



## Board of County Commissioners

Kevin Ruane  
District One

August 4, 2022

Cecil L Pendergrass  
District Two

Ray Sandelli  
District Three

Brian Hamman  
District Four

Mike Greenwell  
District Five

Roger Desjarlais  
County Manager

Richard Wm. Wesch  
County Attorney

Donna Marie Collins  
County Hearing  
Examiner

Ray Eubanks, Plan Processing Administrator  
State Land Planning Agency  
Caldwell Building  
107 East Madison – MSC 160  
Tallahassee, FL 32399-4120

**Re: Amendment to the Lee Plan  
Transmittal Submission Package  
CPA2022-00005, Pine Island Preserve at Matlacha Pass**

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163.3184(3) for Expedited State Review, please find attached the proposed Comprehensive Plan Amendment, known locally as CPA2022-00005 (Pine Island Preserve at Matlacha Pass). The amendment is as follows:

***CPA2022-00005, Pine Island Preserve at Matlacha Pass:***

Amend Lee Plan Policy 24.4.4 to clarify its limited applicability to commercial development. The request does not change the uses or intensities allowed in the Coastal Rural future land use category, nor does it change design standards or the review process required for approval of commercial uses within the Coastal Rural future land use category.

The Local Planning Agency held a public meeting for the plan amendment on June 27, 2022. The Board of County Commissioners voted to transmit the amendment on August 3, 2022. The proposed amendment is 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.

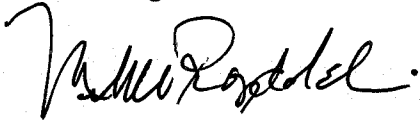
The name, title, address, telephone number, and email address of the person for the local government who is most familiar with the proposed amendment is as follows:

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

By copy of this letter and its attachments, I certify that this amendment and supporting data and analysis have been sent on this date to the agencies listed below.

Sincerely,

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



Mikki Rozdolski,  
Manager, Community Development Operations

Cc Brandon Dunn, Planner, Principal  
Case File

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

Morgan Runion, AICP  
Department of Education

Plan Review  
Department of Environmental Protection

Alissa S. Lotane  
Florida Department of State

Scott Sanders  
Florida Fish and Wildlife Conservation Commission

Vitor Suguri  
FDOT District One

Ms. Margaret Wuerstle  
Southwest Florida Regional Planning Council

Terry Manning, AICP  
South Florida Water Management District

The News-Press  
media group  
news-press.com A GANNETT COMPANY

Attn:  
LCBC-COUNTY ADMINISTRATION  
2115 2ND ST  
FORT MYERS, FL 33901

State of Wisconsin, County of Brown:  
Before the undersigned authority personally appeared  
Nicole Jacobs, 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 of Meetings

In the Twentieth Judicial Circuit Court was published in said  
newspaper editions dated or by publication on the newspaper's  
website, if authorized, on:

07/22/2022

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 25th of July 2022, by  
legal clerk who is personally known to me.

Nicole Jacobs  
Affiant

John B. F.  
Notary State of Wisconsin, County of Brown  
72725  
My commission expires

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

The Lee County Board of County Commissioners will hold a public hearing to consider proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, August 3, 2022. 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. At the hearing, the Board will consider the proposed amendments for transmittal to the Florida Department of Economic Opportunity:

CPA2022-00005 Pine Island Preserve at Matlacha Pass: Amend Lee Plan Policy 24.4.A to clarify its limited applicability to commercial development. The request does not change the uses or intensities allowed in the Coastal Rural future land use category, nor does it change design standards or the review process required for approval of commercial uses within the Coastal Rural future land use category.

and

CPA2021-00005 Bayshore Ranch: Amend the Lee Plan to provide criteria and allow incentives for the creation, preservation and restoration of Rare and Unique upland habitats on land within the Rural future land use category and rezoned to a planned development.

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.

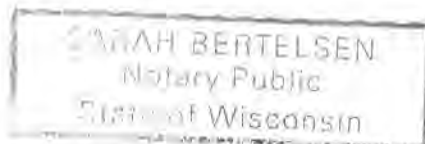
Documentation for the Proposed Comprehensive Plan Amendment is available at <https://www.lee.gov.com/dcd/planning/cpa> or at the Department of Community Development located at 1500 Monroe Street, Fort Myers, Florida. This meeting is open to the public. Interested parties may appear at the meeting and 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 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.  
AD#5336034 July 22, 2022

# of Affidavits: 1

This is not an invoice



# STAFF REPORT FOR CPA2022-00005: PINE ISLAND PRESERVE AT MATLACHA PASS



*Privately Initiated Text Amendments to the Lee Plan*

## **Recommendation:**

Transmit

## **Applicant:**

Conservation Foundation of  
the Gulf Coast

## **Representatives:**

*Veronica Martin*  
**TDM Consulting**

## **Amended Element(s):**

Future Land Use

## **Hearing Dates:**

LPA: 6/27/2022  
BoCC #1: 8/3/2022  
BoCC #2: TBD

## **Attachment(s):**

1: Text Amendments  
2: CPA2008-17 Staff Report

## **REQUEST**

Amend Lee Plan Policy 24.4.4 to clarify its limited applicability to commercial development. The request does not change the uses or intensities allowed in the Coastal Rural future land use category, nor does it change design standards or the review process required for approval of commercial uses within the Coastal Rural future land use category.

## **SUMMARY**

Lee Plan Policy 24.4.4 limits non-residential development within the Coastal Rural future land use category to minor commercial development. The request is to amend Policy 24.4.4 to accommodate a 229± acre nature preserve and restoration area with improved amenities consisting of driveway(s), a parking lot, picnic and educational pavilions, a single restroom facility, boardwalk, kayak launch, and nature trails. To allow development of this non-residential use, the applicant is requesting the following amendment to Policy 24.4.4:

**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.

## **BACKGROUND**

Policy 24.4.4<sup>1</sup> was adopted into the Lee Plan by Ordinance 10-17, the adopting ordinance of CPA2008-17: Coastal Rural Commercial Uses, on March 3, 2010. The stated request of CPA2008-17, a publicly initiated Lee Plan amendment, was to: "Evaluate and incorporate into the Coastal Rural future land use category appropriate Lee Plan policy modifications to incorporate and clarify permitted commercial uses in the Coastal Rural future land use category."

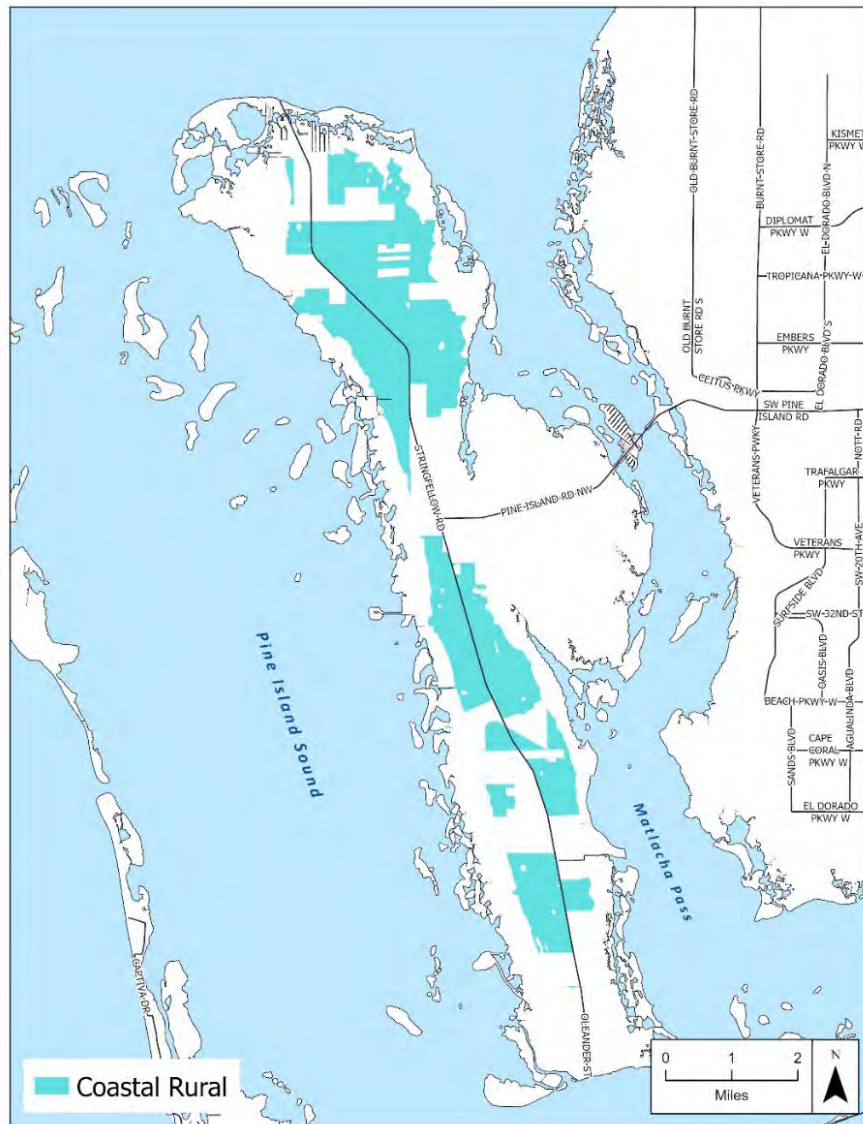
<sup>1</sup> Ord. 16-07 renumbered Policy 14.4.6 to Policy 14.4.5; Ord. 18-18 renumbered Policy 14.4.5 to Policy 24.4.4.

On March 16, 2016, as part of CPA2015-13: Pine Island Community Plan, minor revisions were made to this Policy by Ordinance 16-07. The primary change was to allow for additional commercial square footage (over the 5,000 square foot limitation) if the proposed use and intensity could be found compatible with adjacent uses and have a “positive impact on traffic patterns.”

## PART 1 STAFF DISCUSSION AND ANALYSIS

### LEE PLAN ANALYSIS – FUTURE LAND USE

Lee Plan **Policy 1.4.7** describes the Coastal Rural future land use category, a category that is only designated on land in the Greater Pine Island Planning District (see map below). The Coastal Rural future land use category was established “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.”



Permitted land uses within the Coastal Rural future land use category include agriculture, fill-dirt extraction, conservation uses, minimal non-residential land uses, limited to marinas, fish houses, and minor commercial uses, that serve island residents and visitors (as set forth in Policy 24.4.4), and low density residential uses.

#### **LEE PLAN ANALYSIS – COMMUNITY PLANNING**

Lee Plan **Objective 17.3** and **Policy 17.3.2** require a public information meeting for privately-initiated applications that propose a text change within a community plan. As provided in the application materials, the applicant held a public information meeting within the established Greater Pine Island Community Plan area boundary on March 1, 2022. A meeting summary as required by **Policy 17.3.4** is provided in the application materials.

Lee Plan **Goal 24**, the Greater Pine Island Community Plan, is to:

“Manage future growth on and around Greater Pine Island so as to: maintain the island's unique natural resources, rural character, and coastal environment; support the viable and productive agricultural community and other local businesses; and to protect the public health, safety and welfare of island residents and visitors when a hurricane strike is imminent.”

Similarly, **Policy 24.1.6** encourages the preservation of environmentally sensitive areas, rare and unique uplands, eagle nesting sites and archaeological and historic sites.

As currently required by Policy 24.4.4, a planned development rezoning is required for standalone, non-commercial uses including preserve uses. Amending Policy 24.4.4 in a way that makes it easier for property owners, including Lee County, to preserve and protect the island's unique natural resources, rural character, and coastal environment is **consistent with Goal 24 and Policy 24.1.6**.

**Objective 24.4: COMMERCIAL LAND USES** addresses commercial land uses within the Greater Pine Island Community Plan area and states: “County regulations, policies, and discretionary actions will recognize certain unique characteristics of Greater Pine Island which justify different treatment of existing and future commercial areas than in mainland Lee County, as described in the following policies.” The amendments as proposed will not affect the approval process for establishing commercial uses in areas designated Coastal Rural within the Community Plan area. The proposed amendments shift the applicability of the Policy 24.4.4 from all “non-residential” development to only “commercial.” **This is consistent with Objective 24.4.**

As previously stated, Policy 24.4.4 was adopted into the Lee Plan as part of CPA2008-17: Coastal Rural Commercial Uses. The stated request of CPA2008-17 was to: “Evaluate and incorporate into the Coastal Rural Future Land Use Category appropriate Lee Plan policy modifications to **incorporate and clarify permitted commercial uses in the Coastal Rural future land use category** [emphasis added].” Although the term “non-residential” is the adopted Policy language, within the staff report for CPA2008-17 (Attachment 2) only commercial uses were addressed including in the request language, all analysis and findings, and attachments.

Additionally, Policy 24.4.4, is a policy intended to implement **Objective 24.4: COMMERCIAL LAND USES**. As the title of the Objective implies, the applicability of the Objective and subsequent Policies is only to commercial uses. This is further confirmed in the third bullet of Policy 24.4.4 which only lists commercial uses. Finally, Policy 24.4.4 as written is internally inconsistent with Policy 2.1.3 which allows certain public and civic “non-residential” uses in all future land uses categories, to apply the commercial design and use standards set forth in Policy 24.4.4 prevents consideration of these uses in the Coastal Rural future land use category within the Community Plan area.

The proposed amendment does not change the number of residential dwelling units or the types of non-residential development that may be approved within the Coastal Rural future land use category. Appropriate uses within the Coastal Rural future land use category will continue to be determined by Policy 1.4.7, and commercial uses will continue to be specifically addressed by Policy 24.4.4, as was the original intent.

#### **PUBLIC FACILITIES AND INFRASTRUCTURE AVAILABILITY ANALYSIS**

The proposed amendments will have no impacts to public facilities and infrastructure, including EMS, fire, sheriff, schools, transit, solid waste, utilities and transportation infrastructure.

#### **CONCLUSIONS**

The Lee Plan, with the proposed amendment to Policy 24.4.4, will continue to provide appropriate guidance for development of commercial uses within the Coastal Rural future land use category. As required by Objective 17.3 the applicant discussed the proposed amendments to the Lee Plan at a meeting within the Greater Pine Island Community Plan area on March 1, 2022. The proposed amendment is consistent with the Coastal Rural future land use category as described in Policy 1.4.7 as well as the Greater Pine Island Community Plan, Goal 24. In addition the proposed amendment helps to eliminate a potential internal inconsistency within the Lee Plan between Policy 24.4.4 and Policy 2.1.3.

**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 2  
LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: June 27, 2022

**A. LOCAL PLANNING AGENCY REVIEW**

Applicant and staff each provided a brief presentation addressing reasons for the amendment, consistency with the Lee Plan, and staff recommendation.

Members of the LPA had questions about what types of uses would be subject to Policy 24.4.4 based on the amendments proposed. Staff explained that, as was originally intended, only commercial uses would be subject to the provisions of Policy 24.4.4 and that it would no longer be applicable to civic-type uses such as, preserves, fire or ems stations, and water treatment facilities.

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*** CPA2022-00005. The motion passed 5 to 0.

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

**C. STAFF RECOMMENDATION**

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



**PART 3  
BOARD OF COUNTY COMMISSIONERS  
TRANSMITTAL HEARING**

DATE OF PUBLIC HEARING: August 3, 2022

**A. BOARD REVIEW:**

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

The applicant was available for questions, but did not provide a presentation.

**B. BOARD ACTION:**

A motion was made to transmit CPA2022-00005 as recommended by staff and the LPA. The motion passed 4 to 0.

**VOTE:**

<b>MIKE GREENWELL</b>	<u>AYE</u>
<b>BRIAN HAMMAN</b>	<u>AYE</u>
<b>CECIL L. PENDERGRASS</b>	<u>AYE</u>
<b>KEVIN RUANE</b>	<u>AYE</u>
<b>RAY SANDELLI</b>	<u>ABSENT</u>

**PROPOSED TEXT AMENDMENTS**

**FUTURE LAND USE ELEMENT**

**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.
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- 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.



# 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.

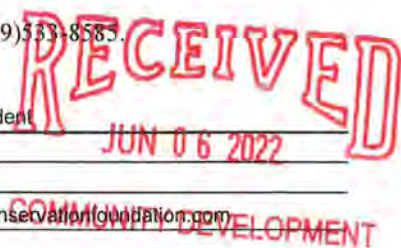
**APPLICANT – PLEASE NOTE:**

**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)333-8585.



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)



**43 Barkley Circle, Suite 200  
Fort Myers, FL 33907  
Phone 239-433-4231 Fax 239-433-9632  
[www.tdmcivilengineering.com](http://www.tdmcivilengineering.com)  
Certificate of Authorization # 29086**

**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.



**43 Barkley Circle, Suite 200  
Fort Myers, FL 33907  
Phone 239-433-4231 Fax 239-433-9632  
www.tdmcivilengineering.com  
Certificate of Authorization # 29086**

**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.



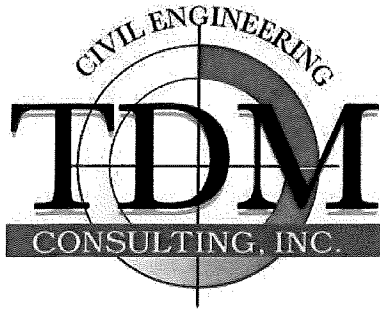
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**PINE ISLAND PRESERVE AT MATLACHA PASS  
Analysis of Impacts from Proposed Changes – Public Facilities Impacts**

**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

**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

[Click for less text](#)









# PINE ISLAND PUBLIC MEETING SIGN-IN SHEET

Meeting Date:

March 1<sup>st</sup>, 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	<del>Deborah</del> Aehswish1970@yahoo.com
Chris & Nancy	Rogge	8072 Barrancas Ave Bekeelia	239 2820602	crogen@udel.edu
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HANIK	BRAUN	" "	" "	" "
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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