

ORDINANCE NO. 22-05

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN TO ADOPT A SMALL SCALE AMENDMENT (CPA2021-00013) PERTAINING TO LUCKETT LANDING; PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN MAP 1-A, THE FUTURE LAND USE MAP; LEGAL EFFECT OF THE "LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY; INCLUSION IN CODE, CODIFICATION AND SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

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

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6, provide an opportunity for private individuals to request amendment to the Future Land Use Map through a small scale amendment public hearing process; and

WHEREAS, the Local Planning Agency ("*LPA*") held a public hearing on the adoption of the proposed amendment on January 24, 2022. At that hearing the LPA found the proposed amendment to be consistent with the Lee Plan and recommended that the Board adopt the amendment; and

WHEREAS, the Board held a public hearing for the adoption of the proposed amendment on February 16, 2022. At that hearing, the Board approved a motion to adopt proposed amendment CPA2021-00013 pertaining to Lockett Landing, amending Map 1-A of the Lee Plan, the Future Land Use Map. The subject parcel is located at the northwest corner of the I-75 and Lockett Road interchange, between I-75 and Enterprise Parkway.

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 public hearing to review a proposed small scale amendment to the Future Land Use Map Series of the Lee Plan. The purpose of this ordinance is to adopt the amendment to the Lee Plan discussed at that meeting and later approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." This amending ordinance may be referred to as the "Lockett Landing (CPA2021-00013)".

SECTION TWO: ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN FUTURE LAND USE MAP SERIES, MAP 1-A

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment to the Future

Land Use Map Series, Map 1-A, the Future Land Use Map to re-designate 16.56 ± acres from the Industrial Development Future Land Use category, to the Industrial Interchange Future Land Use category. The subject property is located between Enterprise Parkway and I-75, on the north side of Lockett Road. The corresponding staff report and analysis, along with all attachments for this amendment, 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: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION FIVE: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SEVEN: INCLUSION IN CODE, CODIFICATION AND 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 re-numbered or re-lettered and the word “ordinance” may be changed to “section,” “article” or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent may be authorized by the County Manager, or his designee, without need of a public hearing, by filing a corrected or re-codified copy with the Clerk of the Circuit Court.

SECTION EIGHT: EFFECTIVE DATE

The small scale Lee Plan amendment adopted by this ordinance will be effective 31 days after adoption unless challenged within 30 days after adoption. If challenged within 30 days after adoption, the small scale amendment to the Lee Plan will not be effective until the Florida Department of Economic Opportunity or the Administrative Commission issues a final order

determining the small scale amendment is in compliance with Florida Statutes, Section 163.3184. No development orders, development permits or land uses dependent on this amendment may be issued or commence before the amendment has become effective.

Commissioner Hamman made a motion to adopt the foregoing ordinance, seconded by Commissioner Ruane. The vote was as follows:

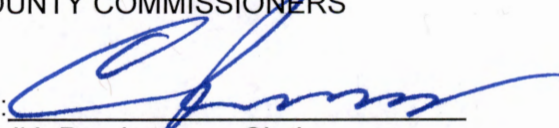
Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DONE AND ADOPTED this 16th day of February 2022.

ATTEST:
LINDA DOGGETT, CLERK

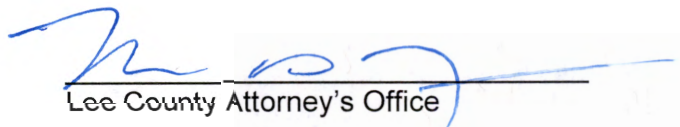
BY: 
Deputy Clerk

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: 
Cecil L Pendergrass, Chair

DATE: 2/17/22

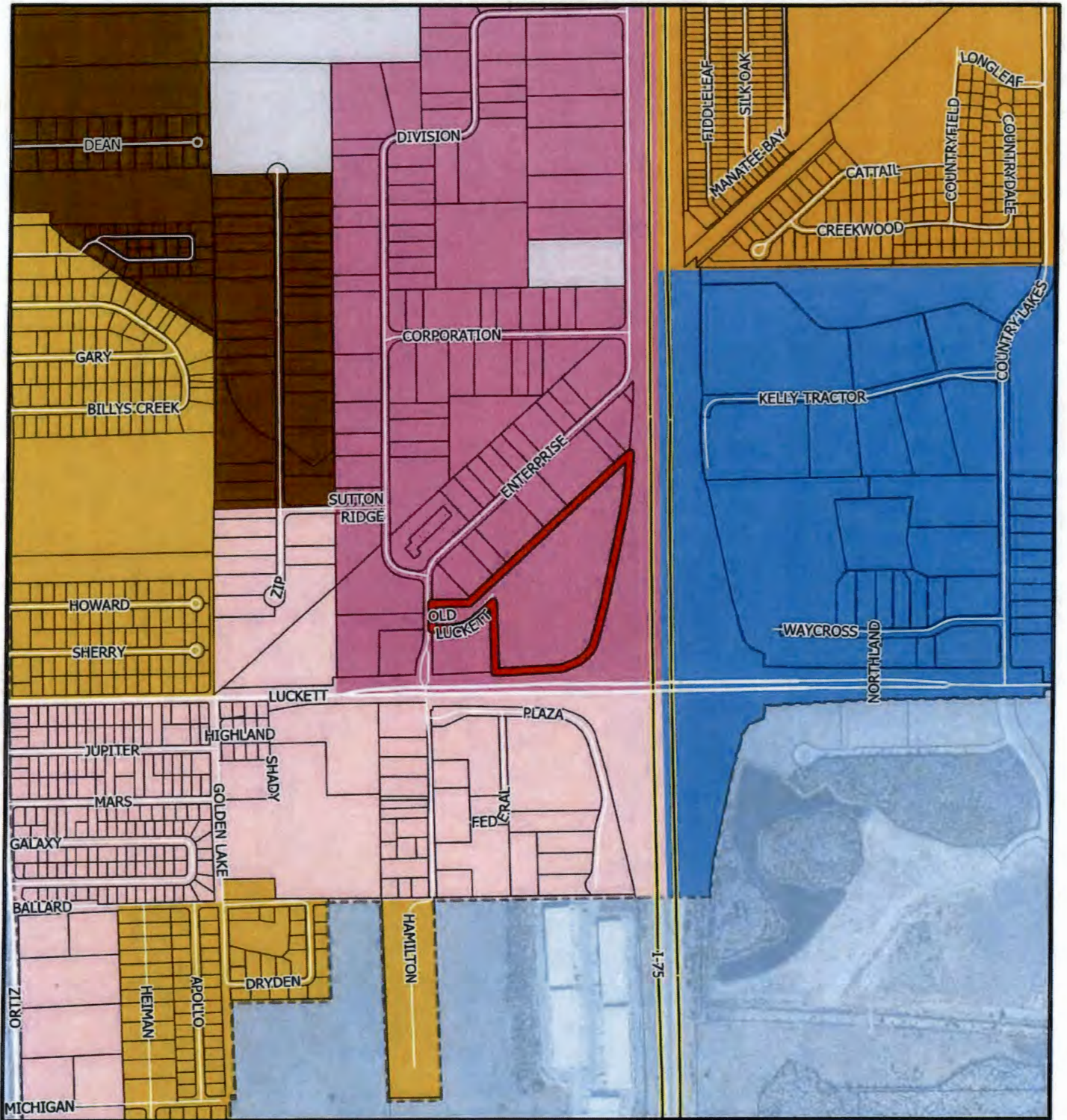
APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


Lee County Attorney's Office

RECEIVED
MINUTES OFFICE

2022 FEB 17 PM 1:28

EXHIBIT A

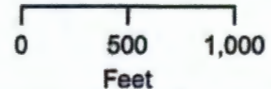


CPA2021-00013 Lockett Landing

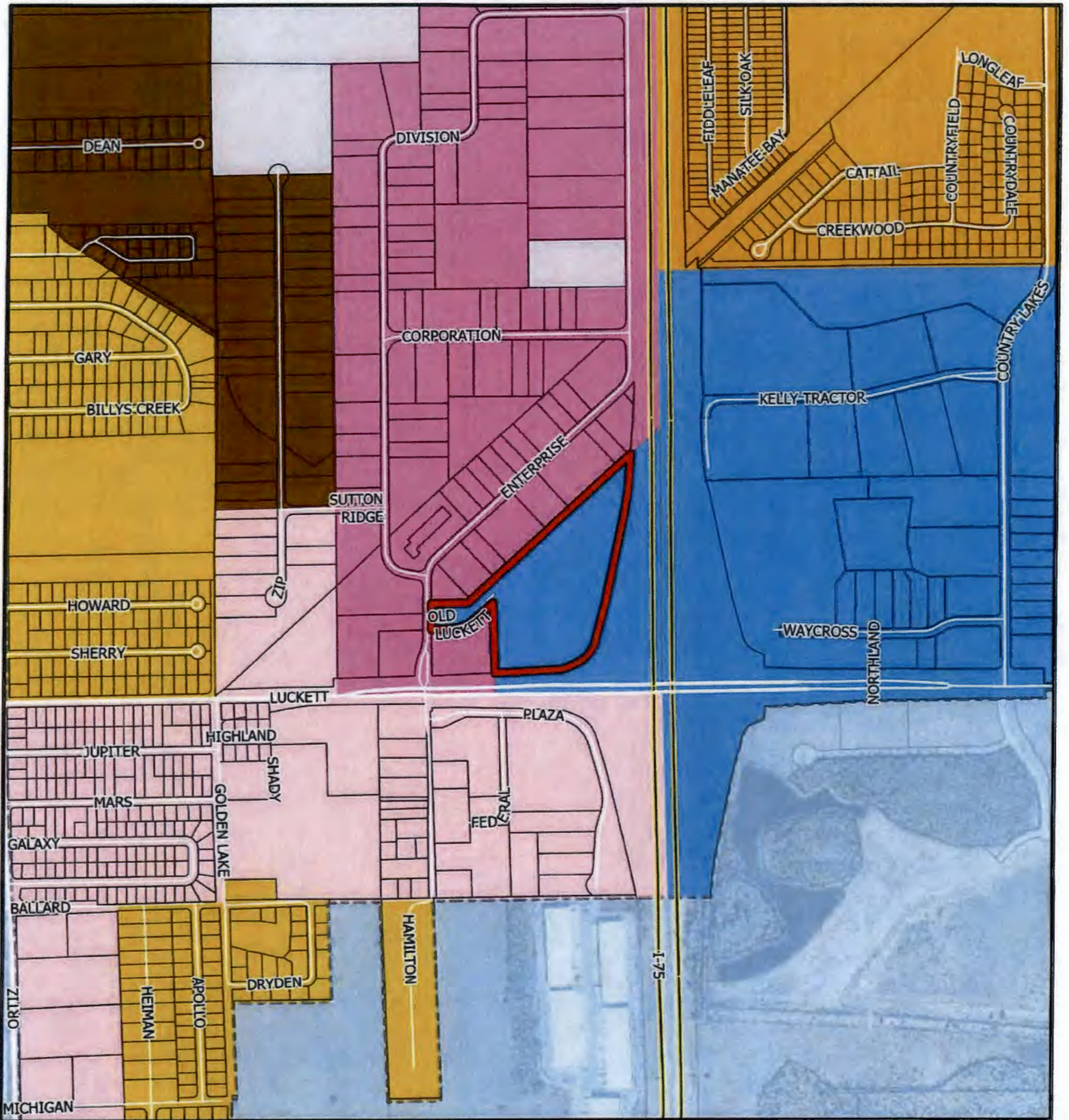
Existing Future Land Use



- Intensive Development
- Public Facilities
- Central Urban
- City Limits
- Urban Community
- Subject Property
- Suburban
- Industrial



Map Generated: January 2022



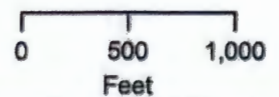
CPA2021-00013 Lockett Landing

Proposed Future Land Use



Map Generated: January 2022

- Intensive Development
- Public Facilities
- Central Urban
- Industrial Interchange
- Urban Community
- City Limits
- Suburban
- Industrial
- Subject Property





FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

February 21, 2022

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

Attn: Chris Jagodzinski

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lee County Ordinance No. 22-05, which was filed in this office on February 17, 2022.

Sincerely,

Anya Owens
Program Administrator

AO/lb

RECEIVED

By Chris Jagodzinski at 9:13 am, Feb 21, 2022

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 22-05
(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD

DESCRIPTOR: Planning

OTHER KEYFIELD

DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Luckett Landing Ord
(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: 89-02 AMENDMENT #2: _____

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: _____ ; REPEAL #3: _____
REPEAL #2: _____ ; REPEAL #4: _____

(Others Repealed: List All That Apply): _____

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: _____

KEYFIELD 1 CODE: _____ KEYFIELD 2 CODE: _____

KEYFIELD 3 CODE: _____

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

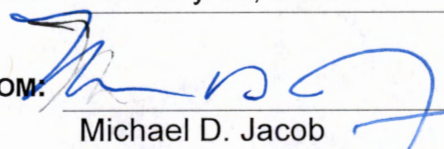
VIA HAND DELIVERY

DATE: February 16, 2022

To: Commissioner Pendergrass

Chair, Board of County
Commissioners

FROM:


Michael D. Jacob
Deputy County Attorney

RE: **Lee County Ordinance Amending the Lee County Comprehensive Plan
Ord #22-03 – Property Rights Element (CPA2021-00007)
Ord #22-04 – Alico West Area 9 Centerplace (CPA2021-00002)
Ord #22-05 – Lockett Landing (CPA2021-00013)
Adoption Hearing – February 16, 2022**

On February 16, 2022, the Board of County Commissioners adopted the above ordinances amending the Lee County Comprehensive Plan. The originals are attached to this memorandum for execution. Kindly execute the ordinances at your earliest convenience and then forward to Eileen Gabrick in the Minutes Department.

By copy of this memorandum to Eileen Gabrick, I request that a clerk attest to the Chair's signature on each of the attached ordinances and email a copy of the fully executed ordinances with all exhibits to my attention.

Insofar as State Statute mandates that the ordinances reach Tallahassee within ten (10) days of the adoption, please expedite the above request so that the ordinances arrive in Tallahassee no later than February 25, 2022.

Joyce, attached please find the Data Retrieval Forms for each ordinance. Kindly include the amendments in the Lee County Ordinance History.

Thank you for your assistance.

MDJ:tlb

Attachments:

Ord #22-03 – Property Rights Element (CPA2021-00007)
Ord #22-04 – Alico West Area 9 Centerplace (CPA2021-00002)
Ord #22-05 – Lockett Landing (CPA2021-00013)

cc via email only: Joyce Conatser, Senior Fiscal Officer
Samantha Westen, Executive Assistant
Rose Bahena, Administrative Specialist, Senior
Eileen Gabrick, Manager, Minutes Department
Mikki Rozdolski, Section Manager, Planning
Brandon Dunn, Principal Planner, Planning
Janet Miller, Administrative Specialist/DCD
Debbie Carpenter, Administrative Specialist/DCD
Andrea Eggen, Legal Administrative Specialist (for ordinance history)

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