#### LEE COUNTY BOARD OF COUNTY COMMISSIONERS 2013 REGULAR LEE PLAN AMENDMENTS TRANSMITTAL/ADOPTION HEARING

#### COMMISSION CHAMBERS 2120 MAIN STREET

#### JANUARY 22, 2014 9:30 A.M.

#### AGENDA

#### 1. Call to order; Certification of Affidavit of Publication

#### 2. Consideration and Motion for Transmittal:

A. <u>CPA2013-07: Wellfield Protection.</u> This amendment proposes two changes to the Lee Plan. The first change, following a request by the South Florida Water Management District (SFWMD), removes language in the Plan pertaining to SFWMD permitting authority. The second change updates the Lee Plan Map that identifies Lee County Utility wells and their associated protection zones which identify adjacent lands needed to protect the public water supply.

#### 3. Consideration and Motion for Adoption:

- A. <u>CPA2013-02: Agricultural Rezoning in Suburban Areas.</u> Amend Policy 9.2.1 to allow rezoning to Agricultural land uses in the Suburban land use categories in the Greater Pine Island and Caloosahatchee Shores planning areas.
- **B.** <u>CPA2013-03:</u> <u>Southwest Florida International Airport Layout Plan Update.</u> Amend Lee Plan Map 3(f) to incorporate the Airport Layout Plan (ALP) for Southwest Florida International Airport that was recently adopted by the Federal Aviation Administration (FAA).
- C. <u>CPA2013-05: University Community DRI Requirement.</u> Amend Policy 18.1.5, Policy 18.1.16, and Policy 18.2.2 to make the Lee Plan consistent with State requirements that prohibit local governments from requiring Development of Regional Impact (DRI) review for projects that don't meet or exceed state established thresholds.
- 4. Motion to Adjourn

# **CPA2013-03 SW FLORIDA** INTERNATIONAL **AIRPORT (RSW)** AIRPORT LAYOUT PLAN **UPDATE MAP 3F**

#### LEE COUNTY ORDINANCE NO. \_\_\_\_ SOUTHWEST FLORIDA INTERNATIONAL AIRPORT (RSW) AIRPORT LAYOUT PLAN UPDATE, MAP 3F CPA2013-00003

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 AMENDMENTS PERTAINING TO THE SOUTHWEST FLORIDA INTERNATIONAL AIRPORT (RSW), AIRPORT LAYOUT PLAN UPDATE, MAP 3F (CPA2013-00003) APPROVED DURING A PUBLIC HEARING; 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.

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1. 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 the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendments in accordance with Florida Statutes and the Lee County Administrative Code on October 28, 2013, and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendments on November 18, 2013. At that hearing, the Board approved a motion to send, and did later send, proposed amendments pertaining to Southwest Florida International Airport (RSW), Airport Layout Plan Update, Map 3F (CPA2013-00003) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the November 18, 2013 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on January 22, 2014 the Board held a public hearing and adopted the proposed amendments to the Lee Plan set forth herein.

# 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 public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map amendments to the Lee Plan discussed at those meetings and 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 "Southwest Florida International Airport (RSW), Airport Layout Plan Update, Map 3F Ordinance (CPA2013-00003)."

#### SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends Lee Plan Map 3F known as Southwest Florida International Airport, Airport Layout Plan (CPA2013-00003).

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

#### 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: 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 FIVE: 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 that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

#### SECTION SIX: INCLUSION IN CODE, CODIFICATION, 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 renumbered or relettered 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 or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

#### SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

THE FOREGOING ORDINANCE was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_. The vote was as follows:

John E. Manning	
Cecil L Pendergrass	
Larry Kiker	
Brian Hamman	
Frank Mann	

DONE AND ADOPTED this 22<sup>nd</sup> day of January 2014.

ATTEST: LINDA DOGGETT, CLERK LEE COUNTY BOARD OF COUNTY COMMISSIONERS

BY:\_\_\_\_\_ Deputy Clerk BY: \_\_\_\_\_ Larry Kiker, Chair

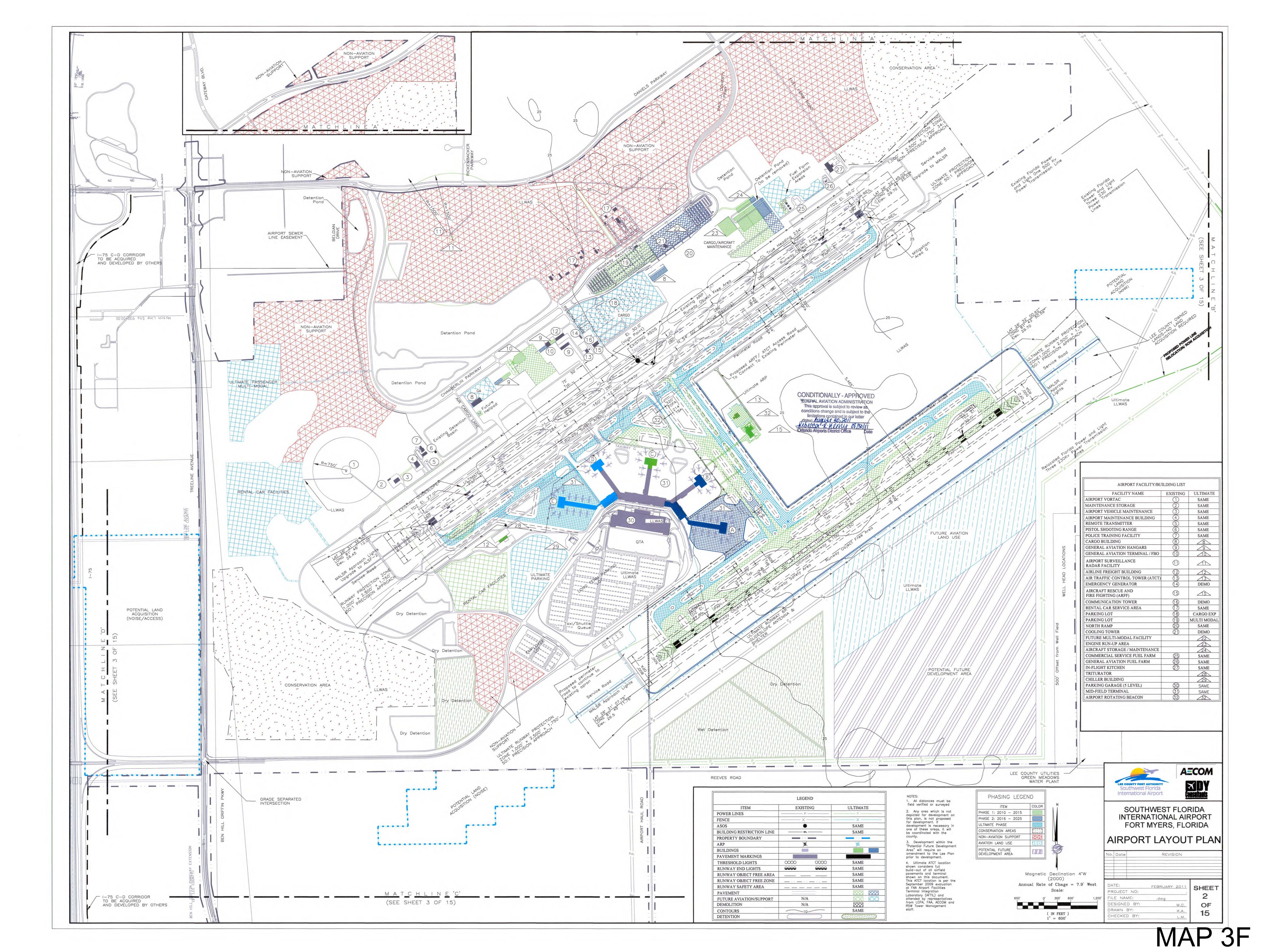
DATE:

Approved as to form by:

Michael D. Jacob County Attorney's Office

Exhibit A: Adopted revisions to Lee Plan Map 3F (Adopted by BOCC January 22, 2014)

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# CPA2013-03 SOUTHWEST FLORIDA INTERNATIONAL AIRPORT (RSW) AIRPORT LAYOUT PLAN UPDATE, MAP 3F COMPRENSIVE PLAN AMENDMENT TO THE

LEE COUNTY COMPREHENSIVE PLAN

# THE LEE PLAN

Lee County Board of County Commissioners Sponsored Amendment and Staff Analysis

#### BoCC Public Hearing Document For The January 22, 2014 Adoption Hearing

Lee County Planning Division 1500 Monroe Street P.O. Box 398 Fort Myers, FL 33902-0398 (239) 533-8585

January 15, 2014

#### LEE COUNTY DIVISION OF PLANNING STAFF REPORT FOR COMPREHENSIVE PLAN AMENDMENT CPA2013-03

Text Amendment

Map Amendment

	This Document Contains the Following Reviews
1	Staff Review
1	Local Planning Agency Review and Recommendation
1	Board of County Commissioners Hearing for Transmittal
1	Staff Response to Review Agencies' Comments
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: October 17, 2013

#### PART I - BACKGROUND AND STAFF RECOMMENDATION

#### A. SUMMARY OF APPLICATION

#### 1. APPLICANT/REPRESENTATIVES:

Lee County Board of County Commissioners/Lee County Port Authority staff and Division of Planning staff

#### 2. REQUEST:

Amend Lee Plan Map 3F, Airport Layout Plan, for the Southwest Florida International Airport (RSW), to reflect the revised Airport Layout Plan (ALP) approved by the Federal Aviation Administration.

#### **B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

#### **1. RECOMMENDATION:**

Staff recommends that the Board of County Commissioners *adopt* the proposed amendment to Map 3F of the Lee Plan.

#### 2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Lee County Board of County Commissioners initiated the proposed amendment on August 27, 2013 through Blue Sheet No. 20130718.
- The proposed amendment does not affect the airport boundaries as contained on the Lee Plan Future Land Use Map.
- The Federal Aviation Administration (FAA) has conditionally approved the Airport Layout Plan on August 30, 2011.
- Florida Statutes 163.3177(6)(b)2d and (b)4 provide that airport development that is addressed by local comprehensive plans that integrate airport layout plans does not constitute a development of regional impact.
- The last amendment to the Airport Layout Plan was adopted on September 22, 2004 by Lee Plan Amendment CPA2003-02.
- The proposed amendment provides sound planning coordination between Lee County staff and Port Authority staff.
- The proposed ALP includes new proposed locations for additional crossfield taxiways, the airport fire department and control tower.
- The proposed ALP depicts facilities that have been constructed since the adoption of CPA2003-02.

#### C. BACKGROUND INFORMATION 1. EXISTING CONDITIONS

**SIZE OF PROPERTY:** Airport property is approximately 6,372 acres.

**PROPERTY LOCATION:** The airport property is generally located on the east side of I-75, south of Daniels Parkway and north of Alico Road.

**EXISTING LAND USE:** The airport property is developed as an operating commercial airport.

**CURRENT ZONING:** The airport property is zoned Airport Operations Planned Development (AOPD).

**CURRENT FUTURE LAND USE CATEGORY:** The airport property has two Future Land Use designations: Airport and Wetlands.

#### 2. INFRASTRUCTURE AND SERVICES:

FIRE: Lee County Port Authority Aircraft Rescue and Fire.

**EMS:** Lee County EMS service area.

LAW ENFORCEMENT: Airport Police and Security.

**SOLID WASTE:** The subject site is located in solid waste Service Area 3 and is serviced by Waste Pro.

**MASS TRANSIT:** LeeTran Route 50 provides regular service to the Southwest Florida International Airport.

**WATER AND SEWER:** The subject site is located within the Lee County water and sewer Future Service Areas as identified on Maps 6 and 7 of the Lee Plan.

#### PART II - STAFF ANALYSIS

#### A. STAFF DISCUSSION INTRODUCTION

Lee County Port Authority staff, on May 7, 2013, provided to Division of Planning staff materials, including a revised ALP and a letter and report that describes changes that have been made to the ALP. The letter requests that the revised ALP be incorporated into the Lee Plan. The letter provides the following summary concerning the proposed change for the subject property:

The Lee County Port Authority has recently completed a multi-year planning and design analysis for the future parallel runway. As a result of the extensive alternatives analysis undertaken during this program a slight modification to the proposed runway layout and associated facilities as depicted on the 2004 ALP was determined to provide the most flexibility for future and ultimate airport development. These minor design changes were submitted to the FAA and subsequently approved on August 30, 2011.

Staff proposed to expedite the replacement of Map 3F with the updated and FAA approved ALP. The Lee County Board of County Commissioners initiated the proposed amendment on August 27, 2013 through Blue Sheet No. 20130718.

#### **COMPREHENSIVE PLAN BACKGROUND**

Lee Plan future land use designations for the airport property have changed over time as the Plan has been amended and the airport expanded. The current designation for RSW property is Airport and Wetlands Recent changes include the ALP which was first adopted into the Lee Plan as Map 3F by Comprehensive Plan amendment CPA2003-02. It incorporated the results of the Airport Master Plan process that was ongoing at the time. Lee Plan Amendment CPA2005-10 amended the Airport Noise Zones. Lee Plan Amendments CPA2007-57 and CPA2010-08 amended policies relating to development within the airport boundaries.

#### SURROUNDING ZONING, LAND USES, & FUTURE LAND USE CATEGORIES

The surrounding future land use categories consist of New Community, Tradeport, DR/GR, Wetlands, and Conservation Lands. The New Community designated lands are located to the northeast, on the north side of Daniels Parkway. The Tradeport designated lands are located to the north, on the north side of Daniels Parkway, to the west of the subject site across Treeline Avenue, and along the western end of the south boundary of the airport property. Along the eastern end of the southern boundary of the airport are lands designated as DR/GR, Wetlands, and Conservation Lands.

The Southwest Florida International Airport is zoned Airport Operations Planned Development (AOPD). East of the subject property is vacant AG-2 zoned land. West of the subject site are partly developed properties in the Tradeport future land use category that are zoned IPD, CPD, MPD and AG-2. North of Daniels Parkway within the Tradeport future land use category are industrial, commercial and vacant properties zoned CPD, IPD, MPD, AG-2, CC, CT, and IL. This includes the site of the new Boston Red Sox stadium. Northeast of the subject site, north of Daniels Parkway in the New Community future land use category is the Gateway Community, with a mix of commercial, light industrial and residential development zoned MPD and PUD.

#### PROPOSED CHANGES TO THE ALP

The revised ALP contains five changes from what is currently depicted on Map 3F of the Lee Plan. The first change is the shift of the new parallel runway (6R/24L) eighty feet to the south from its proposed location on the previous ALP. Second, a third crossfield taxiway for commercial aircraft has been proposed for the new ALP. This additional taxiway will allow the airport to maintain unrestricted operations. Third and fourth, the location of the future fire department and control tower are shifted from the currently depicted Map 3F. This is to accommodate the additional third crossfield taxiway. The proposed new location of the control tower is intended to provide proper visibility of the airport after completion of the second runway. The proposed new location of the future parallel runway. Fifth, the proposed ALP now depicts existing facilities that have been constructed since the adoption of the 2004 ALP. This includes the midfield terminal and its apron and taxiway, long term and employee parking, detention areas and other facilities.

#### EFFECT OF THE PROPOSED CHANGES

The proposed shift of the 6R/24L runway will provide the airport with an unconstrained commercial aircraft runway and parallel taxiway. The eighty foot shift also creates more area for the future Concourse A terminal. Although the shift places the proposed runway

closer to FPL power lines, an analysis performed during the design process showed no conflict. The relocation of the control tower and fire department will allow them to better operate within the airport. None of these internal operational changes cause an increase in the offsite impacts of the airport and therefore, no additional mitigation to public services is required.

#### **B. STAFF RECOMMENDATION**

County staff recommends that the Board of County Commissioners *transmit* the proposed amendment to Lee Plan Map 3F.

#### PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: October 28, 2013

#### A. LOCAL PLANNING AGENCY REVIEW

Staff gave a brief presentation regarding the proposed amendment. No members of the LPA had any comments concerning the amendment. No members of the public spoke, appeared, or addressed the proposed plan amendment.

# B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

#### **1. RECOMMENDATION:**

The LPA recommends that the Lee County Board of County Commissioners *transmit* the proposed Lee Plan amendment as recommended by staff.

#### 2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The LPA accepted the basis and recommended findings of fact as advanced by staff.

#### C. VOTE:

NOEL ANDRESS	AYE
STEVE BRODKIN	AYE
WAYNE DALTRY	AYE
JIM GREEN	AYE
MITCH HUTCHCRAFT	AYE
ANN PIERCE	AYE
ROGER STRELOW	AYE

#### PART IV - BOARD OF COUNTY COMMISSIONERS HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT

DATE OF TRANSMITTAL HEARING: November 18, 2013

#### A. BOARD REVIEW:

Staff provided a brief overview of the proposed amendment. The Board of County Commissioners did not make any comments or have any questions concerning the proposed amendment. No members of the public addressed the Board of County Commissioners concerning the proposed amendment.

A motion was made to transmit the proposed amendment. The motion passed 5-0.

#### **B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

- **1. BOARD ACTION:** The Board of County Commissioners transmitted the proposed amendment as recommended by staff.
- **2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board of County Commissioners accepted the findings of fact as advanced by staff and the LPA.
- C. VOTE:

BRIAN HAMMAN	AYE
LARRY KIKER	AYE
FRANK MANN	AYE
JOHN MANNING	AYE
CECIL L PENDERGRASS	AYE

#### PART V – STATE REVIEWING AGENCIES OBJECTIONS, RECOMMENDATIONS AND COMMENTS

**DATE OF REVIEWING AGENCY COMMENTS:** Comments from the State Reviewing Agencies were due to Lee County by January 1, 2014.

#### A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

Lee County received responses from the following review agencies addressing the transmitted amendment: Florida Departments of Agriculture and Consumer Services, Economic Opportunity, and Education, and the South Florida Water Management District.

These agencies stated that they had no further comments or concerns about the proposed amendment

#### **B.** STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners *adopt* the amendment to the Lee Plan as transmitted.

#### PART IV - BOARD OF COUNTY COMMISSIONERS HEARING FOR ADOPTION OF PROPOSED AMENDMENT

DATE OF PUBLIC HEARING: January 22, 2014

#### A. BOARD REVIEW:

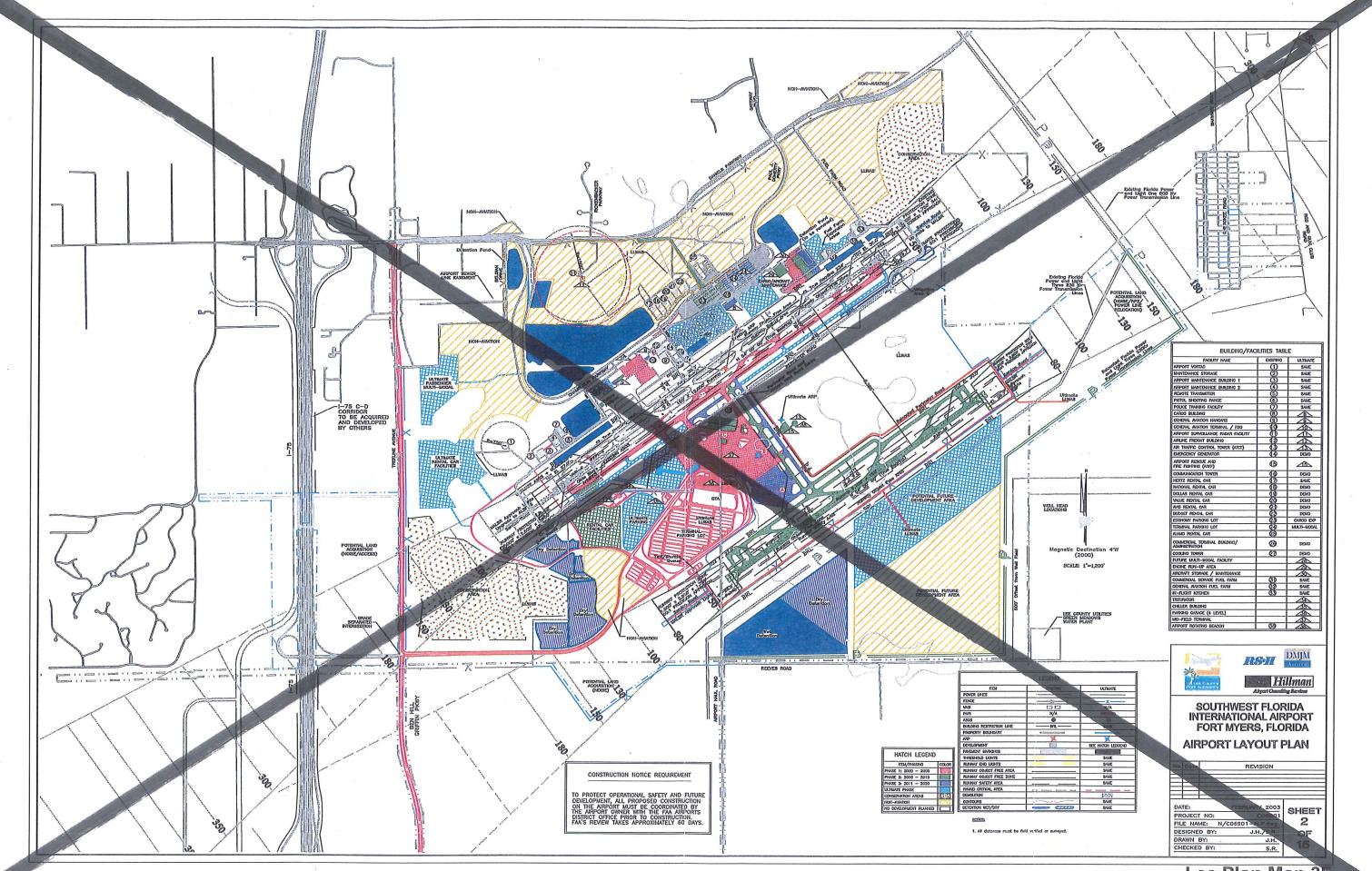
#### **B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

#### 1. BOARD ACTION:

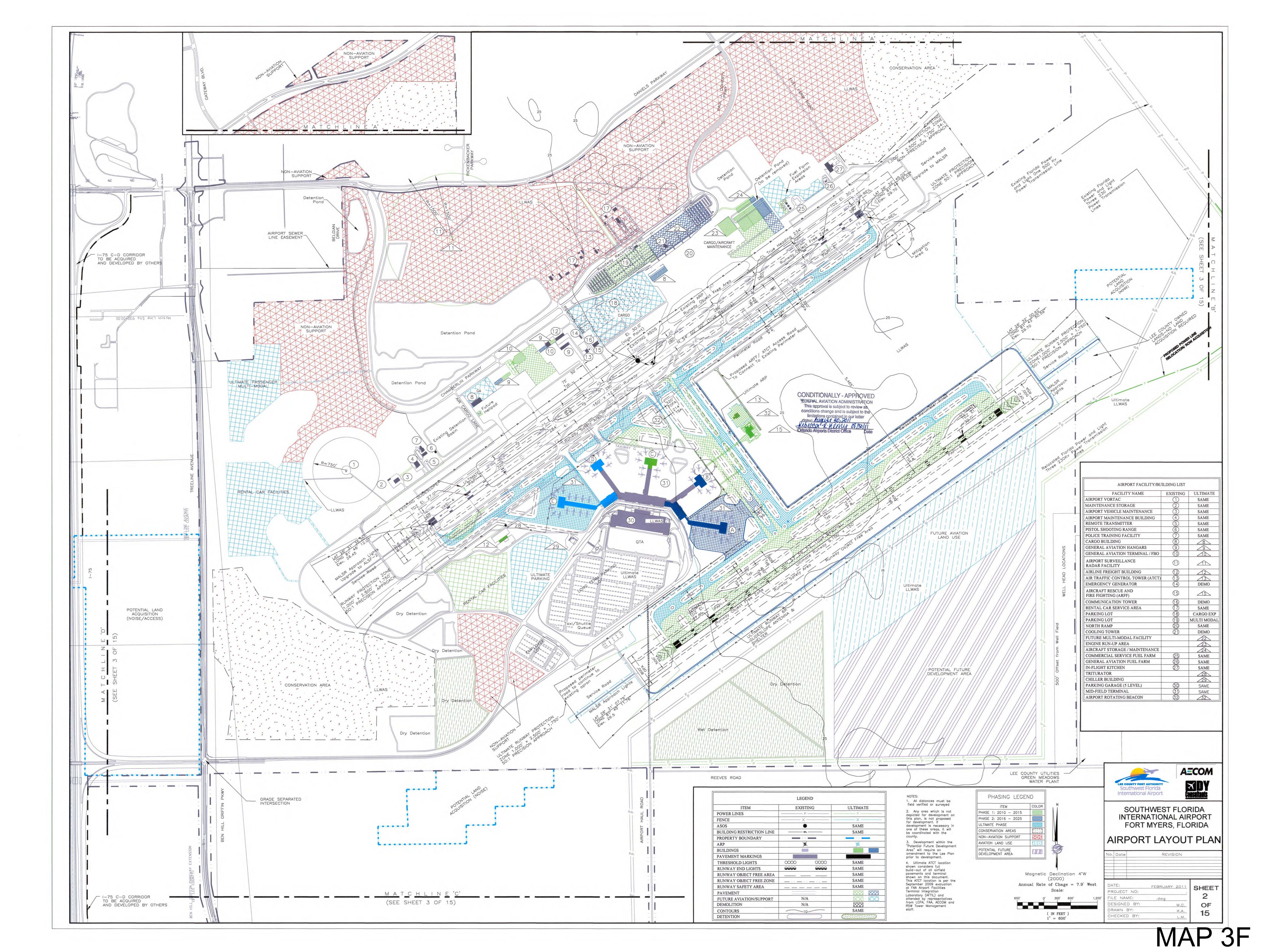
#### 2. BASIS AND RECOMMENDED FINDINGS OF FACT:

#### C. VOTE:

BRIAN HAMMAN	
LARRY KIKER	
FRANK MANN	
JOHN MANNING	
CECIL L PENDERGRASS	



Lee Plan Map 3P



# AGENCY COMMENTS

.

Rick Scott governor



FLORIDA DEPARTMENT / ECONOMIC OPPORTUNITY Jesse Panuccio EXECUTIVE DIRECTOR



December 16, 2013

COMMUNITY DEVELOPMENT

The Honorable Cecil L. Pendergrass, Chairman Lee County Board of County Commissioners Post Office Box 398 Fort Myers, Florida 33902-0398

Dear Chairman Pendergrass:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Lee County (Amendment 14-1ESR) which was received on December 2, 2013. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department of Economic Opportunity's authorized scope of review that will be adversely impacted by the amendment if adopted.

The County is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the County. If other reviewing agencies provide comments, we recommend the County consider appropriate changes to the amendment based on those comments. If unresolved, such comments could form the basis for a challenge to the amendment after adoption.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held and the amendment adopted within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have attached procedures for adoption and transmittal of the comprehensive plan amendment.

The Honorable Cecil L. Pendergrass, Chairman December 16, 2013 Page 2 of 2

If you have any questions relating to this review, please contact Scott Rogers, Planning Analyst, at (850) 717-8510, or by email at <u>scott.rogers@deo.myflorida.com</u>.

Sincerely, ) UikiMISiLam

Mike McDaniel Comprehensive Planning Manager

MM/sr

Enclosure: Procedures for Adoption

cc: Paul O'Connor, Director, Lee County Division of Planning Margaret Wuerstle, Executive Director, Southwest Florida Regional Planning Council

#### SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

#### FOR EXPEDITED STATE REVIEW

#### Section 163.3184(3), Florida Statutes

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**<u>SUBMITTAL LETTER</u>**: Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ Department of Economic Opportunity identification number for adopted amendment package;

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted;

\_\_\_\_\_ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

\_\_\_\_\_ Ordinance number and adoption date;

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact;

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.

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**ADOPTION AMENDMENT PACKAGE:** Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format.

\_\_\_\_\_ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

\_\_\_\_\_ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity in response to the comment letter from the Department of Economic Opportunity.



### Southwest Florida Regional Planning Council

1926 Victoria Ave, Fort Myers, Florida 33901-3414

01-3414 (239) 338-2550

FAX (239) 338-2560

560 www.swfrpc.org

January 7, 2013

Mr. D. Ray Eubanks Administrator Plan Review and Processing Department of Economic Development Caldwell Building 107 East Madison – MSC 160 Tallahassee, Florida 32399-0800



COMMUNITY DEVELOPMENT

#### **Re: Lee County / DEO 14-1ESR**

Dear Mr. Eubanks:

The staff of the Southwest Florida Regional Planning Council has reviewed the proposed amendments (DEO 14-1ESR) to the Lee Plan. The review was performed according to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

The Council will review the proposed amendments to the Lee Plan and the staff recommendations at its January 16, 2014 meeting. Council staff has recommended that Council find the requested changes to the Airport Layout Plan procedural, regionally significant, and consistent with the Strategic Regional Policy Plan. Also, Council staff has recommended that the changes to the DRI review process for the University Community land use designation be found to be procedural, regionally significant, and consistent with the Strategic Regional Policy Plan. Council staff is also recommending that the proposed changes be found as not producing extra-jurisdictional impacts that are inconsistent with the comprehensive plans of other local governments.

A copy of the official staff report explaining the Council staff's recommendation is attached. If Council action differs from the staff recommendation, we will notify you.

#### Sincerely, Southwest Florida Regional Planning Council

walle Margaret Wuerstle, AICH

Executive Director

MW/DEC Attachment

Cc: Mr. Paul O'Connor, AICP, Director, Planning Division, Lee County

#### LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS LEE COUNTY

The Council staff has reviewed proposed changes to the Lee County Growth Management Plan (DEO 14-1ESR). A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps can be reviewed in Attachment III.

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

- 1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
- 2. Magnitude--equal to or greater than the threshold for a Development of Regional Impact of the same type (a DRI-related amendment is considered regionally significant); and
- 3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

Proposed <u>Amendment</u>	Location	Factors of Re <u>Magnitude</u>	gional Signific Character	cance <u>Consistent</u>
SW Florida International Airport Layout Plan (CPA 2013-03)	no	no	yes	<ol> <li>procedural</li> <li>regionally significant; and</li> <li>consistent with SRPP</li> </ol>
Lee Plan Consistency for DRI Review Thresholds (CPA 2013-05)	no	no	yes	<ol> <li>procedural</li> <li>regionally significant; and</li> <li>consistent with</li> </ol>

SRPP

**RECOMMENDED ACTION:** Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Lee County.

01/14

#### Attachment I

#### **COMMUNITY PLANNING ACT**

#### Local Government Comprehensive Plans

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

- 1. Future Land Use Element;
- 2. Traffic Circulation Element;
  - A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
- 3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
- 4. Conservation Element;
- 5. Recreation and Open Space Element;
- 6. Housing Element;
- 7. Coastal Management Element for coastal jurisdictions;
- 8. Intergovernmental Coordination Element; and
- 9. Capital Improvements Element.

The local government may add optional elements (e. g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda

Collier County, Everglades City, Marco Island, Naples

Glades County, Moore Haven

Hendry County, Clewiston, LaBelle

Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel Sarasota County, Longboat Key, North Port, Sarasota, Venice

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#### **Comprehensive Plan Amendments**

A local government may amend its plan at any time during the calendar year. Six copies of the amendment are sent to the Department of Economic Opportunity (DEO) for review. A copy is also sent to the Regional Planning Council, the Water Management District, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

The proposed amendments will be reviewed by DEO in two situations. In the first, there must be a written request to DEO. The request for review must be received within forty-five days after transmittal of the proposed amendment. Reviews can be requested by one of the following:

- the local government that transmits the amendment,
- the regional planning council, or
- an affected person.

In the second situation, DEO can decide to review the proposed amendment without a request. In that case, DEO must give notice within thirty days of transmittal.

Within five working days after deciding to conduct a review, DEO may forward copies to various reviewing agencies, including the Regional Planning Council.

#### **Regional Planning Council Review**

The Regional Planning Council must submit its comments in writing within thirty days of receipt of the proposed amendment from DEO. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the Regional Planning Council must be limited to "effects on regional resources or facilities identified in the Strategic Regional Policy plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government.

After receipt of comments from the Regional Planning Council and other reviewing agencies, DEO has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DEO transmits its written comments to the local government.

#### NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) FOR DETAILS.

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#### SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

#### LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEW FORM 01

Pursuant to Section 163.3184, Florida Statutes, Council review of proposed amendments to local government Comprehensive Plans is limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan and extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any affected local government within the region. A written report containing the evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State land planning agency within 30 calendar days of receipt of the amendment.

#### LOCAL GOVERMENT:

Lee County

#### **DATE AMENDMENT RECIEVED:**

December 2, 2013

#### DATE AMENDMENT MAILED TO LOCAL GOVERNMENT AND STATE:

January 6, 2014

#### 1. AMENDMENT NAME

Southwest Florida International Airport – Airport Layout Plan Lee Plan Consistency for DRI Review Thresholds

#### 2. DESCRIPTION OF AMENDMENT(S):

#### Southwest Florida International Airport – Airport Layout Plan (CPA 2013-03)

The Lee County Port Authority staff, on May 7, 2013, submitted to the Lee County Division of Planning a request to change the Lee Plan to reflect changes that the Airport Authority desired to make to the Airport Layout Plan (ALP), Map 3F. The request stated that the Lee County Port Authority had recently completed a multi-year planning and design analysis and that during that analysis a modification to the proposed runway layout and associated facilities as depicted on the 2004 ALP had changed. The changes were determined by the analysis to provide the most flexibility for the future and the ultimate development of the airport. The changes were submitted to the FAA and approved by the FAA on August 27, 2013.

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The airport's land use designations have changed over time as the airport has been expanded. The current land use designations for the airport property are Airport and Wetlands.

Recent changes to the ALP, which was adopted into the Lee Plan as Map 3F by Comprehensive Plan amendment CPA2003-02. It incorporated the results of the Airport Master Plan process that was ongoing at the time. Lee Plan amendments CPA2005-10 amended the Airport Noise Zones. CPA2007-57 and CPA2010-08 amended policies relating to future development within the airport boundaries. The Regional Planning Council has reviewed and approved these past amendments.

The revised ALP contains five changes from what is currently depicted on Map 3F of the Lee Plan. The first change is the shift of the new parallel runway (6R/24L) eighty feet to the south from it proposed location on the existing ALP. The second change is the addition of a third crossfield taxiway for commercial aircraft. This additional taxiway will allow the airport to maintain unrestricted commercial operations. The third and fourth changes include shifting the location of the fire department and control tower facilities as currently depicted on Map 3F. The changes will accommodate the additional crossfield taxiway. The proposed new location of the control tower is intended to provide proper visibility of the airport after completion of the second runway. The proposed new location of the fire department will allow for rapid access to both the existing and future parallel runway. The fifth change to the ALP now depicts existing facilities that have been constructed on site since the adoption of the 2004 ALP. This includes the midfield terminal and its apron and taxiway, long term and employee parking, stormwater detention areas and other airport related facilities.

#### Lee Plan Consistency for DRI Review Thresholds (CPA2013-05)

These text amendments will change Policy 18.1.5, Policy 18.1.16, Policy 18.1.16.6, and Policy 18.2.2 in order to make the Lee Plan consistent with the State requirements that prohibit local governments from requiring Development of Regional Impact (DRI) review of projects that do not meet or exceed the established State thresholds for large scale developments.

The proposed text changes are as follows:

• Policy 18.1.5

In order to create a cohesive community, site design within the University Community must ut8lize alternative modes of transportation such as pedestrian networks, mass transit opportunities, sidewalks, bike paths and similar facilities. Site design must link related land uses through the use of alternative modes of transportation thus reducing automobile traffic within the University Community. The county will work cooperatively with the University on these matters as the University proceeds through the Campus Master Plan process.

Prior to local Development Order approval on property within Area 9, the University Community, the developer must demonstrate that the proposed plan of development supports pedestrian, bicycle and transit opportunities. A multi-modal interconnection between the property and the FGCU campus must be provided at no cost to Lee

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County. The owner/developer must dedicate the right-of-way for the 951 extension between Alico road and Corkscrew Road to Lee County prior to Development of Regional Impact Development Order rezoning approval. The value of the right-of-way on the date of dedication must not reflect the added value of the lands changed from DR/GR to University Community by virtue of CPA 2009-01. The county will issue road impact fee credits for the dedication. (Amended by Ordinance No. 94-30, 00-22, 10-40)

#### • Policy 18.1.16

For those lands in Area 9, all development must be designed to enhance and support the University. All rezoning in this area must include a specific finding that the proposed sues qualify as Associated Support Development, as that term is defined in the glossary. The final design and components will be determined as part of the DRI/ rezoning process and must be consistent with the following development standards: [No changes proposed to Policy 18.1.16 number paragraphs 1 through 5.]

#### • Policy 18.1.16.6

6. Development Acreage: The previous mining and crushing operations in Area 9 have rendered a large portion of the property unsuitable for development. Some areas that were previously mined have been filled with materials left over from the crushing operations know as fines. These and other activities have left an area of approx 350 acres that has never been mined that remains suitable for development of structures and other site improvements. Development is therefore limited to this area. The previously impacted areas may only be used for reclamations and development as unoccupied open space. Property may be designated for residential use, nonresidential use, or a combination of uses classified as mixed use. Out of the 350 acres available for development, 40 acres of developable land, not including right-of-way which is intended to serve as the connection between Area 9 and FGCU, will be dedicated to FGCU concurrent with DRI rezoning approval. The 40 acres dedicated to FGCU will become part of the FGCU campus and development there will be calculated against the maximum residential unit count, nor maximum commercial square footage otherwise allowed. [No changes proposed to Policy 18.1.16 number paragraph 7 to Policy 18.2.1.]

#### • Policy 18.2.2

The University Village is an area which provides the associated support development and synergism to create a viable University Community. This sub-category allows a mix of land uses related to and justified by the University and its development. Predominant land uses within this area are expected to be residential, commercial, office, public and quasi-public, recreation, and research and development parks. In addition to complying with the Conceptual Master Plan required by Policy 18.1.10, all property within the University Village must undergo a Development of Regional Impact review.

## 3. ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN:

#### Southwest Florida International Airport – Airport Layout Plan (CPA 2013-03)

The proposed changes to the ALP will bring the airport plan up to date and provide for the future changes proposed for the continued development of this major regional facility. The proposed shift in the location of the new runway will provide the airport with an unconstrained commercial aircraft runway and parallel taxiway. The eighty foot shift also creates more area for the future Concourse A terminal at the airport. Although the new runway location moves it closer to the FPL power lines, an analysis performed during the design process showed no conflict was produced by making this change. The relocation of the control tower and fire department facilities will allow them to operate more effectively within the airport. None of the changes will increase any off site impacts.

Council staff has reviewed the proposed ALP amendments to the Lee County Comprehensive Plan and finds that the proposed changes are provided for an updated ALP in order to properly manage the airport. The proposed changes are important for the health, safety and welfare of population of the region. Based on the fact that the requested policy changes to the Lee Plan have been approved by the FAA and in order to bring the airport plan into consistency with the Lee Plan, Council staff finds the proposed amendments are procedural in nature, are regionally important, but do not adversely affect any significant regional resources or facilities that are identified in the Strategic Regional Policy Plan.

#### Lee Plan Consistency for DRI Review Thresholds (CPA2013-05)

The University Community future land use designation was initially adopted into the Lee Plan and Future Land Use Map (FLUM) on October 27, 1992 by Ordinance 92-47, which adopted PAM/T92-02, Florida's Tenth University. This plan amendment adopted the University Community land use category descriptor policy, Policy 1.1.9, and Goal 20 (later renumbered to Goal 18): University Community, which provided detailed descriptions of the development that was anticipated to surround what is not FGCU.

Since its initial adoption in 1992, all privately owned property with the University Community designation, have been required to undergo a DRI review. This requirement was put in place to help ensure that the University Community area developed as a cohesive community. The specific requirement for the DRI review was contained in Policy 20.2.4. (Later renumbered to Policy 18.2.2.)

The University Community area was expanded in 2010 to include a 9<sup>th</sup> area. This was accomplished through an amendment to the Lee Plan adopted on October 20, 2010 by Ordinance 10-40, which adopted CPA2009-00001, Alico West. The Alico West Lee Plan amendment included details about the development of Area 9 of the University Community. The property that was the subject of Area 9 was previously an aggregate mine and was not originally included in the University Community area because it was not consistent with the desired uses. Consistent with development requirements with the University Community

area as originally adopted, development within Area 9 would be required to undergo DRI review.

The 2011 legislative amendments adopted by HB7207 changed the DRI statute to prohibit local governments from imposing DRI review on developments that do not exceed the State thresholds for DRIs. The pertinent part of the DRI Statute, F.S. 380.06(24)(u), is as follows:

(u) Notwithstanding any provisions in an agreement with or among a local government, regional agency, or the state land planning agency or in a local government's comprehensive plan to the contrary, a project no longer subject to development-ofregional-impact review under revised thresholds is not required to undergo review.

In response to this change in the Florida Statutes, the Lee County Attorney's Office has advised the County planning staff that the requirement that all development within the University Community area undergo DRI review is no longer consistent with the Florida Statutes and that the requirement may not be enforced and should be removed from the Lee Plan.

Council staff has reviewed the proposed amendments to the Lee County Comprehensive Plan and finds that the proposed changes are provided for an updated DRI review requirements of the lands located in the University Community land use designation. The proposed changes are important in order to provide consistency between State law and the Lee Plan. Based on the fact that the requested policy changes to the Lee Plan provides consistency with the Lee Plan, Council staff finds the proposed amendments are procedural in nature, are regionally important because it addresses the region reviews of project, but does not adversely affect any significant regional resources or facilities that are identified in the Strategic Regional Policy Plan.

### 4. EXTRA-JURISDICTIONAL IMPACTS INCONSISTENT WITH THE COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION

Council staff has reviewed the proposed amendments with respect to extra-jurisdictional impacts on surrounding local government Comprehensive Plans and finds that the proposed amendments do not negatively impact and are not inconsistent with adjacent local governmental Comprehensive Plans.

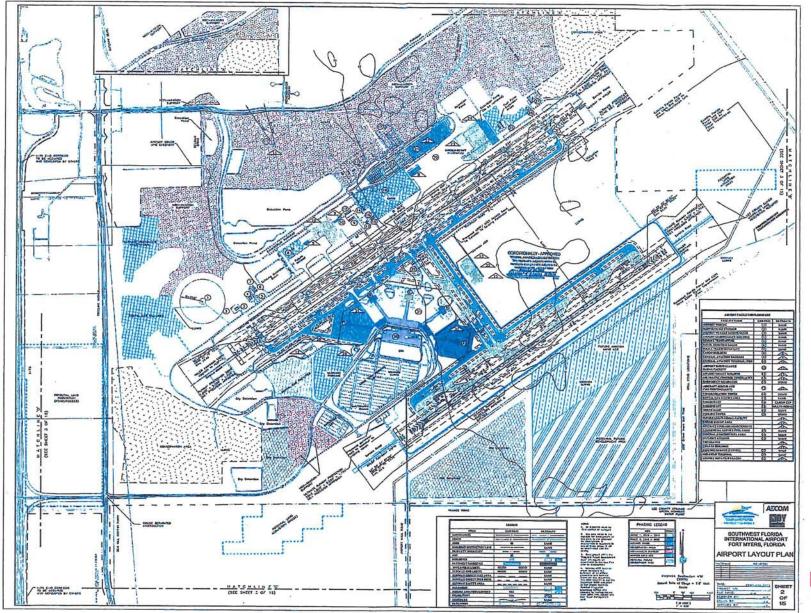
#### Request a copy of the adopted version of the amendment? X Yes No

Attachment III

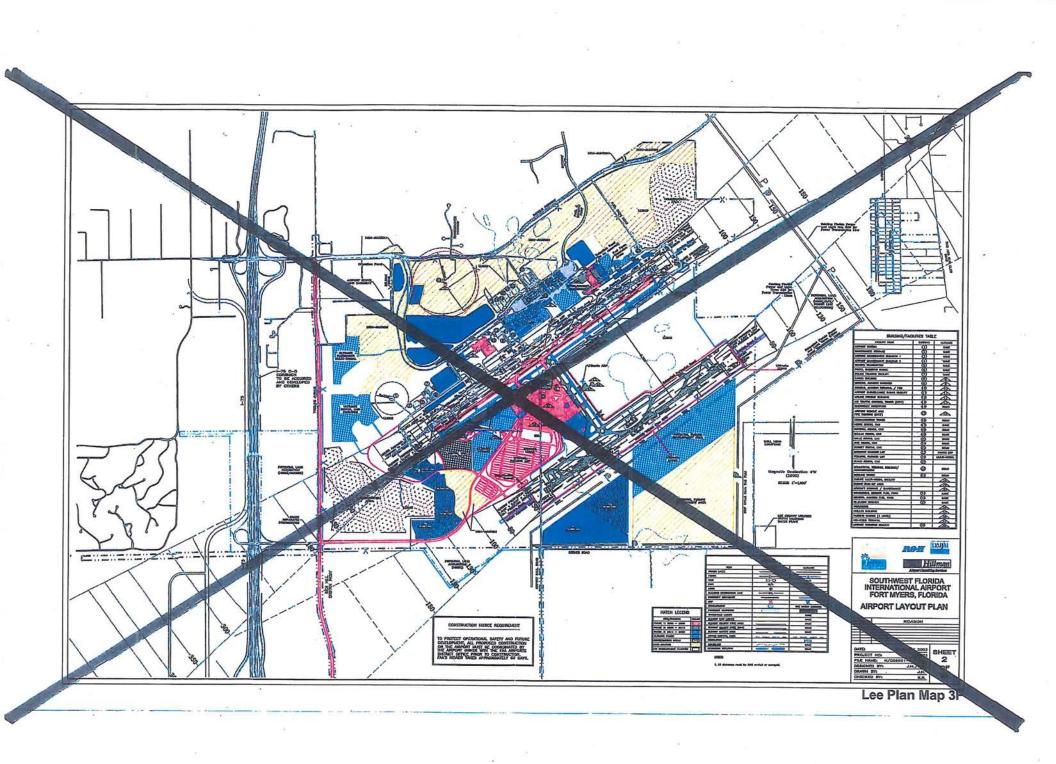
# Maps

#### Lee County DEO 14-1ESR

Growth Management Plan Comprehensive Plan Amendments



MAP 3F



Office of the Commissioner (850) 617-7700



The Capitol 400 South Monroe Street Tallahasseb, Florida 32399-0800

#### FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES COMMISSIONER ADAM H. PUTNAM

December 17, 2013

VIA EMAIL (oconnops@leegov.com)

Lee County Planning Division Attn: Paul O'Connor P.O. Box 398 Fort Myers, Florida 33902-0398

Re: DACS Docket # -- 20131202-313 Lee County CPA 2013-03 & CPA 2013-05 Submission dated November 25, 2013

Dear Mr. O'Connor:

The Florida Department of Agriculture and Consumer Services (the "Department") received the abovereferenced proposed comprehensive plan amendment on December 2, 2013 and has reviewed it pursuant to the provisions of Chapter 163, Florida Statutes to address any potential adverse impacts to important state resources or facilities related to agricultural, aquacultural, or forestry resources in Florida if the proposed amendment(s) are adopted. Based on our review of your county's submission, the Department has no comment on the proposal.

If we may be of further assistance, please do not hesitate to contact me at 850-410-2289.

Sincerely,

Stormie Knight

Sr. Management Analyst I Office of Policy and Budget

cc: Florida Department of Economic Opportunity (SLPA #: Lee County 14-1ESR) SOUTH FLORIDA WATER MANAGEMENT DISTRICT



December 30, 2013

Mr. Paul O'Connor, AICP Lee County Planning Division Director P.O. Box 398 Fort Myers, FL 33902-0398

#### Subject: Lee County, DEO #14-1ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Mr. O'Connor:

The South Florida Water Management District (District) has completed its review of the proposed amendment package submitted by Lee County (County). The package amends the Lee Plan Map 3F, Airport Layout Plan for Southwest Florida International Airport, and amends Future Land Use Element Policies by removing requirements for Development of Regional Impact review for projects not meeting state established thresholds. There appear to be no regionally significant water resource issues; therefore, the District forwards no comments on the proposed amendment package.

The District offers its technical assistance to the County and the Department of Economic Opportunity in developing sound, sustainable solutions to meet the County's future water supply needs and to protect the region's water resources. Please forward a copy of adopted amendments to the District. For assistance or additional information, please contact Deborah Oblaczynski, Policy and Planning Analyst, at (561) 682-2544 or doblaczy@sfwmd.gov.

Sincerely,

A Auchte for

Dean Powell Water Supply Bureau Chief

DP/do

c: Ray Eubanks, DEO Deborah Oblaczynski, SFWMD Brenda Winningham, DEO Margaret Wuerstle, SWFRPC

# FLORIDA DEPARTMENT OF EDUCATION



STATE BOARD OF EDUCATION

GARY CHARTRAND, Chair JOHN R. PADGET, Vice Chair Members ADA G. ARMAS, M.D. JOHN A. COLÓN BARBARA S. FEINGOLD REBECCA FISHMAN LIPSEY

January 6, 2014

Mr. Paul O'Connor, AICP Lee County Planning Division Director P.O. Box 398 Fort Myers, Florida 33902-0398 Via E-mail: <u>oconnops@leegov.com</u>

Dear Mr. O'Connor:

Re: Lee County 14-1 ESR

Thank you for the opportunity to review the Lee County 14-1 ESR amendment package, which the Florida Department of Education received on December 2, 2013. According to the department's responsibilities under section 163.3184(3), Florida Statutes, I reviewed the amendment considering provisions of chapter 163, part II, F.S., and to determine whether the proposal, if adopted, would have potential to create significant adverse effects on public school facilities.

The proposal would amend Lee Plan Map 3F to reflect a revised airport layout plan and policies 18.1.5, 18.1.6 and 18.2.2 (related to the University Village) to make the Lee Plan consistent with State requirements that prohibit local governments from requiring development of regional impact review for projects that don't meet or exceed state established thresholds. Because the amendments do not appear to create adverse effects on educational facilities or sites, I offer no comment.

Again, thank you for the opportunity to review the amendment package. If I may be of assistance, please contact me at (850) 245-9312 or <u>Tracy.Suber@fldoe.org</u>.

Sincerely

Tracy D. Suber Growth Management and Facilities Policy Liaison

TDS/

cc: Ms. Dawn Huff, Lee County School District Mr. Scott Rogers and Ms. Brenda Winningham, DEO/State Land Planning Agency

THOMAS H. INSERRA

Pam Stewart Commissioner of Education