

OCTOBER 19, 2011

A Meeting of the Board of Lee County Commissioners was held on this date to conduct a continuation of a September 28, 2011 Public Hearing to consider Adoption of the 2010/2011 Regular Lee County Comprehensive Land Use Plan (Lee Plan) Amendment for CPA2010-06: Pine Tarr, LLC., with the following Commissioners present:

Frank B. Mann, Chairman
 John Manning, Vice Chairman
 Ray Judah
 Tammara Hall
 A. Brian Bigelow (arrived at 9:34 a.m.)

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, and briefly reviewed the status of this item.

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 Principal Planner Matt Noble provided a progress update following the September 28 hearing, and advised that staff's recommendation was to adopt Revised Policy 14.1.5 as reflected in the Errata Sheet (on file in the Minutes Office). Representing the applicant, Attorney Matt Uhle indicated satisfaction with the staff's recommendation, and responded to Board questions. The Chairman called for public comment and the following persons came forward in opposition to the amendment:

Conservancy of Southwest Florida representative Jeremy Frantz
 Greater Pine Island Civic Association representative Phil Buchanan

At the request of Commissioner Manning, Chief Assistant County Attorney Donna Marie Collins confirmed that if deferred for another 30 to 60 days, this matter would not have to wait until the 2013 cycle. Commissioner Manning, moved deferral to a date certain not to exceed 60 days, with everyone working together on language that would keep the integrity of the Pine Island Plan intact while allowing some beneficial development to occur. Attorney Collins advised that an amendment could be adopted anytime within 180 days of final transmittal approval by the reviewing agency. Commissioner Hall recommended approving the private amendment now, with consideration of the more global issues to be taken up later. Following input by Community Development Planning Director Paul O'Connor and further Board discussion, Commissioner Hall seconded the motion to defer. There was Board consensus that staff would retain their professional recommendation protocols while the Board would retain its option to overrule any recommendation. After further commentary and clarification on the staff's position by Attorney Collins, the motion maker and seconder agreed that staff would re-advertise the hearing to sometime before the December holiday break, and the motion was called and carried.

The Chairman adjourned the meeting at 10:04 a.m.

ATTEST:
 CHARLIE GREEN, CLERK

 Deputy Clerk

Chairman, Lee County Commission