



Lee County

Southwest Florida

Board of County Commissioners

Kevin Ruane
District One

November 7, 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
Adoption Submission Package for
Lee County ESR 22-06 (CPA2022-00005)**

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. (Adopting Ordinance 22-28).

The Lee County Board of County Commissioners held an adoption hearing to adopt the above identified ordinance for the plan amendment on November 2, 2022. As required by F.S. 163.3184(3)(c), the final action on this amendment was completed within 180 days of the receipt of the state land planning agency's report.


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



Mikki Rozdolski, AICP
Manager, Planning Section

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

LEE COUNTY ORDINANCE NO. 22-28
Pine Island Preserve at Matlacha Pass
(CPA2022-00005)

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 PINE ISLAND PRESERVE AT MATLACHA PASS TEXT AMENDMENT (CPA2022-00005) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF "THE LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

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

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on June 27, 2022; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on August 3, 2022. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Pine Island Preserve at Matlacha Pass Text Amendment (CPA2022-00005) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the August 3, 2022 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on November 2, 2022, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Pine Island Preserve at Matlacha Pass Text Amendment Ordinance (CPA2022-00005)."**

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 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 Comprehensive Plan amendment is known as Pine Island Preserve at Matlacha Pass Text Amendments Ordinance (CPA2022-00005).

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

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Absent
Brian Hamman	Aye
Mike Greenwell	Aye

DONE AND ADOPTED this 2nd day of November 2022.

ATTEST:
KEVIN C. KARNES, CLERK

BY: 
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Cecil L Pendergrass, Chair

DATE: 11-4-22

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


County Attorney's Office

Exhibit A: Adopted revisions to Pine Island Preserve at Matlacha Pass (Adopted by BOCC November 2, 2022)

EXHIBIT A

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

EXHIBIT A

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.
- 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.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

November 4, 2022

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

Attn: Chris Jagodzinski

Dear Kevin Karnes:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lee County Ordinance No. 22-28, which was filed in this office on November 4, 2022.

Sincerely,

Anya Owens
Program Administrator

ACO/rra

RECEIVED

By Chris Jagodzinski at 12:16 pm, Nov 04, 2022

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



Privately Initiated Text Amendments to the Lee Plan

Recommendation:

Adopt

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: 11/2/2022

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 24.4.4¹ 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."

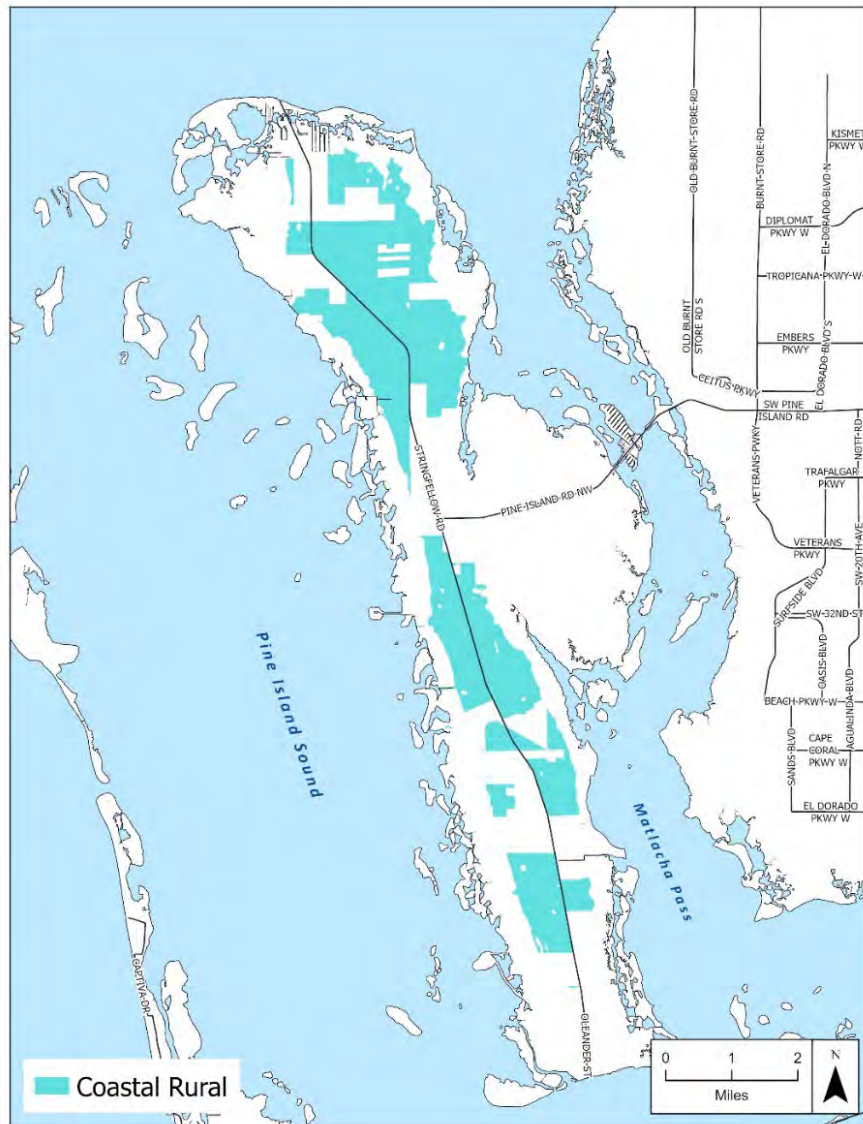
¹ Ord. 16-07 renumbered Policy 14.4.6 to Policy 14.4.5; Ord. 18-18 renumbered Policy 14.4.5 to Policy 24.4.4.

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.

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

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:

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

**PART 4
STATE REVIEWING AGENCIES'
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS**

Comments from the State Reviewing Agencies were due to Lee County by September 3, 2022.

A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

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

- Florida Department of Economic Opportunity
- Florida Department of Agriculture and Consumer Services
- Florida Department of Education
- South Florida Water Management District
- Florida Fish and Wildlife Conservation Commission
- Florida Department of Environmental Protection

There were **no objections** concerning the proposed amendments. Technical assistance comments were received from the South Florida Water Management District.

B. STAFF RECOMMENDATION

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

**PART 5
BOARD OF COUNTY COMMISSIONERS
ADOPTION HEARING**

DATE OF PUBLIC HEARING: November 2, 2022

A. BOARD REVIEW:

Staff provided a brief presentation for the proposed amendment which included an overview of the proposed amendment, previous board action, State Reviewing Agency comments and staff recommendation. The applicant was available for questions, but did not provide a presentation.

There was no public comment concerning the proposed amendments.

B. BOARD ACTION:

A motion was made to adopt CPA2021-00001 as recommended by staff. The motion passed 4 to 0.

VOTE:

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

ATTACHMENT 2

**CPA2008-17
COASTAL RURAL COMMERCIAL USES
BoCC INITIATED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Initiated Application
and Lee County Staff Analysis

BoCC Public Hearing Document
For the
March 3, 2010 Adoption Hearing

*Lee County Planning Division
1500 Monroe Street
P. O. Box 398
Fort Myers, FL 33902-0398
(239) 533-8585*

February 17, 2010

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2008-17**

✓	Text Amendment		Map Amendment
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This Document Contains the Following Reviews:

✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

Original Staff Report Preparation Date: June 12, 2009

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE

Lee County Board of County Commissioners
Represented by Lee County Division of Planning

2. REQUEST:

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.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION: Staff recommends that the Board of County Commissioners transmit the proposed amendment, as follows:

Staff recommends that the Lee Plan Policy 1.4.7 be amended as follows:

POLICY 1.4.7: The Coastal Rural areas will remain rural except for portions of properties where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, on the remainder of the property. The standard maximum density is one dwelling unit per ten acres (1DU/10 acres). Maximum densities may increase as higher percentages of native habitat are permanently preserved or restored on the uplands portions of the site, or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, in accordance with the chart below. Permitted land uses include agriculture, fill-dirt extraction, conservation uses, and minimal non-residential land uses, limited to minor commercial, that are necessary to provide basic commercial services to serve the island residents and visitors, and residential uses up to the following densities:

The balance of Policy 1.4.7 remains unchanged.

POLICY 14.4.1: The designated Future Urban Area at Pine Island Center is targeted for most future commercial and industrial uses, as permitted by other portions of this plan.
NOTE: This policy is placed here for reference purposes only.

POLICY 14.4.2: Commercial development at other urban locations on Greater Pine Island (such as Bokeelia, Pineland, Matlacha, and St. James City), should be limited to marinas, fish houses, and minor commercial uses to serve the day to day needs of local residents, and ~~uses to serve~~ island visitors. Such development must be sited and designed to minimize disruptive influences to the greatest degree possible. (Amended by Ordinance No. 94-30, 00-22)

POLICY 14.4.6: In the Coastal Rural future land use category, non-residential development is limited to minor commercial development. New commercial zoning requests must utilize the Planned Development zoning process. All commercial development in this category must be consistent with the following limitations:

- Total building floor area may not exceed 5,000 square feet;
- 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.

POLICY 14.4.7: During the Comprehensive Plan Evaluation and Appraisal Report process the County will analyze commercial rezoning and commercial development in the Coastal Rural areas and assess their impacts to the Greater Pine Island Community and identify any needed policy modifications.

OBJECTIVE 14.7: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals.

POLICY 14.7.1: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) within the Greater Pine Island community must conduct one public informational meeting within the community where the agent will provide a general overview of the project for any interested citizens. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for advertising, providing the meeting space, and security measures as needed. Subsequent to this meeting, the applicant must provide staff with a summary that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Board of County Commissioners initiated this amendment to provide clarification regarding appropriate commercial uses permitted within the Coastal Rural Future Land Use category.
- Historically, limited commercial uses serving the needs of the surrounding residents have been permitted in rural areas such as restaurants, gas stations, food stores, some retail and other basic necessities.
- In recognition of the uniqueness of Pine Island and the desire to maintain the rural character of the Island, the Board adopted a Comprehensive Plan Amendment, CPA2001-00018, in 2003 incorporating a new Vision Statement, a revised Goal 14, to reclassify all “Rural” designated land to “Coastal Rural”.
- There are 23 conventionally commercial zoned parcels, 18 of which are currently vacant, located within the Coastal Rural Future Land Use Category including Community Commercial (CC), Commercial (C-1), Commercial (C-1A), General Commercial (CG) and Tourist Commercial (CT). Five of the 23 parcels are currently developed with commercial uses. Nineteen of the parcels are located along Stringfellow Road with 18 in St. James City and five in Bokeelia. There are four parcels, purchased by Lee County on March 9, 2009, located on York Street.
- Staff recognizes the need to provide limited commercial uses to provide services in support of the rural community and visitors to the island.
- Appropriate distribution of minor commercial land uses will provide services to the island residents and visitors resulting in reduction of off island trips through Matlacha.

C. BACKGROUND INFORMATION

In 1989 the first Pine Island Commercial Study was initiated to research, analyze, and quantify commercial zoning needs for Pine Island, and to identify suitable locations for potential future development. This study was conducted in response to a directive by the Board of County Commissioners to develop a means to identify future commercial sites throughout Lee County and also in direct response to issues emerging from the review of two specific commercial zoning cases on Pine Island.

This study acknowledged the existing commercial zoned parcels, the concentration of commercial uses in Pine Island Center, St. James City and Bokeelia, and the possibility of the designation of potential commercial nodes. Much of the developed area of Pine Island is concentrated in Pine Island Center, with smaller developed areas (villages) at the north and south ends of the island (Bokeelia and St. James City). The remainder of the island contains smaller, scattered areas of limited development with a small urban area at Pineland.

This study resulted in the adoption of Lee Plan Policies 16.4.1, 16.4.2, and 16.4.3 by the Board of County Commissioners on June 24, 1991 (Case number PAM 89-21). These Policies were later superceded by existing Lee Plan Objective 14.4, Policies 14.4.1, and 14.4.2. Twenty years later, the Board has again directed staff to address clarification of applicable commercial uses in Pine Island; however, in this case, the amendment is specific to the Coastal Rural future land use category due to issues raised during the rezoning case to legitimize an existing business, Carl's Automotive Repair (Z-08-014) located at 8336 and 8360 Stringfellow Road.

In 2001, Lee County Staff started working with the Greater Pine Island Community, who had developed a new Pine Island Plan to address planning needs specific to Pine Island. Their plan reflected their vision for Pine Island's future growth and development. In 2003, as a result of a two-year long planning process and upon receipt of no objections, recommendations, or comments concerning the proposed amendment from the Florida Department of Community Affairs, proposed Lee Plan amendment CPA2001-00018 was adopted by the Board of County Commissioners. This amendment: adopted a new Vision Statement; a revised Goal 14; amended subsequent policies specific to Greater Pine Island; amended Objective 1.4 "Non-Urban Areas" by establishing a new "Coastal Rural" future land use category; and, amended the Future Land Use Map series to reclassify 157 acres of agricultural land between Bokeelia and September Estates from "Outlying Suburban" to "Coastal Rural" and reclassified all land from "Rural" to the new "Coastal Rural" category.

On October 12, 2005, the Board of County Commissioners again amended the Lee Plan with an amendment known as the Pine Island Community Plan Compromise. Among other things, this plan amendment restored the 157 acres back to the Outlying Suburban future land use category and, in an effort to maintain flexibility within the Coastal Rural future land use category, added agriculture as a means of regaining density.

This amendment is intended to further the goal of capturing trips on the island by clarifying the allowable uses in the Coastal Rural future land use category by defining permitted, minor commercial uses intended to serve island residents and visitors.

Policy 1.4.7 of the Lee Plan specifically defines the Coastal Rural Future Land Use Category as follows:

POLICY 1.4.7: *The Coastal Rural areas will remain rural except for portions of properties where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, on the remainder of the property. The standard maximum density is one dwelling unit per ten acres (1 DU/10 acres). Maximum densities may increase as higher percentages of native habitat are permanently preserved or restored on the uplands portions of the site, or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, in accordance with the chart below. Permitted land uses include agricultural fill-dirt extraction, conservation uses, and residential uses up to the following densities.*

<i>Percentage of the on site uplands that are preserved or restored native habitats or continued in agricultural use on existing farmland</i>	<i>Maximum density if undeveloped land will be permanently preserved or restored as native habitats</i>	<i>Maximum density if undeveloped land will be continued in agricultural use on existing farmland</i>
0%	1 DU/10 acres	1 DU/10 acres
5%	1 DU/9 acres	
10%	1 DU/8 acres	1 DU/9 acres
15%	1 DU/7 acres	
20%	1 DU/6 acres	1 DU/8 acres
30%	1 DU/5 acres	1 DU/7 acres
40%	1 DU/4 acres	1 DU/6 acres
50%	1 DU/3 acres	1 DU/5 acres
60%	1 DU/2 acres	1 DU/3 acres
70%	1 D/1 acre	1 DU/2 acres

Existing farmland is depicted on Map 21. Areas for buffers, lakes and utilities may consist of up to 10% of the upland preserve areas. (Added by Ordinance No. 03-03, Amended by Ordinance No. 05-21)

This policy was implemented in support of Policy 14.1.8 to allow for the return to Rural densities of one dwelling unit per acre subject to preservation or restoration of native habitat or agricultural activities.

Subsequent to the adoption of Comp Plan Amendment CPA2001-18, Staff has continued to work with the Greater Pine Island Civic Association to provide for property development parameters for Pine Island. The most recent amendment was Ordinance Number 07-19 adopted by the Board of County Commissioners on May 23, 2007. This Ordinance adopted Land Development Code (LDC), Article III. Greater Pine Island, Sections 33-1001 through 33-1088, whereby establishing regulations such as architectural standards, parking, lighting and design standards for development on Pine Island.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

BACKGROUND:

Pine Island is comprised of five distinctive communities: Matlacha, Bokeelia, Pineland, Pine Island Center and St. James City. Matlacha, an historic fishing village, is the gateway to Pine Island and consists of waterfront cottages, small motels, shops, art galleries and restaurants.

Bokeelia supports several marinas, tropical fruit, and palm tree farms. Pineland is the location of the Randell Research Center and many historic buildings as well as one of the largest marinas on the island. St. James City is the most developed area and houses the majority of the island's population. Most of the homes are located along direct access canals leading to the Gulf of Mexico. The existing commercial zoned parcels within the Coastal Rural future land use category are scattered among Bokeelia, Pineland, and St. James City. The majority appear to be located between Pine Island Center and St. James City, which is the most heavily populated residential area. Thus, commercial uses would provide services to the residents, resulting in a reduction of on and off island trip generations.

There are an estimated 23 existing conventionally, commercial zoned properties in Pine Island that are not located within the designated Pine Island Center (located at the intersection of Stringfellow and Pine Island Roads). These parcels, ranging in area from 0.25 acres to 74 acres, the C-1A portion of a 332-acre residential development with a combination of commercial and AG-2 zoning. Most of these properties were zoned to commercial zoning districts prior to the 1984 adoption of the Lee Plan, and certainly prior to the adoption of the Coastal Rural future land use designation. Some of these parcels have approved development orders for residential and commercial development.

DISCUSSION:

The proposed language is the result of a Board of County Commission initiated amendment recognizing the need to clarify permitted commercial uses within the Coastal Rural Future Land Use Category. This issue arose when the Board was reviewing a rezoning case intended to legitimize a commercial use on a property in the Coastal Rural area that had existed for many years. The provision of basic commercial services will limit the number of trips off and onto the island.

Currently, there are no available or economic options for adding significant road capacity to Pine Island. There are also no options to widen the existing bridges without serious economic or environmental impacts. Thus, limited commercial uses will serve to negate detrimental traffic flow in Matlacha.

Some types of commercial uses would have minor or even positive effects on traffic flow in Matlacha. A small convenience store in St. James City could serve local residents and those passing by and would attract no new trips through Matlacha. A food store in St. James City would attract shoppers from a larger area, possibly reducing traffic on Pine Island Road. A proper distribution of commercial uses within the Coastal Rural future land use along Stringfellow Road will serve to reduce trips on the island as well. Staff recognizes that most commercial uses can and should be located in the urban designated portions of Pine Island, but some flexibility to shorten trip lengths on the island represents good planning.

Staff finds that limited minor commercial development is required on Pine Island to provide services to residents, which ultimately reduces trip generation to and from the island. Staff further recognizes the benefits of distributing commercial services at different locations on Pine Island to encourage the support and utilization by residents to reduce on island trip lengths.

Staff finds that minor commercial uses could be appropriately located within the Coastal Rural future land use such as bait and tackle shops, restaurants, animal clinics, lawn and garden supply stores, food stores, farm and feed supply stores, roadside/produce stands, specialty retail, and plant nurseries. These uses are typically approved in rural settings when a commercial zoning exists and requires development order review and approval. The category should also be flexible to address future conditions and proposals that cannot be anticipated today.

Commercial development standards have been implemented in the Land Development Code (LDC) to insure compatibility with existing, adjacent uses. The proper location of these minor commercial uses can provide services and goods to the population and visitors of Pine Island while maintaining the character and culture of the community.

There are potential commercial nodes located along Stringfellow Road within the Coastal Rural future land use. One of these locations is at the intersection of Stringfellow Road and Gulf Shores Road. There are parcels currently zoned Commercial Planned Development (CPD), Special Commercial Office District (CS-1) and Commercial General (CG). The CPD, approved in Resolution Z-08-14 for 8336 Stringfellow Road, legitimized an existing automotive repair and service business that provides services to island residents. The CS-1 zoned parcel located at 10191 Stringfellow Road houses general and medical offices. The property located at 8288 Stringfellow, zoned CG, has an approved development order under Case Number DOS2005-00264 for general office space.

Goal 14, and its subsequent objectives and policies recognizes the need for commercial uses to provide services to the residents and visitors of Pine Island thereby capturing trips on the island. There are conventionally zoned commercial properties located on Pine Island which would not

require a rezoning prior to their development. However, the uses are limited in accordance with the future land use designation of Coastal Rural. Clarification is necessary to avoid uncertainties and provide adherence to the provisions of the Lee Plan and the LDC. Minor commercial uses, services and activities are necessary on Pine Island to prevent additional trip generations off the island. Staff finds that minor commercial uses may be appropriate in the Coastal Rural future land use. However, these uses should be limited to those that provide basic services for the rural community. The Greater Pine Island commercial policies are stated below:

OBJECTIVE 14.4: COMMERCIAL LAND USES. 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. (Amended by Ordinance No. 94-30, 00-22)

POLICY 14.4.1: The designated Future Urban Area at Pine Island Center is targeted for most future commercial and industrial uses, as permitted by other portions of this plan.

POLICY 14.4.2: Commercial development at other locations on Greater Pine Island should be limited to marinas, fish houses, **minor commercial uses to serve local residents and uses to serve island visitors**. Such development must be sited and designed to minimize disruptive influences to the greatest degree possible. (Amended by Ordinance No. 94-30, 00-22) (Bold type added by Staff for emphasis)

Policy 14.4.2 demonstrates the contemplation of permitting minor commercial uses to serve local residents and island visitors on Pine Island. The policy also requires that these developments of commercial uses be located so that they do not negatively impact abutting, adjacent land uses. The Land Development Code (LDC,) Section 33-1003 through 33-1088, establishes regulatory standards for the Greater Pine Island Planning Community intended to implement the goals and objectives established in Lee Plan Goal 14. The standards represent an effort to manage future growth based on the remaining traffic capacity and reasonable hurricane evacuation. The development of commercial uses must be respectful of the vision and culture of the Greater Pine Island Planning Community.

Along with the addition of minor commercial uses in the Coastal Rural descriptor policy, staff is recommending an amendment to Policy 14.4.2 clarifying that it pertains to other urban locations in Greater Pine Island. Policies 14.4.6, 14.4.7, and 14.4.8 should be added to give specific direction to the allowable non-residential development in the Coastal Rural category and to encourage communication between island residents and applicants for rezoning cases. These policies should limit the development to Minor Commercial development with a maximum size of two acres of impervious surface with a maximum building square footage of 5,000 square feet. This proposed area will accommodate appropriate minor commercial uses; however, will prohibit the development of large commercial centers or uses that are not consistent with the vision of Pine Island and the intent of the Coastal Rural category.

Staff is recommending that all new commercial rezoning requests on Greater Pine Island be established through the Planned Development zoning process. Further recommended, is the requirement of a public information meeting to provide interested citizens with an overview of the proposed project. This will encourage open communication, insure compatibility, and the reduction of potential detrimental impact to adjacent land uses.

The Land Development Code (LDC) Section 33-1003 through 33-1088 adopted by Ordinance No. 07-19 sets forth commercial development standards for property in Greater Pine Island. These regulations ensure consistency and compatibility of commercial uses on the island. As such, there are existing measures in place to regulate the development of minor commercial uses on Pine Island and to minimize disruptive influences to the unique character of the island. In addition, the area (square footage) of properties will limit the amount of square footage permitted for commercial uses to provide compliance with minimum development standards such as setbacks, landscaped buffers, parking and other requirements.

Commercial development regulations contained in the Land Development Code limit the floor area of new commercial buildings to 10,000 square feet unless a larger size is approved by variance or by deviation in a commercial planned development. Architectural standards, parking lot design and landscaping requirements are also established in the LDC Section 33-1003 through 33-1088.

Staff has additional review capabilities and options when reviewing a request for a Commercial Planned Development within the Coastal Rural future land category. Uses may be limited for compatibility purposes and conditions will be recommended to provide an enhanced development consistent with the character of the island.

Staff has included “ecotourism” within the appropriate commercial uses for the Coastal Rural future land use category. Ecotourism is defined as responsible travel to natural areas which conserves the environment and improves the welfare of the local people. Ecotourism further includes travel to natural destinations, minimizes impact, builds environmental awareness, provides for conservation, and respects local culture.

B. CONCLUSION:

Staff finds that properly conditioned minor commercial development within the Coastal Rural future land use category is appropriate. Commercial development should be permitted and encouraged near population centers on Pine Island. Staff’s research indicates that St. James City is the most populated community in Pine Island developed with two-thirds of the population. The majority of the existing conventionally commercial zoned parcels are located on Stringfellow Road between Pine Island Center and St. James City.

An increase in minor commercial development on parcels with existing commercial zoning and located in the Coastal Rural future land use category will enhance the lifestyle of the community by providing local employment and services to island residents and visitors, resulting in the reduction of trip generations through Matlacha and off the island.

Staff's recommendation of limited commercial uses in the Coastal Rural future land use category is reflective of uses permitted in the Rural Commercial zoning district. The purpose of this district is to designate and facilitate the proper development and use of land in non-urban areas of the county. In addition to the neighborhood scale provision of basic goods and services, it is the intent of the Rural Commercial district to provide other goods and services, specific to rural productive activities, such as farming or ranching and for the rural lifestyle in general. The standard of physical development shall be or closely approximate that of Minor Commercial as established in the Lee Plan. It is staff's intent to mirror these uses in the Coastal Rural future land use category to provide minimal services to the residents and visitors of Pine Island.

Staff understands the culture of Pine Island and the limitation of commercial uses in this rural setting. There are some existing commercial uses located within the Coastal Rural future land use category that are currently enjoyed by the island population such as restaurants, food stores, and specialty retail. Thus, the proposed amendment will permit these uses to continue offering services to island residents and visitors and provide for consistency with the Lee Plan. To an extent, residential and commercial development is restricted within the Coastal Rural future land use category to protect natural habitat and wildlife species. Development standards for commercial uses are established in the LDC, Chapter 33, which sets forth parameters designed to complement the character of the existing community.

Limited minor commercial uses in the Coastal Rural future land use category will serve to capture on and off-island trip generation as well as serve the residents and visitors of Pine Island.

Staff recognizes that commercial uses on Pine Island should reflect the unique character and ambience of the island. It is not staff's intent to change the view of commercial uses within the designated urban areas, only to clarify appropriate commercial uses within the Coastal Rural future land use category, specifically those existing commercial zoned properties. Staff further understands the significance and consideration of all interested parties of Pine Island including the Associations representative of the Greater Pine Island Civic Association, Bokeelia, St. James City, Matlacha, and the Pine Island Ag and Land Owners.

It is important to maintain the rural environment that is characteristic of Pine Island; however, Minor Commercial uses should not be prohibited whereby limiting reasonable uses of existing, commercial property. Staff agrees that the majority of commercial uses belong in Pine Island center; however, there is a need for flexibility, specifically for those properties with existing, conventional commercial zoning.

Staff proposes to analyze impacts of these policy changes during the Comprehensive Plan Evaluation and Appraisal Report process mandated by the Growth Management Act. This review is conducted every seven years and affords an opportunity to re-analyze the policy changes recommended in this report and propose modifications as needed.

C. STAFF RECOMMENDATION:

Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, as shown in Part 1, Section B.1. of this staff report.

ATTACHMENTS:

1. Table describing the 23 existing commercial zoned parcels located within the Coastal Rural future land use category
2. Map depicting the 23 existing commercial zoned parcels
3. Future Land Use Map for Pine Island

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF LPA PUBLIC HEARING: June 22, 2009

A. LOCAL PLANNING AGENCY REVIEW

At the June 22, 2009 LPA public hearing, staff introduced CPA2008-00017 stating that the proposed amendment is a Board initiated Lee Plan amendment to clarify appropriate commercial uses within the Coastal Rural future land use category in Pine Island. Staff further requested that the Local Planning Agency (LPA) table the proposed plan amendment to provide time for additional review and discussion with interested parties.

Mr. Phil Buchanan, representing the Greater Pine Island Civic Association (GPICA), addressed the LPA requesting that they table discussion and consideration of the amendment to permit the GPICA and staff an opportunity to continue review of the proposed amendment. Following brief discussion, the LPA voted unanimously to table consideration of the amendment until their next meeting scheduled for July 27, 2009.

DATE OF LPA PUBLIC HEARING: July 27, 2009

B. LOCAL PLANNING AGENCY REVIEW CONTINUED:

Staff provided a brief overview of the proposed amendment noting that the intent is to evaluate and incorporate appropriate, limited minor commercial uses within the Coastal Rural future land use category. There are currently 23 existing conventionally, commercial zoned parcels in the Coastal Rural future land use category, some of which are developed with a real estate office, auto repair, storage, and restaurants. Staff further explained that the Land Development Code (LDC), Section 33 regulates commercial development in Pine Island. The proposed amendment focuses on properties located within the Coastal Rural future land use category. Staff stressed that the proposed amendment was directed by the Board of County Commissioners to provide direction in the Lee Plan relative to appropriate commercial uses in the Coastal Rural future land use category.

Staff stated that the proposed amendment represents a balance between the more intense urban areas and the rural areas on Pine Island. Staff further explained the changes to the staff report regarding the difference between Minor Commercial and commercial uses. Staff explained that there are existing commercial uses in the urban areas which exceed the definition of Minor Commercial. Staff recommends transmittal of the proposed amendment to the Board of County Commissioners.

Nine members of the public spoke regarding the proposed plan amendment. Six of those spoke in support of the amendment and three spoke in opposition. Those who spoke in support of the amendment expressed concern regarding further restrictions to property use and rights. They agreed with staff's recommendation which provides for equitable use of commercial property within the Coastal Rural future land use category. The public who spoke in opposition relayed concerns that the proposed amendment will permit intense commercial uses in rural areas and does not reflect the unique character and quality of Pine Island. Eight of the speakers were residents of Pine Island as

well as members of the Pine Island Ag Landowners Association, the Greater Pine Island Civic Association, and the Bokeelia Civic Association.

Following questions and comments from members of the LPA, the LPA voted unanimously to continue consideration until the August 24, 2009 LPA hearing to allow further review and discussion.

DATE OF LPA PUBLIC HEARING: August 24, 2009

C. LOCAL PLANNING AGENCY REVIEW CONTINUED:

Staff presented an overview of the changes following the July 27, 2009 LPA hearing. Those changes incorporated amendments to Policy 14.4.2 to better identify and clarify the commercial uses appropriate in the urban areas of Pine Island (Bokeelia, Pineland, Matlacha, and St. James City) intended to serve the day to day needs of local residents and island visitors. Policy 14.4.6 was amended to clarify that commercial uses in the Coastal Rural future land use category were minor commercial and all new commercial zoning requests must be established through the planned development zoning process.

Staff further added Policy 14.4.7 defining a review, analysis and assessment of commercial needs and development in the entirety of the Greater Pine Island Community during the Comprehensive Plan Evaluation and Appraisal Report process.

Staff has also included a defining Objective and Policy to require applicants for rezoning actions to conduct a public informational meeting within the Greater Pine Island Community to provide an overview of a proposed project for interested citizens and for receipt of comments.

Staff noted that the provision for variances or deviations from the required standards had been removed from the proposed policy language. The standards and regulations of the Department of Community Affairs does not provide for variances or deviations from the Lee Plan. The Plan must establish a definitive “ceiling” for incorporation into policies.

Mr. Matt Uhle, representing the AG Landowners in Pine Island, spoke in opposition to the removal of the provision for a variance or deviation and requested additional uses be included such as Personal Services, Group I, Business Services, Group I and repair shops. Mr. Uhle also addressed a zoning case (Resolution number Z-06-085 for Carl’s Automotive Repair and Service) that preceded the Board initiated amendment, noting inconsistencies with the approved uses and development parameters contained in staff’s current proposal.

Mr. Michael Dreikorn, representing the Bokeelia Civic Association, spoke in opposition to the removal of the variance and deviation language, expressed concern relative to the proposed square footage, and stressed the importance of reviewing requests on a case by case basis. The Association supports the remainder of the proposed amendment.

Mr. Phil Buchanan, representing the Greater Pine Island Civic Association (GPICA), spoke in support of staff’s recommendation, noting that staff had addressed the unique culture of Pine Island

by differentiating between the type of commercial uses permitted in the urban and Coastal Rural future land use categories and the limitations for commercial development.

Staff responded to Mr. Uhle's discussion regarding Z-06-065 noting that staff's recommendation included limited uses specific to legitimizing an existing business and in recognition of the Coastal Rural future land use category. The Hearing Examiner recommended additional uses that were ultimately adopted by the Board of County Commissioners at which time staff was directed to clarify and designate appropriate commercial uses within the Coastal Rural future land use category.

The LPA engaged in lengthy discussion regarding the provision for variances and deviations, the maximum 5,000 square foot building area, and the inclusion of additional uses such as Personal Services, Group I, Business Services, Group I, and repair shops. The members addressed the feasibility of permitting a maximum 7,500 square foot building area through the planned development zoning process, subject to justification of a compelling need to the community.

Staff noted that commercial studies of the Greater Pine Island community have indicated a surplus of commercial uses and properties based on existing conditions and population growth. Staff further noted that numerous communications had been received regarding this Plan amendment and that the majority oppose an increase in commercial development on Pine Island. Staff stressed that the intent of this amendment was to clarify the type of minor commercial uses that should be permitted in the Coastal Rural future land use category, specifically for existing commercial zoned parcels. Staff is recommending that any new commercial development be considered through the Planned Development zoning process.

D. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT:

- 1. RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the amendment as proposed by staff, with the following change to Policy 14.4.6 provided in double-underline format :

Total building floor area may not exceed 5,000 square feet; provided however, a maximum of 7,500 square feet may be achieved through the Planned Development public hearing process if the applicant demonstrates a compelling need;

Staff does not concur with the proposed additional language.

- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff with the additional language to permit a maximum square footage of 7,500 square feet through the Planned Development rezoning process subject to demonstration of a compelling need within the community.

3. VOTE:

NOEL ANDRESS	AYE
CINDY BUTLER	AYE
CARIE CALL	AYE
JIM GREEN	AYE
MITCH HUTHCRAFT	NAY
RONALD INGE	NAY
CARLA JOHNSTON	AYE

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: September 23, 2009

A. BOARD REVIEW:

Staff provided an overview of the proposed Plan amendment highlighting the changes to existing policies and proposed new objective and policy including the distinction between commercial and minor commercial uses, property development parameters, future evaluation and assessment of commercial uses in the Greater Pine Island Community, and public participation to improve the provision of information and communication with the entirety of the Pine Island community.

The differences between staff's recommendation and the LPA recommendation were explained. Staff's recommendation is for a maximum building area of 5,000 square feet for commercial development and the LPA recommended a maximum of 7,500 square feet if approved through the public hearing process and if the applicant demonstrates a compelling need.

A member of the public, representing the Greater Pine Island Civic Association (GPICA) spoke in support of the proposed amendment, noting that the proposal is consistent with the culture and character of the island.

A member of the public, representing the Pine Island Chamber of Commerce, spoke in opposition to the proposed amendment requesting that the item be tabled until the entirety of the Lee Plan Goal 14 could be reviewed and amended.

A member of the public, representing the Pine Island Ag and Landowners Association spoke in opposition to the proposed amendment in its current form, specifically referencing the proposed uses, square footage, and the need for a deviation and variance process.

An additional member of the public spoke in support of the proposed amendment stating that it is consistent with the Plan and will maintain the integrity of Pine Island.

The Board discussed the square footage and questioned staff in regards to protecting the existing commercial buildings that exceed 5,000 square feet or that have approved zoning in excess of 5,000 square feet. There was discussion regarding an approved zoning permitting a maximum of 7,500 square feet of commercial development in the Coastal Rural future land use category.

During discussion, staff reiterated that the proposed amendment and defining policies are relative to minor commercial uses exclusive to the Coastal Rural future land use category in Pine Island. This amendment does not affect other planning communities in Lee County.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

The Board voted to transmit the proposed amendment as part of the consent agenda. The Board voted to transmit the 2008/2009 plan amendment cycle to the Department of Community Affairs.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The Board accepted the findings of facts as advanced by the staff report, the LPA, and as amended. The following language was approved for transmittal:

POLICY 1.4.7: The Coastal Rural areas will remain rural except for portions of properties where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, on the remainder of the property. The standard maximum density is one dwelling unit per ten acres (1DU/10 acres). Maximum densities may increase as higher percentages of native habitat are permanently preserved or restored on the uplands portions of the site, or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, in accordance with the chart below. Permitted land uses include agriculture, fill-dirt extraction, conservation uses, and minimal non-residential land uses, limited to minor commercial, that are necessary to provide basic commercial services to serve the island residents and visitors, and residential uses up to the following densities:

The balance of Policy 1.4.7 remains unchanged.

POLICY 14.4.1: The designated Future Urban Area at Pine Island Center is targeted for most future commercial and industrial uses, as permitted by other portions of this plan. **NOTE: This policy is placed here for reference purposes only.**

POLICY 14.4.2: Commercial development at other urban locations on Greater Pine Island (such as Bokeelia, Pineland, Matlacha, and St. James City), should be limited to marinas, fish houses, and minor commercial uses to serve the day to day needs of local residents, and uses to serve island visitors. Such development must be sited and designed to minimize disruptive influences to the greatest degree possible. (Amended by Ordinance No. 94-30, 00-22)

POLICY 14.4.6: In the Coastal Rural future land use category, non-residential development is limited to minor commercial development. New commercial zoning requests must utilize the Planned Development zoning process. All commercial development in this category must be consistent with the following limitations:

- Total building floor area may not exceed 5,000 square feet;
- 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 and 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 14.4.7: During the Comprehensive Plan Evaluation and Appraisal Report process the County will analyze commercial rezoning and commercial development in the Coastal Rural areas and assess their impacts to the Greater Pine Island Community and identify any needed policy modifications.

OBJECTIVE 14.7: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals.

POLICY 14.7.1: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) within the Greater Pine Island community must conduct one public informational meeting within the community where the agent will provide a general overview of the project for any interested citizens. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for advertising, providing the meeting space, and security measures as needed. Subsequent to this meeting, the applicant must provide staff with a summary that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues.

C. VOTE:

BRIAN BIGELOW	AYE
TAMMARA HALL	AYE
BOB JANES	ABSENT
RAY JUDAH	AYE
FRANK MANN	AYE

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: January 15, 2010

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

The Florida Department of Community Development did not offer any objections, recommendations, or comments concerning this proposed amendment.

B. STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners Adopt this amendment, incorporating the recommended language of staff, the LPA and Board of County Commissioners as proposed below:

POLICY 1.4.7: The Coastal Rural areas will remain rural except for portions of properties where residential lots are permitted in exchange for permanent preservation or restoration of native upland habitats or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, on the remainder of the property. The standard maximum density is one dwelling unit per ten acres (1DU/10 acres). Maximum densities may increase as higher percentages of native habitat are permanently preserved or restored on the uplands portions of the site, or a commitment, in the form of a perpetual easement, to preserve agricultural activity on existing farmland, in accordance with the chart below. Permitted land uses include agriculture, fill-dirt extraction, conservation uses, and minimal non-residential land uses, limited to minor commercial, that are necessary to provide basic commercial services to serve the island residents and visitors, and residential uses up to the following densities:

The balance of Policy 1.4.7 remains unchanged.

POLICY 14.4.1: The designated Future Urban Area at Pine Island Center is targeted for most future commercial and industrial uses, as permitted by other portions of this plan.

NOTE: This policy is placed here for reference purposes only.

POLICY 14.4.2: Commercial development at other urban locations on Greater Pine Island (such as Bokeelia, Pineland, Matlacha, and St. James City), should be limited to marinas, fish houses, and minor commercial uses to serve the day to day needs of local residents, and ~~uses to serve~~ island visitors. Such development must be sited and designed to minimize disruptive influences to the greatest degree possible. (Amended by Ordinance No. 94-30, 00-22)

POLICY 14.4.6: In the Coastal Rural future land use category, non-residential development is limited to minor commercial development. New commercial zoning requests must utilize the Planned Development zoning process. All commercial development in this category must be consistent with the following limitations:

- Total building floor area may not exceed 5,000 square feet;
- 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 and 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 14.4.7: During the Comprehensive Plan Evaluation and Appraisal Report process the County will analyze commercial rezoning and commercial development in the Coastal Rural areas and assess their impacts to the Greater Pine Island Community and identify any needed policy modifications.

OBJECTIVE 14.4.7: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals.

POLICY 14.7.1: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) within the Greater Pine Island community must conduct one public informational meeting within the community where the agent will provide a general overview of the project for any interested citizens. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for advertising, providing the meeting space, and security measures as needed. Subsequent to this meeting, the applicant must provide staff with a summary that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues.

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: March 3, 2010

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

BRIAN BIGELOW	
TAMMARA HALL	
BOB JANES	
RAY JUDAH	
FRANK MANN	



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.

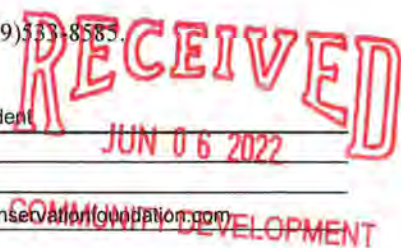
APPLICANT – PLEASE NOTE:

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
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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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Fort Myers, FL 33907
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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.



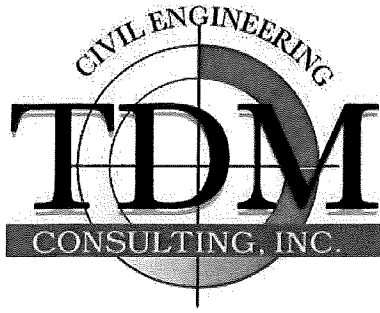
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**PINE ISLAND PRESERVE AT MATLACHA PASS
Analysis of Impacts from Proposed Changes – Public Facilities Impacts**

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.



**43 Barkley Circle, Suite 200
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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 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 Aehswish1970@yahoo.com
Chris & Nancy	Rogge	8072 Barrancas Ave Selectia	239 2820602	crogen@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	" "	" "	" "
Tedd	Darnell	Lehigh Acres, FL 1219 Foggia St	701 335 9537	Tedd.Darnell@gmail.com
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