

**AGENCY COMMENTS
FOR CPA2013-05
UNIVERSITY
COMMUNITY DRI
REQUIREMENT**

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

December 4, 2013

RECEIVED
DEC 09 2013

COMMUNITY DEVELOPMENT

Mr. Paul O'Connor, Director
Lee County Community Dev. Division
1500 Monroe Street
Fort Myers, Florida 33901

Dear Mr. O'Connor:

Thank you for submitting the Lee County's proposed comprehensive plan amendments for our review pursuant to the Expedited State Review process. The reference number for the amendment package is **Lee County 14-IESR**.

The proposed submission package will be reviewed pursuant to Section 163.3184(3), Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. You will receive the Department's Comment Letter no later than **January 1, 2014**.

If you have any questions please contact Anita Franklin of my staff at (850)717-8486 or Brenda Winningham, Regional Planning Administrator, who will be overseeing the review of the amendments at (850)717-8516.

Sincerely,

D. Ray Eubanks, Administrator
Plan Review and Processing

DRE/af

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

MEMORANDUM

TO : Suzanne Ray, DEP
Deena Woodward, DOS
Tracy Suber, DOE
Crawley/Massey FDOT1
Margaret Wuerstle, Southwest Florida RPC
Terry Manning, South Florida WMD
Wendy Evans, AG
Scott Sanders, FWC

DATE : December 4, 2013

SUBJECT: EXPEDITED STATE REVIEW PROCESS

COMMENTS FOR PROPOSED COMPREHENSIVE PLAN AMENDMENT

LOCAL GOVERNMENT/ STATE LAND PLANNING AGENCY AMENDMENT #:

Lee County 14-1ESR

STATE LAND PLANNING AGENCY CONTACT PERSON/PHONE NUMBER:

Brenda Winningham/850-717-8516

The referenced proposed comprehensive plan amendment is being reviewed pursuant the Expedited State Review Process according to the provisions of Section 163.3184(3), Florida Statutes. Please review the proposed documents for consistency with applicable provisions of Chapter 163, Florida Statutes.

Please note that your comments must be sent directly to and received by the above referenced local government within 30 days of receipt of the proposed amendment package. A copy of any comments shall be sent directly to the local government and ALSO to the State Land Planning Agency to the attention of Ray Eubanks, Administrator, Plan Review and Processing at the Department E-mail address: DCPexternalagencycomments@deo.myflorida.com

Please use the above referenced State Land Planning Agency AMENDMENT NUMBER on all correspondence related to this amendment.

Note: Review Agencies - The local government has indicated that they have mailed the proposed amendment *directly to your agency*. See attached transmittal letter. *Be sure to contact the local government if you have not received the amendment*. Also, letter to the local government from State Land Planning Agency acknowledging receipt of amendment is attached.



LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

November 25, 2013

Received

DEC 2 2013

Department of Economic Opportunity
Division of Community Development
Bureau of Community Planning

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison – MSC 160
Tallahassee, FL. 32399-0800

Re: Amendment to the Lee Plan
Transmittal Submission Package
Publicly Sponsored Amendments, CPA2013-03 and CPA2013-05

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, please find attached the proposed Publicly Sponsored Comprehensive Plan amendments, known locally as CPA2013-03 and CPA2013-05. The proposed amendments are being submitted through the expedited state review process as described in Chapter 163.3184. The amendments are as follows:

CPA2013-03 is to 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.

CPA2013-05 is to 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.

The Local Planning Agency held a public hearing for the plan amendments on October 28, 2013. The Board of County Commissioners transmittal hearing for the plan amendments was held on November 18, 2013. The Board of County Commissioners voted to transmit the attached Lee Plan amendment packages at the November 18, 2013 transmittal hearing. The proposed amendments are not applicable to an area of critical state concern. The Board of County Commissioners has stated its intent to hold an adoption hearing following the receipt of the review agencies' comments.

The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendment is as follows:

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

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111
Internet address <http://www.lee-county.com>
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

(239) 533-8309
Fax (239) 485-8319
Email: oconnops@leegov.com

Included with this package are one paper copy and two CD ROM copies, in PDF format, of the proposed amendment and supporting data and analysis. By copy of this letter and its attachments, I certify that this amendment and supporting data and analysis have been sent on this date to the agencies listed below.

Sincerely,

DEPT. OF COMMUNITY DEVELOPMENT
Division of Planning

A handwritten signature in black ink, appearing to read "Paul O'Connor", followed by the word "For:".

Paul O'Connor, AICP, Director
Director

All documents and reports attendant to this transmittal are also being sent, by copy of this cover in a CD ROM format, to:

Comprehensive Plan Review
Department of Agriculture and Consumer Services

Tracy D. Suber
Department of Education

Jim Quinn
Department of Environmental Protection

Susan Harp
Florida Department of State

Scott Sanders
Florida Fish and Wildlife Conservation Commission

Lawrence Massey
FDOT District One

Margaret Wuerstle
Southwest Florida Regional Planning Council

Terry Manning, A.I.C.P., Senior Planner, Intergovernmental Coordination Section
South Florida Water Management District

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

December 16, 2013

RECEIVED
DEC 19 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:

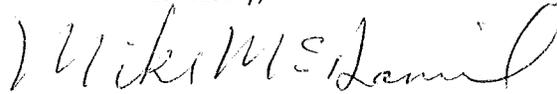
The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Lee County (Amendment 14-1ESR) which was received on December 2, 2013. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified 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.

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

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive style with a large initial "M".

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.

SUBMITTAL LETTER: 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.

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

Serving Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties

1926 Victoria Ave, Fort Myers, Florida 33901-3414 (239) 338-2550 FAX (239) 338-2560 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

Re: Lee County / DEO 14-1ESR

Dear Mr. Eubanks:

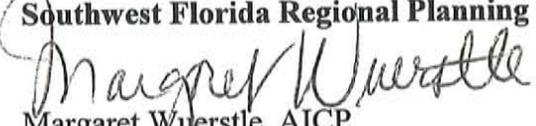
The staff of the Southwest Florida Regional Planning Council has reviewed the proposed amendments (DEO 14-1ESR) to the Lee Plan. The review was performed according to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

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


Margaret Wuerstle, AICP
Executive Director

MW/DEC
Attachment

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

RECEIVED
JAN 09 2014

COMMUNITY DEVELOPMENT

**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:

<u>Proposed Amendment</u>	<u>Location</u>	<u>Factors of Regional Significance</u>		
		<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
SW Florida International Airport Layout Plan (CPA 2013-03)	no	no	yes	(1) procedural (2) regionally significant; and (3) consistent with SRPP
Lee Plan Consistency for DRI Review Thresholds (CPA 2013-05)	no	no	yes	(1) procedural (2) regionally significant; and (3) consistent with SRPP

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

01/14

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

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.

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 GOVERNMENT:

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.

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 its 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 utilize 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

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 uses 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, non-residential 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 9th 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-of-regional-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? Yes No

Attachment III

Maps

**Lee County
DEO 14-1ESR**

**Growth Management Plan
Comprehensive Plan Amendments**

OFFICE OF THE COMMISSIONER
(850) 617-7700



THE CAPITOL
400 SOUTH MONROE STREET
TALLAHASSEE, 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 above-referenced 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,

A handwritten signature in black ink that reads "Stormie Knight".

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 handwritten signature in blue ink that reads "Dean Powell 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



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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: oconnops@leegov.com

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 Tracy.Suber@fldoe.org.

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

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Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

FLORIDA DEPARTMENT of
ECONOMIC OPPORTUNITY

February 3, 2014

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COMMUNITY DEVELOPMENT

Mr. Paul O'Connor, AICP
Lee County Division Director
Post Office Box 398
Ft. Myers, Florida 33902-0398

Dear Mr. O'Connor:

Thank you for submitting the **Lee County's** plan amendment **No. 14-IESR** adopted by **Ordinance No(s) 14-02 & 14-03 on January 22, 2014**, for our review pursuant to the Expedited State Review process. The adopted package was received by the Department on **February 3, 2014**.

We have conducted a preliminary inventory of the plan amendment package to verify the inclusion of all required materials. The submission package was determined to be complete on **February 3, 2014**, and your adopted plan amendment will be reviewed pursuant to the process set forth in Chapter 163.3184(3), Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review.

If you have any questions, please contact Brenda Winningham, Regional Planning Administrator who will be overseeing the review of the amendments at (850) 717-8516.

Sincerely,

D. Ray Eubanks, Administrator
Plan Review and Processing

DRE/ts

cc: Margaret Wuerstle, Executive Director, Southwest Florida RPC

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

February 21, 2014

The Honorable Larry Kiker
Chairman, Lee County
Board of County Commissioners
2115 Second Street
Fort Myers, Florida 33901

Dear Chairman Kiker:

The Department of Economic Opportunity has completed its review of the comprehensive plan amendment adopted by Lee County on February 3, 2014 (Ordinance Nos. 14-02 and 14-03, DEO Amendment No. 14-1ESR). We have reviewed the amendment in accordance with the expedited state review process set forth in Sections 163.3184(2), (3) and (5), Florida Statutes (F.S.), and have identified no provision that necessitates a challenge of the Ordinance adopting the amendment.

If this plan amendment is not challenged by an affected person, the amendment will become effective 31 days after the Department notified the local government that the plan amendment package was complete. If this plan amendment is challenged by an affected person, the amendment will not become effective until the Department or the Administration Commission enters a final order determining the amendment to be "In Compliance." No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before it has become effective.

We appreciate the opportunity to work with the Lee County staff in the review of the amendment. If you have any questions related to this review, please contact Valerie Brookens, at (850) 717-8489, or by email at valerie.brookens@deo.myflorida.com.

Sincerely,

Ana Richmond
Comprehensive Planning Manager

AR/vb

cc: Mr. Paul O'Conner, AICP, Planning Division Director, Lee County
Ms. Margaret Wuerstle, Executive Director, Southwest Florida Regional Planning Council

OFFICE OF THE COMMISSIONER
(850) 617-7700



THE CAPITOL
400 SOUTH MONROE STREET
TALLAHASSEE, FLORIDA 32399-0800

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

February 12, 2014

VIAEMAIL (oconnops@leegov.com)

Lee County Planning Division Director
Attn: Mr. Paul O'Connor
Post office Box 398
Ft. Myers, Florida 33902-0398

Re: DACS Docket # -- 20140130-334
Lee County CPA2013-02, CPA2013-03 and CPA2013-05
Submission dated January 28, 2014

Dear Mr. O'Connor:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on January 30, 2014 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,

A handwritten signature in cursive script that reads "Stormie Knight".

Stormie Knight
Sr. Management Analyst I
Office of Policy and Budget

cc: Florida Department of Economic Opportunity
(SLPA #: Lee County 14-2 ESR)