



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

kwiktag[®]

022 586 855



(239) 479-8585

Writer's Direct Dial Number: _____

Bob Janes
District One

Douglas R. St. Cerny
District Two **October 20, 2005**

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Ray Eubanks, Administrator, Plan Review and Processing
Florida Department of Community Affairs
Bureau of State Planning
Plan Processing Section
2555 Shumard Oak Boulevard
Tallahassee, FL. 32399-2100

Diana M. Parker
County Hearing
Examiner

Re: Amendments to the Lee Plan
Adoption Submission Package (DCA No. 05-1) for the 2004/2005 Regular Amendment Cycle

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163.3184 and of 9J-11.011, this submission package constitutes the adopted 2004/2005 Regular Comprehensive Plan Amendment Cycle to the Lee Plan (DCA No. 05-1), known locally as CPA 2004-02, CPA 2004-08, CPA 2004-09, CPA 2004-12, CPA 2004-13, CPA 2004-14, CPA 2004-15, and CPA 2004-16. The adoption hearing for these plan amendments was held at 9:30 am on October 12, 2005.

Included with this package, per 9J-11.011(5), are three copies of the adopted amendments, supporting data and analysis, and the following three adopting ordinances: Ordinance No. 05-19, Ordinance No. 05-20, and Ordinance No. 05-21. Also included, per F.S. 163.3184(7) and (15), is the required sign in form allowing a courtesy informational statement to interested citizens. By copy of this letter and its attachments I certify that this amendment has been sent to the Regional Planning Council, the Florida Department of Transportation (FDOT), the Department of Environmental Protection, the Florida Department of State, the Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, Office of Planning and Budgeting, and the South Florida Water Management District.

The initial staff reports for the proposed amendments were sent to the DCA with a transmittal cover letter dated June 15, 2005. All amendments previously reviewed by the Department in this current cycle of amendments were adopted by the Board of County Commissioners. Changes have occurred in CPA 2004-16 since the time of transmittal. Staff has modified Policy 14.6.1 and 14.6.3 and has added Policies 14.6.4 through 14.6.8. CPA 2004-16 has been revised to address the objections, comments, and recommendations raised by the DCA.

If you have any questions, or if I can be of any assistance in this matter, please feel free to call me at the above telephone number.

Sincerely,
DEPT. OF COMMUNITY DEVELOPMENT
Division of Planning

A handwritten signature in black ink, appearing to read "Paul O'Connor", with a long horizontal flourish extending to the right.

Paul O'Connor, AICP
Director

All documents and reports attendant to this adoption are also being sent, by copy of this cover, to:

David Burr
Director
Southwest Florida Regional Planning Council

Mike Rippe, District Director
FDOT District One

Executive Director
South Florida Water Management District

Plan Review Section
Department of Environmental Protection

Florida Department of State

Florida Fish and Wildlife Conservation Commission

The Department of Agriculture and Consumer Services, Office of Planning and Budgeting

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Plan Review and Processing
Bureau of State Planning/Plan Processing Sec
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

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South Florida Water Management District
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West Palm Beach, FL 33406

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To
Mr. Michael Ripp
Florida Department of Transportation
P.O. Box 1030
2292 Victoria Avenue; Suite 292
Fort Myers, FL 33902-1030

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Sent To
Mr. David Burr
S.W. Florida Regional Planning Council
1926 Victoria Avenue
Fort Myers, FL 33901

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Department of Agriculture and Consumer Services
Office of Planning and Budgeting
The Capitol PL8
400 South Monroe Street
Tallahassee, FL 32399-0810
Attn: Emily

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The Capitol
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Comprehensive Plan Citizen Courtesy Information List

Local Government:

Lee County

Hearing Date:

October 12, 2005

Type Hearing:

☐ Transmittal (Proposed)

☒ Adoption

☐ Local Planning Agency

DCA Amendment Number: 05-1

Please Print Clearly

By providing your name and address, you will receive information concerning the date of publication of the Notice of Intent by the Department of Community Affairs.

Citizen Name	Address, City, State, Zip Code	✓ Check Appropriate Response(s)		Identify Amendment which is of Interest
		Written Comment	Spoken Comment	
Richard Purcell	135 META ST Fort Myers, FL 33905	✓	✓	CPA-2004-13 Adoption
Sharon Lee Bowman	260 Alameda Ave Fort Myers FL		✓	CPA 2004-14
Boca Grande Community Planning Panel	P.O. Box 2404 Boca Grande, FL 33921	✓	✓	CPA 2004-12
Angela Hill The News-Press	4720 SE 15th Ave Suite 112 Cape Coral FL 33904	✓	✓	CPA 2004-10

Comprehensive Plan Citizen Courtesy Information List

Local Government:

Lee County

Hearing Date:

June 1, 2005

Type Hearing:

☒ Transmittal (Proposed)

☐ Adoption

☐ Local Planning Agency

DCA Amendment Number:

N/A

Please Print Clearly

By providing your name and address, you will receive information concerning the date of publication of the Notice of Intent by the Department of Community Affairs.

Citizen Name	Address, City, State, Zip Code	✓ Check Appropriate Response(s)		Identify Amendment which is of Interest
		Written Comment	Spoken Comment	
Richard J. Purcell	135 META ST. FT. MYERS, FL 33905	✓	✓	CPA - 2004-13 CPA - 2004-01 CPA - 2004-
Dr. A. D. Ali	17140 Oak Creek Rd. Alva, FL 33920	✓		River Hall / Hawk's Haven
Bob Iverson	Old Hickory G&CC 14401 Old Hickory Blvd FT. MYERS, FL 33912	✓	✓	CPA 2004-04
Sandra Ellett	6971 Slater Pines Dr N Ft Myers FL 33917	✓		Oak Creek.
Walter Fluegel	4715 SW 24 PL Cape Coral, FL 33914	✓	✓	All

Citizen Name	Address, City, State, Zip Code	✓ Check Appropriate Response(s)		Identify Amendment which is of Interest
		Written Comment	Spoken Comment	
Glenn Hedmon	PO Box 2266 Pineland, Fla 33945	✓	✓	Pine Island
James and Alicia Waller	17270 Oak Creek Rd Alva, FL 33920	✓		River Hall Development
G JOHN SHARPES	2299 SYCAMORE ST ST. JAMES CITY		✓	PINE ISLAND
Phil BUCHANAN	3881 GALT IS AVE ST JAMES CITY, FL		✓	Pine Island
BARBARA K. Dubin	16185 Bowline ST Bokelia, FL 33922		✓	PINE ISLAND
Jennifer A. Bonifield	3277 Fruitville Rd., Unit Sarasota FL 34237 E			Pine Island
Gary Davis	2248 Dale St. St. James City, FL 33956	✓	✓	Pine Island
D.W. WOOLSEY JR	14630 CEMETERY RD FT MYERS FL 33915			RIVER HALL HAWKS HAVEN

Citizen Name	Address, City, State, Zip Code	✓ Check Appropriate Response(s)		Identify Amendment which is of Interest CPA 2004-13
		Written Comment	Spoken Comment	
Sharon Bowman	260 Alameda Ave Ft Myers FL 33905	✓	✓	CPA 2004-13 Item F.
Neale Monty	6655 Penzance Blvd Ft Myers FL 33912		✓	OK with
W. D. N. R. O. D.	13350 MORNING STAR CIRCLE BOKEELIA FL	✓		
BREESE GLENNON	16280 ROWLINE ST. BOKEELIA, FLA. 33922	✓	✓	P.I. COMPROMISE — 8/10/91/0
Eileen + Jimmy Brennan	243 Connecticut Ave. Ft Myers 33905		✓	CPA 2004-13
David W. Deper	2216 Altamont Ave. Ft. Myers, FL 33901		✓	CPA CPA-2004-12 CPA-2004-08
Nancy Thompson	7661 Bocilla Ln Bokeelia FL 33922	—		
MIKE ROEDER	625 HENRY ST FT MYERS 33901	✓	✓	ALL

Citizen Name	Address, City, State, Zip Code	✓ Check Appropriate Response(s)		Identify Amendment which is of Interest
		Written Comment	Spoken Comment	
Vincent and Eileen Brennan	243 Connecticut Ave. Fort Myers, FL 33905	✓		CPA2004-13

LEE COUNTY ORDINANCE NO. 05-19
(Consent Ordinance)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE LAND USE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENTS APPROVED ON THE CONSENT AGENDA DURING THE COUNTY'S 2004/2005 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan (hereinafter referred to as the "Lee Plan") Policy 2.4.1 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; and,

WHEREAS, the Lee County Board of County Commissioners, 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 public hearings pursuant to Chapter 163, Part II, Florida Statutes, and the Lee County Administrative Code on January 24, 2005, March 28, 2005, April 25, 2005, and May 23, 2005; and,

WHEREAS, the Board of County Commissioners, pursuant to Florida Statutes and the Lee County Administrative Code held a public hearing for the transmittal of the proposed amendments on June 1, 2005. At that hearing, the Board approved a motion to send, and did later send, the proposed amendment to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the transmittal hearing on June 1, 2005, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on August 19, 2005; and,

WHEREAS, the Board moved to adopt the proposed amendments to the Lee Plan set forth herein during its statutorily prescribed public hearing for the plan amendments on October 12, 2005.

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 a series of public hearings to consider proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the certain amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as amended, will continued to be the "Lee Plan." **This ordinance may be referred to as the "2004/2005 Regular Comprehensive Plan Amendment Cycle Consent Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2004/2005 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE (Consent Agenda Items)

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting amendments, as revised by the Board of County Commissioners on October 12, 2005, known as: CPA2004-02, CPA2004-08, CPA2004-09, CPA2004-12, CPA2004-14, and CPA2004-15. The aforementioned amendments amend the text of the Lee Plan including the Future Land

Use Map series and the Lee Plan Land Use Allocation Table (Table 1b). A brief summary of the content of those amendments is set forth below:

CPA2004-02 (Estero Outdoor Display)

Amend Lee Plan Policy 19.2.5. of the Future Land Use Element to allow outdoor display in excess of one acre at the intersection of I-75 and Corkscrew Road. Sponsor: Argonaut Holdings, Inc.

CPA2004-08 (Oak Creek)

Amend the Future Land Use Map Series for a 27.25±-acre portion of land located in Section 17, Township 43 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Suburban." Amend the Future Land Use Map Series for a 17.81±-acre portion of land located in Section 19, Township 43 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from "Suburban" to "Rural." Sponsor: S.W. Florida Land 411, LLC.

CPA2004-09 (Captiva)

Amend Goal 13 of the Lee Plan pertaining to the Captiva Community to incorporate recommendations of the Captiva Island Community Planning effort. Amend Goal 84: Wetlands to add a new policy 84.1.4. Sponsor: BOCC.

CPA2004-12 (Boca Grande)

Amend the Future Land Use Element of the Lee Plan to incorporate recommendations of the Boca Grande Community Planning effort. Establish a new Vision Statement and a new Goal, including Objectives and Policies specific to Boca Grande. Sponsor: BOCC.

CPA2004-14 (Coastal High Hazard Area Density)

Amend the Lee Plan's Conservation and Coastal Management Element Policy 75.1.4. to consider limiting the future population exposed to coastal flooding while considering applications for rezoning in the Coastal High Hazard Area. Sponsor: BOCC

CPA2004-15 (Fort Myers Shore Table 1b Update)

Text amendment to revise the Lee Plan Land Use Allocation Table (Table 1b) for the Fort Myers Shores Planning Community to address the establishment of the Outlying Suburban Future Land Use Category within the planning community. Sponsor: BOCC

The corresponding Staff Reports and Analysis, along with all attachments for these amendments are adopted as "Support Documentation" for the Lee Plan.

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: 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 FIVE: 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 of County Commissioners that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SIX: 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 or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. 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. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Albion, who moved its adoption. The motion was seconded by Commissioner Hall, and, when put to a vote, the vote was as follows:

Robert P. Janes	Aye
Douglas St. Cerny	Aye
Ray Judah	Aye
Tammy Hall	Aye
John Albion	Aye

DONE AND ADOPTED this 12th day of October 2005.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____

Deputy Clerk

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____

Chairman

DATE: _____

10/12/05

Approved as to form by:

Donna Marie Collins
County Attorney's Office



**CPA2004-02
ESTERO OUTDOOR DISPLAY
PRIVATELY INITIATED AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Initiated Application
and Lee County Staff Analysis**

BoCC Adoption Document

***Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 479-8585***

October 12, 2005

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2004-00002**



Text Amendment



Map Amendment

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

STAFF REPORT PREPARATION DATE: January 14, 2005

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. SPONSOR/APPLICANT:

A. APPLICANT

Argonaut Holdings, Inc.
C.O. Director of Retail Real Estate
General Motors World Wide Real Estate
200 Renaissance Center, 38th Floor
Detroit, MI 48265

2. REQUEST:

Amend Policy 19.2.5 to allow outdoor display in excess of one acre within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

B. LANGUAGE TRANSMITTED BY THE BOARD OF COUNTY COMMISSIONERS:

Policy 19.2.5: The following uses are prohibited within the Estero Planning Community: “detrimental uses” (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre. Outdoor display in excess of one acre is permitted within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Approval of the request to allow outdoor display in excess of one acre within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

Staff recommends that Policy 19.2.5 be amended as follows:

Policy 19.2.5: The following uses are prohibited within the Estero Planning Community: “detrimental uses” (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre. Outdoor display in excess of one acre is permitted within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Policy 19.2.5 was adopted by the Board of County Commissioners on January 10, 2002. That policy prohibits uses that require outdoor display in excess of one acre.
- Prior to the adoption of Policy 19.2.5 there was no acreage restriction on outdoor display in Estero.
- The one acre outdoor display restriction was proposed by the Estero community as a result of their concerns about the location of the Estero Greens Commercial Planned Development (CPD). The Estero Greens CPD allowed for a car dealership within its schedule of uses for property located south of Williams Road on the West side of Hwy. 41. A car dealership is under construction on that site at this time.
- The property located within the General Interchange area west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard has an approved CPD known as the Corkscrew Commerce Center CPD.
- The Corkscrew Commerce Center CPD is approved for 100,000 square feet of retail use; 30,000 square feet of office use; and a 120 unit hotel/motel, with buildings not to exceed 65 feet in height.

- The applicant has expressed a desire to allow outdoor display in excess of one acre for the Corkscrew Commerce Center CPD. They believe the proposed use for that site is more appropriate for the area than the allowed uses approved for the Corkscrew Woodlands CPD.
- This plan amendment will allow for a car dealership at the southwest intersection of Corkscrew Road and I-75. The proposed project was presented to the Estero Community at a publicly advertised meeting and received favorable comments. The Estero Community Planning Panel has taken the position that they prefer the proposed master concept plan for the car dealership over the approved Corkscrew Commerce Center CPD.
- The Corkscrew Commerce Center CPD will have to be amended through the public hearing process to allow for a vehicle and equipment dealer (car dealership).

D. BACKGROUND INFORMATION

On September 15, 1997 the Board of County Commissioners approved the Estero Greens CPD for property located south of Williams Road, immediately west of Hwy. 41, and adjacent to the Fountain Lakes residential subdivision. Among the approved schedule of uses for that CPD was vehicle and equipment dealers, class 1 and 2, which allows automobile dealers.

On February 4, 2005, at the request of the applicant, staff issued a zoning verification letter stating that a proposed 10 acre car dealer was not a neighborhood commercial use and therefore was not consistent with the Suburban Future Land Use Category where the site was located. Staff's response was appealed to the Hearing Examiner and staff's interpretation was overturned. The Board of County Commissioners appealed the Hearing Examiner decision to the Circuit Court who upheld the HEX decision.

The Estero Community submitted a Community Plan to Lee County on September 28, 2000. The Community Plan included a new Goal, Objectives and Policies that were adopted by the Board of County Commissioners on January 10, 2002. Policy 19.2.5 of Goal 19, Estero, of the Lee plan reads:

***Policy 19.2.5:** The following uses are prohibited within the Estero Planning Community: "detrimental uses" (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre. (Amended by Ordinance No. 022-05)*

The restriction of no more than one acre of outdoor display was intended to prevent automobile dealerships in Estero as a direct result of the concerns of Estero residents with the Estero Greens CPD that allowed an automobile dealership adjacent to the Fountain Lakes multi-family residential development. That automobile dealership is currently under construction and is nearing completion.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

On January 8, 2004, representatives from General Motors Corporation gave a presentation to the Estero community about a Chevrolet automobile dealership they were considering for the southwest corner of Corkscrew Road and I-75. That site currently has an approved CPD known as the Corkscrew Commerce Center. That CPD is approved for 100,000 square feet of retail use; 30,000 square feet of office use; and a 120 unit hotel/motel, with buildings not to exceed 65 feet in height.

Following the General Motors presentation, two neighborhood associations (Corkscrew Woodlands Association, Inc., and Island Club Association, Inc.) wrote the General Motors representative a letter in general support of the proposal. The Corkscrew Woodlands neighborhood is immediately adjacent to the south of the Corkscrew Commerce Center and the Island Club is nearby to the southwest of the site. The Associations state in their letter of support, "in general these Associations are supportive of your proposed 'Chevrolet Store' occupancy as a vast improvement over the multiple parcels or 'bubble plan' zoning now in existence". The concerns put forward in their letter were not with the automobile dealership, but with increased automobile traffic, access, signage, storm water and pedestrian and vehicular circulation.

The Estero Community Planning Panel who formed to initiate the Estero Community Plan has also expressed support to planning staff for the automobile dealership at that specific location.

The one acre restriction on outdoor display in Policy 19.2.5 of the Lee Plan will effectively prevent the Chevrolet dealership from locating in Estero. Prior to the January 10, 2002 adoption of Policy 19.2.5 there was no restriction on outdoor display in Estero. The Estero community proposed Policy 19.2.5 to prevent automobile dealerships in the Estero Planning Community. Since the adoption of that policy they have reconsidered their decision for the specific site located west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

Staff did not object to the restriction on outdoor display in the Estero Community back in 2002 because that request was made by the community after a number of public meetings and as a result of the Estero Community Plan. The same individuals that requested the restriction on outdoor display in Estero have reconsidered their request for the Corkscrew Commerce Park site to allow an automobile dealer at that location in lieu of the uses allowed under the existing CPD.

Vehicle and equipment dealers (automobile dealerships) are a permitted use in the General Commercial and Light Industrial zoning categories and are consistent with the General Interchange Future Land Use Category. Lee Plan Policy 1.3.2 states:

Policy 1.3.2: The General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial and light industrial/commercial. (Amended by Ordinance No. 94-30, 99-18)

Automobile dealerships are permitted uses in the CPD zoning category. An automobile dealership at the site of the Corkscrew Commerce Park will require an amended Master Concept Plan which will be subject to the same public hearing process as a CPD rezoning. All of the concerns expressed by the Corkscrew Woodlands Association, Inc., and the Island Club Association, Inc., can be addressed at that time.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: January 24, 2005

A. LOCAL PLANNING AGENCY REVIEW

Following a brief presentation by staff one member of the LPA asked if this amendment applied only to the specific location at the southwest corner of I-75 and Corkscrew Road. Staff confirmed that to be the case.

No further questions were posed to staff or the applicant and there was no public comment.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The LPA recommended that the Board of County Commissioners transmit the propose amendment to 19.2.5 as revised in Section B. 1. of this report.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: The LPA accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	<u>AYE</u>
MATT BIXLER	<u>AYE</u>
DEREK BURR	<u>AYE</u>
RONALD INGE	<u>AYE</u>
CARLETON RYFFEL	<u>AYE</u>
RAYMOND SCHUMANN, ESQ.	<u>AYE</u>
VACANT	<u> </u>

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

DATE OF TRANSMITTAL HEARING: June 1, 2005

A. BOARD REVIEW: Following a presentation by staff, one Board member asked if the Estero community supported this request. Staff responded that they had received letters of support from the community and received no objections.

The Board then opened the hearing to public comment. One member of the Estero Planning Panel spoke on behalf of the Panel and noted that there was community support for this amendment. He also spoke on behalf of the applicant and stated that this amendment would allow for uses on the subject property that were less intense than an already approved commercial planned development for the property. He asked the Board to transmit the amendment.

The Board closed the public hearing and a motion was made and seconded to transmit the amendment. The motion carried 5-0.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: Motion to transmit the amendment carried 5-0.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The Board accepted the findings of fact as advanced by staff.

C. VOTE:

JOHN ALBION	AYE
TAMMY HALL	AYE
BOB JANES	AYE
RAY JUDAH	AYE
DOUG ST. CERNY	AYE

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

DATE OF ORC REPORT: August 19, 2005

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The Department of Community Affairs provided no objections, recommendations or comments concerning the proposed amendment.

B. STAFF RESPONSE

Adopt the proposed amendment as transmitted.

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

DATE OF ADOPTION HEARING: October 12, 2005

A. BOARD REVIEW: The Board provided no discussion on this amendment. This item was approved on the consent agenda.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board voted to adopt this amendment.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff and the local planning agency.

C. VOTE:

JOHN ALBION	<u>AYE</u>
TAMMY HALL	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUG ST. CERNY	<u>AYE</u>

RECEIVED
FEB 25 2004



PERMIT COUNTER

Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (941) 479-8585
FAX: (941) 479-8519

APPLICATION FOR A
COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D 2-25-04
APPLICATION FEE \$2500.00

REC'D BY: mkw
TIDEMARK NO: CPA 2004-00002

THE FOLLOWING VERIFIED:

Zoning CPD ☐

Commissioner District 3

Designation on FLUM ☐

General interchange R2.22
wet lands

(To be completed by Planning Staff)

Plan Amendment Cycle: ☒ Normal ☐ Small Scale ☐ DRI ☐ Emergency

Request No: _____

APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: _____

Submit 6 copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

2/23/04
DATE SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE Shirley Murphy

I. APPLICANT/AGENT/OWNER INFORMATIONArgonaut Holdings Inc., C/O Director Of Real Estate**APPLICANT**General Motors World Wide Real Estate, 200 Renaissance Center, 38th Floor**ADDRESS**Detroit, MI 48265**CITY****STATE****ZIP****TELEPHONE NUMBER****FAX NUMBER**Sue Murphy, AICP, Ruden McClosky**AGENT**401 E. Jackson Street, Suite 2700**ADDRESS**Tampa,**FL**33602**CITY****STATE****ZIP**813-222-6634813-314-6934**TELEPHONE NUMBER****FAX NUMBER****OWNER(s) OF RECORD****ADDRESS****CITY****STATE****ZIP****TELEPHONE NUMBER****FAX NUMBER**

Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.

* This will be the person contacted for all business relative to the application.

II. REQUESTED CHANGE (Please see Item 1 for Fee Schedule)

A. TYPE: (Check appropriate type).

☒ Text Amendment

☐ Future Land Use Map Series Amendment
(Maps 1 thru 20)

List Number(s) of Map(s) to be amended

B. SUMMARY OF REQUEST (Brief explanation):

See attached Summary Request

**III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY
(for amendments affecting development potential of property)**

A. Property Location:

1. Site Address: in the vicinity and including Corkscrew Commerce Center

2. STRAP(s): 35-46-25-00-00001-1030 Corkscrew Commerce Center

B. Property Information

Total Acreage of Property: _____

Total Acreage included in Request: _____

Area of each Existing Future Land Use Category: _____

Total Uplands: _____

Total Wetlands: _____

Current Zoning: _____

Current Future Land Use Designation: _____

Existing Land Use: _____

SUMMARY OF REQUEST

The applicant is proposing a text amendment to the Lee Plan that would allow outdoor storage over one acre within a very limited portion of the Estero Planning Community area. Specifically, outdoor storage would be permitted within a portion of the General Interchange land use designation within the area, which is the interchange of I-75/Corkscrew Road.

C. State if the subject property is located in one of the following areas and if so how does the proposed change effect the area:

N.A.
Lehigh Acres Commercial Overlay: _____

Airport Noise Zone 2 or 3: _____

Acquisition Area: _____

Joint Planning Agreement Area (adjoining other jurisdictional lands): _____

Community Redevelopment Area: _____

D. Proposed change for the Subject Property: _____

N.A.
E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density _____

Commercial Intensity _____

Industrial Intensity _____

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density _____

Commercial Intensity _____

Industrial Intensity _____

IV. AMENDMENT SUPPORT DOCUMENTATION

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of amendment packets, the applicant is encouraged to provide all data and analysis electronically. (Please contact the Division of Planning for currently accepted formats)

A. General Information and Maps

NOTE: For each map submitted, the applicant will be required to provide a reduced map (8.5" x 11") for inclusion in public hearing packets.

The following pertains to all proposed amendments that will affect the development potential of properties (unless otherwise specified).

- N.A.
1. Provide any proposed text changes. See attached Proposed Text Amendment Language
 2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
 3. Map and describe existing land uses (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.
 4. Map and describe existing zoning of the subject property and surrounding properties.
 5. The legal description(s) for the property subject to the requested change.
 6. A copy of the deed(s) for the property subject to the requested change.
 7. An aerial map showing the subject property and surrounding properties.
 8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

B. Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario (see Part II.H.).

N.A.

1. **Traffic Circulation Analysis**

The analysis is intended to determine the effect of the land use change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit the following information:

Long Range – 20-year Horizon:

- N.A.
- a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;
 - b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);

- N.A.
- c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;
 - d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
 - e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
 - f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range – 5-year CIR horizon:

- N.A.
- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediate development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
 - b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;
Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);
 - c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
 - d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

2. Provide an existing and future conditions analysis for:

- N.A.
- a. Sanitary Sewer
 - b. Potable Water
 - c. Surface Water/Drainage Basins
 - d. Parks, Recreation, and Open Space.

Analysis should include (but is not limited to) the following:

- Franchise Area, Basin, or District in which the property is located;

N.A

- Current LOS, and LOS standard of facilities serving the site;
- Projected 2020 LOS under existing designation;
- Projected 2020 LOS under proposed designation;
- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).

N.A

3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:
- a. Fire protection with adequate response times;
 - b. Emergency medical service (EMS) provisions;
 - c. Law enforcement;
 - c. Solid Waste;
 - d. Mass Transit; and
 - e. Schools.

In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation. This application should include the applicant's correspondence to the responding agency.

C. Environmental Impacts

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use upon the following:

- 1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
- 2. A map and description of the soils found on the property (Identify the source of the information).
- 3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
- 4. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
- 5. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

D. Impacts on Historic Resources

List all historic resources (including structure, districts, and/or archeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archeological sensitivity map for Lee County.

E. Internal Consistency with the Lee Plan SEE ATTACHED

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), 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 and Regional Policy Plan goals and policies which are relevant to this plan amendment.

F. Additional Requirements for Specific Future Land Use Amendments

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from).
 - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
 - b. Provide data and analysis required by Policy 2.4.4,
 - c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.
2. Requests moving lands from a Non-Urban Area to a Future Urban Area
 - a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.

N.A

3. Requests involving lands in ~~critical~~ areas for future water supply must be evaluated based on policy 2.4.2.
4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.

G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis. See Attached Justification Statement

Item 1: Fee Schedule

Map Amendment Flat Fee	\$2,000.00 each
Map Amendment > 20 Acres	\$2,000.00 and \$20.00 per 10 acres up to a maximum of \$2,255.00
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each

AFFIDAVIT

I, Sue Murphy, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

Sue Murphy
Signature of owner or owner-authorized agent

2/23/04
Date

Sue Murphy
Typed or printed name

STATE OF FLORIDA)
COUNTY OF ~~DEK~~) HILLSBOROUGH

The foregoing instrument was certified and subscribed before me this 23rd day of Feb, 2004,
by Sue Murphy, who is personally known to me or who has produced
as identification.



Betty S. Hechinger
MY COMMISSION # DD095449 EXPIRES
March 6, 2006
BONDED THROUGH FARM INSURANCE, INC.

Betty S. Hechinger
Signature of notary public

Betty S. Hechinger
Printed name of notary public

PROPOSED TEXT AMENDMENT LANGUAGE

POLICY 19.2.5: The following uses are prohibited within the Estero Planning Community: "detrimental uses" (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre. Outdoor display in excess of one acre is permitted within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road and east of Corkscrew Woodlands Boulevard.

Section E. Internal Consistency with the Lee Plan

1. Discuss how the proposal affects established Lee County population projections and the total capacity of the Lee Plan Future Land Use Map.

The proposed text amendment will not affect neither the Lee County population projections nor the total 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.

The proposed text amendment primarily affects the Estero Community Plan and the Corkscrew Main Street Overlay by permitting outdoor display over one acre in a very limited area at the interchange of I-75 and Corkscrew Road. The following goals, objectives and policies are addressed:

Goal 19: Estero: To protect the character, natural resources and quality of life in Estero by establishing minimum aesthetic requirements, managing the location and intensity of future commercial and residential uses, and providing greater opportunities for public participation in the land development approval process. This Goal and subsequent objectives and policies apply to the Estero Planning Community as depicted on Map 16.

Objective 19.1: Community Character: The Estero Community will draft and submit regulations, policies, and discretionary actions affecting the character and aesthetic appearance of Estero for Lee County to adopt and enforce to help create a visually attractive community.

Policy 19.1.1: By the end of 2002, The Estero Community will draft and submit regulations or policies for Lee County to review, amend or establish as Land Development Code regulations that provide for enhanced landscaping along roadway corridors, greater buffering, shading of parking areas, signage and lighting consistent with the Community Vision, and architectural standards.

Policy 19.1.2: Lee County is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards.

The applicant is proposing the addition of outdoor display areas over one acre as a permitted use in the General Interchange land use category in the Estero Community. This limits the permitted outdoor display location to the quadrants of the I-75/Corkscrew Road interchange. The intent is to allow outdoor storage over 1 acre in the area containing the Corkscrew Commerce Center PD. The other

quadrants are primarily developed and contain a mixture of residential, institutional and commercial uses, including the TECO arena, the Miramar outlet mall, and Florida Gulf Coast University.

The requested amendment would not only limit this use to this small, specific area, but it will also require increased buffers and setbacks to ensure compatibility with surrounding uses. The development of outdoor display over one acre in this area will be bound to the architectural, signage and other regulations for the Corkscrew Main Street Overlay district, except outdoor display areas will require increased buffering and setbacks. There is also a requirement that any outdoor display areas be approved as a CPD zoning so that adequate controls can be placed on the development.

The applicant has met with the surrounding neighborhood and with the Estero Planning Board to discuss this issue. As far as can be determined, there is no opposition and much support for this request, as evidenced by the attached letters and newspaper articles.

Objective 19.2: Commercial Land Uses. Existing and future County regulations, land use interpretations, policies, zoning approvals, and administrative actions must recognize the unique conditions and preferences of the Estero Community to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage, and provide for employment opportunities, while discouraging uses that are not compatible with adjacent uses and have significant adverse impacts on natural resources.

Policy 19.2.1: All new commercial development that requires rezoning within the Estero Planning Community must be reviewed as a Commercial Planned Development.

Policy 19.2.2: All retail uses must be in compliance with the Commercial Site Location Standards.

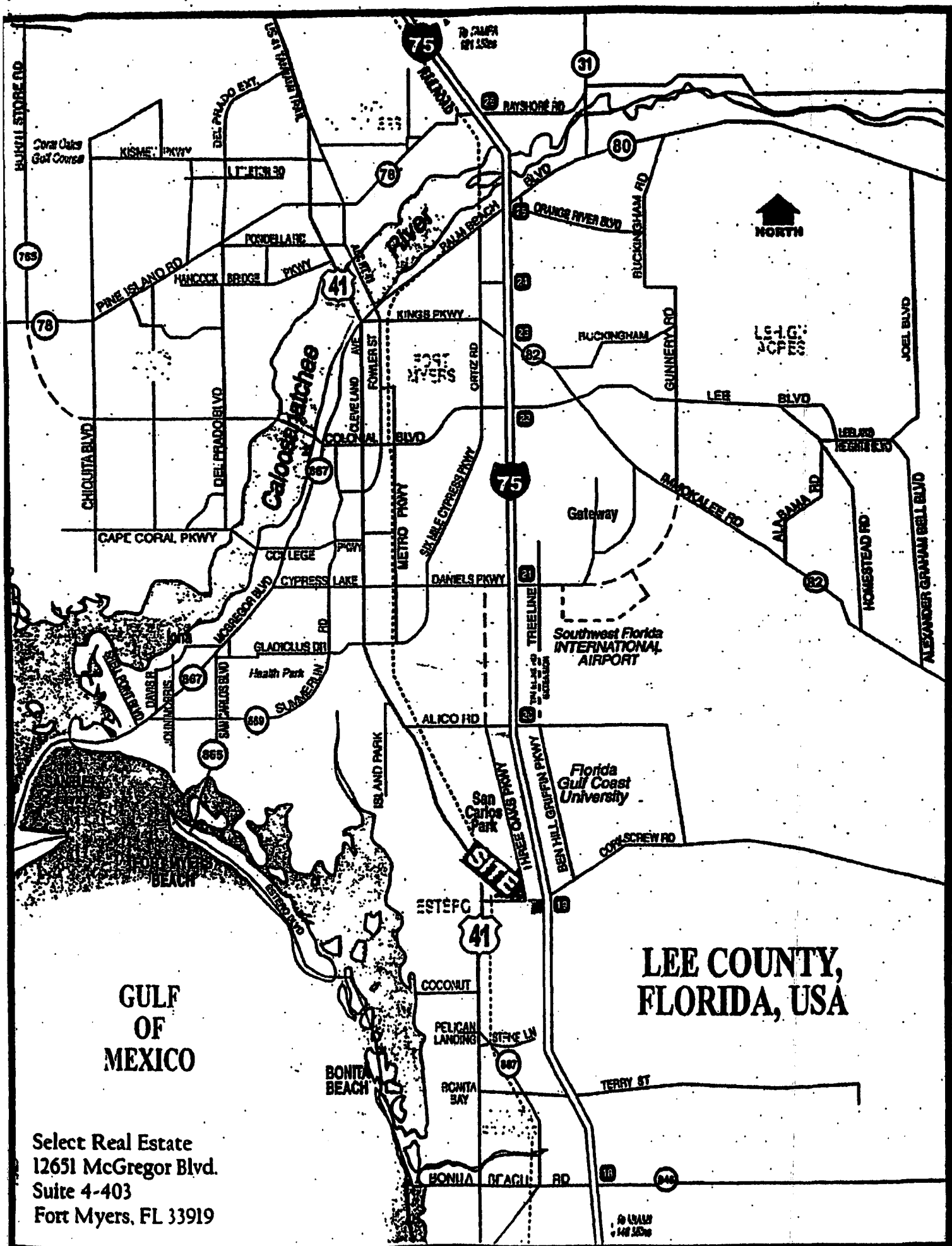
Policy 19.2.5: The following uses are prohibited within the Estero Planning Community: "detrimental uses" (as defined in the Land Development Code); nightclubs or bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre.

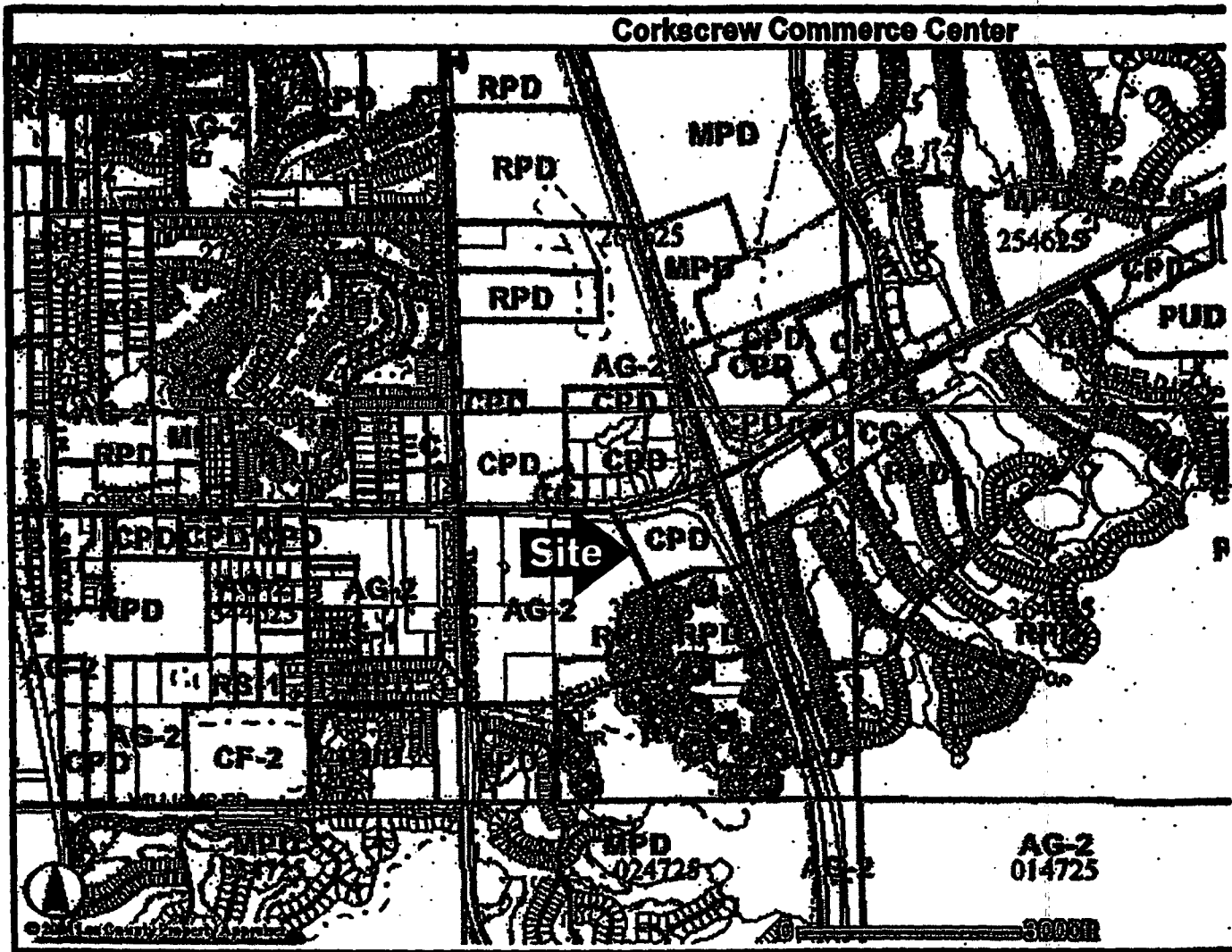
The proposed text amendment will require CPD zoning with appropriate conditions to mitigate impacts and provide for an aesthetically pleasing development. CPD zoning can mandate adherence to the signage, lighting and applicable architectural standards of the Corkscrew Main Street Overlay and the Estero Community Plan will be required for outdoor display areas over one acre. CPD Zoning can also require the provision of enhanced buffer yards, landscaping and setbacks to ensure compatibility with surrounding uses.

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Select Real Estate
12651 McGregor Blvd.
Suite 4-403
Fort Myers, FL 33919

LEE COUNTY,
FLORIDA, USA





Naples Daily News

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URL: http://www.naplesnews.com/npdn/bonitanews/article/0,2071,NPDN_14894_2642506,00.html

Panel sees car dealer as a way to address corner

By CHRISTINA HOLDER, cholder@naplesnews.com

February 10, 2004

An Estero panel that in the past has been wary of car dealerships settling into the community is supporting a North Carolina businessman's plan to pursue property for a Chevrolet franchise.

Charles Winton, 41, of Charlotte, N.C., said he would like to build the car dealership on the southwest corner of Corkscrew Road and Interstate 75, a tract adjacent to two neighborhoods.

Yet first he will have to purchase about 10 of the 20 available acres on the interstate corner and get a zoning change that would allow a car display in excess of one-acre.

If approved, the zoning amendment would bypass a rule limiting outdoor displays to one acre that Estero activists worked to get into the community's county-endorsed plan several years ago to regulate businesses like car dealerships.

Yet panel members on Monday night supported Winton's plan to pursue the property because it could eliminate potential users of the site's parcels from eight to three and decrease the risk of bars, fast-food restaurants or similar businesses that the panel would like to limit in the area.

"This is sort of an opportunity I've seen to take care of this corner," panel member Greg Toth said. "What we are trying to do, is take eight users, limit it to three, which will mean less traffic, less impact to the area, more green space."

Toth, who is acting as Winton's broker, said he would recuse himself from the panel's discussion should Winton's plan come before the panel in the future.

Getting community support for Winton's project in a timely manner is important, Toth said, because Lee County is likely to issue a development order for the parcel within the next few weeks and the owner of the parcel will be looking for buyers.

"What I'm trying to do is come in before that," he said. "We really need the community to be behind us before we discuss those financial negotiations."

If Winton were to purchase 10 acres, the remaining acres would leave room for two parcels open for additional users. The dream would be to buy all eight parcels, Winton said, but he could not guarantee he could purchase the entire lot.

The presidents of the Board of Directors for neighboring Island Club and Corkscrew Woodlands wrote a letter, dated Jan. 19, to Winton and Toth in support of the franchise.

However, the letter listed several concerns as the plan develops, including potential traffic problems on Corkscrew Road and Corkscrew Boulevard and questions about how storm water would be managed.

Panel member Mitch Hutchcraft said a car dealership is a better user for the site than other businesses, such as fast-food restaurants.

"Those operations last much on longer into the night," he said. "Their lighting requirements are much higher."

Winton said it was his dream to become an entrepreneur and own a car dealership, but he also wanted to make Estero his home.

"I'm going to be there every day," Winton said. "I want to live in the Estero community. They would have a local business on site."

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Estero welcomes Chevy lot

Nearby residents back dealership

By DENISE L. SCOTT, dscott@news-press.com

Published by news-press.com on February 10, 2004

Chevy may be coming to Estero, and it's getting a warmer welcome than Ford.

Estero Community Planning Panel member Greg Toth, acting as real estate agent, presented preliminary plans for a Chevrolet dealership at the southwest corner of Corkscrew Road and Interstate 75 to his fellow panel members Monday night.

Unlike the Galloway Ford dealership being built on U.S. 41, which was fought by Fountain Lakes residents, those in Island Club and Corkscrew Woodlands adjacent to the Chevrolet property support it — with a few concerns.

The General Motors franchise owner, Charles Winton, 41, of Charlotte, N.C., wants to purchase 10 of the property's 20 acres, leaving two 1/4-acre outparcels for other businesses.

He received written support from the two community associations after meeting with residents in January. The panel also responded positively Monday night, citing the benefits of one car dealership with two small outlots versus eight separate parcels on the same property.

Toth said the property's owner, James Goldie of Galleria Properties, soon will receive a development order and begin selling off parcels. He said Winton must buy the property before it's too late to limit the number of businesses, which under current zoning could include gas stations, bars and fast food restaurants.

"We can take eight users and trim down to three," Toth said, noting that would reduce traffic and the impact on the community. And, he said, rezoning could limit the allowable uses for the two outparcels.

Toth said this would ensure a unified architectural and landscape plan, unlike what is happening across Corkscrew Road with the mishmash of buildings, including Embassy Suites and Tires Plus.

In addition to rezoning, the possibly two-year process would require an amendment to Estero-specific county code to permit more than 1-acre of outdoor display, and a deviation to the Corkscrew Road overlay so the building could be set back from the road.

"We do need community support to put the amount of money necessary to hold the property while it's going through amendments and zoning," Toth said.

Panel Chairman Neal Noethlich cautioned that the county code amendment restricting outdoor display to one acre or less was created specifically for car dealerships.

"We want to be very careful we don't open up some other problem for us," he said.

Toth said the amendment could be written specific to the I-75 corridor.

The community associations' letter cites concerns including traffic, entrances, signs, storm water, sidewalks and the relocation of their entrance gates.

"We'll be dealing with their concerns. None are back breakers," Toth said, noting the site plan includes two large fountains and an expansion of the green space to 6 acres.

Winton said he plans to move to provide local ownership and realizes the importance of

community support to get the property rezoned.

"Time is of the essence," he said. "I'm going to have Greg sit down with Mr. Goldie right away."

Ralph Colter, 67, has lived in Island Club for five years and said he is impressed with Winton's willingness to work with residents.

"He seems to be real amicable about trying to answer the questions we had and take care of our needs for buffering, noise, roadway and lighting," he said. "I personally don't want eight businesses there."

Toth said they would bring the project back to the panel for a formal presentation during the rezoning process, at which time he would recuse himself from panel discussions and voting.

In other business, the panel discussed residents' e-mail campaign that failed to get Wal-Mart representatives to postpone presenting plans for a Supercenter at Coconut Road and U.S. 41 to the Estero Design Review Committee on Wednesday. The goal was to have Wal-Mart meet with neighboring residents first.

"We're trying every way we can to ensure significant public dialogue for this store," Noethlich said, noting a meeting at Marsh Landing has been tentatively set for early March.

"They are ignoring the wishes of potentially thousands of customers," panel member and Marsh Landing resident Jim Ramsburg said. "I'm a little disgusted with their refusal."

Back to Bonita

Return to story: <http://www.news-press.com/news/bonita/040210estero.html>

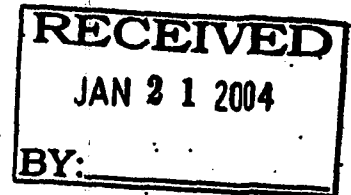
**Corkscrew Woodlands
Association, Inc.**

**21600 Corkscrew Woodlands Blvd.
Estero, Florida 33928**

**Island Club
Association, Inc.**

**21500 Corkscrew Woodlands Blvd.
Estero, Florida 33928**

January 19, 2004



**Mr. Charles D. Winton
B722 Briar Oak Court
Charlotte, North Carolina 28226**

**Mr. Gregory F. Toth
12651 McGregor Boulevard
Fort Myers, Florida 33919**

Subject: Corkscrew Commerce Park - Proposed Rezoning

The residents of our communities attentively participated in your presentation and discussion on January 8, 2004, in the Community Center of the Island Club Association. Much interest was exhibited as you may recall. The two Associations are residential communities dead-ended in an entrance road easement which also may serve the commercial interests on either side. Thus, we are most concerned that our future living environment is perhaps enhanced and certainly not adversely affected.

In general these Associations are supportive of your proposed "Chevrolet Store" occupancy as a vast improvement over the multiple parcels or "bubble plan" zoning now in existence. We prefer to know in advance who our neighbors will be and we commend this effort to do that for the majority of the land area involved in the 20 plus acres plot.

There are, however, some concerns and questions that we respectfully request be specifically addressed as part of the approval process.

- **Safety and traffic control onto and off of Corkscrew Road and Corkscrew Boulevard are vital to our residential interests.**

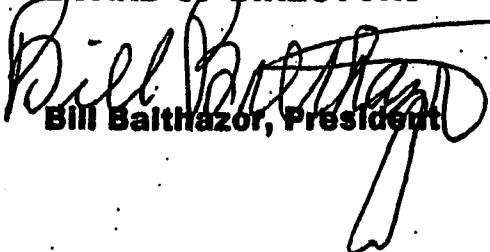
The increased emphasis of Corkscrew Road as a main street of Estero plus the planned widening of the ramp and of I-75 appear to indicate much increased traffic in near term. Also the potential entrance needs of the 43 acre parcel on the West of Corkscrew

Woodlands Boulevard ought be determined since the four adjoining entitles are apparently involved in the Corkscrew Woodlands Boulevard entrance road easements from Corkscrew Road.

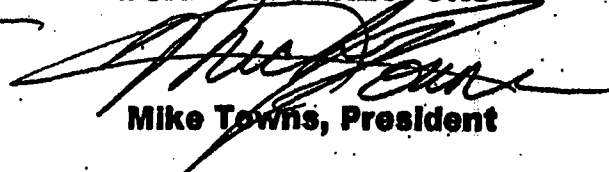
- **It is proposed that specific occupancies be determined on the two out parcels which total 3.75 acres. Entrances to be only from the internal road, not directly from Corkscrew Woodlands Boulevard.**
- **It is presumed our present entrance sign on Corkscrew Woodlands Boulevard at Corkscrew Road would remain. Is so?**
- **Storm water shall not be drained onto the Island Club Association and continue on into Corkscrew Woodlands Lake as was apparently anticipated in the past.**
- **A pedestrian walkway from the Island Club boundary on Corkscrew Woodlands Boulevard to the Corkscrew Road walkway is proposed. A bus pickup and discharge area also is proposed.**
- **The traffic control gates located at the Island Club boundary ought be located much closer to Corkscrew Road to curtail unwanted traffic to the communities. Provisions should be made for vehicles and especially large vehicles to be able to turn around before the gates to the residential communities.**

The opportunity to further comment on this important subject is very much appreciated. Thank You. We hope the identification and resolution of these issues might aid in the development of a mutually advantageous project. While we have identified these concerns it is assumed our ability to have voice in this process is assured as the project moves forward. We would welcome that involvement.

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