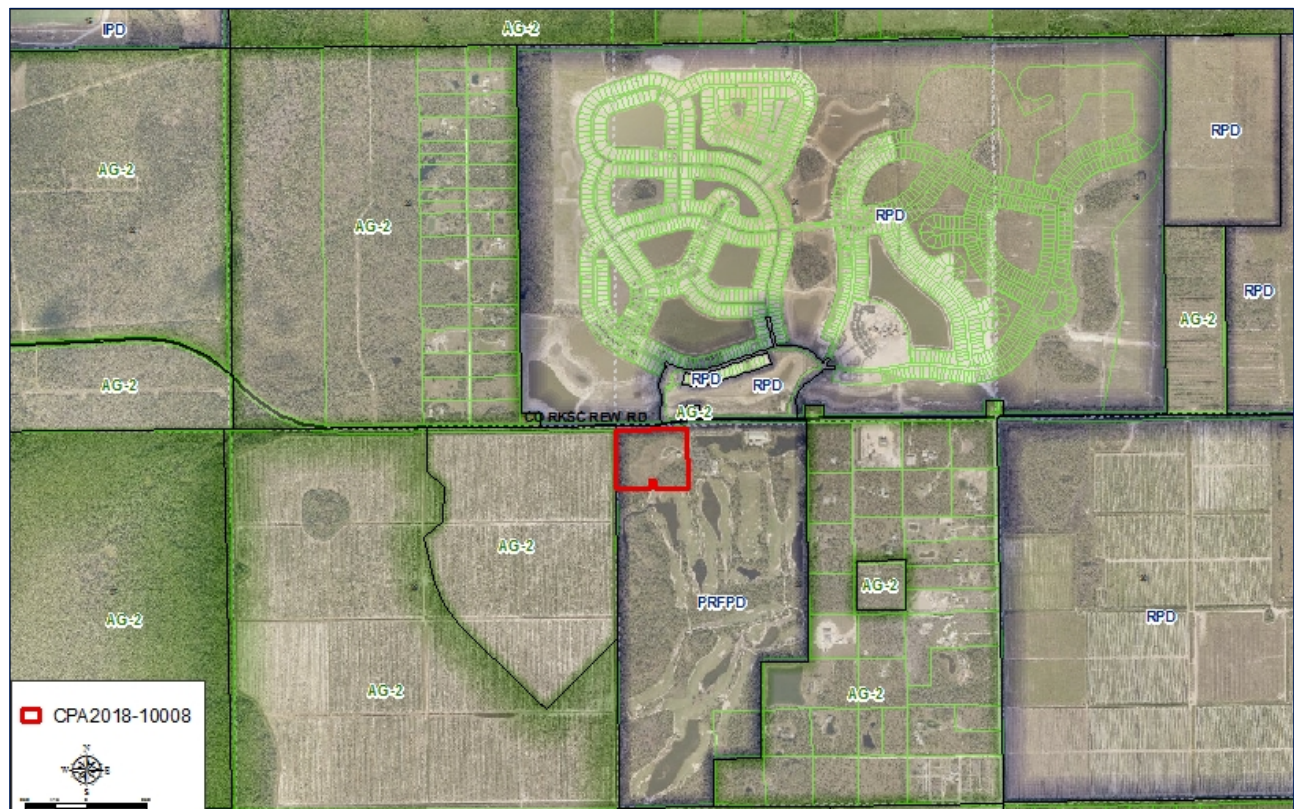


Figure 2 - Surrounding Properties and Zoning Map

### **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 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.

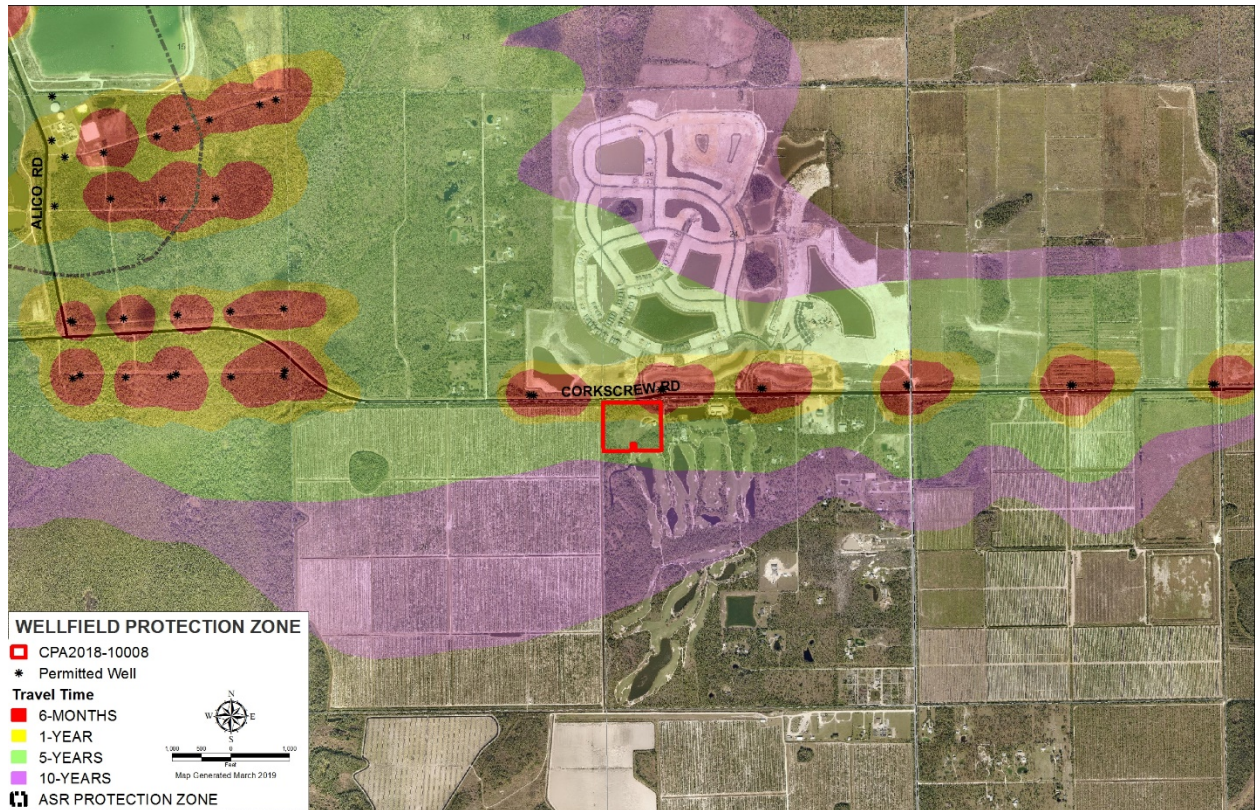


Figure 3 - Subject property in relationship to Lee County Wellfield Protection Zones

## 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.



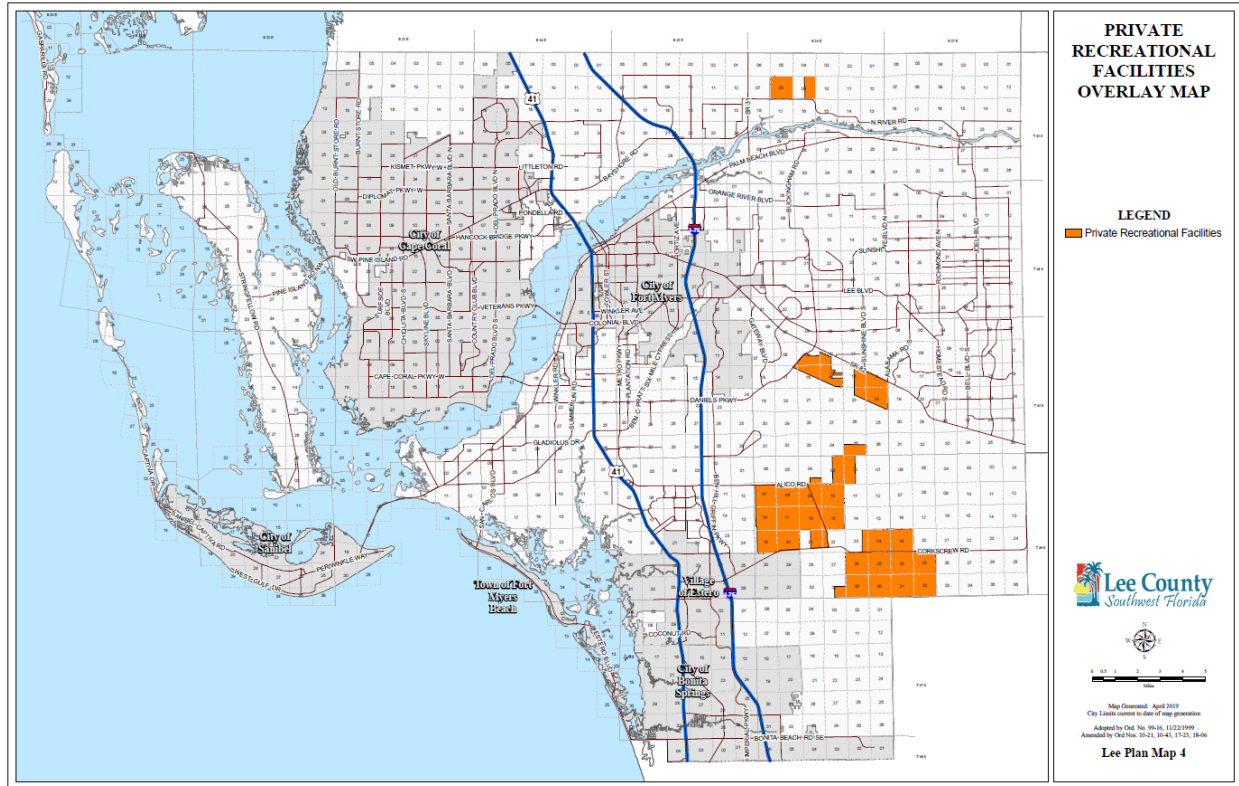


Figure 4 - Private Recreational Facilities Overlay Map

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 exemptions<sup>1</sup>. 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.

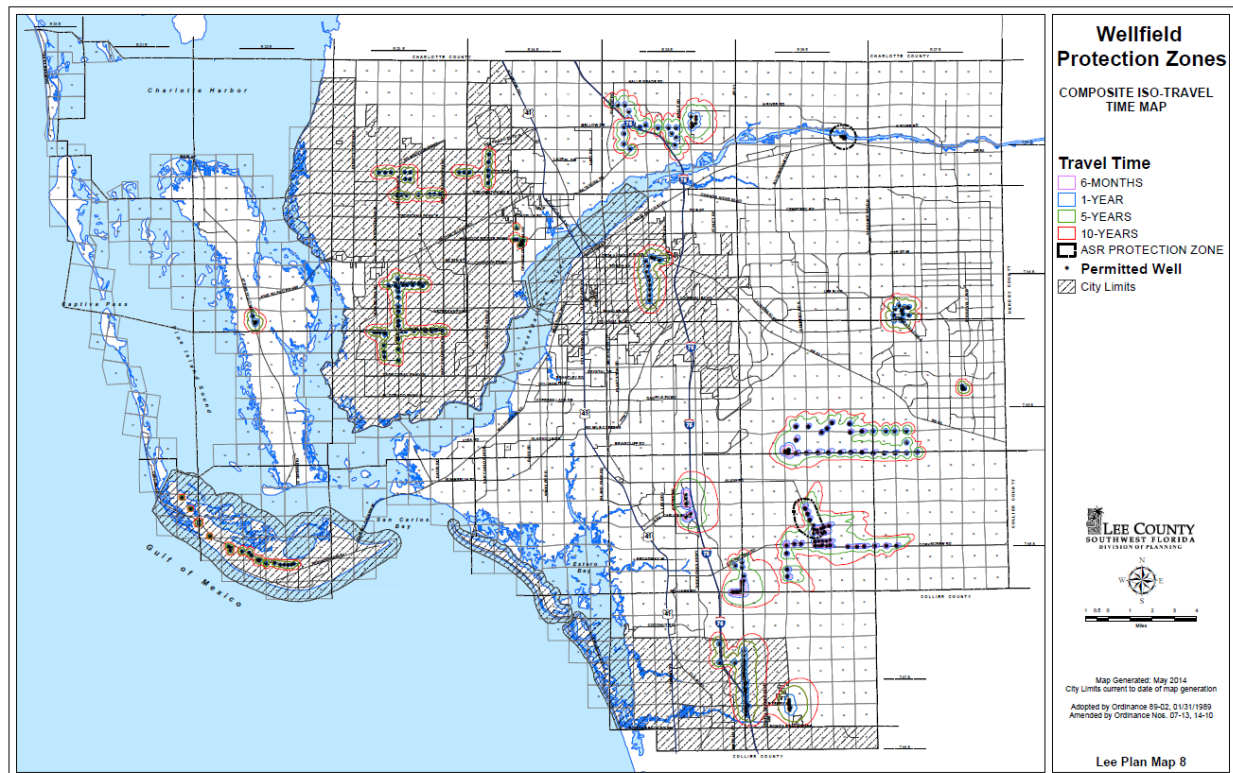


Figure 5 - Wellfield Protection Zones

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 3 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 4**  
**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 STOUER	AYE
DON SCHROTENBOER	ABSENT
HENRY ZUBA	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 5**  
**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 non 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:**

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

**PART 6**  
**STATE REVIEWING AGENCIES'**  
**OBJECTIONS, RECOMMENDATIONS, AND COMMENTS**

Comments from the State Reviewing Agencies were due to Lee County by October 30, 2019.

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

Lee County received responses from the following review agencies addressing the transmitted amendment:

- Florida Department of Economic Opportunity (DEO)
- Florida Fish and Wildlife Conservation Commission (FWC)
- Florida Department of Environmental Protection (DEP)
- Florida Department of Agriculture and Consumer Services

There were **no objections** concerning the proposed amendments.

**B. STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners ***adopt*** the amendment to the Lee Plan as transmitted to the State Reviewing Agencies as provided in Attachment 1.



**PART 7**  
**BOARD OF COUNTY COMMISSIONERS**  
**ADOPTION HEARING FOR PROPOSED AMENDMENT**

DATE OF PUBLIC HEARING: December 18, 2019

**A. BOARD REVIEW:**

Staff provided a brief presentation for the proposed amendment which covered consistency with the Lee Plan, state agency review and the staff recommendation. One additional amendment to Policy 6.1.2 to add a cross reference to Objective 13.3 was proposed to maintain consistency with the Lee Plan. Following staff's presentation, the applicant's representatives gave a brief presentation indicating agreement with the Staff Report.

Ten members from the public addressed the BoCC concerning the proposed amendments. Nine 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 non urban areas of the county.

**B. BOARD ACTION:**

A motion was made to adopt CPA2018-10008 as recommended by staff. The motion was passed 5 to 0.

**VOTE:**

<b>BRIAN HAMMAN</b>	<b>AYE</b>
<b>FRANK MANN</b>	<b>AYE</b>
<b>JOHN MANNING</b>	<b>AYE</b>
<b>CECIL L. PENDERGRASS</b>	<b>AYE</b>
<b>RAY SANDELLI</b>	<b>AYE</b>

**PART 8**  
**ATTACHMENTS**

**Attachments:**

- Text Amendments
- Map Amendments (Maps 6 & 7)
- Agency Comments

**Electronic Files:**

- <https://www.leegov.com/dcd/planning/cpa/compplansearch?case=CPA2018-10008>

## TEXT AMENDMENTS:

**POLICY 6.1.2:** Commercial development in non-urban future land use categories is limited to Minor Commercial except that:

- Neighborhood Commercial uses serving the Lee County Civic Center are permitted within one quarter mile of SR31 between North River Road and the Caloosahatchee River in the North Olga Community Planning Area ~~and Neighborhood Commercial~~ may be expanded to Community Commercial when approved as part of a planned development that is located at the intersection of two arterial roadways and has direct access to, or the ability to extend, existing water and sanitary sewer utilities.
- Neighborhood Commercial uses are permitted in the Southeast Lee County Planning Community as provided for in Objective 13.3.

*Remainder of policy remains unchanged.*

\*\*\*\*\*

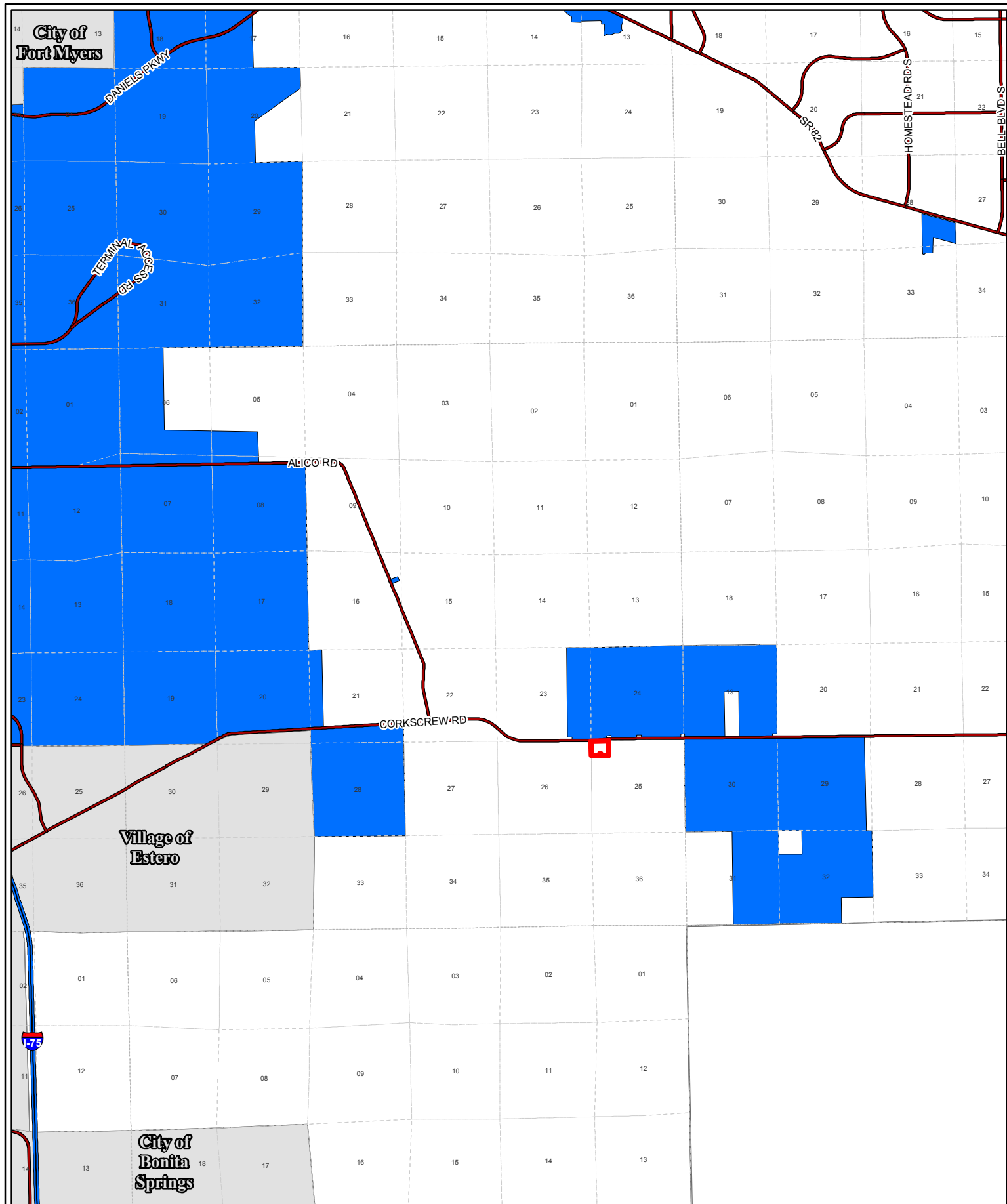
**POLICY 13.2.9:** ~~Private Recreational Facilities within the DR/GR may only be located in the areas depicted on the Private Recreational Facilities Map, Map 4. (Ordinance No. 99-16, 10-43, 18-18)~~ **COMMERCIAL USES.** Commercial uses may be permitted within Private Recreational Facility Planned Development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

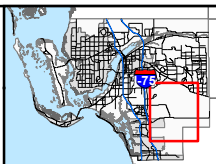
Clubhouse/Administrative Area:	20,000 SF/18 hole golf course.
Golf Course Restrooms:	Not to exceed two structures per 18 hole golf course, limited to 150 SF per structure.
Maintenance Area:	Not to exceed 25,000 SF of enclosed or semi-enclosed building area, on a maximum of 5 acres of land per 18 hole 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 exemptions<sup>1</sup>. 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

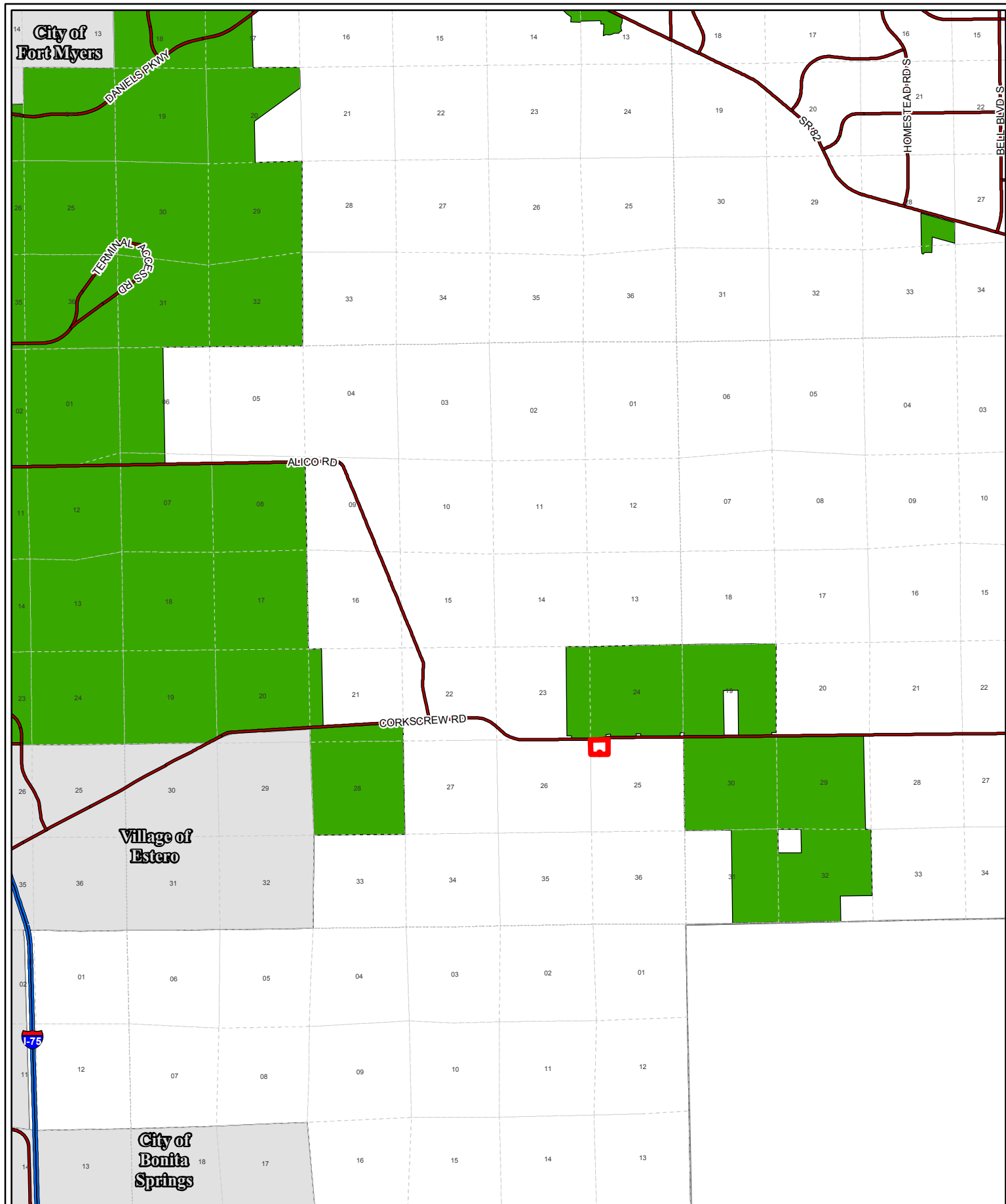


**CPA2018-10008 - Old Corkscrew Commercial**



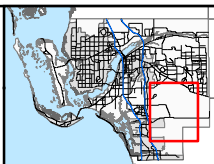
Map Generated April 2019

**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**



# AGENCY COMMENTS

CPA2018-10008

OLD CORKSCREW  
COMMERCIAL

**Ron DeSantis**  
GOVERNOR



**Ken Lawson**  
EXECUTIVE DIRECTOR

June 27, 2019

The Honorable Larry Kiker  
Chairman, Lee County  
Board of County Commissioners  
Post Office Box 398  
Fort Myers, Florida 33902-0398

Dear Chairman Kiker:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for Lee County (Amendment No. 19-04ESR) received on May 31, 2019. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the County is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the County. **If the County receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the County that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.FloridaJobs.org](http://www.FloridaJobs.org)  
[www.twitter.com/FLDEO](https://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](https://www.facebook.com/FLDEO)

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

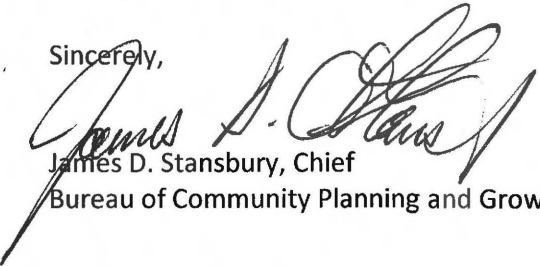
The Honorable Larry Kiker, Chairman

June 27, 2019

Page 2 of 2

If you have any questions concerning this review, please contact Scott Rogers, Planning Analyst, by telephone at (850) 717-8510 or by email at [scott.rogers@deo.myflorida.com](mailto:scott.rogers@deo.myflorida.com).

Sincerely,



James D. Stansbury, Chief  
Bureau of Community Planning and Growth

JDS/sr

Enclosure(s): Procedures for Adoption

cc: David Loveland, Director, Lee County Department of Community Development  
Margaret Wuerstle, Executive Director, Southwest Florida Regional Planning Council

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS  
FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**SUBMITTAL LETTER:** Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ State Land Planning Agency identification number for adopted amendment package;

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted;

\_\_\_\_\_ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

\_\_\_\_\_ Ordinance number and adoption date;

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact;

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.

**ADOPTION AMENDMENT PACKAGE:** Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format.

\_\_\_\_\_ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

\_\_\_\_\_ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

\_\_\_\_\_ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

\_\_\_\_\_ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.



**Ron DeSantis**  
GOVERNOR



**Ken Lawson**  
EXECUTIVE DIRECTOR

June 3, 2019

**RECEIVED**  
JUN 06 2019

**COMMUNITY DEVELOPMENT**

Ms. Mikki Rozdolski, Planning Manager  
Lee County Department of Community Development  
Planning Section  
Post Office Box 398  
Fort Myers, Florida 33902-0398

Dear Ms. Rozdolski:

Thank you for submitting Lee County's proposed comprehensive plan amendments submitted for our review pursuant to the Expedited State Review process. The reference number for this amendment package is **Lee County 19-04ESR**.

The proposed submission package will be reviewed pursuant to Section 163.3184(3), Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. You will receive the Department's Comment Letter no later than **June 30, 2019**.

If you have any questions please contact Anita Franklin, Senior Plan Processor at (850) 717-8486 or Barbara Powell, Regional Planning Administrator, whom will be overseeing the review of the amendments, at (850) 717-8504.

Sincerely,

D. Ray Eubanks, Administrator  
Plan Review and Processing

DRE/af

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.FloridaJobs.org](http://www.FloridaJobs.org)  
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**Ron DeSantis**  
GOVERNOR



**Ken Lawson**  
EXECUTIVE DIRECTOR

**MEMORANDUM**

**TO:** Florida Department of Environmental Protection  
Florida Department of Education  
Florida Department of State  
Florida Department of Transportation District 1  
Southwest Florida Regional Planning Council  
South Florida Water Management  
Florida Fish and Wildlife Conservation Commission  
Florida Department of Agriculture and Consumer Services

**DATE:** June 3, 2019

**SUBJECT: COMMENTS FOR PROPOSED EXPEDITED STATE REVIEW PLAN AMENDMENT**

**LOCAL GOVERNMENT/ STATE LAND PLANNING AGENCY AMENDMENT #: LEE CO 19-04ESR**

**STATE LAND PLANNING AGENCY CONTACT PERSON/PHONE NUMBER: Barbara Powell/(850)717-8504**

The referenced proposed comprehensive plan amendment is being reviewed pursuant the Expedited State Review Process according to the provisions of Section 163.3184(3), Florida Statutes. Please review the proposed documents for consistency with applicable provisions of Chapter 163, Florida Statutes.

Please note that your comments must be sent directly to and received by the above referenced local government within 30 days of receipt of the proposed amendment package. A copy of any comments shall be sent directly to the local government and to the State Land Planning Agency to the attention of Ray Eubanks, Administrator, Plan Review and Processing at the Department E-mail address: [DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)

Please use the above referenced State Land Planning Agency AMENDMENT NUMBER on all correspondence related to this amendment.

Note: Review Agencies - The local government has indicated that they have mailed the proposed amendment *directly to your agency*. See attached transmittal letter. *Be sure to contact the local government if you have not received the amendment*. Also, letter to the local government from State Land Planning Agency acknowledging receipt of amendment is attached.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.FloridaJobs.org](http://www.FloridaJobs.org)  
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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

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111  
Internet address <http://www.leegov.com>  
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

RECEIVED  
*Dep. of Community Planning and Growth*

MAY 31 2019

*Div. of Community Development  
Dept. Economic Opportunity*

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

**Miller, Janet**

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**From:** Dunn, Brandon  
**Sent:** Wednesday, June 12, 2019 11:29 AM  
**To:** Miller, Janet  
**Cc:** Rozdolski, Mikki  
**Subject:** FW: Lee County 19-4ESR (Lee County CPA2018-10008)

Please see correspondence for Old Corkscrew Commercial below.

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**From:** Hight, Jason [<mailto:Jason.Hight@MyFWC.com>]  
**Sent:** Wednesday, June 12, 2019 10:40 AM  
**To:** Dunn, Brandon; [DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)  
**Cc:** Wagman, Jason; Wallace, Traci  
**Subject:** [EXTERNAL] Lee County 19-4ESR (Lee County CPA2018-10008)

Mr. Dunn:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the proposed comprehensive plan amendment in accordance with Chapter 163.3184(3), Florida Statutes. We have no comments, recommendations, or objections related to listed species and their habitat or other fish and wildlife resources to offer on this amendment.

If you need any further assistance, please do not hesitate to contact our office by email at [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com). If you have specific technical questions, please contact Jason Wagman at (941) 377-3722 ext. 6540 or by email at [Jason.Wagman@MyFWC.com](mailto:Jason.Wagman@MyFWC.com).

Sincerely,

Jason Hight

Biological Administrator II

Office of Conservation Planning Services

Division of Habitat and Species Conservation

620 S. Meridian Street, MS 5B5

Tallahassee, FL 32399-1600

(850) 228-2055



**Miller, Janet**

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**From:** Dunn, Brandon  
**Sent:** Friday, June 28, 2019 4:26 PM  
**To:** Rozdolski, Mikki; Miller, Janet  
**Subject:** FW: Lee County 19-4ESR Proposed

For Old Corkscrew Commercial.

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**From:** Plan\_Review [<mailto:Plan.Review@dep.state.fl.us>]  
**Sent:** Friday, June 28, 2019 4:17 PM  
**To:** Dunn, Brandon; [DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)  
**Cc:** Plan\_Review  
**Subject:** Lee County 19-4ESR Proposed

To: Mr. Brandon Dunn, Principal Planner

Re: Lee County 19-4ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to [Plan.Review@FloridaDEP.gov](mailto:Plan.Review@FloridaDEP.gov). If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.

*Lindsay Weaver*



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Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
COMMISSIONER NICOLE "NIKKI" FRIED

---

July 3, 2019

VIA EMAIL (bdunn@leegov.com)

Mr. Brandon Dunn, Principal Planner  
Lee County Planning Section  
P.O. Box 398  
Fort Myers, Florida 33902

Re: DACS Docket # --20190604-80  
Lee County CPA2018-10008  
Submission dated June 3, 2019

Dear Mr. Dunn:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on June 4, 2019, and has reviewed it pursuant to the provisions of Chapter 163, Florida Statutes, to address any potential adverse impacts to important state resources or facilities related to agricultural, aquacultural, or forestry resources in Florida if the proposed amendment(s) are adopted. Based on our review of your county's submission, the Department has no comment on the proposal.

If we may be of further assistance, please do not hesitate to contact me at 850-410-2282.

Sincerely,

Gail Lolley  
Sr. Management Analyst II  
Office of Policy and Budget

cc: Florida Department of Economic Opportunity  
(SLPA #: Lee County 19-04ESR)

FOR ADDITIONAL SUPPORT  
DOCUMENTATION, CLICK THE LINK  
BELOW:

[Click Here](#)