

FEBRUARY 03, 2021

The [Zoning Meeting](#) of the [Board of Lee County Commissioners](#) was held on this date with the following Commissioners present:

Kevin Ruane, Chairman  
 Cecil Pendergrass, Vice-Chairman  
 Ray Sandelli  
 Brian Hamman  
 Franklin B. Mann

The Chairman called the meeting to order at 9:34 a.m. and requested that everyone join him in the Pledge of Allegiance.

NAME FFD LAND CO., INC. v. LEE COUNTY

REQUEST Move the draft Development Agreement to Second Public Hearing on March 3, 2021, at 9:30 am.

The Development Agreement will provide for the issuance of development orders and development permits pursuant to 70.01(4), Fla. Stat., to provide for development of FFD Land Co., Inc. property to include:

- A minimum of 65% open space, 56% conservation area;
  - One unit per acre (5208 acres);
  - 100,000 square feet of office/research;
  - 90,000 square feet of residential amenities;
- Issuance of \$1,500,000 prop share payment credit for conveyance of excavation/mining rights to the County; and
- As further conditioned within the Stipulation of Settlement with attached Development Agreement.

LOCATION The property is approximately 5208 acres located at 22030-036 Big Lou Road, Southeast Lee County Planning Community, Sections 26, 34, 35 and 36, Township 46 South, Range 26 East, and Sections 1, 2, 3, 11, and 12, Township 47 South, Range 26 East.

Department of Community Development, Zoning Division Senior Planner Anthony Rodriguez outlined the case, defined the request and located the property on an aerial map. He stated the Hearing Examiner reviewed the draft development agreement and found it to be consistent with the spirit of the Lee Plan: it protects the public interests served by the Lee Plan, and accomplishes the schedule of permitted uses. Subsequent to the issuance of the HEX Recommendation, representatives of FFD Land Co., Inc. and Staff identified additional changes and clarifications to be included in the agreement, as outlined in a memorandum from Deputy County Attorney Michael Jacob, dated January 27, 2021. Staff respectfully requests that any motion to move the agreement forward to a second public hearing include the changes and clarifications.

Deputy County Attorney Michael Jacob addressed the Board and outlined the purpose, history and timeline of the case that was submitted in 2008, 2009 and 2010, and then held up due to the County's moratorium on mining, followed by the adoption of Comprehensive Plan Amendments regarding Goal 33. The application filed by FFD Land Co., Inc., was denied by the Board in 2013. Since that time, County Staff and FFD Land Co., Inc. have engaged in continuing discussions concerning moving forward. The Bert Harris, Jr. case was filed in October 2020 and the Board approved a settlement that set in motion the process to be followed today, based on the language in Chapter 71.01, Florida Statutes. Mr. Jacob discussed terms and requirements of the statute, and noted that the proposed settlement has the effect of non-compliance with the statute by not meeting certain County regulations. In December 2020, the Hearing Examiner held a hearing finding that the "proposed agreement serves the public interest notwithstanding its contravention of Lee Plan policies that require inclusion in the overlay and planned development zoning to achieve the proposed development parameters; and while the Agreement may not comply with a strict reading of the Lee Plan, it accomplishes Plan objectives through comprehensive conditioning. The conditions protect the public interest served by the County's regulations."

Mr. Jacob entered the following into the record:

1. [Affidavit\(s\) of Publication for Public Notice](#)
2. [HEX Memo to the Board](#)
3. FFD Development Agreement Hearings of January 14, 2021
4. Memo to the Board regarding proposed Development Amendments
5. [Exhibits from the Hearing Examiner](#)
6. Lee County Board of County Commissioners Zoning Board Book

## 7. Joint Memorandum of Lee County and FFD Land Company, Inc.

Mr. Jacob respectfully requested the Board's approval of a motion to include the aforesaid changes and clarifications and move the case forward to the hearing scheduled for March 3, 2021.

Attorney Russell Schropp (Henderson, Franklin Law Firm) on behalf of FFD Land Co., Inc. narrated a [PowerPoint presentation](#), and recognized the FFD Team of Consultants, noting all are present and available for questions. He reviewed a historical/procedural background of the case and referenced a Stipulation of Settlement establishing that FFD Land Co., Inc. would submit a proposed Development Agreement with supporting materials, and establish a process for review by the County and the Court. After County Staff made a few revisions, the revised agreement was submitted to the Hearing Examiner. The HEX filed recommendations on January 12, 2021. The process established in the stipulation requires two public hearings before the Board and a final hearing before the Court if the Development Agreement is approved by the County and FFD. Mr. Schropp explained the two required public hearings were set for February 3, and March 3, 2021, for the following purposes:

1. Considering the Hearing Examiner's determination that the Agreement serves/protects the Public Interest served by the contravened regulations and statutes;
2. Determining whether the relief granted by the Agreement is the appropriate relief necessary to prevent the government regulatory effort from inordinately burdening the property; and,
3. Determining whether to enter into the Agreement and move forward with Court hearings to approve the settlement.

Dan Delisi, AICP, Land Planner on behalf of FFD Co., Inc. responded to a question by Commissioner Mann and deferred to Mr. Delisi by Attorney Schropp concerning the phased wetlands restoration time frame and the nature of the restorations. Mr. Delisi remarked that the restoration was a mixture of uplands and wetlands habitats similar to the adjacent CREW properties and he expected it would include cypress pines, oaks, cabbage palms (natural woodlands). Continuing the PowerPoint Presentation, Mr. Delisi described the property to be 5,209 acres on the south side of Corkscrew Road with nearly one mile of frontage, a farm that extends south for four miles, with Verdana Village and The Place to the east, Estero to the west, conservation lands contiguous on the south, east and west, and in-fill area for both development and natural land restoration. He discussed the Master Concept Plan, Concept Plan, Schedule of Uses, Restoration Phasing Plan, Development Conditions, Deviations, Consistencies and Inconsistencies with the Lee Plan, Water Supply and Water Quality Benefits.

In his closing statement, Attorney Schropp re-stated the purpose of the public hearings and requested the Board to address the required findings and approve moving ahead to the next hearing set for March 3, 2021 with the proposed changes as outlined. The Chairman called for public comment and there was one speaker:

Southwest Florida Policy Associate Brad Cornell-Representing Audubon of the Western Everglades and Audubon Florida Corkscrew Swamp Sanctuary spoke on long-term preserve management-[\(Handout\)](#)

**Vote:** Commissioner Hamman moved approval to move the case forward to the March 3, 2021 hearing, inclusive of the January 19, 2021 memorandum from Russell Schropp, seconded by Commissioner Sandelli, called and carried.

The Chairman adjourned at 10:44 a.m.

ATTEST:  
LINDA DOGGETT, CLERK

By: \_\_\_\_\_  
Deputy Clerk

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Chairman, Lee County Commission