



LEE COUNTY BOARD OF COUNTY COMMISSIONERS

COMPREHENSIVE PLAN AMENDMENT  
and  
ZONING HEARING  
AGENDA

Wednesday, January 20, 2021

9:30AM

CPA2020-00001 & CPA2020-00002    LEE COUNTY HOMES ASSOCIATES I LLLP  
(LEE COUNTY HOMES) - TRANSMITTAL

CPA2020-00003                            INSPIRATION AT SOUTH POINTE – ADOPTION

REZ2020-00004                            INSPIRATION AT SOUTH POINTE  
Z-20-034

DCI2020-00006                            LEHIGH ACRES PARK & RIDE  
Z-20-031

**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, January 20, 2021. 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:

CPA2020-00003 – Inspiration at South Pointe: Amend Lee Plan Map 1, Page 6 to extend the Mixed Use Overlay to approximately 15 acres located on the north side of College Parkway near the intersection of College Parkway and South Pointe Boulevard. The applicant intends to develop the property with a mixture of commercial and multi-family residential use.

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, by calling 239-533-2328. The Minutes Office is 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 on the basis of race, color, national origin, sex, age, disability, religion, income or family status. To request language interpretation, document translation or an ADA-qualified reasonable modification at no charge to the requestor, contact Joan LaGuardia, (239) 839-6038, Florida Relay Service 711, at least five business days in advance. El Condado de Lee brindará servicios de traducción sin cargo a personas con el idioma limitado del inglés.

**CPA2020-00003**

**INSPIRATION AT  
SOUTH POINTE**

**LEE COUNTY ORDINANCE NO. \_\_\_\_\_**  
Inspiration at South Pointe  
CPA2020-00003

**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 INSPIRATION AT SOUTH POINTE (CPA2020-00003) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP; 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 August 24, 2020; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on October 7, 2020. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Inspiration at South Pointe (CPA2020-00003) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the October 7, 2020 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies’ written comments; and,

WHEREAS, on January 20, 2021, 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 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 "Inspiration at South Pointe Ordinance (CPA2020-00003)."**

## 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 Map 1, Page 6 to extend the Mixed Use Overlay over approximately 15 acres located on the north side of College Parkway known as Inspiration at South Pointe (CPA2020-00003).

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 \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_. The vote was as follows:

Kevin Ruane	_____
Cecil Pendergrass	_____
Raymond Sandelli	_____
Brian Hamman	_____
Frank Mann	_____

DONE AND ADOPTED this 20<sup>th</sup> day of January 2021.

ATTEST:  
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Kevin Ruane, Chair

DATE: \_\_\_\_\_

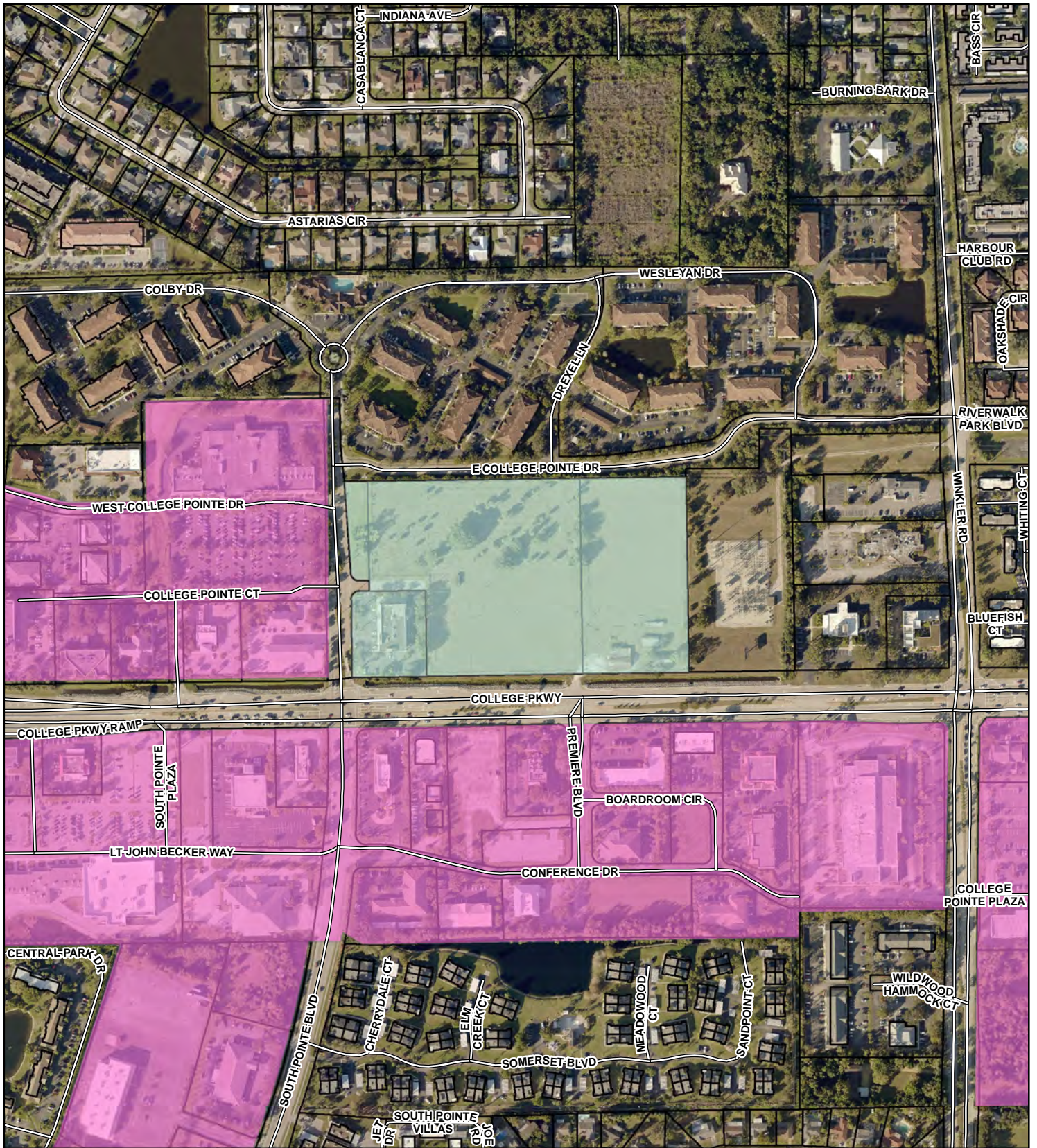
APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

\_\_\_\_\_  
County Attorney's Office

Exhibit A: Adopted revisions to Lee Plan Map 1, Page 6 (Adopted by BOCC January 20, 2021)

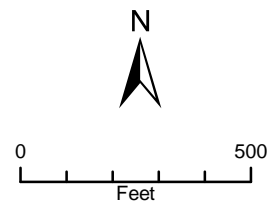
## EXHIBIT A





**CPA2020-00003**  
**Inspiration at South Pointe**  
**Existing and Proposed**  
**Mixed Use Overlay**

- Proposed MUD
- Existing MUD



**Summary Sheet – Adoption Hearing**  
**INSPIRATION AT SOUTH POINTE, CPA2020-00003**

**Request:**

Amend Lee Plan Map 1, Page 6 to extend the Mixed Use Overlay over +13.35 acres located on the north side of College Parkway.

**Transmittal Hearing:**

A motion was made to transmit CPA2020-00003 as recommended by staff. The motion was passed 5 to 0.

**Public Comments:**

There was no public comment.

**State Reviewing Agency Objections, Recommendations, and Comments:**

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

- Florida Department of Economic Opportunity (DEO)
- Florida Department of Transportation (FDOT)
- Florida Fish and Wildlife Conservation Commission (FWC)
- South Florida Water Management District (SFWMD)

There were no objections concerning the proposed amendments. FDOT provided technical assistance comments, all of which are discussed within Part 6 of the staff report.

**Staff Recommendation:**

Staff recommends that the BoCC adopt the proposed amendment as provided in Attachment 1.

**STAFF REPORT FOR  
CPA2020-00003:  
Inspiration at South Pointe**  
Privately Initiated Map Amendment to the Lee Plan



**Applicant:**  
Zimmer Development  
Company

**Representative:**  
Gary Muller, AICP  
Johnson Engineering, Inc.

**Property Location:**  
8830 and 8910 College  
Parkway

**Size:**  
± 13.35 acres

**Planning Community:**  
South Fort Myers

**Commissioner District:**  
District #2

**Attachments:**  
Existing and Proposed Map  
1, Page 6

**Hearing Dates:**  
LPA: August 24, 2020  
Transmittal: October 7, 2020  
Adoption: January 20, 2021

**REQUEST**

Amend Lee Plan Map 1, Page 6 to extend the Mixed Use Overlay over +13.35 acres located on the north side of College Parkway.

**SUMMARY**

The requested amendment would allow the subject property to develop using the Mixed Use Overlay, which would allow for a mixture of commercial and multi-family residential uses.

**PROPERTY LOCATION**

The subject property is located on the north side College Parkway, near the intersection of College Parkway and South Pointe Boulevard. It is approximately one-half mile east of McGregor Boulevard, and approximately one-quarter mile to the west of Winkler Road.



Figure 1: Aerial Location of the subject property

**RECOMMENDATION**

Staff recommends that the Board of County Commissioners **transmit** the amendments to the Lee Plan as provided in Attachment 1 based on the analysis and findings provided in this staff report.

**PART 1**  
**PROPERTY INFORMATION**

**Subject Property**

The ±13.35 acre subject property is located on the north of side College Parkway, approximately one-half mile east of McGregor Boulevard, and approximately one-quarter mile to the west of Winkler Road. Located in the South Fort Myers Planning Community, the property is composed of three parcels, each in the Intensive Development Future Land Use Category. The property is mostly vacant with the exception of existing structures used for agricultural purposes and is utilized as grazing fields for livestock.

The westernmost parcel is approximately ±.39 acres, and is zoned Mixed Use Planned Development (MPD). The center parcel is 8.01 acres and the easternmost parcel is 4.74 acres. The central and eastern parcels are zoned Agricultural (AG-2).

There is a concurrent application for rezoning on the subject property (REZ2020-00004) to rezone 13.35 acres from AG-2 and MPD to C-2.

**South Fort Myers Planning Community**

The South Fort Myers Planning community is located in the center of Lee County, and consisting of the most intensive land use categories, such as Intensive Development, Central Urban, and Urban Community, the South Fort Myers Planning Community allows for higher intensity development. It is considered a core area of the county, with increasing commercial and light industrial development along the US 41 corridor, and extending to the Metro Avenue corridor north of Daniels Parkway.

**Intensive Development Future Land Use Category**

The property is located within the Intensive Development Future Land Use Category, which is considered the most intense future land use category. As stated in Policy 1.1.2, this land use category allows for high densities and intensities of development, and encourages mixed-use centers.

POLICY 1.1.2: The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, East Fort Myers west of I-75, and South Fort Myers. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6), and office uses are encouraged to be developed as described in Objective 11.1, where appropriate. As Lee County develops as a metropolitan complex, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum total density is twenty-two dwelling units per acre (22 du/acre). The maximum total density may be increased to thirty dwelling units per acre (30 du/acre) utilizing Greater Pine Island Transfer of Development Units. (Ordinance No. 94-30, 09-06, 10-10, 16-07)

**Surrounding Properties**

There are several parcels both immediately adjacent to the application properties, as well as those separated by College Pointe Drive to the north, South Pointe Boulevard to the west, College Parkway to the south, and Winkler Road to the east.



Figure 2: Surrounding Properties and Mixed Use Overlay (MUO)

**North**

The property located to the north of the subject property consists of multi-family development. It is within the Intensive Development future land use category, and is zoned Mixed Use Planned Development (MPD). Further to the north is single family development in the Suburban future land use category. East College Pointe Drive, a two-way street located between the multi-family property and the subject property, runs east-west. It currently serves to connect Winkler Road and South Pointe Boulevard, and offers southern access to the multi-family development.

**East**

The property immediately to the east of the subject property contains a Florida Power and Light substation. Further to the east are commercial uses near the intersection of College Parkway and Winkler Road. These properties are located within the Intensive Development future land use category, and include both Commercial Planned Development (CPD) and conventional commercial zoning districts (C1-A and CS-1).

**South**

The properties located to the south of the subject property, across College Parkway, consist of both stand-a-lone structures and multi-occupancy commercial buildings. Uses include restaurants, retail stores, offices, and a United States Postal service location, among other uses. These parcels are within

the Mixed Use Overlay, Intensive Development future land use category, and are zoned Community Commercial (CC).

**West**

Immediately adjacent to the subject property is an existing pharmacy located in a CPD. Further to the west, across South Point Boulevard, are a Publix-anchored shopping center, a gas station, and other commercial development, all of which is within the Mixed Use Overlay. All of these parcels are within the Intensive Development future land use category.

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

The Mixed Use Overlay is currently located to the west and south of the subject property. The applicant is requesting to extend the Overlay to include the subject property. The intent of the Mixed Use Overlay is to identify locations within Lee County that facilitate mixed use development and accommodate future growth in proximity to public transportation; various commercial and residential centers; educational facilities; and recreational opportunities.

Proposed expansion of the Mixed Use Overlay depends upon a number of criteria, including enabling continued pedestrian and automobile connections, location within specific future land use categories, and adequate public facilities and infrastructure. The subject property, being located in the South Fort Myers planning community, the Intensive Development future land use category and its adjacency to several mixed use properties and existing public facilities, serves to facilitate continued opportunities for the increasing population of this are of Lee County.

According to projections, by 2040 the population of South Fort Myers will have grown from 53,281 persons in 2019 to 64,892 persons. The population of South Fort Myers relative to the county as whole will remain around 6.5% through 2040. Figure 3, shown below, is a map of the Lee County residential population densities in 2010 and the 2040 projections based on MPO projected distribution, showing relatively higher densities throughout the county’s Future Urban Areas, including South Fort Myers.

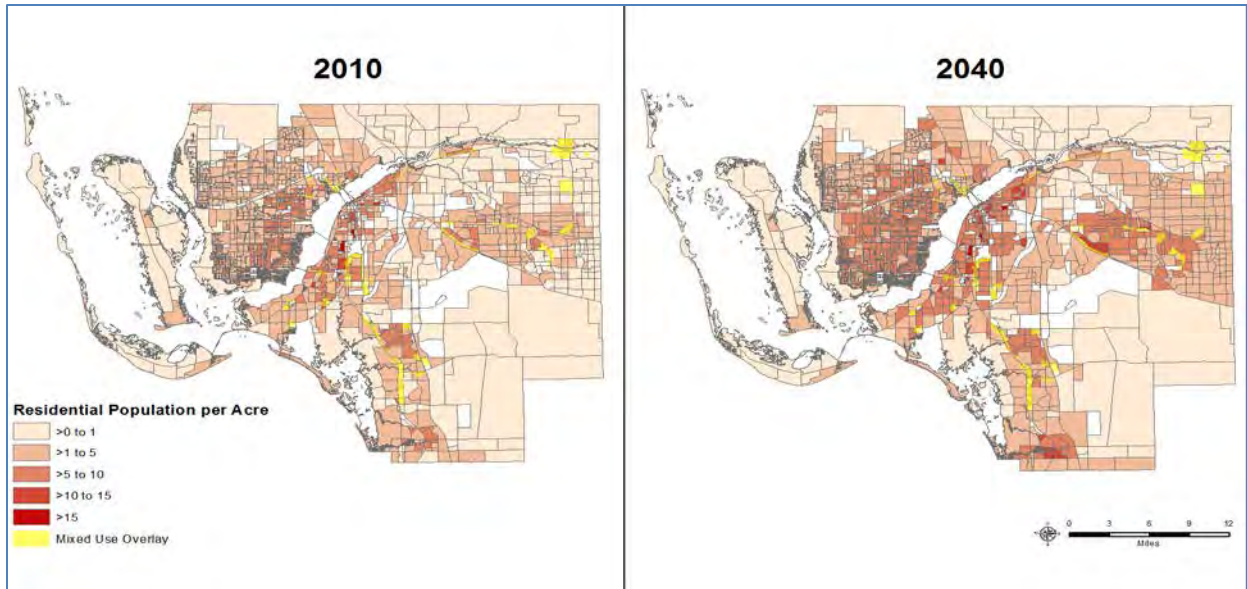


Figure 3: 2010 and 2040 (projected) residential population densities per acre.

The proposed amendment will also help to support anticipated employment density in areas of Lee County where employment is projected to increase. Figure 4, shows employment density based on 2010 employment data and the 2040 Transportation Model adopted by the MPO.

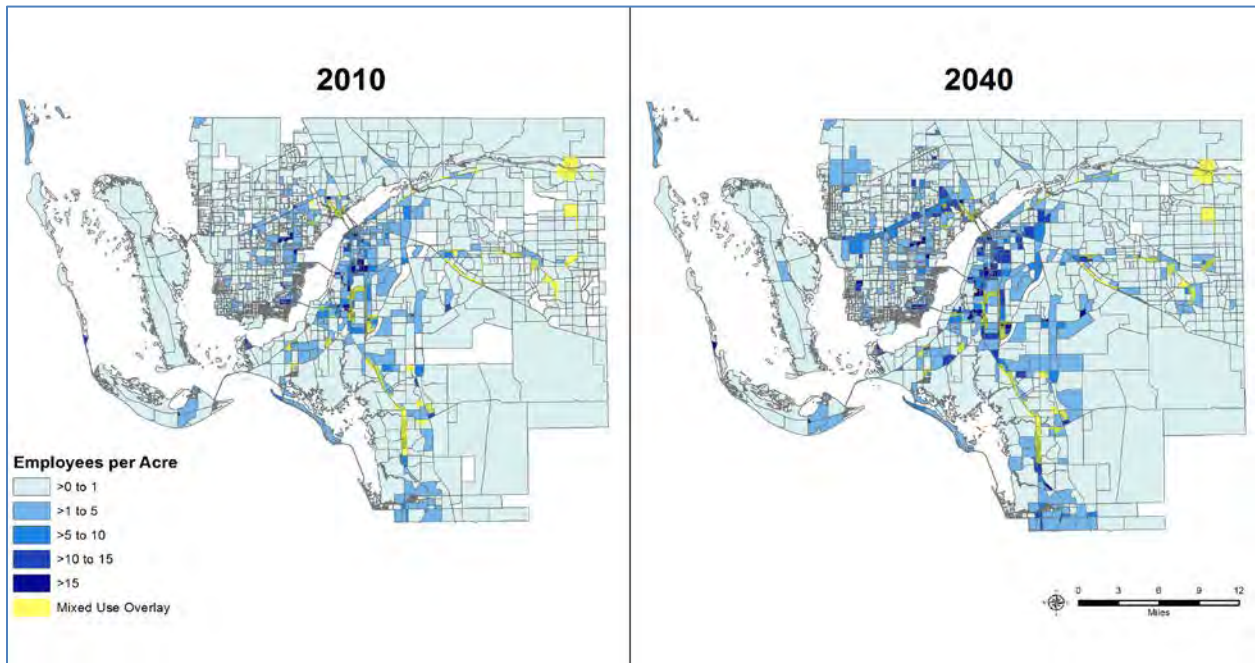


Figure 4: 2010 and 2040 (Projected) employment densities per acre.

Adding properties to the Mixed Use Overlay that are located in the Intensive Development future land use category in proximity to a major transportation corridor in South Fort Myers will help to accommodate the projected 2040 population and employment distribution within the Future Urban Areas of Lee County.

While the pharmacy immediately to the west is not currently within the MUO, staff recommends that it be included as shown in Attachment 1 in order to allow for greater cohesion and integration with adjacent development currently in the MUO if this property is redeveloped. However, since this property is currently developed it is not anticipated that the extension of the MUO to the pharmacy will result in additional or more intense development.

The extension of the Mixed Use Overlay will enable infill development by providing development regulations that create a more compact development pattern. Infill development capitalizes on previous investments in public services and infrastructure already located in the area surrounding the property proposed to be added. Additionally, compact development patterns can reduce strain on public services and encourage use of pedestrian facilities protecting the traffic-carrying capacity of nearby roads and streets.

### **Lee Plan Consistency**

Staff finds that adding the subject properties to the Mixed Use Overlay is consistent with the following Lee Plan goals, policies, and objectives:

The Lee Plan, in **Policy 1.1.2**, identifies the Intensive Development future land use category as being well suited to accommodate high-density development, including planned mixed-use centers (as described in Objective 11.1). The subject property is in the Intensive Development land use category, and is located within an area that has, and will continue to, experience higher levels of density and intensity of development.

New growth in Lee County, as per **Objective 2.2**, is encouraged to be directed to areas where “adequate public facilities exist or are assured and where compact and contiguous development patterns can be created”. The subject property is located in an area of high density development, in which public facilities are already available. The development of this property with either commercial or multi-family residential (or a combination of the two) will allow for infill development within an already developed area, ensuring continued compact development patterns, consistent with Objective 2.2

Adding property to the Mixed Use Overlay as recommended would provide requirements and incentives for redevelopment and infill development of commercial uses that will protect the traffic-carrying capacity of roads and streets, consistent with **Policy 6.1.5 and Policy 6.1.10**.

**Objective 11.1** and **Policy 11.1.1** provide that mixed-use development should be encouraged “within certain future land use categories and at appropriate locations where sufficient infrastructure exists to support development”. The Mixed Use Overlay extends to properties adjacent to the west and south sides of the subject property. Both the subject property, and adjacent properties, are within the Intensive Development future land use category, as well as the South Fort Myers planning community, which currently has, and will continue to experience, higher intensity and density of development, as the area’s population increases.

This request is consistent with **Policy 11.2.1**, which outlines criteria for properties to be included within the Mixed Use Overlay.

**Located within the extended pedestrian shed of established transit routes:** A LeeTran route is within one quarter mile of the subject property, allowing for pedestrian access to an established transit route



30. Route 30 operates east to west, and is served by bus stop #208. Improvements may need to be made to the bus stop (#208), as it does not currently meet the minimum requirements provided in the Land Development Code.

**Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways:** While an arterial roadway must be traversed to access development to the south of the subject property, interconnected side streets allow for access to properties adjacent to the west and north of the subject property, without the need to access an arterial roadway. Accessible properties immediately adjacent include the Publix shopping center (which also includes a nail salon, hair salon, Chinese restaurant, Goodwill, and a veterinarian office, among other businesses), a Chase Bank, and convenience store and gas station. Accessible properties to the east, which can currently be accessed via East College Pointe Drive and Winkler Road, include a spa and Sonny's BBQ restaurant. There are a number of accessible properties which are adjacent to McGregor, approximately a half mile in distance from the subject property. These include boutique shops, florist, and take out restaurant.

**Located within the Intensive Development, Central Urban, or Urban Community future land use categories:** The subject property is located within the Intensive Development future land use category.

**Availability of adequate public facilities and infrastructure:** There are adequate public facilities and infrastructure to serve the proposed development.

- **Fire:** In a letter dated March 20, the Iona-McGregor Fire Protection and Rescue Service District confirmed service availability, and did not identify any negative impacts to their emergency services.
- **Emergency Medical Services:** In a letter dated April 15, Lee County Emergency Medical Services indicated that, based on the proposed development, there would be adequate service capacity. There is a primary ambulance station (Medic 20) located .3 miles to the west. There are secondary stations and an ambulance within 4 miles of the development.
- **Police:** In a letter dated March 31, the Lee County Sheriff's Office confirmed service availability for the proposed development. Services will be provided from the West District substation in South Fort Myers.
- **Solid Waste:** In a letter dated March 24, Solid Waste confirmed that they are capable of providing solid waste collection for the approximately 400 residential units, and 20,000 square feet of development proposed.
- **Public Transit:** In a letter dated April 7, LeeTran confirmed that transit service is available at this location.
- **Schools:** In a letter dated May 28, confirmed that capacity would not be an issue, based off of the worst case scenario of future conditions, which include up to 400 multi-residential units.

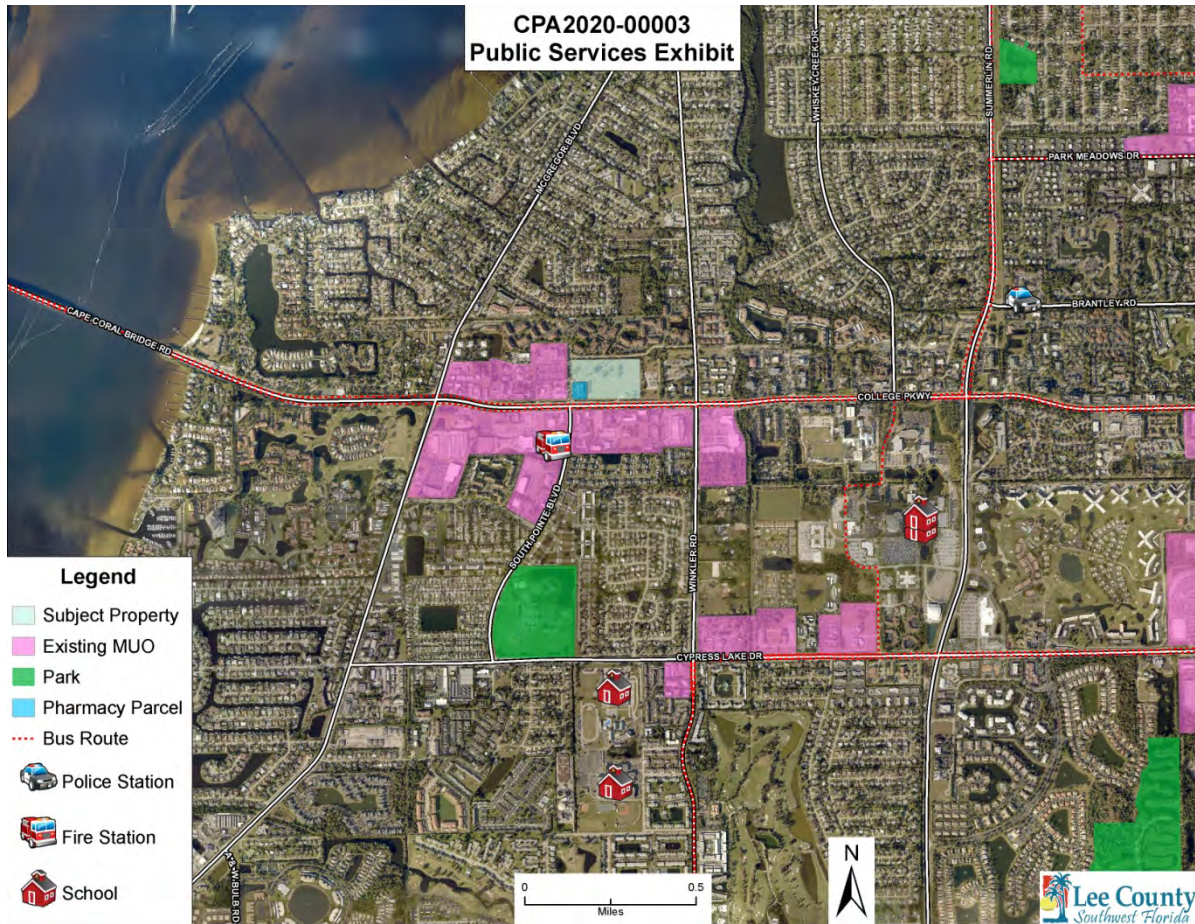


Figure 5: Location of Public Services and Facilities

The subject property is immediately adjacent to, or within walking distance of, a number of uses, including a grocery store, pharmacy, salon, restaurants, boutiques, and a veterinarian office. There are two public schools within two miles of the proposed development (Cypress Lake Middle School, and Cypress Lake High School). A campus for Florida Southwestern State College is approximately 2.1 miles from the proposed development. Gulf Coast Medical Center is within 5 miles of the proposed development. Rutenberg Park, which is located approximately .9 miles south of the subject property, is a county park with a number of amenities, including tennis courts, multi-use fields, and picnic shelters.

**Will not intrude into predominately single-family residential neighborhoods:** The property is not adjacent to, and does not intrude upon any predominantly single-family residential neighborhoods.

**Policy 11.2.2** requires that development in the Mixed Use Overlay accommodate connections to adjacent uses. There are several adjacent and intersecting streets which allow access to adjacent uses, from the subject property, for both pedestrians and automobiles.

Finally, adding the pharmacy parcel to the MUO as recommended by staff is supported by **Policy 11.2.3** which gives the Board the discretion to extend the MUO boundary up to one-quarter mile to accommodate developments located partially within a Mixed Use Overlay or immediately adjacent to a Mixed Use Overlay.

**PART 3  
CONCLUSIONS**

Adding the subject property and the adjacent pharmacy parcel to the Mixed Use Overlay is consistent with the Lee Plan. The properties are adjacent to the Mixed Use Overlay, are within the Intensive Development future land use property, have appropriate connecting infrastructure for pedestrians and automobiles, and will enable continued, integrated and appropriately located compact development. For the reasons discussed in this staff report, staff recommends that the Board of County Commissioners *transmit* the proposed amendment as shown in Attachment 1.

**PART 4  
LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: August 24, 2020

**A. LOCAL PLANNING AGENCY REVIEW:**

The applicant’s representatives provided a detailed presentation of the proposed amendments, the subject property, surrounding properties, and consistency with the Lee Plan. Following the applicant’s presentation, staff provided a brief presentation which included a description of the surrounding properties, consistency with the Lee Plan, and staff recommendation. Following staff’s presentation, an LPA member asked whether CVS ownership had been notified of this project and staff’s recommendation.

There was no public comment concerning the proposed amendment at the LPA Hearing.

**B. LOCAL PLANNING AGENCY RECOMMENDATION:**

A motion was made to recommend that the Board of County Commissioners *transmit* CPA2020-00003, including staff’s recommendation to include the adjacent property once the property owner is notified of the change. The motion passed 6 to 0.

<b>RAYMOND BLACKSMITH</b>	<u><b>AYE</b></u>
<b>DUSTIN GARDNER</b>	<u><b>AYE</b></u>
<b>JAMES M. INK</b>	<u><b>AYE</b></u>
<b>ALICIA OLIVO</b>	<u><b>AYE</b></u>
<b>DON SCHROTENBOER</b>	<u><b>AYE</b></u>
<b>STAN STOUDE</b>	<u><b>AYE</b></u>
<b>HENRY ZUBA</b>	<u><b>ABSENT</b></u>

**PART 5  
BOARD OF COUNTY COMMISSIONERS  
TRANSMITTAL HEARING FOR PROPOSED AMENDMENT**

DATE OF PUBLIC HEARING: October 7, 2020

**A. BOARD REVIEW:**

Staff provided a brief presentation for the proposed amendment which included an overview of the proposed amendment and staff recommendation.

There was no public comment concerning the proposed amendment.

**B. Transmittal Hearing:**

A motion was made to transmit CPA2020-00003 as recommended by staff and the LPA. The motion passed 5 to 0.

**VOTE:**

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

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

Comments from the State Reviewing Agencies were due to Lee County by November 21, 2020.

**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 Department of Transportation (DOT),
- Florida Fish and Wildlife Conservation Commission (FWC), and
- South Florida Water Management District (SFWMD)

There were **no objections** concerning the proposed amendments; however, technical assistance comments were received from the Florida Department of Transportation.

**Florida Department of Transportation**

*Comment #1: FDOT strongly recommends the county to coordinate with the department about the future impacts on US 41, particularly the two segments (Island Park Road to SR 865/CR 865 and Daniels Parkway/Cypress Park Lake Drive to S Airport Road)...*

*Comment #2: FDOT encourages the County to promote the use of multimodal alternatives within the planning and development of communities that aid in mitigating potential transportation impacts, promote safety and economic development, and improve quality of life for all communities in the County. These development types help to decrease overall passenger vehicle trips on the roadway network by encouraging compact and dense developments that provide multimodal connectivity between existing and future development areas. This context sensitive approach promotes healthy, safe, and economically viable communities that encourages quality of life and incorporates all modes of transportation.*

*Comment #3: The Department recommends that sidewalks and/or bicycle plans be included as part of any future development plans. This will encourage connectivity from/to the development and provide safe access to the surrounding communities.*

**Response:**

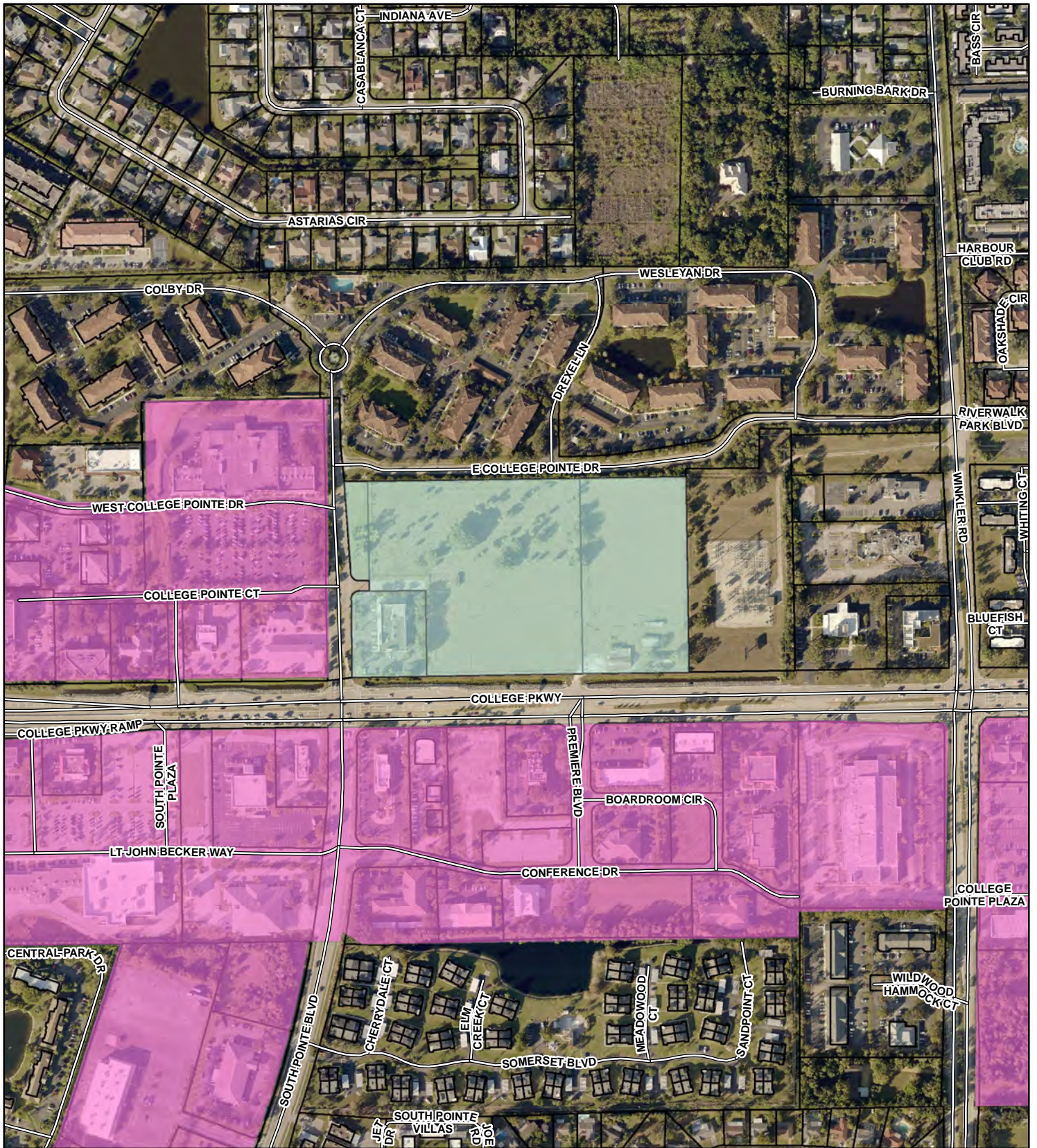
Staff is appreciative of FDOT's technical guidance comments and efforts regarding coordination of transportation development and multimodal options.

Development within the conventional zoning district will be required to meet Land Development Code, which requires bikeways and pedestrian ways be constructed or improved to current county standards (See LDC Section 10-256). Additionally, a LeeTran transit route is within one quarter mile of the subject property, allowing for pedestrian access to an established transit route 30. Route 30 operates east to west, and is served by bus stop #208. The LDC will require that this bus stop is improved to meet minimum county standards if those standards are not currently met.

**B. STAFF RECOMMENDATION**

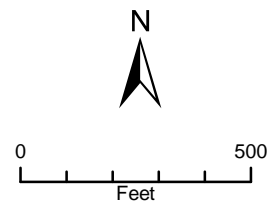
Staff recommends that the Board of County Commissioners **adopt** the amendments to the Lee Plan as transmitted and as provided in Attachment 1.

# ATTACHMENT 1



**CPA2020-00003**  
**Inspiration at South Pointe**  
**Existing and Proposed**  
**Mixed Use Overlay**

- Proposed MUO
- Existing MUO



# AGENCY COMMENTS

CPA2020-00003

INSPIRATION AT  
SOUTH POINTE



**Ron DeSantis**  
GOVERNOR



**Dane Eagle**  
EXECUTIVE DIRECTOR

November 16, 2020

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

Dear Chairman Hamman:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for Lee County (Amendment No. 20-04ESR) received on October 22, 2020. 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)

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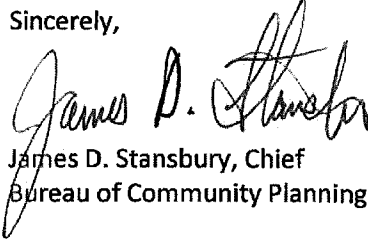
The Honorable Brian Hamman, Chairman

November 16, 2020

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



**Dane Eagle**  
EXECUTIVE DIRECTOR

October 22, 2020



Mr. Brandon Dunn, Principal Planner  
Lee County Planning Section  
Post Office Box 398  
Fort Myers, Florida 33902-0398

Dear Mr. Dunn:

Thank you for submitting Lee County's proposed comprehensive plan amendment submitted for our review pursuant to the Expedited State Review process. The reference number for this amendment package is **20-04ESR**.

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 November 21, 2020.

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

Sincerely,

D. Ray Eubanks, Administrator  
Plan Review and Processing

DRE/cb

cc: External Agencies

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)

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RECEIVED  
Div. of Community Planning and Growth

OCT 22 2020

Div. of Community Development  
Dept. Economic Opportunity

John Manning  
District One

October 7, 2020

Cecil L Pendergrass  
District Two

Ray Sandelli  
District Three

Brian Hamman  
District Four

Frank Mann  
District Five

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

Roger Desjarlais  
County Manager

**Re: Amendment to the Lee Plan  
Transmittal Submission Package  
CPA2020-00003, Inspiration at South Pointe Map Amendment**

Richard Wm. Wesch  
County Attorney

Donna Marie Collins  
Hearing Examiner

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, please find attached the proposed Comprehensive Plan Amendment, known locally as CPA2020-00003 (Inspiration at South Pointe Map Amendment). The amendment is as follows:

***CPA2020-00003, Inspiration at South Pointe:***

Amend Lee Plan Map 1, Page 6 to extend the Mixed Use Overlay over +13.35 acres located on the north side of College Parkway.

The Local Planning Agency held a public hearing for the plan amendment on August 24, 2020. The Board of County Commissioners voted to transmit the amendment on October 7, 2020. 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](mailto:bdunn@leegov.com)

**Miller, Janet**

---

**From:** Dunn, Brandon  
**Sent:** Wednesday, October 21, 2020 10:37 AM  
**To:** Miller, Janet  
**Cc:** Rozdolski, Mikki  
**Subject:** FW: Proposed CPA 2020-00003 / Lee County / Expedited State Review / No Comment

Please see email below concerning CPA2020-00003

---

**From:** Suguri, Vitor [mailto:Vitor.Suguri@dot.state.fl.us]  
**Sent:** Wednesday, October 21, 2020 10:21 AM  
**To:** Dunn, Brandon  
**Cc:** 'dcpexternalagencycomments@deo.myflorida.com'; Reina, Bessie; Engala, Todd; Ambikapathy, Babuji; Zaballero, Joedel  
**Subject:** [EXTERNAL] Proposed CPA 2020-00003 / Lee County / Expedited State Review / No Comment

Mr. Dunn,

Pursuant to Section 163.3184(3), Florida Statutes (F.S.), in its role as a reviewing agency as identified in Section 163.3184(1)(c), F.S., the Florida Department of Transportation (FDOT) reviewed Lee County's Proposed Comprehensive Plan Amendment (CPA) package 2020-00003 – Inspiration at South Pointe Map Amendment.

\*It was noted that a concurrent rezoning application (REZ2020-00004) is in process from Agricultural and Mixed Use Development to Commercial.

The subject property is generally located on the north side of College Parkway, near the intersection of College Parkway and South Pointe Boulevard. The privately-initiated CPA is comprised of a map amendment for approximately 13.35 +/- acres .

- The Map Amendment retains the future land use category of Intensive Development and extends the Mixed Use Overlay to include the subject parcels. The Mixed Use Overlay allows for the number of residential dwelling units to be calculated based on the total acreage (including the non-residential use acreage).

The trip comparison based on the Maximum Allowable for the subject property indicates an increase in trips (+1,090 daily trip and/or +82 pm peak hour trips).

Scenario	Land Use Designation	Maximum Allowed Density / Intensity	Land Use Code	Size of Development		Daily Trips	PM Peak Hour Trips
				Acres <sup>1</sup>	Allowed Development		
Adopted	Intensive Development	30.0 DU/Ac	221	6.675	200 DU	1,088	86
		0.25 FAR	820	6.675	72,691 SF	4,840	429
	TOTAL						5,928
Proposed	Intensive Development + Mixed Use Overlay	30.0 DU/Ac	221	13.35	400 DU	2,178	168
		0.25 FAR	820	6.675	72,691 SF	4,840	429

	<b>TOTAL</b>	<b>7,018</b>	<b>597</b>
	<b>CHANGE IN NET TRIPS</b>	<b>+1,090</b>	<b>+82</b>

Two segments (Island Park Road to SR 865/CR 865 and Daniels Parkway/Cypress Lake Drive to S Airport Road) of US 41 within three miles of the subject property are projected to have an LOS F in 2040 based on FDOT LOS Table Model Volumes. There are no capacity projects for US 41 identified in the 2040 Lee County MPO LRTP Needs or Cost Feasible Plan.

Roadway	From	To	Adopted LOS		2040 Model	
			LOS Standard	Daily Capacity	AADT	Daily LOS
US 41	San Carlos Blvd	Island Park Rd	D	62,895	58,636	C
US 41	Island Park Rd	SR 865/CR 865 (Gladiolus Dr)	D	62,895	69,427	F
US 41	SR 865/CR 865 (Gladiolus Dr)	Daniels Pkwy/ Cypress Lake Dr	D	62,895	55,034	C
US 41	Daniels Pkwy/ Cypress Lake Dr	S Airport Rd	D	62,895	65,586	F
US 41	S Airport Rd	Fowler St/ Boy Scout Dr	D	62,895	62,278	D

Source: FDOT D1 LOS Tables

Note: Background volumes based on 2040 Model Volumes

**FDOT Review Comment:** FDOT determined the proposed amendment has no significant adverse impacts to transportation resources or facilities of state importance.

**FDOT Technical Assistance 1:** FDOT strongly recommends the county to coordinate with the department about the future impacts on US 41, particularly the two segments (Island Park Road to SR 865/CR 865 and Daniels Parkway/Cypress Lake Drive to S Airport Road) indicated above as LOS F for the 2040 model.

**FDOT Technical Assistance 2:** FDOT encourages the County to promote the use of multimodal alternatives within the planning and development of communities that aid in mitigating potential transportation impacts, promote safety and economic development, and improve quality of life for all communities in the County. These development types help to decrease overall passenger vehicle trips on the roadway network by encouraging compact and dense developments that provide multimodal connectivity between existing and future development areas. This context sensitive approach promotes healthy, safe, and economically viable communities that encourages quality of life, and incorporates all modes of transportation.

**FDOT Technical Assistance 3:** The Department recommends that sidewalks and/or bicycle lanes be included as part of any future development plans. This will encourage connectivity from/to the development and provide safe access to the surrounding communities.

FDOT appreciates your commitment to intergovernmental coordination and the opportunity to review and comment on the adopted amendment.

If you have any questions, please contact me.



Thank you,

**Vitor Suguri, Ph.D.**

Community Planner

Florida Department of Transportation - District One

10041 Daniels Parkway

Fort Myers, FL 33913

(239) 225-1959 - Desk

(863) 221-1707 - Cell



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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.

## Miller, Janet

---

**From:** Dunn, Brandon  
**Sent:** Friday, November 06, 2020 1:43 PM  
**To:** Miller, Janet  
**Cc:** Griffin, Tyler; Rozdolski, Mikki  
**Subject:** FW: Lee County, DEO #20-4ESR Comments on Proposed Comprehensive Plan Amendment Package

Please see correspondence below.

---

**From:** Oblaczynski, Deborah [<mailto:doblaczy@sfwmd.gov>]  
**Sent:** Friday, November 06, 2020 11:20 AM  
**To:** Rozdolski, Mikki  
**Cc:** Dunn, Brandon; Ray Eubanks ([ray.eubanks@deo.myflorida.com](mailto:ray.eubanks@deo.myflorida.com)); Barbara Powell ([barbara.powell@deo.myflorida.com](mailto:barbara.powell@deo.myflorida.com)); ext-Wuerstle, Margaret (swfrpc.org); DEO Planning Group Email ([DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com))  
**Subject:** Lee County, DEO #20-4ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Ms. Rozdolski:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Lee County (County). The amendment amends the Lee Plan Map 1, Page 6 by extending the Mixed Use Overlay over a 13.35-acre parcel. The proposed changes do not appear to adversely impact the water resources within the District; therefore, the District has no comments on the proposed amendment package.

The District requests that the County forward a copy of the adopted amendments to the District. Please contact me if you have any questions or need additional information.

Sincerely,

Deb Oblaczynski  
Policy & Planning Analyst  
Water Supply Implementation Unit

Please be advised I am working from home until further notice. I can be contacted at:  
South Florida Water Management District  
3301 Gun Club Road  
West Palm Beach, FL 33406  
**Email:** [doblaczy@sfwmd.gov](mailto:doblaczy@sfwmd.gov) or  
**Cell Phone:** 561-315-1474

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**Miller, Janet**

---

**From:** Dunn, Brandon  
**Sent:** Tuesday, November 17, 2020 4:24 PM  
**To:** Miller, Janet  
**Cc:** Rozdolski, Mikki; Griffin, Tyler  
**Subject:** FW: Lee County 20-04ESR (CPA2020-00003)

FYI

---

**From:** Cucinella, Josh [<mailto:Josh.Cucinella@MyFWC.com>]  
**Sent:** Tuesday, November 17, 2020 4:24 PM  
**To:** Dunn, Brandon  
**Cc:** [DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com); Conservation Planning Services; Greene, Sean  
**Subject:** [EXTERNAL] Lee County 20-04ESR (CPA2020-00003)

Dear Mr. Dunn:

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

If you need any further assistance, please do not hesitate to contact our office by email at [ConservationPlanningServices@MyFWC.com](mailto:ConservationPlanningServices@MyFWC.com). If you have specific technical questions, please contact Sean Greene at (386) 406-0814 or by email at [Sean.Greene@MyFWC.com](mailto:Sean.Greene@MyFWC.com)

Sincerely,

Josh Cucinella  
Biological Administrator II  
Office of Conservation Planning Services  
Florida Fish and Wildlife Conservation Commission  
1239 SW 10<sup>th</sup> Street  
Ocala, Florida 34471  
(352) 620-7330

Lee County 20-04ESR\_42669

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TO VIEW APPLICANT MATERIALS,  
CLICK THE LINK BELOW:

[Click Here](#)