

SEPTEMBER 28, 2011

A Meeting of the Board of Lee County Commissioners was held on this date to conduct a Public Hearing to consider Adoption of the 2010/2011 Regular Lee County Comprehensive Land Use Plan (Lee Plan) Amendments with the following Commissioners present:

- Frank B. Mann, Chairman
- John Manning, Vice Chairman
- Ray Judah
- Tammara Hall
- A. Brian Bigelow

ON FILE IN THE MINUTES OFFICE: COVER MEMORANDUM FROM DEPARTMENT OF COMMUNITY DEVELOPMENT PLANNING DIRECTOR PAUL O’CONNOR, AICP, DATED SEPTEMBER 16, 2011.

**1. Call to Order; Certification of Affidavit of Publication**

The Chairman called the meeting to order at 9:30 a.m. Chief Assistant County Attorney Donna Marie Collins approved, as to legal form and sufficiency, the Affidavit of Publication regarding this item.

**2. Public Comment on Consent Agenda:**

The Chairman called for public input; however, no one came forward.

**3. Consent Items Pulled for Discussion by the Board.**

There were no Consent Agenda items pulled for discussion by individual Commissioners.

**4. Consideration of Items Pulled for Discussion.**

Following brief procedural guidance from Attorney Collins, a motion was made to adopt each of the Consent Agenda Ordinances, as specified.

**5. Adopt Consent Agenda Ordinances.**

**1. CPA2010-04: Villages of Pine Island Sewer Service.** Amend Map 7 of the Lee Plan, the Future Sewer Service Areas Map, to provide sanitary sewer service to an approved multi-family residential development and two commercial properties.

Commissioner Hall moved to approve the Consent Agenda Ordinances, seconded by Commissioner Manning, called and carried. The Ordinance adopted by the Board and filed was LEE COUNTY ORDINANCE NO. 11-13, ENTITLED:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2010-00004 (PERTAINING TO THE VILLAGES OF PINE ISLAND SEWER SERVICE) APPROVED DURING A PUBLIC HEARING DURING THE COUNTY’S 2010/2011 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP; LEGAL EFFECT OF “THE LEE PLAN”; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

**2. CPA2010-07: Minus Forty Technology Corporation.** Amend the Future Land Use Map Series, Map 1, to change approximately 15.56 acres of land designated Suburban to Industrial Development and Conservation Lands Uplands and Conservation Lands Wetlands.

Commissioner Hall moved to approve the Consent Agenda Ordinances, seconded by Commissioner Manning, called and carried. The Ordinance adopted by the Board and filed was LEE COUNTY ORDINANCE NO. 11-15, ENTITLED:

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO.

89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2010-00007 (PERTAINING TO THE MINUS FORTY TECHNOLOGY CORPORATION) APPROVED DURING A PUBLIC HEARING DURING THE COUNTY’S 2010/2011 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP; LEGAL EFFECT OF “THE LEE PLAN”; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

**3. CPA2010-08: Southwest Florida International Airport Non-Aviation Development Update.** Amend Lee Plan provisions specific to the development of the Southwest Florida International Airport and Table 5(a) Southwest Florida International Airport Development Schedule to modify the development parameters allowed within the future non-aviation areas at the Southwest Florida International Airport.

Commissioner Hall moved to approve the Consent Agenda Ordinances, seconded by Commissioner Manning, called and carried. The Ordinance adopted by the Board and filed was [LEE COUNTY ORDINANCE NO. 11-16, ENTITLED:](#)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2010-00008 (PERTAINING TO THE SOUTHWEST FLORIDA INTERNATIONAL AIRPORT NON-AVIATION DEVELOPMENT UPDATE) APPROVED DURING A PUBLIC HEARING DURING THE COUNTY’S 2010/2011 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED TEXT AND TABLES; LEGAL EFFECT OF “THE LEE PLAN”; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

**4. CPA2010-12: Conservation Lands Update.** Amend the Future Land Use Map series, Map 1, by updating the Conservation land use categories.

Commissioner Hall moved to approve the Consent Agenda Ordinances, seconded by Commissioner Manning, called and carried. The Ordinance adopted by the Board and filed was [LEE COUNTY ORDINANCE NO. 11-17, ENTITLED:](#)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2010-00012 (UPDATING THE MAPPED CONSERVATION AREAS ON THE FUTURE LAND USE MAP) APPROVED DURING THE COUNTY’S 2010/2011 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; AMENDMENTS TO THE FUTURE LAND USE MAP; LEGAL EFFECT OF “THE LEE PLAN”; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

**5. CPA2010-14: Mixed Use Overlay Update.** Amend Lee Plan Objective 4.3.1 to refer to the Land Development Code Chapter 32: Compact Communities; Adopt Lee Plan Policy 4.2.7 and revise Objective 6.1 to exempt commercial development within the Mixed Use Overlay from the site location standards of Lee Plan Policy 6.1.2 when implementing the provisions of Chapter 32; Amend Lee Plan Map 1, Page 6 the Mixed Use Overlay to match the Lehigh Acres Downtown Specialized Mixed-Use Node.

Commissioner Hall moved to approve the Consent Agenda Ordinances, seconded by Commissioner Manning, called and carried. The Ordinance adopted by the Board and filed was [LEE COUNTY ORDINANCE NO. 11-18, ENTITLED:](#)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2010-00014 (PERTAINING TO THE COMMERCIAL SITE LOCATION STANDARD EXCEPTIONS IN THE MIXED-USE OVERLAY) APPROVED DURING A PUBLIC HEARING DURING THE COUNTY’S 2010/2011 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED TEXT; LEGAL EFFECT OF “THE LEE

PLAN”; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

**6. CPA2010-16: Remove Duplicate Boca Grande Goal.** Remove the duplicate Boca Grande goal from the Lee Plan.

Commissioner Hall moved to approve the Consent Agenda Ordinances, seconded by Commissioner Manning, called and carried. The Ordinance adopted by the Board and filed was [LEE COUNTY ORDINANCE NO. 11-20, ENTITLED:](#)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2010-00016 (REMOVING A DUPLICATE BOCA GRANDE GOAL) APPROVED DURING A PUBLIC HEARING DURING THE COUNTY’S 2010/2011 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED TEXT; LEGAL EFFECT OF “THE LEE PLAN”; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

**7. CPA2010-19: Recreation Facilities Standards Update.** Amend Objective 79.1, Objective 82.2, Objective 83.2, Policy 83.2.1, and Policy 95.1.3 concerning the Non-Regulatory Level of Service Standards for boat ramps, water access, and community recreation standards.

Commissioner Hall moved to approve the Consent Agenda Ordinances, seconded by Commissioner Manning, called and carried. The Ordinance adopted by the Board and filed was [LEE COUNTY ORDINANCE NO. 11-22, ENTITLED:](#)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2010-00019 (PERTAINING TO THE RECREATION FACILITIES STANDARDS UPDATE) APPROVED DURING A PUBLIC HEARING DURING THE COUNTY’S 2010/2011 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED TEXT; LEGAL EFFECT OF “THE LEE PLAN”; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

**8. CPA2010-21: Beach Re-nourishment Resource Protection.** Amend Policy 113.3.1 to clarify that beach re-nourishment sand sources should be identified and protected.

Commissioner Hall moved to approve the Consent Agenda Ordinances, seconded by Commissioner Manning, called and carried. The Ordinance adopted by the Board and filed was [LEE COUNTY ORDINANCE NO. 11-23, ENTITLED:](#)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2010-00021 (PERTAINING TO THE BEACH RENOURISHMENT AMENDMENT) APPROVED DURING A PUBLIC HEARING DURING THE COUNTY’S 2010/2011 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED TEXT; LEGAL EFFECT OF “THE LEE PLAN”; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

**9. CPA2010-22: Caloosahatchee Shores Community Plan Clarifications.** Amend Map 1, Special Treatment Areas, Page 2 of 8, Community Planning Areas, to modify the boundary between the Caloosahatchee Shores and Olga Communities. Clarify the appropriate areas for commercial and mixed uses. Clarify the public participation language in Policy 21.6.3.

Commissioner Hall moved to approve the Consent Agenda Ordinances, seconded by Commissioner Manning, called and carried. The Ordinance adopted by the Board and filed was [LEE COUNTY ORDINANCE NO. 11-24, ENTITLED:](#)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2010-00022 (PERTAINING TO THE CALOOSAHATCHEE SHORES COMMUNITY PLAN) APPROVED DURING A PUBLIC HEARING DURING THE COUNTY’S 2010/2011 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF “THE LEE PLAN”; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

### 3. Administrative Agenda:

1. [CPA2010-15](#): **Captiva Island Community Plan Height Restriction Re-Evaluation.** Amend Policy 13.1.2 to clarify the building and structure height regulations on Captiva Island.

Community Development Principal Planner Matt Noble reviewed the amendment request, workshop results and staff’s recommendation to adopt the proposed amendment as depicted in the Staff Report. Captiva Community Panel Planning Consultant [Max Forgey](#); Panel Chair [Sandy Stilwell](#), Regional Manager of South Seas Resort and Panel member [Rick Hayduk](#); and Panel member [Rene Miville](#), on behalf of Mike Kelly, addressed the Board in support of adoption. Attorney [Matt Uhle](#), representing the Captiva Civic Association spoke in opposition to adoption. The Chairman called for public comment and the following persons came forward:

In opposition:

Executive Director of the Captiva Civic Association [Paul Garvey](#)

Captiva Village resident and Secretary of the Captiva Beach Homeowners Association [Nathalie Pyle](#)

Past President - Captiva Civic Association and Sunset Captiva Homeowners Association [Bill Fenniman](#)

In support:

Business owner [John Jensen](#)

Mr. Noble commented on the process over the last two years, and Community Development Building Officer Bob Stewart responded to Board questions and concerns, and referenced a projected overview. Commissioner Manning briefly left the Chambers during set-up of the projector. Commissioner Manning moved to adopt the staff recommendation, seconded by Commissioner Hall. Following brief Board commentary, the motion was called and carried with Commissioner Bigelow voting nay. Mr. Noble advised that second-story architectural concerns may be addressed further during the Land Development Code process. The Ordinance adopted by the Board and filed was [LEE COUNTY ORDINANCE NO. 11-19, ENTITLED:](#)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2010-00015 (PERTAINING TO THE CAPTIVA ISLAND COMMUNITY PLAN HEIGHT RESTRICTION RE-EVALUATION) APPROVED DURING A PUBLIC HEARING DURING THE COUNTY’S 2010/2011 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED TEXT; LEGAL EFFECT OF “THE LEE PLAN”; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

2. [CPA2010-06](#): **Pine Tarr, LLC.** Amend Policy 14.1.5 to permit clearing of wetlands in accordance with an approved Environmental Resource Permit for commercial planned development twenty-five acres or larger.

Community Development Planner Brandon Dunn reviewed the amendment request and direction given by the Board at the last transmittal hearing. Mr. Dunn narrated a PowerPoint presentation with Alternative Language suggested by the applicant; however, staff believes the current language to be clear and enforceable. Environmental Sciences Planner Doug Griffith and Natural Resources Director Roland Ottolini addressed environmental impact issues and responded to questions. Chairman Mann, as a point of information, advised that the Board had previously transmitted this proposal, by unanimous vote and against recommendation of staff and the Land Planning Agency, to the State for review. Attorney [Matt Uhle](#), on behalf of the applicant, reviewed the history and their compromise proposal. [Tom](#)

[Lehnert](#) of Banks Engineering, also on behalf of the applicant, addressed the site plan. The Chairman called for public comment and the following persons came forward:

Little Pine Island Wetland Mitigation Bank representative [Dick Anderson](#) spoke in support of the amendment;  
 Greater Pine Island Civic Association representative [Phil Buchanan](#) spoke in opposition to the amendment;  
 Conservancy of Southwest Florida representative [Jeremy Frantz](#) spoke in opposition to the amendment.

Commissioner Manning recommended approving a solution that moves this to the next round of amendments with agreed to language for consideration on October 19, 2011. Commissioner Hall suggested deferring this matter to craft language; however, keeping it in the current round. Following further discussion and response to questions by Community Development Planning Director Paul O'Connor and Principal Planner Matt Noble, Commissioner Manning moved to defer this matter to October 19<sup>th</sup> to afford staff an opportunity to meet with the applicant and any of today's speakers, to craft agreed upon language and a mitigation program, seconded by Commissioner Hall. Chief Assistant County Attorney Donna Marie Collins advised that an amendment would need to be adopted within 180 days of comment by the reviewing agency. The motion was called and carried with Commissioner Bigelow voting nay.

The Chairman recessed the public hearing at 11:26 a.m. The Chairman reconvened the hearing at 12:04 p.m., with all Commissioners present, with the exception of Commissioner Bigelow who arrived at 12:10 p.m., and Commissioner Hall who arrived at 12:15 p.m.

**3. [CPA2010-05](#): Northeast Lee County and North Olga Community Plan.** Adopt the proposed North Olga Community Plan and the Northeast Lee County Planning Community Goal and subsequent provisions in response to community planning efforts.

Community Development Planner Brandon Dunn reviewed the amendment request and staff's recommendation for adoption. Principal Planner Matt Noble provided material omitted from the Staff Report and addressed the incorporated language changes and the [errata sheet](#). Chief Assistant County Attorney Donna Marie Collins and Mr. Noble responded to Board questions on clarification of certain terms. Alexis Crespo of Waldrup Engineering spoke on behalf of the Planning Panel providing background and planning goals which she indicated were consistent with the Lee Plan. The Chairman called for public comment, and the following interested citizens came forward:

In Support of the Amendment

President of the North Olga Community Planning Panel [Dennis Van Roekel](#)  
 North Olga Drive resident [Deborah Van Roekel](#)  
 North Olga resident [Nick Armeda](#)  
 North Olga Drive resident [Glenn Cary](#)  
 North Olga Community Planning Panel member [Mary Povia](#)  
 Vice President of the North Olga Community Planning Panel and Duke Highway resident [Tom Mulling II](#)  
 North Olga landowner [Joe Flint](#)  
[Kathy Kreinbrink](#) on behalf of husband Dan Kreinbrink  
[Manny Flint](#)  
 North Olga landowner [Adrian Povia](#)  
 North Olga resident [Tonya Hampton](#)  
 North Olga resident [Adele Smith](#)  
 Alva Inc resident [Theresa Edwards](#)  
 Duke Highway resident [Cheri Mulling](#)  
 Alva resident [Robbi Cary](#)  
 Olga resident [John P. Duncan](#)  
 North Olga landowner [Richard Flock](#)  
 North Olga landowner [Shauna Flock](#)  
 North Olga landowner [John Lovelace](#)  
 Duke Highway resident [Tom Mulling Sr.](#)  
 Alva resident and landowner [Andy Tilton](#)  
 On behalf of the North Olga Community Planning Panel and author of its By Laws, Attorney [Richard Pringle](#)

In Opposition to the Amendment

Duke Highway resident [Bill Redfern](#)  
 Duke Highway resident [Linda Redfern](#)

[Connie Dennis](#) on behalf of North Olga resident Pam Lewis  
[Richard Maling](#)  
 Concerned Citizens of Bayshore representative [Debbie Jackow](#)

It was pointed out several times, during public comment, that the majority of the opposition was to the adopted By-Laws, authored by Attorney Richard Pringle, who addressed the concerns above.

In Reference to the Northeast Lee County Vision Statement:

Attorney Gerald Murphy, as advised by Attorney Collins, requested, during public comment, deferral of the overarching Northeast Lee County amendment to October 19, 2011.

Ms. Crespo provided brief rebuttal, while Mr. Noble clarified certain aspects of the staff recommendation and transparency requirements. Attorney Collins opined that the By-Laws did not have a bearing on the Board's decision today. She also advised that anyone may apply to propose future plan amendments which would be subject to the public hearing process, and responded to Board questions. Following further Board discussion and clarification on the process by Attorney Collins, Commissioner Manning moved to adopt CPA2010-05 with the revised language in Policy 33.1.4 and Policy 33.3 and re-insert the words "sustainable" and "restore" into their respective policies, once defined by staff, and subject to Board approval upon final definition. Under discussion, the Board indicated understanding of Attorney Collins' advisement that definitions of the words "sustainable" and "restore" would not be available until a future amendment round, and her clarification that the motion adopts the policies with the Errata Sheet language and direction to insert the phrase "as may be defined." The motion maker agreed and reiterated his intent, and Commissioner Hall seconded the motion. Commissioner Judah, while noting concerns, expressed support of the by-laws as part of a community plan and land use representation. Commissioner Mann provided his concern with the weak foundation and by-laws while advising on the procedure available to establish a Municipal Services Taxing Unit (MSTU). The motion was called and carried with Commissioners Mann and Bigelow voting nay. The Ordinance adopted by the Board and filed was [LEE COUNTY ORDINANCE NO. 11-14, ENTITLED:](#)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2010-00005 (PERTAINING TO THE NORTHEAST LEE COUNTY AND NORTH OLGA COMMUNITY PLANS) APPROVED DURING A PUBLIC HEARING DURING THE COUNTY'S 2010/2011 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED TEXT AND MAPS; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

**4. [CPA2010-17: Northeast Lee County and Alva Community Plan.](#)** Amend the Alva Community Plan in response to community planning efforts.

Community Development Planner Brandon Dunn reviewed the amendment request and staff's recommendation to adopt. Department of Community Development Principal Planner Matt Noble referenced a requested revision by the applicant to Policy 34.2.2 requiring a unanimous versus a three member vote of the Board to change density or land use. He noted that staff is not recommending approval of the request. Chief Assistant County Attorney Donna Marie Collins responded to a question by Commissioner Hall on use of the word "prohibited" in Policy 34.1.5.

Representing the applicant [Jerry Murphy, AICP](#) indicated agreement with staff's recommendation; however, requested staff work with them on the Alva comments as part of the to-be-defined terms "sustainable" and "restore" as discussed previously in the North Olga amendment. He next addressed the requested change to a unanimous vote of the Board in Policy 34.2.2, and Attorney Collins spoke in opposition to the change. Further discussion ensued on tying this issue in with the Transfer of Development Rights (TDR's), and staff indicated this issue would be discussed during a high level overview at the upcoming Management & Planning meeting. The Chairman called for public comment and the following interested citizens came forward in support of the plan:

Alva, Inc., representative [Ruby Daniels](#)  
 Alva, Inc., representative [Bill Redfern](#)

Additional input on the super-majority request by Alva, Inc., was provided by Attorney Collins. Commissioner Judah moved to adopt staff recommendation as amended with the addition of the super-majority stipulation, seconded by Commissioner Manning. The Board acknowledged Attorney Collins' statement that the super-majority inclusion in Policy 34.2.2 would apply solely to Alva. Under discussion, Commissioner Hall addressed the citizen participants on the by-laws and community planning efforts in general, and appreciative comments were extended to the planning

staff. The motion was called and carried. The Ordinance adopted by the Board and filed was [LEE COUNTY ORDINANCE NO. 11-21, ENTITLED:](#)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2010-00017 (PERTAINING TO THE ALVA COMMUNITY PLAN) APPROVED DURING A PUBLIC HEARING DURING THE COUNTY’S 2010/2011 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED TEXT; LEGAL EFFECT OF “THE LEE PLAN”; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

**4. Adjourn**

The Chairman adjourned the meeting at 2:15 p.m.

ATTEST:  
CHARLIE GREEN, CLERK

\_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
[Chairman, Lee County Commission](#)