



APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - TEXT

Project Name: Pine Island Preserve at Matlacha Pass

Project Description: Amend Policy 24.4.4 to read as follows: In the Coastal Rural future land use category, commercial development is restricted to minor commercial development as set forth in Policy 6.1.2. All zoning requests for commercial projects must utilize the planned development rezoning process and be consistent with the following:

State Review Process: State Coordinated Review Expedited State Review Small-Scale Text*

*Must be directly related to the implementation of small-scale map amendment as required by Florida Statutes.

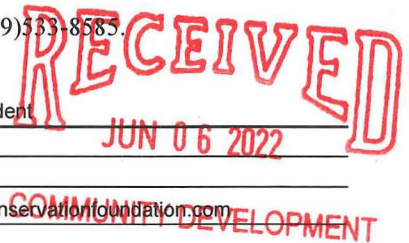
APPLICANT – PLEASE NOTE:

A PRE-APPLICATION MEETING IS REQUIRED PRIOR TO THE SUBMITTAL OF THIS APPLICATION.

Submit 3 copies of the complete application and amendment support documentation, including maps, to the Lee County Department of Community Development.

Once staff has determined that the application is sufficient for review, 15 complete copies will be required to be submitted to staff. These copies will be used for Local Planning Agency, Board of County Commissioners hearings, and State Reviewing Agencies. Staff will notify the applicant prior to each hearing or mail out to obtain the required copies.

If you have any questions regarding this application, please contact the Planning Section at (239)533-8585.



1. **Name of Applicant:** Conservation Foundation of the Gulf Coast, Christine P. Johnson, President
Address: PO Box 902
City, State, Zip: Osprey, FL 34229-0902
Phone Number: 941-918-2100 **E-mail:** Pam@conservationfoundation.com

2. **Name of Contact:** Veronica Martin, TDM Consulting, Inc.
Address: 43 Barkley Cir, Suite 200
City, State, Zip: Fort Myers, FL 33907
Phone Number: 239-433-4231 **E-mail:** vmartin@tdmconsulting.com

3. **Property Information:** Provide an analysis of any property within Unincorporated Lee County that may be impacted by the proposed text amendment. See attached analysis.

4a. **Does the proposed change affect any of the following areas?**

If located in one of the following areas, provide an analysis of the change to the affected area.

- Public Acquisition [Map 1-D]
- Agricultural Overlay [Map 1-G]
- Airport Mitigation Lands [Map 1-D]
- Airport Noise Zones [Map 1-E]
- Southeast Lee County Residential Overlay [Map 2-D]
- Mixed Use Overlay [Map 1-C]
- Community Planning Areas [Map 2-A]
- Urban Reserve [Map 1-D]
- Water-Dependent Overlay [Map 1-H]
- Private Recreational Facilities Overlay [Map 1-F]

4b. Planning Communities/Community Plan Area Requirements

If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session [Lee Plan Goal 17].

- N/A
- Bayshore [Goal 18]
- Boca Grande [Goal 19]
- Buckingham [Goal 20]
- Caloosahatchee Shores [Goal 21]
- Olga [Goal 22]
- Captiva [Goal 23]
- Greater Pine Island [Goal 24]
- Lehigh Acres [Goal 25]
- North Captiva [Goal 26]
- NE Lee County [Goal 27]
- Alva [Goal 28]
- North Olga [Goal 29]
- North Fort Myers [Goal 30]
- Page Park [Goal 31]
- San Carlos Island [Goal 32]
- Southeast Lee County [Goal 33]
- Tice [Goal 34]

Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario.

1. **Traffic Circulation Analysis:** Provide an analysis of the effect of the change on the Financially Feasible Transportation Plan/Map 3-A (20-year horizon) and on the Capital Improvements Element (5-year horizon).
2. **Provide an existing and future conditions analysis for the following (see Policy 95.1.3):**
 - a. Sanitary Sewer
 - b. Potable Water
 - c. Surface Water/Drainage Basins
 - d. Parks, Recreation, and Open Space
 - e. Public Schools

Environmental Impacts

Provide an overall analysis of potential environmental impacts (positive and negative).

Historic Resources Impacts

Provide an overall analysis of potential historic impacts (positive and negative).

Internal Consistency with the Lee Plan

1. Discuss how the proposal affects established Lee County population projections, Lee Plan Table 1(b) and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan goals and policies, and Strategic Regional Policy Plan goals, strategies, actions and policies which are relevant to this plan amendment.

Justify the proposed amendment based upon sound planning principles

Support all conclusions made in this justification with adequate data and analysis.

SUBMITTAL REQUIREMENTS

Clearly label all submittal documents with the exhibit name indicated below.

MINIMUM SUBMITTAL ITEMS

<input checked="" type="checkbox"/>	Completed application (Exhibit – T1)
<input checked="" type="checkbox"/>	Filing Fee (Exhibit – T2)
<input checked="" type="checkbox"/>	Pre-Application Meeting (Exhibit – T3)
<input checked="" type="checkbox"/>	Proposed text changes (in strike through and underline format) (Exhibit – T4)
<input checked="" type="checkbox"/>	Analysis of impacts from proposed changes (Exhibit – T5)
<input checked="" type="checkbox"/>	Lee Plan Analysis (Exhibit – T6)
<input checked="" type="checkbox"/>	Environmental Impacts Analysis (Exhibit – T7)
<input checked="" type="checkbox"/>	Historic Resources Impacts Analysis (Exhibit – T8)
<input checked="" type="checkbox"/>	State Policy Plan Analysis (Exhibit – T9)
<input checked="" type="checkbox"/>	Strategic Regional Policy Plan Analysis (Exhibit – T10)



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**PINE ISLAND PRESERVE AT MATLACHA PASS
Pre-Application Meeting**

Exhibit – T3

A pre-application meeting was held with Lee County staff on January 10, 2022. Lee County staff included Anthony Rodriguez and Brandon Dunn. The applicant's team included Pam Brownell, Chief of Staff with the Conservation Foundation of the Gulf Coast, and Veronica Martin, Senior Planner with TDM Consulting. Lee County staff recommended the Applicant withdraw the previously submitted CPA – Map Amendment and file a CPA – Text Amendment in order to simplify the process.

Lee County staff reminded the applicant that review would require a presentation to the Local Planning Agency plus two Board of County Commissioner hearings. In addition, the applicant would be required to present the request at a Public Information Meeting with the Greater Pine Island Planning Community.



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**PINE ISLAND PRESERVE AT MATLACHA PASS
Proposed Text Changes**

Exhibit – T4

POLICY 24.4.4: In the Coastal Rural future land use category, ~~non-residential~~ commercial development is restricted to minor commercial development as set forth in Policy 6.1.2. All zoning requests for commercial projects must utilize the planned development rezoning process and be consistent with the following:

- Total building floor area is limited to 5,000 square feet, unless the development can demonstrate compatibility with adjacent uses, and a positive impact on traffic pattern within Greater Pine Island.
- Development must not exceed two acres of impervious area.
- Uses are limited to those that reflect the Coastal Rural character and unique culture of Greater Pine Island, such as animal clinics, bait and tackle shops, ecotourism, farm and feed supply stores, food stores, lawn and garden supply stores, restaurants (excluding fast food), roadside/produce stands, specialty retail, and plant nurseries.
- Buildings exceeding 5,000 square feet that are lawfully existing or approved as of October 1, 2009 will be deemed vested for the approved and existing square footage for the life of the structure despite a change in use.



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**PINE ISLAND PRESERVE AT MATLACHA PASS
Analysis of Impacts from Proposed Changes – Public Facilities Impacts**

Exhibit – T5

Amending Policy 24.4.4 to specify “commercial development” instead of “non-residential development” will not have any impacts to public facilities as outlined in Policy 95.1.3. As currently written, Policy 24.4.4 limits uses permitted in the Coastal Rural future land use category to “those that reflect the Coastal Rural character and unique culture of Greater Pine Island, such as animal clinics, bait and tackle shops, ecotourism, farm and feed supply stores, lawn and garden supply stores, restaurants (excluding fast food), roadside/produce stands, specialty retail, and plant nurseries.”

In addition, all commercial developments must utilize the planned development rezoning process. A planned development application is reviewed for consistency with the Land Development Code and the Lee Plan, including traffic and access impacts, screening and buffering, availability and adequacy of services and facilities, impact on adjacent land uses and surrounding neighborhoods, proximity to other similar centers, and environmental considerations. The County has a comprehensive review process and sufficient safeguards in place, especially for a planned development rezoning application, that any potential impacts to public facilities such as traffic, sanitary sewer, potable water, surface water/drainage basins, parks, recreation and open space, and public schools, will be analyzed at that time.



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PINE ISLAND PRESERVE AT MATLACHA PASS

Lee Plan Analysis

Exhibit – T6

The proposed text amendment is specific to Article II Future Land Use Element, Section B Community Planning, Goal 24 Greater Pine Island, Objective 24.4 Commercial Land Uses, Policy 24.4.4. The proposed text amendment is provided below, using the strike-thru and underline method.

POLICY 24.4.4: *In the Coastal Rural future land use category, ~~non-residential~~ commercial development is restricted to minor commercial development as set forth in Policy 6.1.2. All zoning requests for commercial projects must utilize the planned development rezoning process and be consistent with the following:*

- *Total building floor area is limited to 5,000 square feet, unless the development can demonstrate compatibility with adjacent uses, and a positive impact on traffic patterns within Greater Pine Island.*
- *Development must not exceed two acres of impervious area.*
- *Uses are limited to those that reflect the Coastal Rural character and unique culture of Greater Pine Island, such as animal clinics, bait and tackle shops, ecotourism, farm and feed supply stores, food stores, lawn and garden supply stores, restaurants (excluding fast food), roadside/produce stands, specialty retail, and plant nurseries.*
- *Buildings exceeding 5,000 square feet that are lawfully existing or approved as of October 1, 2009 will be deemed vested for the approved and existing square footage for the life of the structure despite a change in use.*

Policy 24.4.4 only applies to development in the Coastal Rural future land use category in the Greater Pine Island Planning Community. **Lee Plan Map 1-B** identifies the Planning Districts and **Lee Plan Map 1-A** Future Land Use Map identifies land with a future land use classification of Coastal Rural. Per Lee Plan Map 1-A, the Coastal Rural future land use classification is a non-urban area. In addition, it is specific to the Greater Pine Island Planning District.

POLICY 1.4.7: *The Coastal Rural future land use category is established for the Greater Pine Island Planning District to address the area's predominantly rural character, coastal environment, existing agricultural uses, limited public infrastructure, and its location within and proximity to the Coastal High Hazard Area and Hurricane Vulnerability Zone.*

The standard maximum density is one dwelling unit per 2.7 acres (1 du/2.7 acres). Maximum densities will be increased to an "Adjusted Maximum Density" of one dwelling unit per acre (1 du/acre) where 70% of the overall development parcel(s) is: maintained as native habitat; or restored as native habitat; or maintained in agricultural use on those parcels identified as existing farmland on Lee Plan Map 2-C.

Residential developments containing ten or more dwelling units must be approved through the planned development rezoning process and, as part of the planned development process, must: a) demonstrate the implementation of adopted design standards and development approaches that support and maintain the rural character; b) provide notification to property owners of permitted adjacent agricultural uses and their right to continue operations; and c) provide mitigation for impacts to hurricane evacuation clearance times and shelter needs.

*Permitted land uses include agriculture, fill-dirt extraction, conservation uses, minimal nonresidential land uses, limited to marinas, fish houses, and minor commercial uses, that serve the island residents and visitors as set forth in **Policy 24.4.4**, and low density residential uses. Bonus densities are not allowed in this land use category.*

As stated above, permitted uses in the Coastal Rural future land use district include agriculture, fill-dirt extraction, conservation areas, and minimal non-residential land uses that are limited to marinas, fish houses, and minor commercial uses that serve the island residents and visitors as set forth in Policy 24.4.4. As stated in Lee Plan Policy 1.4.7, and re-stated in Objective 24.4, Policy 24.4.4 applies to "Commercial" uses. The Lee Plan Glossary defines "Commercial Development", but non "Non-residential Development". Amending the text clarifies the intent of the Lee Plan to limit and condition commercial uses and development in the Coastal Rural future land use category. At this time, Lee Plan Policy 24.4.4 may be interpreted to include municipal public services such as fire stations, police departments, etc., which contradicts Goal 24 and the Lee Plan in general, which is to protect the public health, safety, and welfare of residents and visitors.

OBJECTIVE 17.1: COMMUNITY PLANS. *To create community plans that address specific conditions unique to a defined area of the county. A community plan is a Goal in the Lee Plan specific to a defined area of the county with long term community objectives and policies.*

OBJECTIVE 17.3: PUBLIC INPUT. *To provide opportunities for public input as part of the comprehensive plan and land development code amendment process.*

POLICY 17.3.2: *One public information meeting is required for privately-initiated applications that propose a text change within a community plan or revises a map designation within a community plan area boundary. The meeting must be conducted before the application can be found complete.*

A Public Information Meeting was held with the Greater Pine Island Civic Association (GPICA) via Zoom on May 4, 2021. A second in-person meeting with GPICA was held on March 1, 2022. A meeting summary is included with this application. This is consistent with **Objective 17.3 and Policy 17.3.2**.

As previously stated, Policy 24.4.4 is specific to commercial development in the Coastal Rural future land use category within the Greater Pine Island Planning Community. The Lee Plan and Lee County Land Development Code provide a comprehensive review process for new

development and redevelopment within unincorporated Lee County. As required by Policy 24.4.4, all zoning requests for commercial projects in the Coastal Rural future land use category MUST utilize the Planned Development rezoning process. All planned development rezoning applications will be reviewed for consistency with the Lee Plan, including natural resources, public services, infrastructure, surface water and drainage basins, environmental concerns, and all other requirements of the Lee Plan. The text amendment does not affect any other specific goal, objective, or policy of the Lee Plan. Nor does it affect any Lee Plan Maps or Tables.



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**PINE ISLAND PRESERVE AT MATLACHA PASS
Environmental Impacts Analysis**

Exhibit – T7

Lee Plan Goal 24 is specific to the Greater Pine Island Planning Community and Objective 24.4 addresses Commercial Land Uses. Policy 24.4.4 specifically addresses development in the Coastal Rural future land use category, requiring ALL zoning requests for commercial projects in the Coastal Rural future land use category to utilize the planned development rezoning process. The planned development rezoning process requires compliance with the Land Development Code and the Lee Plan, which provides sufficient safeguards to protect the natural environment. All planned development rezoning applications require environmental maps (topography, environmentally sensitive lands, FLUCCS map, rare and unique upland habitat, etc.) plus major planned developments also require a Protected Species Survey. Amending Policy 24.4.4 of the Comprehensive Plan to specify “commercial” development instead of “non-residential” development clarifies the Policy and will not have any environmental impacts.

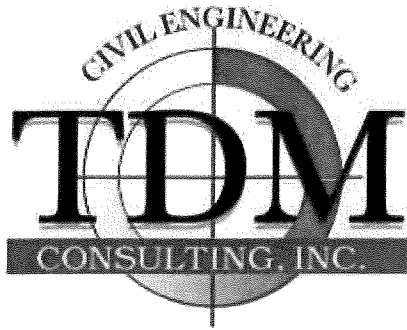


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**PINE ISLAND PRESERVE AT MATLACHA PASS
Historic Impacts Analysis**

Exhibit -T8

Lee Plan Goal 24 is specific to the Greater Pine Island Planning Community and Objective 24.4 addresses Commercial Land Uses. Policy 24.4.4 specifically addresses development in the Coastal Rural future land use category, requiring ALL zoning requests for commercial projects in the Coastal Rural future land use category to utilize the planned development rezoning process. The planned development rezoning process requires a narrative demonstrating compliance with the Lee Plan and all attending goals, objectives, and policies. Amending Policy 24.4.4 of the Comprehensive Plan to specify “commercial” development instead of “non-residential” development clarifies the Policy and will not significantly impact any historic resources within the Greater Pine Island Planning Community.



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**PINE ISLAND PRESERVE AT MATLACHA PASS
State Policy Plan Analysis**

Exhibit – T9

Florida Department of Economic Opportunity – Comprehensive Plan - Text

There are no State Policy Plan goals, strategies, actions, or policies that are relevant to the proposed amendment.



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**PINE ISLAND PRESERVE AT MATLACHA PASS
Strategic Regional Policy Plan Analysis**

Exhibit – T10

Southwest Florida Regional Planning Council (SWFRPC)

There are no Regional Policy Plan goals, strategies, actions, or policies that are relevant to the proposed amendment.



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**PINE ISLAND PRESERVE AT MATLACHA PASS
Public Information Meeting Summary**

Exhibit – T11

A Public Information Meeting was conducted on March 1, 2022 with the Greater Pine Island Civic Association (GPICA) at the Pine Island United Methodist Church, 5701 Pine Island Road, St. James City. The Applicant, Conservation Foundation of the Gulf Coast, presented the Comp Plan Text Amendment, Rezoning Application, and DO Application for their proposed development Pine Island Preserve at Matlacha Pass.

The proposed amendment to Policy 24.4.4 (replacing the word “non-residential” to “commercial”) was presented to the assembled group. A power point of the entire Policy was provided so the group could see the actual text using the strike-thru and underline method. It was explained that:

- Lee County’s Comprehensive Plan includes an entire Section regarding development within the Pine Island Planning Community (Goal 24);
- Objective 24.4 is specific to Commercial Land Uses on Pine Island;
- Policy 24.4.4 is specific to commercial land uses in the Coastal Rural future land use category;
- Replacing the word “non-residential” with “commercial” provides consistency within the Policy since the Policy relates to commercial land uses only.
- No other changes to Policy 24.4.4 are proposed; and
- The policy limits commercial uses in the Coastal Rural future land use category to animal clinics, bait and tackle shops, farm and feed supply stores, lawn and garden supply stores, restaurants excluding fast food, specialty retail, and plant nurseries.

Questions and Comments:

1. Does the change allow the applicant to develop the land for commercial use? No. The Applicant is not requesting to rezone the property for commercial use. The rezoning is to CFPD, with proposed uses of park and preserve.
2. What uses are considered non-residential? Community facility uses such as fire stations, police stations, libraries, parks, churches, etc.
3. Are you saying a fire station could be built on this property? No. The only uses we’re proposing in our rezoning application is park and preserve.

Summary

A copy of the News-Press Notice of Meeting and sign-in sheet is attached to this exhibit. Although not required, the GPICA took a vote to support or not support. The proposed text amendment had a majority support from the group.

LEGAL NOTICE

NOTICE OF PUBLIC MEETING: TDM Consulting, Inc and the Conservation Foundation of the Gulf Coast is presenting a development project at the Greater Pine Island Civic Association's regular meeting on March 1, 2022 at 6:30 p.m. at the Pine Island United Methodist Church, 5701 Pine Island Rd, Bokeelia. The Foundation intends to develop the 229± acres located at 7746 Stringfellow Road for limited passive recreation use and conservation area. The applicant will be applying for a Rezoning Application, Comprehensive Plan Amendment, and Development Order.

AD #5129428 2/15/22

The News-Press | Notice of Meetings

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[Click for less text](#)



PINE ISLAND PUBLIC MEETING SIGN-IN SHEET

Meeting Date:

March 1st, 2022

Place/Room:

Pine Island United Methodist Church,

First name	Last name	Address	Number	E-Mail
Michael	Greatchus	PO Box 902 Osprey, FL 34229	941-918-2100	michael@conservationfoundation.com
Veronica	Martin	43 Barkley Cir #200	239-433-4231	vmartin@tdmconsulting.com
Mike	Sweeney	1102 Capri Ln. Boker	267-625-4051	MSWEENEY1010@gmail.com
Shari	Perkins	PO Box 583	740-707-9004	perkshari@hotmail.com
Helen	Fox	7418 Grande Pine	734-834-2346	hfox@umich.edu
Deborah	Swisher Hicks	5395 Anchorage Dr	916-990-4186	Deborah Swisher1970@yahoo.com
Chris & Nancy	Rogge	8072 Barrancas Ave Selectia	239 2820602	croggen@udel.edu
Deana	Klosterman	5431 Martin Cnc.	763 2389077	d.klosterman9@gmail.com
Diane	Braun	7533 Captains	514 662 2937	Myshe526@aol.com
HANIK	BRAUN	" "	" "	" "
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Richard + Ida	Cabral	5618 Judith Rd. Bokerelia	239- 454-9196	ICC9@LIVE.COM
Bob Sofranko	Sofranko	205 Barrancastre	239 671-9423	rsofranko6@gmail.com
Robert	Scarpantonio	15191 Homestead Rd Lehigh Acres	239 6442174	Scarpantonio@lmcad.org
Melanie	Giangrant	9412 Treasure Lake	302-270- 7841	mgiangrant@verizon.net