

**MINUTES REPORT  
LOCAL PLANNING AGENCY  
July 28, 2014**

**MEMBERS PRESENT:**

Noel Andress (Chair)	Mitch Hutchcraft
Dennis Church	Jim Ink
Jim Green	Rick Joyce (Vice Chair)

**MEMBERS ABSENT:**

David Mulicka

**STAFF PRESENT:**

Rick Burris, Planning	Janet Miller, Recording Secretary
Brandon Dunn, Planning	Paul O'Connor, Planning Director
Michael Jacob, Asst. Cty. Atty.	

**Agenda Item 1 – Call to Order, Review of Affidavit of Publication/Pledge of Allegiance**

Mr. Andress, Chair, called the meeting to order at 8:30 a.m. in the Board Chambers of the Old Lee County Courthouse, 2120 Main Street, Fort Myers, FL 33901.

Mr. Michael Jacob, Assistant County Attorney, certified the affidavit of publication and stated it was legally sufficient as to form and content.

**Agenda Item 2 – Public Forum** - None

**Agenda Item 3 – Approval of Minutes – June 23, 2014**

**Mr. Green made a motion to approve the June 23, 2014 meeting minutes, seconded by Mr. Joyce. The motion was called and passed 6-0.**

**Agenda Item 4 – Lee Plan Amendments**

**A. CPA2011-00008 Future Land Use Element and Map**

Mr. Andress commended staff for their staff report and back-up documentation. It was exactly what the LPA was seeking in terms of being able to view the information to see where the changes were proposed. Regarding the format of today's meeting, Mr. Andress stated he wanted staff to present their item first. After staff's presentation, he would open this item for public comment and then bring it back to the LPA for discussion.

Mr. O'Connor gave an overview of this item.

Mr. Green referred to the areas where there were existing neighborhoods and staff is proposing a reduction in density. He asked about the benefits or downside to making those changes.

Mr. O'Connor stated the County's Future Land Use Map should reflect what is real, meaning what is actually on the ground and what is expected to be on the ground. Lehigh Acres is a good example. The current map does not tell you anything about Lehigh Acres as it currently is. Mr. O'Connor reviewed the planning efforts that have taken place with Lehigh Acres over the years including Saturday meetings once a month, adopting a Lehigh Acres plan, and adding a goal in the Future Land Use Element.

Mr. Burris gave a presentation of each of the sets of maps (Lehigh Acres, Fort Myers, Fort Myers Shores, Buckingham, N.E. Lee County, Bayshore, North Fort Myers, Burnt Store, Cape Coral, Pine Island, Boca Grande, Captiva, Iona/McGregor, South Fort Myers, Daniels Parkway, Gateway/Airport, San Carlos, Estero, SE Lee County, and the County as a whole. Mr. Burris also reviewed a Density Changes Chart – Decreases and Increases (attached).

Mr. Green asked if the Tice density increases were consistent with the community's desires.

Mr. Burris stated it was the community's desire to intensify some of their areas. He gave an example of an area designated Central Urban and Urban Community. There is no new category that is going to be 10-15 units per acre or 6-10 units per acre. Therefore, staff is putting them in the closest category to the existing category meaning there will be a slight increase in density.

Mr. Andress opened this item for public comment. Some of the public referred to a memorandum from staff dated July 17, 2014 (attached). Public comment was received from: Rob Barber (Beazer Homes), Holly Atkins (St. John XXIII Catholic Church on Palomino Lane), Charles Basinait (Henderson Franklin Law Firm), Veronica Martin (TDM Consulting), Steve Hartsell (Pavese Law Firm), Michael Roeder (Knott Consoer Law Firm), and Paul Martin.

Mr. Rob Barber from Beazer Homes made comments related to properties they own located at 11400 Orange River Boulevard (133 acres) and the adjacent property which is 11271 Orange River Boulevard (.6 acres). These properties are located in Buckingham between Tice and Orange River east of I75. He noted that, currently, this subdivision is under contract with the buyer. During their due diligence, it came to their attention that the LPA was discussing the redesignation of these properties which is currently Sub-Outlying subdivision. It is proposed to be changed to Rural Community Preserve. Mr. Barber noted their property has had the current designation since approximately 1989. They object to this redesignation and request that their properties remain in their current category.

Ms. Holly Atkins, St. John XXIII Catholic Church on Palomino Lane, stated that within the next 5 years they would like to build a Parish Life Center. She noted their parish continues to grow in that area. Therefore, they are interested in having that density changed so they can increase the building in that area. They currently have 40 acres of property. Out of that 40 acres, 3 ½ acres are for "The Villas," which is a HUD development for seniors. This means that 3 ½ acres are still available for development. If this property is changed to Suburban 4 as proposed, it would not allow enough density to serve this project.

Mr. Charles Basinait, Henderson Franklin Law Firm, stated he would speak on three separate areas. The first relates to property in the northwest quadrant of Coconut Road and US 41. His firm represents the client who is purchasing that site. It is currently Urban Community. Staff initially recommended Urban Neighborhood. His client is requesting it be designated Urban Places and that it be placed in the Mixed Use community. Mr. Basinait noted they had gone through the Estero Council of Community leaders and the Estero Community Planning Panel. They are both supportive of the request to change this to Urban Places and that the property be placed within the Mixed Use Overlay. From his conversations with staff, they indicated they would recommend those changes (already shown on the map).

The second property Mr. Basinait reviewed was the North Point DRI, which is on the east side of US 41 just to the north of Williams Road. It is a little over 100 acres. They are requesting it be designated Urban Places. Staff supports that change. As a side note, Mr. Basinait informed staff that this area is still reflected as Urban Neighborhood on the map, but that it should be updated to reflect Urban Places (already shown on the map).

The third area is located on the north end of Bokeelia. Mr. Basinait stated he represented a company and an individual at High Point Towers Technology (Robert Gunther) who owns the property located on the north end of Bokeelia. The proposed maps indicate there will be no change in density levels for that area. As long as that is accurate, he has no objections.

Ms. Veronica Martin, TDM Consulting, stated she was representing John XXIII Catholic Church and she provided background information on the project. She reiterated comments made by Ms. Holly Atkins that if they choose to expand their facility or build a second senior living facility, they will require an increase in density. The increase from 3 dwelling units per acre to 4 dwelling units per acre will not suffice. They are requesting a designation of Urban Places. She noted that in addition to the church's involvement in the HUD facility, they also paid to extend water and sewer from Daniels up Appaloosa Lane to the Church property. They also corrected a pre-existing stormwater drainage issue in the area along Appaloosa. All of these accommodations were in an effort to provide a much needed community service.

Mr. Steve Hartsell, Pavese Law Firm, stated he would be commenting on two separate areas. The first involves his client Ken Nagorsen, who is the owner of the property at 536 Evergreen Road in North Fort Myers. He distributed a handout (attached) and reviewed it with the LPA. He noted there was approximately 55 acres designated as Suburban 2 (light greenish area), which is surrounded by the City of Cape Coral. This area is 16 units per acre which is consistent with the Urban Neighborhood land use category. He reviewed the urban services available in that area. He reviewed their rationale for requesting this change. At a minimum, his client would want a Suburban 6 or Suburban 10 category. In speaking to two other property owners (Richard Pearce – Pearce Trust and Jeff Jacobson – 41 Pine LLC), which are outlined in the handout, they are in support of Suburban 6 or higher. Mr. Hartsell reviewed why he felt there was a problem with the way staff has analyzed this area. He urged the LPA to recommend this area for Suburban 6 or higher; otherwise, he believed we would be artificially keeping low densities in areas where they are surrounded by higher, more intense development potential.

The second property Mr. Hartsell discussed was North Brook Holdings in the Bayshore Community Area. North Brook Holdings are the owners of the Stoneybrook North Planned Unit Development (PUD). It is an approved PUD that is approved for 1,275 residential units, which is effectively 2 units per acre. It is currently designated as Sub-Outlying Suburban. It is proposed by staff to be redesignated to Suburban 2, which is consistent with what is existing. The Stoneybrook North project also has an approved Development Order with an expiration date of May, 2021. It is actively pursued. The size of the tract is 740 acres. He noted that the Concerned Citizens of Bayshore asked that it be changed from Suburban 2 to Rural, which will cut the density of that approved project in half. The Concerned Citizens of Bayshore claim this approved development will cause flooding in an area that has historically been prone to flooding. This issue has already been addressed through zoning hearings and during the Southwest Florida Water Management District hearings and appeal process. Due to the substantial amount of funds spent on this project, those development based expectations should not be removed by the County. Staff has recognized this in their memo. He urged the LPA to follow staff's recommendation of Suburban 2.

Mr. Michael Roeder, Knott Consoer Law Firm, stated he was representing several land owners on Appaloosa Lane. He referred to an original letter and exhibits he previously e-mailed the LPA (attached). On behalf of 125 acres, which he outlined for them, he was requesting Urban Neighborhood. This property is located near the John XXIII Catholic Church property. He noted that Ms. Martin asked for Urban Places, but it should be Urban Neighborhood. He felt this was a reasonable designation that would allow for some multi-family development on these 5-10 acre parcels. They are located close to I75 and Daniels Road.

Mr. Paul Martin, Regional Development Manager of the Kolter Land Partners, stated they were the land owner of all the remaining undeveloped property in the Verandah community in East Fort Myers. Staff is proposing to change the density from 6 units per acre to 2 units per acre. He noted they did not currently have plans to change anything in the Verandah, but they do have 38% of their community that is undeveloped. Therefore, they object to this change because it would limit them from making changes moving forward. Mr. Martin noted they did not object to staff making density changes to the areas of the Verandah that have already been developed, but they do object to this taking place on the undeveloped portion.

No other public spoke, so the public segment portion was closed. The LPA took a 10 minute recess and then reconvened.

Mr. Green commended staff on the phenomenal job they did in putting this packet together. It has given the LPA clarity on what we are doing and what the potential issues are. Regarding comments made by Mr. Barber from Beazer homes, he felt his argument was compelling and that we should not impede plans they have. He noted several comments by the public related to the Daniels Parkway property and he found those arguments to be compelling where they requested an Urban Neighborhood category. Since Mr. Basinait was agreeing with staff, Mr. Green did not see any issue there. He found Mr. Hartsell's comments compelling. If we are going towards infill, then the area Mr. Hartsell described would fall into that category. Mr. Green stated he was in favor of Mr. Hartsell's proposals. He also felt Mr. Martin's arguments were valid especially since they are willing to accept a lower designation on what has been developed. They are only asking to have some opportunity with what is not developed, which Mr. Green felt was reasonable. Regarding North Brook Holdings in Bayshore, Mr. Green felt since entitlements are in place they should be honored, so he was in favor of staff's recommendation.

Mr. Joyce concurred with Mr. Green and stated he was in agreement with comments supplied by the public.

Mr. Ink stated he had concerns with the dark blue areas because they involve decreases in density which could have potential impacts to the county. Regarding the Evergreen Road property, he was in agreement that Suburban 2 might not be an appropriate designation based on what has happened around the surrounding area. He noted that the Comprehensive Plan and the Land Development Code (zoning) are two separate things. Even if something is allowed under the Comprehensive Plan, the project must still go through other types of evaluations such as neighborhood compatibility, environmental, etc. Regarding the Evergreen property, he felt Suburban 6 would be on the lower end of what should be there. Suburban 10 might be more appropriate. Regarding the Daniels Parkway/Appaloosa Lane area, a photograph provided by Mr. Roeder shows an opportunity for infill especially in the area between Jobe south to Daniels. However, he was uncomfortable with Urban Neighborhood getting all the way to the north end where Suburban 10 and Suburban 6 might be more appropriate. He could support Suburban 10 or Suburban 6, but he was not sure he could support Urban Neighborhood all the way north to include the church.

Regarding North Brook Holdings in Bayshore, Mr. Ink agreed that if there were entitlements, the County should not be removing those. It should also stay in its current designation to be consistent with the approved planned development zoning. He was fully supportive of the Riverside Beach Club and had no issues with that proposal. Regarding Northwest corner of Coconut and US 41, he was in support of that request as well.

Mr. Church was in agreement with Mr. Ink's comments. He felt Mr. Hartsell's presentation was very clear and valid. Regarding density being taken away from the Orange River parcel, he was not in agreement with decreasing density on the undeveloped portions of the Verandah and Palomino. Since the County has increased density on several other corridors, he did not see why we could not add more density in that area as well so that we can accommodate a good plan.

Mr. Hutchcraft stated he generally agreed with arguments presented by the public. Regarding the Evergreen property, he did think it merited some attention and increased density especially since the property is surrounded by higher uses. He supported the increase in density for the Daniels Parkway piece. One of staff's comments is that the road would fail in the future; however, in other discussions it has been mentioned that we should put density in areas where there is mixed use so that people can live in an area where they can easily walk to stores and restaurants. This would also support mass transit. On the North Brook Holding property in Bayshore, he supported staff's proposal to leave it at the existing density. He was supportive of the Caloosahatchee Yacht and Racquet Club change. Regarding the North Point DRI parcel, he agreed it did not make sense to penalize the Verandah by taking density from undeveloped parcels. Mr. Hutchcraft stated he supported Mr. Ink's comments regarding his concerns over the dark blue parcels on the maps. His concern is that the County has not fully communicated it to those land owners. Regarding Mr. Basinait's comments on a piece of property in Bokeelia, he agreed that it appeared density was not being taken away due to what the map shows.

Mr. Andress referred to 536 Evergreen Road and stated he would support at least a Suburban 6 in that area as a buffer between whatever single family development might be established in that area. He noted 16 units per acre is approved to the west and an urban core is approved to the east. Due to this he would be in support of Suburban 6 if not higher for that area. Regarding Daniels Parkway and Appaloosa Lane, he agreed with comments heard during today's meeting. If there was ever an area suited for infill development, this area would be it. In driving through that area, there was somewhat of a problem in getting back out onto Daniels, but this is something that Lee County DOT could address. The County is already headed in that direction with the improvements designated to go onto Palomino. He would support at least a Suburban 10 if not an Urban Neighborhood for that particular area. He was in support of staff's recommendation on the area north of Bayshore Road where staff recommends leaving the designation as Suburban 2. He had no problem with what is proposed for the Caloosahatchee Yacht and Racquet Club. He had no problem with the northwest quadrant of Coconut and US 41 or the North Point DRI parcel. He also agreed that the undeveloped areas in the Verandah should not be subject to a decrease in density.

**Mr. Green made a motion that: 1) we support the recommendation on Evergreen Road in North Fort Myers to change the designation to Suburban 6 on a number of parcels; 2) recommend the Daniels Parkway/Appaloosa Lane area be designated Urban Neighborhood; 3) support staff's recommendation of Suburban 2 in the area north of Bayshore Road; 4) support staff's recommendation of Urban Places (the Caloosahatchee Yacht and Racquet Club Riverside Beach Commons); 5) we support the Urban Places designation for the northwest quadrant of Coconut and US 41; 6) we support staff's recommendations of Urban Places for the North Point DRI parcel; 7) we support separating the Verandah into two categories where the existing developed area will be**

**downgraded and the undeveloped area will remain the same and not to be downgraded; and, 8) recommend the Beazer property on Orange River Boulevard not get downgraded, seconded by Mr. Hutchcraft for discussion.**

Mr. Ink referred to the Appaloosa/Palomino/Daniels area and asked if we should include the south side of Daniels by changing the map to Urban Neighborhood for that area to make a consistent urban core next to the Interchange.

Mr. Green opted to leave his motion as is and felt the item mentioned by Mr. Ink should be handled separately.

**The motion was called and passed 6-0.**

Mr. Andress referred to Mr. Ink's comment on the area south of Daniels in the Appaloosa/Palomino area. He agreed with Mr. Ink's observations that this area seems to be compatible for more development.

**Mr. Ink made a motion to include that area in the Urban Neighborhood category along Cody south of Daniels as depicted by staff's drawing, seconded by Mr. Green for discussion.**

Mr. Green asked if staff had any comments since the LPA would be going against staff's recommendation on this item.

Mr. O'Connor stated the LPA has heard arguments by both sides and that he did not have any further comments to make.

**The motion was called and passed 6-0.**

Mr. Hutchcraft asked staff to explain the process. In this instance, staff made a different recommendation from what the LPA chose to recommend. He asked what would get presented to the BOCC.

Mr. O'Connor stated that where staff concurs with the LPA's recommendation, staff will change their recommendation to agree with the LPA's recommendation. Where there are disagreements with the LPA recommendations, both recommendations will be presented to the BOCC.

Mr. Ink asked for clarification of the disagreements between what staff recommends versus the LPA.

Mr. O'Connor stated the disagreements are regarding the Evergreen and Appaloosa parcels.

Mr. Andress asked if staff had any disagreement with the Verandah request.

Mr. O'Connor stated he did not want to speak to early. At this point, he believes staff would not have a problem with that recommendation.

Mr. Hutchcraft asked staff for their comments regarding the Beazer piece and the LPA's recommendation not to lower the density.

Mr. O'Connor stated he would have to wait to speak on that until he had more time to review it.

## Lehigh Acres Map Series

Mr. Hutchcraft referred to Section 10 which is shown as a density increase to Urban Places. After staff explained the rationale for the change, Mr. Hutchcraft expressed concerns with this change because there are many plans that show part of that property tying into storage water quality (i.e. Greenbriar). To that extent, there might be an opportunity for increased development in the future. By designating all of this property to a higher category, it might make some of the environmental restoration goals more challenging. He suggested leaving it alone since there might be an opportunity to strike a deal in the future.

Mr. Green stated he was not against what staff is recommending but he felt this was something that should be recognized by the community. There might be a better plan for that area. He was in favor of leaving it as is for now.

Mr. Andress agreed with Mr. Hutchcraft's comments that there is potential for this property in the future. There could be other uses for it other than intense development. Without having someone here advocating to have the property increased on the FLUM, he was in favor of leaving it as is so that it could be used as a "bargaining chip" later.

Mr. Church had questions about calculations.

Mr. Burris stated he did not have calculations between this accommodation, build-out anticipated population, and what the new map will have. He noted staff was still working on that.

Mr. Church stated that as a general comment on all the maps we should know whether county-wide we are increasing or decreasing population. He felt that piece was missing.

Mr. Andress showed a document he had entitled, "Future Density Map" that was prepared by County staff. It takes the BEBR projection numbers to the year 2035. Right now, the document shows we are at about 620,000 in Lee County. It takes the additional population which is estimated at that time frame to be one million and it has put those one million on that map. He reviewed the document.

Mr. Joyce stated he was in agreement with Mr. Hutchcraft's comments about Section 10. He agreed there might be a lot of interesting activities going on with water quality treatment in that general area. Therefore, it would be good to wait.

Mr. O'Connor discussed Section 10 of the Lehigh Acres map and whether it would be Urban Neighborhood versus Urban Places.

Mr. Andress was in favor of matching it to whatever category is closest to the current category. It is currently Urban Community. One step down from that is Urban Neighborhood.

**Mr. Hutchcraft made a motion that staff re-evaluate Section 10 of the Lehigh Acres map series and consider giving it a designation that most closely represents its existing density and that we further acknowledge future changes may be appropriate if we can address the water storage or backflow, seconded by Mr. Ink.**

**The motion was called and passed 6-0.**

### **Fort Myers Map Series**

Mr. Hutchcraft referred to some locations where there is a land use designation under road rights-of-way. He showed an area on I75 and the new Metro extension. Staff shows an increase in the land use designation in road rights-of-way or in narrow strips along the road. Mr. Burris and Mr. O'Connor gave the rationale for this.

**Mr. Green made a motion to approve the changes proposed for Fort Myers, seconded by Mr. Ink. The motion was called and passed 6-0.**

### **Fort Myers Shores Map Series**

Mr. Hutchcraft stated there were 3 parcels totaling a little under 300 acres that show a decrease in density and that he was opposed to those because those land owners have not been specifically contacted. He recommended those properties stay in their current category. If the land owners within those dark blue areas are supportive of the change, he would be fine with it. However, he was not in favor of changing it without their direct knowledge. Mr. Hutchcraft clarified he was not alluding to an obligation on the County's part to provide notice. He is merely saying that as an LPA member he is not comfortable making this recommendation to the BOCC.

**Mr. Ink made a motion that all the dark blue areas should stay at their existing designations or a notch above with one of our new categories in order to protect the interests of the County, seconded by Mr. Hutchcraft. The motion was called and passed 6-0.**

Mr. Church stated he did not have as much concern over the light blue areas because they are generally settled communities.

Mr. Andress agreed that we are on more solid ground with the light blue areas because we are trying to reflect what is existing, what has been approved, and how the property has been developed.

Mr. Ink agreed he did not have as much concern with the light blue areas because it is existing development. It is what is on the ground today.

Mr. Church referred to previous discussions about taking Suburban master planned communities and calling them Rural. He felt this was dishonest. These areas have infrastructure and master plans. There are no cows or fenced lots. He gave some examples. He objected to calling these areas Rural when in reality they are not Rural.

Mr. O'Connor agreed we are starting with a 30 year old product that the County is trying to update. It is something staff will look into further at some other time and identify where those communities have been constructed. At this point, staff does not want to create a low density urban category when we already have so many categories as it is.



Mr. Hutchcraft was not in agreement with leaving it as it is because we are trying to recognize what is on the ground. To leave it as is gives the public an unreasonable platform for what should be expected in the future and what they think that property should be. Mr. Hutchcraft stated he would be supportive of a designation entitled, "master plan community" that would be at a low density but not "Rural" not from an agricultural character perspective but from a density perspective. **Mr. Hutchcraft made a motion that staff review existing planned communities that are low density and consider creating a category that recognizes what exists on the ground, seconded by Mr. Church. The motion was called and passed 6-0.**

**Mr. Green made a motion to accept staff's recommendations for the Fort Myers Shores map series with the exception of the LPA's prior motion to have further review of the Verandah and our previous motion regarding the reductions in density (dark blue areas) which applies to all maps, seconded by Mr. Hutchcraft. The motion was called and passed 6-0.**

### **N.E. Lee County Map Series**

Mr. Green announced that he owned property that is affected by this map; therefore, he would abstain from participating in discussion of this item or voting. He submitted a Voting Conflict Form - Form 1B (attached).

**Mr. Joyce made a motion to approve the map series as presented, seconded by Mr. Church. The motion was called and passed 5-1. Mr. Green abstained.**

### **Bayshore Map Series**

Mr. Ink asked that staff review the light blue area on the river further. He believed those properties have been the same for a long time and might fall into the dark blue category. Those properties are 5-10 acres. Staff may not want to reduce the densities in those areas.

**Mr. Ink made a motion to accept the Bayshore map with the change of the river front area to be classified to an equal density, seconded by Mr. Andress. The motion was called and passed 6-0.**

### **North Fort Myers Map Series**

Mr. Ink referred staff to North Key Drive. Staff removed the wetland area which is currently built on, but they added a little piece on the point. He showed them where he was referring to and noted there was a little pond in that area. He notified staff that the Water Management District had deemed that as not being jurisdictional.

Mr. O'Connor stated that if someone brings in a proposal, staff looks at the actual jurisdictional lines. This is staff's best guess on wetlands. There is an administrative process that changes your land use category from Wetland to the most appropriate category which is usually the one next door.

**Mr. Joyce made the motion to accept staff's recommendations for the North Fort Myers Map Series, seconded by Mr. Ink. The motion was called and passed 6-0.**

### **Burnt Store Map Series**

**Mr. Green made a motion to accept staff's recommendations on the Burnt Store Map Series, seconded by Mr. Church. The motion was called and passed 6-0.**

### **Cape Coral Map Series**

**Mr. Church made a motion to approve staff's recommendation on the Cape Coral Map Series, seconded by Mr. Ink. The motion was called and passed 6-0.**

### **Buckingham Map Series**

**Mr. Church stated the LPA already addressed the dark blue areas and the one river parcel on a previous motion; therefore, he made a motion to approve staff's recommendations on the Buckingham Map Series, seconded by Mr. Green. The motion was called and passed 6-0.**

### **Pine Island Map Series**

**Mr. Green made a motion to approve the Pine Island Map Series as presented by staff, seconded by Mr. Joyce.**

Mr. Andress clarified this motion was in addition to the prior motions made by the LPA on the blue areas.

**The motion was called and passed 6-0.**

### **Boca Grande Map Series**

**Mr. Church made a motion to approve the Boca Grande Map Series as proposed by staff, seconded by Mr. Ink. The motion was called and passed 6-0.**

### **Captiva Map Series**

**Mr. Ink made a motion to approve the Captiva Map Series as presented by staff, seconded by Mr. Joyce. The motion was called and passed 6-0.**

### **Iona/McGregor Map Series**

**Mr. Green made a motion to approve staff's recommendations, seconded by Mr. Ink for discussion.**

Mr. Ink referred to a map change along Gladiolus near A&W and asked staff to explain the rationale for why that area is being shown in blue.

Mr. Burris stated that area is a commercial strip and should be yellow, not blue. It is being changed from Urban Community to Suburban 6 which will no longer allow incentive density. Currently, urban Community allows 6 units per acre with a potential bonus of 10 and the Suburban 6 is going to limit it just to the 6 units an acre with no incentive density. Mr. Burris stated he needed to make a color change to the map.

Mr. Church stated this was another example of an area that is hard to gauge how much density we are adding. When the County adds density in areas like this that are more Coastal, there could be evacuation concerns. He asked if staff knew how many more rooftops we might be adding.

Mr. Burris stated that when looking at these areas that are already developed, staff generally does not assume a lot of redevelopment projects will be there. With a new emphasis on infill development, we might want to look at that practice further. There is not a lot of vacant land in the area, but we are substantially increasing the density from Central Urban to Urban Neighborhood. It goes up to 16 units per acre so that is only adding one more unit per acre.

**The motion was called and passed 6-0.**

### **South Fort Myers Map Series**

**Mr. Green made a motion to accept staff's recommendation, seconded by Mr. Church. The motion was called and passed 6-0.**

### **Daniels Parkway Map Series**

**Mr. Ink motioned to move the Daniels Parkway Map Series forward with the previous motion changes, seconded by Mr. Joyce. The motion was called and passed 6-0.**

### **Gateway/Airport Map Series**

**Mr. Green made a motion to accept staff's recommendations on the Gateway/Airport Map Series, seconded by Mr. Ink. The motion was called and passed 6-0.**

### **San Carlos Map Series**

Mr. Andress referred to an area on the Density Change Map where there is a driveway on the west side of the road called "Emerson Square." It is depicted as light blue. There is a 300 foot strip along the west side of US 41 that is zoned Commercial. He was not sure this area should be the same category as the subdivision itself. Staff is proposing changing the subdivision to Suburban 6. On the other side of the road, it is designated as Urban Neighborhood. Mr. Andress believed this 300 foot strip should also be designated as Urban Neighborhood stating there was nothing distinguishing it from the other side of US 41. He noted these are outparcels that are not under that Emerson Square subdivision. There is about 10-12 acres in that strip on the west side of US 41 that he believed staff overlooked.

Staff did not feel they would have a problem with that change.

**Mr. Ink made a motion to move the San Carlos Map Series forward with the change to add where appropriate the 300 foot strip on the west side of US 41, seconded by Mr. Andress. The motion was called and passed 6-0.**

### **Estero Map Series**

**Mr. Green made a motion to accept staff's recommendations to the Estero Map Series with the changes that have already been voted on, seconded by Mr. Joyce.**

Mr. Church referred to the community north of Williams Road west of US 41 (Pelican Sound). It is one planned community. He did not see the sense in having a portion of it in yellow so that there could be potentially different policies than the southern half of the property that is designated as Suburban 6.

Mr. Burris stated he had not reviewed this area extensively. He was willing to review it further and reflect those densities in that subdivision.

**The motion was called and passed 6-0.**

### **S.E. Lee County Map Series**

**Mr. Green made a motion to accept staff's recommendations on the S.E. Lee County Map Series, seconded by Mr. Ink. The motion was called and passed 6-0.**

Mr. Andress noted the LPA had now completed the review of the maps and need to focus on the Future Land Use Element itself (text portion).

The LPA opted to continue the element portion to next month's meeting.

**Mr. Ink made a motion to continue the element to next month's meeting, seconded by Mr. Church. The motion was called and passed 6-0.**

### **Agenda Item 5 – Other Business** - None

### **Agenda Item 6 – Adjournment**

The next Local Planning Agency meeting is scheduled for Monday, August 25, 2014, at 8:30 a.m. in the Board Chambers, Old Lee County Courthouse, 2120 Main Street, Fort Myers, FL 33901.

The meeting adjourned at 12:00 p.m.

## Density Changes

	<b>Acres</b>
<b>Total County</b>	<b>382,992</b>
Decrease Density	2,059
Decrease Density Reflects Existing Development	64,089
No Change in Density	274,324
No Change Base Density / No Incentive Density	3,481
Increase Density	39,039
<b>Lehigh Acres</b>	<b>61,982</b>
Decrease Density	844
Decrease Density Reflects Existing Development	49,869
No Change in Density	2,870
No Change Base Density / No Incentive Density	778
Increase Density	7,621
<b>Total County less Lehigh Acres</b>	<b>321,010</b>
Decrease Density	1,215
Decrease Density Reflects Existing Development	14,220
No Change in Density	271,454
No Change Base Density / No Incentive Density	2,703
Increase Density	31,418

# DIVISION OF PLANNING



## MEMORANDUM

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**To:** Local Planning Agency

**From:** Paul O'Connor, AICP, Director

**Subject:** **Individually Requested Future Land Use Map Amendments**

**Date:** July 17, 2014

Staff presented the Future Land Use Map to the LPA at the April 28, 2014 meeting. Six citizens requested changes to the Future Land Use Map during the public input portion of the meeting. The LPA members requested that Staff provide a brief analysis of the requests for discussion at the next LPA meeting scheduled for July 28, 2014. After review, Staff concurs with request numbers 4, 5 and 6 and disagrees with request numbers 1, 2 and 3. The analyses follow.

### **1. 536 Evergreen Road in North Fort Myers**

The subject parcel contains 11 acres and is located at 536 Evergreen Road in North Fort Myers. The property is currently designated as Sub Outlying Suburban with an allowable density of two dwelling units per acre. The proposed Future Land Use Map designates the subject property as Suburban 2, which is consistent with the current density of two dwelling units per acre. Veronica Martin, on behalf of the property owner, is requesting the subject property be redesignated to Suburban 6 which would allow a standard density of six dwelling units per acre. She is proposing the change based on the Future Land Use Map designations on nearby properties. The lands to the east are designated as Urban Core and to the west are lands located in the City of Cape Coral that are allowed up to 16 dwelling units per acre.

#### **Staff Analysis**

The subject property is a mix of oak hammock (FLUCCS 427) and pine flatwoods (FLUCCS 411). The property also contains a drainage feature which has been altered by FDOT for drainage purposes that outfalls into Hancock Creek. The oak hammock area is located along the creek and the portion of the property that fronts Evergreen Road. The remainder of the site is pine flatwoods with scattered slash pine trees and large saw palmetto. The subject property also contains some Brazilian pepper but a majority of the site is indigenous habitat. The property most likely contains gopher tortoises since a tortoise was observed near the west property line and both oak hammock and pine flatwoods are suitable gopher tortoise habitats.

## Surrounding Properties

	<b>Current FLUM Designation</b>	<b>Proposed LUM Designation</b>	<b>Zoning</b>	<b>Existing Use</b>
<b>Subject Property</b>	Sub Outlying Suburban	Suburban 2	AG-2	Undeveloped within platted Little Groves and Mariana Park 3 <sup>rd</sup> Add subdivisions
<b>North</b>	Sub Outlying Suburban	Suburban 2;	AG-2, TF-1	Single Family residences within platted Mariana Park 1 <sup>st</sup> Addition Subdivision and Mariana Park 3 <sup>rd</sup> Addition Subdivisions
<b>Northwest</b>	Sub Outlying Suburban	Suburban 2	AG-2	Platted Mariana Park 3 <sup>rd</sup> Addition Subdivision
<b>Northeast</b>	Intensive	Urban Core	C-1A	Mariana Park Subdivision
<b>South</b>	Sub Outlying Suburban	Suburban 2	AG-2	Single family residences and a church within platted Mariana Park 3 <sup>rd</sup> Addition Subdivision
<b>East</b>	Intensive	Urban Core	C-1A; RS-1	Skating rink, vacant, single family, Mariana Park Subdivision
<b>Southeast</b>	Public Facilities	Public Facilities	AG-2	Lee County Judd Creek Park
<b>West</b>	Sub Outlying Suburban	Suburban 2	AG-2	Single family and duplex residences within platted Mariana Park 3 <sup>rd</sup> Addition Subdivision
<b>Southwest</b>	Cape Coral MF (up to 16u/a)	N/A	Cape Coral R3(Multi-family residential)	Undeveloped platted Judd Creek Preserve Subdivision

The subject property is within the North Fort Myers Community Plan. The Plan’s Goals, Objectives and Policies were adopted as Lee Plan Goal 28 and supports existing neighborhoods. The property is not within the Town Center, Neighborhood Center or Corridor Overlay Districts.

**“GOAL 28: NORTH FORT MYERS.** North Fort Myers seeks to improve the community’s livability and economic vitality by and promoting compact, mixed use development in the form of new town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors, **stabilizing and enhancing, existing neighborhoods**; preserving natural resources; and providing greater opportunities for public participation in the land development approval process. (Emphasis added).”

The North Fort Myers Community Planning Panel does not support increasing the density and on May 6, 2014 authorized a small group to meet with Lee County regarding proposed Future Land Use Map changes.

“The panel agreed that Wayne and a small number of planning panel members need to meet with planning staff to discuss the FLU map, and if there are areas which are appropriate for lower densities, based on existing development patterns.”

Staff recommends the subject property be designated as Suburban 2 on the Land Use Map. The Sub Outlying Suburban Future Land Use Category was based on a small-scale community planning effort in the 1980's that was agreed on by the residents and adopted by the Board of County Commissioners. The Suburban 2 Land Use Map category is consistent with the current allowable density of 2 dwelling units per acre and is in keeping with the surrounding properties' land use categories. Brown Road serves as the boundary between the more intensive Urban Core and the residential Suburban 2 categories. The North Fort Myers Community Planning Panel is not supportive of increasing the density.

## 2. Daniels Parkway and Appaloosa Lane

The subject property is located on the north side of Daniels Parkway between Pinto Road and Palomino Lane and is south of the Danforth Lakes residential community. Appaloosa Lane bisects the property. The property is currently designated as Outlying Suburban on the Future Land Use Map and is designated as Suburban 4 on the proposed Future Land Use Map.

Mike Roeder, on behalf of the property owners, is requesting the subject property be designated as Urban Neighborhood to promote multi-family development on the vacant parcels within the subject area. His recommendation is based on the property's proximity to commercial, residential, church, school, and government land uses, as well as utility availability and the future Complete Street and four-laning of Palomino Road.

The current Outlying Suburban Future Land Use Category allows up to three dwelling units per acre. The Suburban 4 Future Land Use Category allows up to four dwelling units per acre. The proposed Urban Neighborhood would allow a standard density of 10 dwelling units per acre with an incentive density up to 16 dwelling units per acre.

The subject area is a mix of developed and undeveloped properties. The remaining undeveloped properties contain wetland soils and some wetland vegetation that would be addressed during the permitting process. The wetlands are likely to contain Big Cypress Fox Squirrels since they are known to occur within this area.

	Residential Development	Approval	Proposed Future Land Use
<b>North</b>	Danforth Lakes	293 units on 121.62 acres; 2.4 u/a	Suburban 4
<b>Northwest</b>	Cross Creek (Golf Course Community)	684 units on 249 acres; 2.7 u/ac	Suburban 4
<b>South</b>	Daniels Parkway, Shopping Plaza, Church		Suburban 4, Wetlands, Suburban 4
<b>Southwest</b>	Undeveloped large lots (taxed as Vacant Residential),		Suburban 4
<b>East</b>	Palomino Lane; Undeveloped School property, Auto repair, Renaissance Golf Course Community	260 units; 1.6 u/ac	Suburban 4
<b>West</b>	Rural large lot residential		Suburban 4



Staff continues to recommend that the subject property be designated as Suburban 4 on the Future Land Use Map consistent with the existing residential and surrounding neighborhoods.

In addition, granting the request would further exacerbate traffic conditions on Daniels Parkway which is a concern as entitled projects are constructed. The residents living on properties north of Daniels Parkway, west of I-75, do not have a means to access arterial or collector roads to the north and must use Daniels Parkway to travel to work and commercial services. The 2013 Concurrency Report indicates that although the Daniels Parkway segment in front of Appaloosa Lane is operating at a LOS of C, the segment of Daniels Parkway between Six Mile Cypress and Metro Parkway is projected to fail in the future when approved developments are built. Daniels Parkway is a six-lane, median divided highway. There are no scheduled improvements that would alleviate the potential road segment failure.

### **3. Suburban 2 Area North of Bayshore Road**

Steve Brodtkin, on behalf of the Concerned Citizens of Bayshore, requested that the Suburban 2 area north of Bayshore Road be designated as Rural on the Land Use Map based upon the area's flood-prone vulnerabilities. Mr. Brodtkin stated that additional development would increase flooding and impact the residents' health, safety and welfare.

The property is currently designated as Sub Outlying Suburban on the Future Land Use Map which allows up to two dwelling units per acre. The proposed Future Land Use Map designates the land as Suburban 2, which allows up to two dwelling units per acre. The Rural Land Use category would reduce the allowable density to one dwelling unit per acre.

Staff recommends that the property be designated as Suburban 2 which is consistent with the current Future Land Use classification. A portion of the lands within the Bayshore Planning Community has planned development zoning approvals and granting the request would create nonconformities that may result in legal challenges.

### **4. Caloosahatchee Yacht and Racquet Club - Riverside Beach Condo**

James Campbell (Riverside Beach Condominium) requested that the eight acre parcel located on the Caloosahatchee River, east of the Cape Coral Bridge be designated as Urban Places. The subject property is currently within the Central Urban Future Land Use Map category that allows up to 10 dwelling units per acre and up to 15 dwelling units per acre using bonus density. Urban Places would allow a standard density of 18 dwelling units per acre and up to 25 dwelling units per acre using incentive density.

Staff agreed with designating the property as Urban Places based on its location across from the Landings which is also designated as Urban Places.

## **5. Northwest quadrant of Coconut and US 41**

General Real Estate Corporation requested that their 30 acre parcel located at the northwest corner of Coconut Road and US 41 be designated as Urban Places on the Future Land Use Map to accommodate a mixed-use, high density development. The property is currently designated as Urban Community on the Future Land Use Map and as Urban Neighborhood on the proposed Future Land Use Map. They are also requesting the Mixed Use overlay be extended to the west side of US 41.

The Urban Community Future Land Use Category allows up to 6 dwelling units per acre with bonus densities up to 10 dwelling units per acre. Urban Neighborhood would allow a standard density of 10 dwelling units per acre with incentive densities up to 16 dwelling units per acre. Urban Places would allow a standard density of 18 dwelling units per acre with incentive densities up to 25 dwelling units per acre.

The request is based on the location of the property at the intersection of US 41 and Coconut Road. The infrastructure and service availability in the area is suitable for mixed-use high density development and the Urban Places designation is compatible with the Estero Community Plan. The Estero Community Planning Panel is supportive of the request.

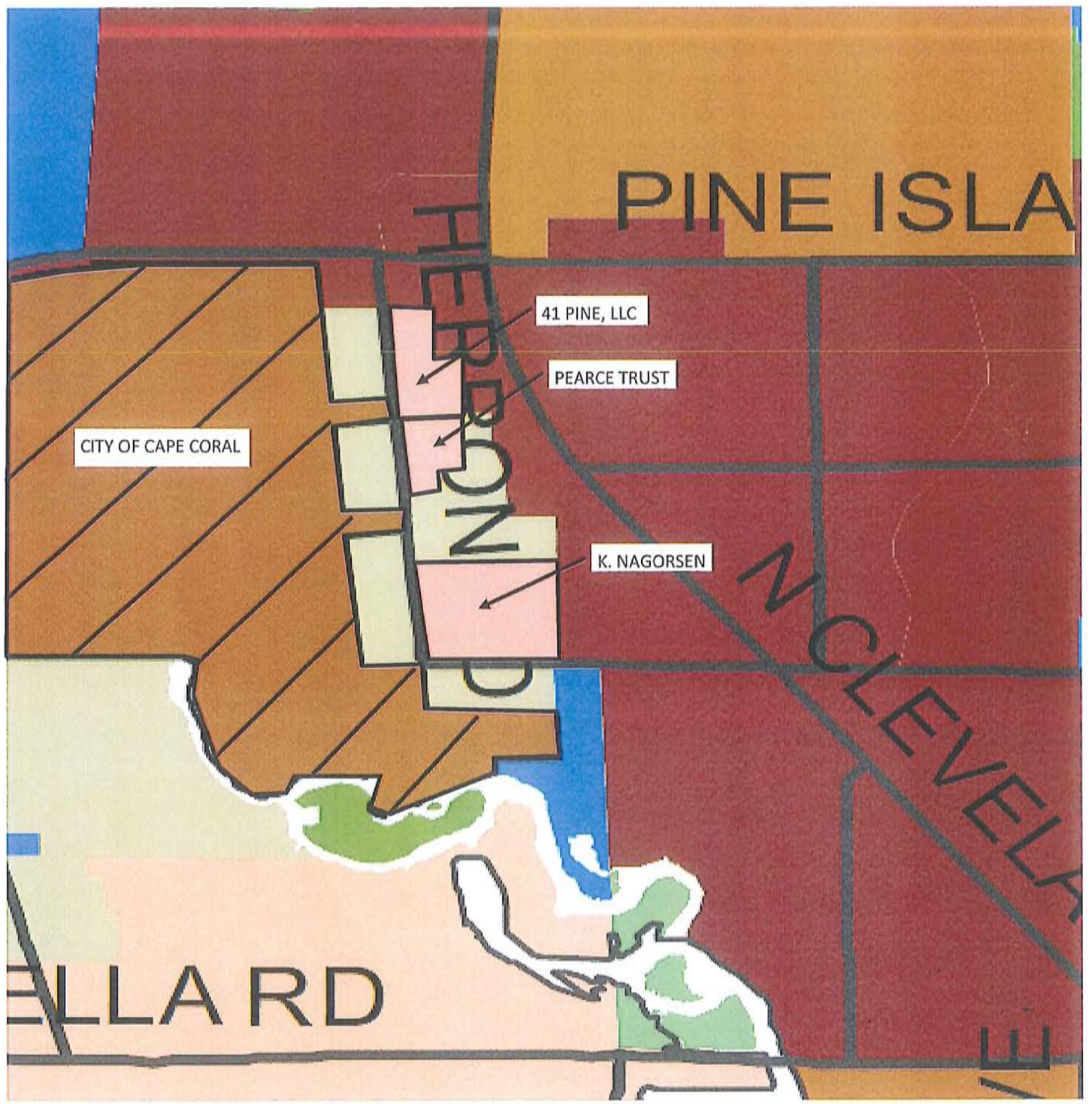
Staff recommends that the property be designated to Urban Places and be added to the Mixed Use Overlay map based upon the property's location, access to infrastructure and compatibility with the Estero Community Plan.

## **6. North Point DRI Parcel**

Charles Basinait, representing Barron Collier Companies and Lutgert, requested the 100 acre North Point DRI property located in Estero be designated as Urban Places on the Future Land Use Map. The subject property is located on US 41 and Via Coconut. The request is consistent with the Estero Community Plan and the Estero Community Planning Panel supports the request. Staff concurs and recommends the property be designated to Urban Places based on the project's location within the Mixed Use Overlay, the intense development entitled by the DRI zoning and infrastructure availability.







536 Evergreen Road, North Fort Myers, FL

Property Owners in favor of Suburban 6 or Higher



536 Evergreen Road, North Fort Myers, FL  
Alternative Lee County Future Land Use Map



-  Urban Core = 25 du/ac (40 with incentives)
-  Urban Places = 18 du/ac (25 with incentives)
-  Suburban 6 = 6 du/ac (no incentives)
-  Suburban 2 = 2 du/ac (no incentives)
-  Public Facilities
-  Cape Coral: Multi-Family = 16 du/ac

Land Use Categories	Densities and Intensities			
	Residential Densities and Intensities			Commercial Intensities (Maximum FAR)
	Base	Standard	Incentive	
URROUNDING → Urban Core	15 DU/Ac.	25 DU/Ac.	40 DU/Ac.	4.00
Urban Places	8 DU/Ac.	18 DU/Ac.	25 DU/Ac.	2.00
Urban Neighborhood <sup>1,2</sup>	4 DU/Ac.	<del>8</del> 10 DU/Ac.	16 DU/Ac.	1.00
<u>Suburban 10</u>	<u>4 DU/Ac.</u>	<u>10 DU/Ac.</u>		0.50
Suburban 6	4 DU/Ac.	6 DU/Ac.	<del>10 DU/Ac.</del>	0.50
Suburban 4	2 DU/Ac.	4 DU/Ac.		0.30
ENCLAVE → Suburban 2		2 DU/Ac.		0.25
Coastal Suburban		3 DU/Ac.		0.25
Commercial				1.00
Industrial Research Development				1.00
Tradeport				<del>?????</del>
Airport Lands				See Table ##
University Community	See Land Use Element Policy 1.4.5			
Interchange				
Rural <sup>3</sup>		1 DU/Ac.		<del>?????</del>
Rural Community Preserve		1 DU/Ac.		<del>?????</del>
Coastal Rural	See Land Use Element Policy 1.5.3			
Outer Islands		1 DU/Ac.		<del>?????</del>
Open Lands <sup>4</sup>		1 DU / 10 Ac.	1 DU / 5 Ac.	<del>?????</del>
Density Reduction/ Groundwater Resource <sup>5</sup>		1 DU / 10 Ac.		<del>?????</del>
Conservation Lands - Upland				
Conservation Lands - Wetland				
Public Facilities				
Wetlands		1 DU / 20 Ac.		
Burnt Store Marina Village	See Land Use Element Policy 1.8.2			
Destination Resort Mixed Use Water Dependent	See Land Use Element Policy 1.8.3			
<u>Gasparilla Island Conservation District</u>	<u>See Land Use Element Policy 1.8.4</u>			

Clarifications and Exceptions:

1. Within the Urban Neighborhood land use category in Pine Island Center, rezonings that will allow in excess of 2 dwelling units per gross acre must "acquire" the density above 2 dwelling units per gross acre utilizing TDRs that were created from Greater Pine Island Coastal Rural or Greater Pine Island Urban Categories. TDRs that were created from receiving sites outside of Greater Pine Island are not permitted to be transferred into Greater Pine Island.
2. In all cases on Gasparilla Island, the maximum density must not exceed 3 DU/Ac. See also the Gasparilla Island Conservation District Act of 1980, as amended.

Mr. Paul O'Connor  
Lee County Planning Division  
1500 Monroe Street  
Fort Myers, FL 33901

Dear Mr. O'Connor,

It has come to our attention that Lee County is in the process of updating the Year 2035 Lee Plan, including the Future Land Use Map and Comprehensive Plan. We are the property owners of approximately 3 acres in North Fort Myers located at 301 Herron Road and 431 Pineapple Lane. The properties currently have a Future Land Use designation of Sub-Outlying Suburban. The proposed Future Land Use Map will re-designate those same properties to Suburban 2.

Given the location of the parcels, in an urban area with access to urban services, we would be in support of a higher density for the small enclave of properties that remain at Suburban 2. We would support Suburban 10 at that location to provide a greater flexibility for future development. It would seem more judicious to step down from a Future Land Use category that permits a standard density of 25 dwelling units per acre to a Future Land Use category that permits a standard density of 10 dwelling units per acre, instead of the bare minimum of 2 dwelling units per acre.

I'm submitting this letter of my own free will, with no coercion or incentives from outside sources.

Sincerely,

A handwritten signature in blue ink that reads "Gertrud U. Pearce". The signature is written in a cursive, flowing style.

Gertrud U. Pearce Trust

# Knott · Ebelini · Hart

Attorneys At Law

George H. Knott \*+  
Mark A. Ebelini  
Thomas B. Hart □  
Aaron A. Haak ◇+

\* Board Certified Civil Trial Lawyer  
□ Board Certified Real Estate Lawyer  
+ Board Certified Business Litigation Lawyer  
◇ Board Certified Construction Lawyer

1625 Hendry Street • Third Floor (33901)  
P.O. Box 2449  
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722  
Facsimile (239) 334-2801

Natly Torres-Alvarado +  
Andrew A. Bokan  
David L. Ciccarello  
Mary E. Briedé

Michael E. Roeder, AICP  
Director of Zoning  
and Land Use Planning

mroeder@knott-law.com

April 15, 2013

Mr. James Green, Chairman  
Local Planning Agency  
P.O. Box 398  
Ft. Myers, FL 33902

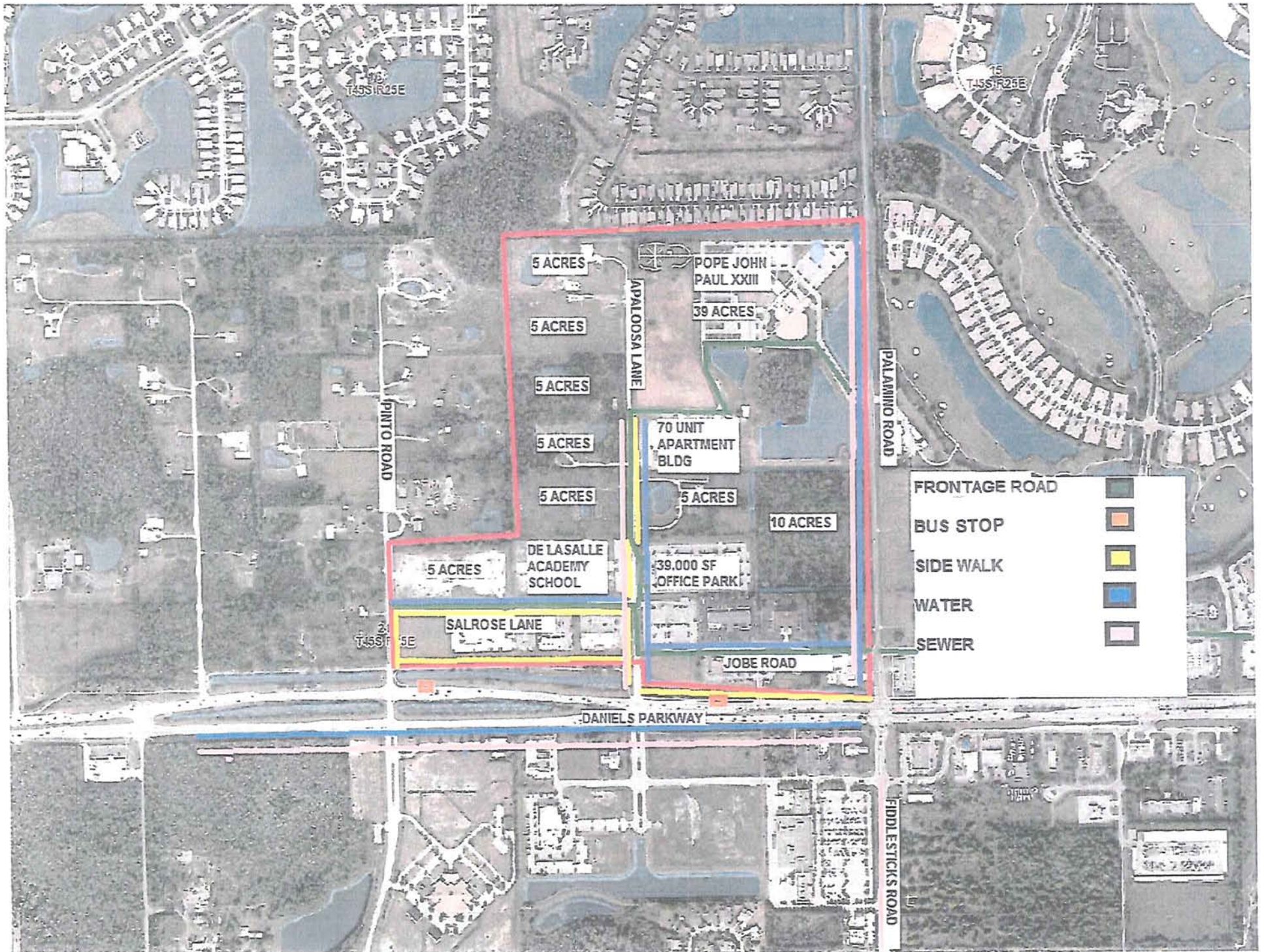
RE: Future Land Use Map

Dear Jim:

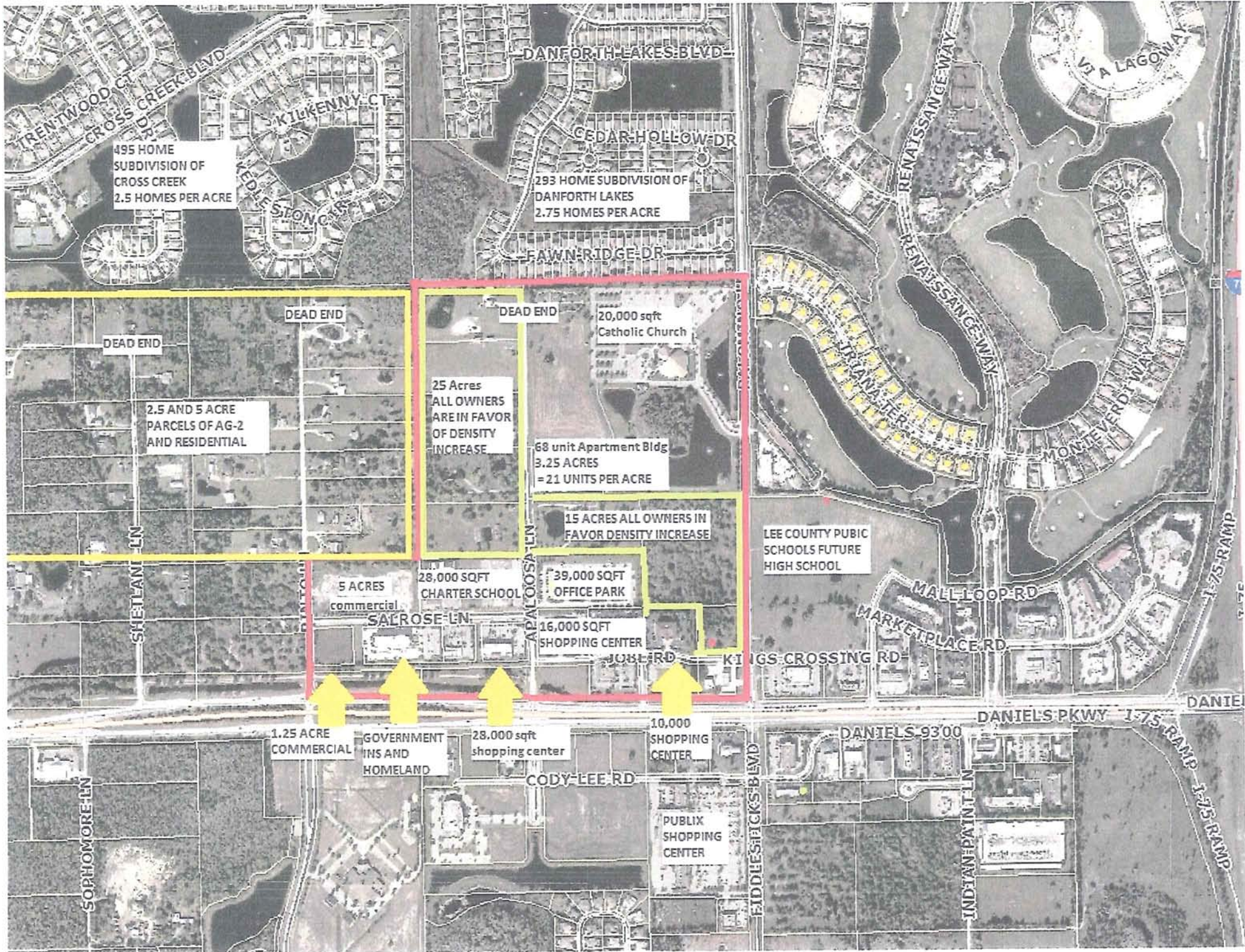
We are assisting a group of landowners in the Daniels Parkway corridor, centered on Appaloosa Lane, whose properties are currently designated Outlying Suburban on the future land use map. The properties in question are depicted on the attached aerial photograph. The proposed new land use map would change this designation to "Suburban 4" which would represent an increase of one dwelling unit per acre over the existing Outlying Suburban category. However, the owners of these largely vacant properties do not believe that even this new designation will allow them to have any realistic use of their land.

You can see from the attached aerial that the properties with Daniels Parkway frontage have mostly been developed with fairly intense commercial uses, and this commercial intensity is permitted in the Outlying suburban land use category. In addition, several years ago the Pope John XXIII Catholic parish on the north end of Appaloosa amended their CFPD zoning to permit the construction of a 68 unit senior citizen apartment complex which has been completed. We understand that the church may possibly be interested in constructing another building, but they are at the limit of their allowed density at the present time. Meanwhile, the small five and ten acre parcels between Daniels Parkway and the church do not have the visibility for viable commercial uses, the residential density is too low for any reasonable multi-family use, and the parcels are too small for modern single family developments.

In addition to these negative factors confronting the landowners, the County is missing an opportunity to encourage some more intense infill development in an area that already has abundant commercial activity. When the land use map was first adopted in 1984, this whole area was designated "Rural" under the theory that the County was obligated to limit development as a condition of their federal airport funding. That obligation was never clearly promulgated, and when the







495 HOME SUBDIVISION OF CROSS CREEK 2.5 HOMES PER ACRE

DANFORTH LAKES BLVD

CEDAR HOLLOW DR

293 HOME SUBDIVISION OF DANFORTH LAKES 2.75 HOMES PER ACRE

FAWN RIDGE DR

DEAD END

DEAD END

DEAD END

2.5 AND 5 ACRE PARCELS OF AG-2 AND RESIDENTIAL

25 Acres ALL OWNERS ARE IN FAVOR OF DENSITY INCREASE

20,000 sqft Catholic Church

68 unit Apartment Bldg 3.25 ACRES = 21 UNITS PER ACRE

15 ACRES ALL OWNERS IN FAVOR DENSITY INCREASE

LEE COUNTY PUBIC SCHOOLS FUTURE HIGH SCHOOL

5 ACRES commercial

28,000 SQFT CHARTER SCHOOL

39,000 SQFT OFFICE PARK

16,000 SQFT SHOPPING CENTER

MALL LOOP RD

MARKETPLACE RD

KINGS CROSSING RD

DANIELS

DANIELS PKWY I-75 RAMP I-75 RAMP

1.25 ACRE COMMERCIAL

GOVERNMENT INS AND HOMELAND

28,000 sqft shopping center

10,000 SHOPPING CENTER

CODY-LEE RD

DANIELS 93'00

FIDDLES HICKS BLVD

INDIAN PAINT LN

SOPHOMORE LN

Mr. James Green, Chairman  
April 15, 2013  
Page 2

County changed the designation to Outlying Suburban in the first round of Plan amendments, it opened the door to the extensive commercial development and golf course communities that exist today.

This designation has left a legacy of five and ten acre parcels that are not suited for any obvious use, and by maintaining this designation the County is not encouraging the mixed use development that is one of the main priorities of the new plan and which this location, convenient to I-75 and the airport, would lend itself.

For all of these reasons, we believe that the new category of Urban Neighborhood, which would allow for a reasonable multi-family density, is the most appropriate designation of this strategic location. We would appreciate it if the LPA can recommend this revision of the proposed map to the Board of County Commissioners.

Thank you very much for your attention to this important issue. I will be out of town on the day of your next hearing on this matter, April 22, but I believe that some of the landowners will attend to support this request.

Very truly yours,

KNOTT EBELINI HART



Michael E. Roeder, AICP  
Director of Zoning and Land Use Planning

cc: Noel Andress  
Mitch Hutchcraft  
Ann Pierce  
Roger Strelow  
Wayne Daltry  
Steven Brodkin  
Mary Gibbs  
Paul O'Connor  
Matt Noble  
Veronica Martin

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Green James W</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>LPA</i>
MAILING ADDRESS <i>14801 Palm Beach Blvd Lee</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY      COUNTY <i>Fort Myers</i>	NAME OF POLITICAL SUBDIVISION: <i>Lee</i>
DATE ON WHICH VOTE OCCURRED <i>7/28/14</i>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, James W Green, hereby disclose that on July 28, 20 14:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

NE the county FLOR, I own property which would be impacted by the proposed change

7/28/14  
Date Filed

James W Green  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.