



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

Brian Bigelow
District Two

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District Three

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District Five

Karen B. Hawes
County Manager

Michael D. Hunt
County Attorney

Diana M. Parker
County Hearing Examiner

September 26, 2011

Joseph P. Burke, Ed.D., Superintendent
The School District of Lee County
2855 Colonial Blvd.
Fort Myers, FL 33966-1012

Re: School Concurrency

Dear Dr. Burke:

Thank you for your September 14th letter indicating the School Board's desire to retain school concurrency under recently adopted state legislative changes.

Your preference has been noted and we will have our staff take this into account as we revise our Land Development Code. I will ask the staff to notify your staff when any future public hearings are scheduled regarding this item.

In the meantime, I would invite any member of your staff to contact our Community Development Director, Mary Gibbs directly to share with her the School Board's perspective. Any final decisions here are probably several weeks away.

Sincerely,

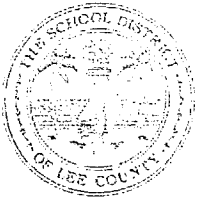


Frank Mann, Chairman
Lee County Board of County Commissioners
District 5

Attachment: September 14th letter from School District

cc: Board of County Commissioners
Karen Hawes, County Manager
Michael Hunt, County Attorney
Mary Gibbs, Community Development Director

Copy to: Paul
M, H
Return to MG
cc: DMC
Michael S
LEE COUNTY
RECEIVED
2011 SEP 26 AM 9:17
COMM. DEV. /
S. WKS. CNTR.
EQ. ID. FLOOR



THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966-1012 ♦ (239) 334-1102 ♦ WWW.LEESCHOOLS.NET

September 14, 2011

Commissioner Frank Mann
Chair, Lee County Board of County Commissioners
PO Box 398
Fort Myers, FL 33902

RE: School Concurrency

Dear Commissioner Mann:

At its September 13, 2011 Briefing Meeting, information was presented to the School Board indicating that Lee County is considering the elimination of school concurrency. The School Board Members expressed a strong desire to retain school concurrency and asked that I express this desire to the Board of County Commissioners on their behalf. In Lee County, the School Board and the County Commissioners have always had a cooperative relationship and have worked together to ensure that the needs of school children in Lee County are met. During the years of intensive growth in the County, the School Board faced a number of challenges in ensuring that there were adequate facilities in place to serve the needs of the rapidly growing student population. The District was required to build a large number of school facilities in a short period of time. The Board of County Commissioners provided essential support to this District effort by adopting and implementing school impact fees. Although growth in some counties is currently stagnant, the District has seen an increase in the number of students that are being served this year and we expect that growth to continue. While it may not return to the rapid rate of growth that the County experienced a few years ago, the District will continue to have a responsibility to provide student stations for those additional students and, at the same time, provide for maintenance of existing facilities, to ensure that all of the children in Lee County have a safe environment in which to pursue their education. School Concurrency can play a vital role in ensuring that the District meets these obligations. While the school impact fee has provided valuable assistance to the District in fulfilling the needs resulting from student growth and will continue to do so in the future, the collection of the fee occurs at the time that each individual permit is pulled. Under school concurrency, if a developer is required to pay mitigation, those funds are received by the District at a time that allows the District to construct facilities in anticipation of those additional students. When the students move in to the homes in these developments, the schools will be available for them. This is especially important in a time when the revenue received from the state for capital projects continues to decline. Concurrency can also add to the District's ability to locate facilities in close proximity to developments, which will assist the District in minimizing the time that children spend on a bus travelling to and from school.

The support and assistance of the Lee County Board of County Commissioners, through the adoption of school concurrency and school impact fees, has been vital to ensuring the District has sufficient school facilities to serve all of its students. The result has been improved academic

CC: DIST 1, 2, 3, 4.
Karen Hoover
Mary Gibbs
Dorrie Miller
Collins

THOMAS SCOTT
CHAIRMAN, DISTRICT 5
MARY FISCHER, M.A.
VICE CHAIRMAN, DISTRICT 1
JEANNE S. DOZIER
DISTRICT 2
JANE E. KUCKEL, PH.D.
DISTRICT 3
DON H. ARMSTRONG
DISTRICT 4
JOSEPH BURKE, ED.D.
SUPERINTENDENT
KEITH B. MARTIN, ESQ.
BOARD ATTORNEY

Commissioner Frank Mann

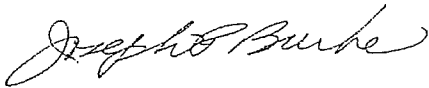
September 14, 2011

Page 2

achievement for our students. The District has received an A grade from the Florida Department of Education for the last three years. In order to maintain this level of accomplishment, the District must continue to excel in all areas that serve the needs of students, including providing facilities that meet the needs of a growing population in a way that fosters student achievement. The continued support of the Lee County Board of County Commissioners by maintaining school concurrency and school impact fees is essential to meeting this need.

For all of the reasons mentioned above, the School Board would ask that you consider maintaining school concurrency in Lee County. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Joseph P. Burke".

Joseph P. Burke, Ed.D.
Superintendent

cc: Thomas Scott, Chair
Mary Fischer, Vice Chair
Jeanne Dozier, Board Member
Dr. Jane Kuckel, Board Member
Don Armstrong, Board Member

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

RECEIVED
OCT 23 2013

COMMUNITY DEVELOPMENT

October 18, 2013

Kevin Ruane, Chairman
Lee County Metropolitan Planning Organization
Post Office Box 150045
Cape Coral, Florida 33915-0045

Dear Chairman Ruane:

Thank you for submitting the Lee County MPO Transportation Improvement Program (TIP) for fiscal years 2013/2014 through 2017/2018. Pursuant to Section 339.175, Florida Statutes, the Department has reviewed the TIP for consistency with the applicable local government comprehensive plans.

Our review indicates that the TIP is generally consistent with the comprehensive plans of the County and municipalities within the MPO's area. However, Lee County's comprehensive plan does not reflect four projects on the Future Transportation Map Series. The County should update its Future Transportation Map to reflect these projects and, if the projects' construction phase is planned within the next five years, the Five-year Schedule of Capital Improvements. The following is the detailed information concerning the TIP projects:

- FPN #: 4258411, Project name: State Route 82, Project Limits: from CR 884 to Shawnee Road, Local Government Location: Lee County
- FPN #: 4258412, Project name: State Route 82, Project Limits: from Shawnee Road to Alabama Road South, Local Government Location: Lee County
- FPN#: 4258413, Project name: State Route 82, Project Limits: from Alabama Road South to Homestead Road South, Local Government Location: Lee County
- FPN#: 4258414, Project name: State Route 82, Project Limits: from Homestead Road South to Hendry County Line , Local Government Location: Lee County

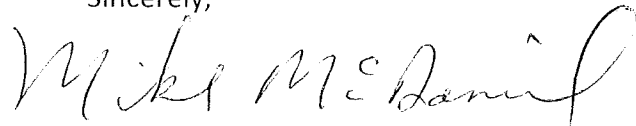
Kevin Ruane, Chairman

October 18, 2013

Page 2 of 2

We appreciate your efforts to coordinate the transportation projects in the TIP with local government comprehensive plans and have sent a copy of this letter to Lee County. Should you have any questions concerning this determination or the review process, please contact Chris A. Wigglesworth at (850) 717-8515.

Sincerely,

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

Mike McDaniel,
Comprehensive Planning Manager

MM/caw

cc: Paul O' Conner, AICP, Lee County Planning Division Director

Rick Scott
GOVERNOR



FLORIDA DEPARTMENT of
ECONOMIC OPPORTUNITY

Jesse Panuccio
EXECUTIVE DIRECTOR

February 5, 2014

RECEIVED
FEB 06 2014

COMMUNITY DEVELOPMENT

Ms. Kendra Sheffield, Manager
Work Program Development and Operations
Florida Department of Transportation
605 Suwannee Street, M.S. 21
Tallahassee, Florida 32399-0450

Re: The Florida Department of Transportation's 2014 Tentative Work Program

Dear Ms. Sheffield:

Thank you for the opportunity to review the Florida Department of Transportation's Tentative Work Program for fiscal years 2014/15 through 2018/19. In accordance with Section 339.135 (4)(f), Florida Statutes, the Department of Economic Opportunity has reviewed the Work Program projects for consistency with the local government comprehensive plans.

The Variance Report included with your letter dated January 7, 2014, included forty-nine proposed major roadway capacity projects for the Department to review. Based on the Department's review project number 4258411, in Lee County (widening State Route 82 from County Road 884 to Shawnee Road), is not consistent with the County's Comprehensive Plan. The Department recommends the County update their Comprehensive Plan to include this project.

If you have any questions or comments regarding this review, please feel free to contact Chris A. Wiglesworth at (850)717-8515 or email at chris.wiglesworth@deo.myflorida.com.

Sincerely,

Ana Richmond
Comprehensive Planning Manager

AR/caw

cc: Tom DiGiacomo, Florida Transportation Commission
L.K. Saliba, Florida Department of Transportation
Paul O'Conner, Lee County

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: February 28, 2014

SUBJECT: EXPEDITED STATE REVIEW PROCESS

COMMENTS FOR PROPOSED COMPREHENSIVE PLAN AMENDMENT

LOCAL GOVERNMENT/ STATE LAND PLANNING AGENCY AMENDMENT #:

Lee County 14-4ESR

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.

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

February 28, 2014

RECEIVED
MAR 05 2014

COMMUNITY DEVELOPMENT

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

Dear Mr. O'Connor:

Thank you for submitting 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 14-4ESR**.

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 **March 28, 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

Miller, Janet

From: O'Connor, Paul
Sent: Tuesday, March 11, 2014 8:18 AM
To: Dunn, Brandon; Miller, Janet
Subject: FW: Lee County 14-4ESR Proposed

From: Stahl, Chris [<mailto:Chris.Stahl@dep.state.fl.us>]
Sent: Monday, March 10, 2014 4:03 PM
To: O'Connor, Paul
Cc: Craig, Kae; DEO Agency Comments
Subject: Lee County 14-4ESR Proposed

To: Paul O'Connor, Planning Division Director

Re: Lee County 14-4ESR – Expedited Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction. Please feel free to contact me with any questions.

Christopher Stahl
DEP Office of Intergovernmental Programs
3900 Commonwealth Blvd., MS 47
Tallahassee, FL 32399-3000
(850) 245-2169 office

Thank you!
cjs



Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

FLORIDA DEPARTMENT OF EDUCATION



STATE BOARD OF EDUCATION

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Members

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JOHN A. COLÓN

REBECCA FISHMAN LIPSEY

ANDY TUCK

Pam Stewart
Commissioner of Education

March 12, 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 14-4 ESR

Thank you for the opportunity to review the Lee County 14-4 ESR amendment package, which the Florida Department of Education received on February 25, 2014. 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 the Lee Plan to make concurrency requirements for transportation and for park and recreation nonregulatory. Because the amendment does not appear to create adverse effects on public educational facilities, 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,

A handwritten signature in blue ink, appearing to read "Tracy D. Suber".

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
DIRECTOR, OFFICE OF EDUCATIONAL FACILITIES

325 W. GAINES STREET • SUITE 1014 • TALLAHASSEE, FLORIDA 32399-0400 • 850-245-0494 • FAX 850-245-9304

www.fldoe.org



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RECEIVED
MAR 17 2014

March 13, 2014

COMMUNITY DEVELOPMENT

Paul O'Connor, AICP, Director
Lee County Department of Community Development
P. O. Box 398
Fort Myers, FL 33902-0398

**Subject: Lee County, DEO #14-4ESR
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 text amendment updates the Parks and Recreation, and Transportation Elements with concurrency requirements. 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 cursive script that reads "Dean Powell".

Dean Powell
Water Supply Bureau Chief

DP/do

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

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

March 17, 2014

VIA EMAIL (oconnops@leegov.com)

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

Re: DACS Docket # -- 20140303-355
Lee County CPA2013-00006 - Concurrency
Submission dated February 21, 2014

Dear Mr. O'Connor:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on March 3, 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 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 14-4 ESR)

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

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MAR 31 2014

COMMUNITY DEVELOPMENT

March 24, 2014

The Honorable Larry Kiker, Chairman
Lee County Board of County Commissioners
Post Office Box 398
Fort Myers, Florida 33902-0398

Dear Chairman Kiker:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Lee County (Amendment No. 14-4ESR), which was received on February 26 2014. 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'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 reviewing agency 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 within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

If you have any questions concerning 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, appearing to read "Ana Richmond", with a long horizontal flourish extending to the right.

Ana Richmond
Comprehensive Planning Manager

AR/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.



Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

ANANTH PRASAD, P.E.
SECRETARY

March 27, 2014

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

RE: Lee County 14-4ESR Proposed Comprehensive Plan Amendment (Expedited State Review Process) – FDOT Comments and Recommendations

Dear Mr. O'Connor:

The Florida Department of Transportation, District One, has reviewed the Lee County 14-4ESR, Proposed Comprehensive Plan Amendment, transmitted under the Expedited State Review process (*transmitted by the Board of County Commissioners on February 19, 2014*) in accordance with the requirements of Florida Statutes (F.S.) Section 163 and Chapter 9J-11 of the Florida Administrative Code (F.A.C.). The Department offers the County the following comments and recommendations for your consideration regarding the proposed amendment:

Lee County CPA2013-06 (Text and Map Amendment):

The Lee County CPA2013-06 proposes to:

1. Amend the Lee Plan to make Lee County concurrency consistent with State regulatory and non-regulatory concurrency requirements. More specifically, the proposed amendment will make “parks and recreation” and “transportation” concurrency non-regulatory, while the public education concurrency will remain regulatory due to an interlocal agreement between Lee County, the School District and five municipalities.
2. Delete Map 11 of the Lee Plan, which identifies the Future Recreational Uses since the Lee Plan has no Goals, Objectives, or Policies that refer to Map 11.
3. Update Map 3A of the Lee Plan, which identifies the Lee County 2030 Financially Feasible Highway Plan to reflect the improvements along SR 82 from CR 834 to Hendry County Line based on the latest data from the Lee County Metropolitan Planning Organization.

Additionally, the Lee Plan was modified to:

1. Bring references to Objective 14.2 (and subsequent policies) of the Pine Island Plan into compliance with Community Planning Act of 2011.
2. Make the DRI vesting policy, 37.5.2, past tense.
3. Remove dates that have past in the park standards.
4. Add "Regional Parks Standards" to Objective 84.1.
5. Delete "Interim" in reference to Stormwater Management Facilities.
6. Replace "minimum acceptable" in reference to transportation facility LOS with a non-regulatory term.

FDOT Comment

The Florida Department of Transportation, District One, offers **no comments** on the Lee County proposed Comprehensive Plan Amendment CPA 2013-06, as this amendment is not anticipated to adversely impact any important state transportation resources or facilities.

If you have any questions please free to contact me at (863) 519-2395 or bob.crawley@dot.state.fl.us.

Sincerely,



Bob Crawley
District Transportation Modeling Coordinator
FDOT District One

CC: *Mr. Ray Eubanks, Florida Department of Economic Opportunity*
Mr. Scott Rogers, Florida 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

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APR 03 2014

March 31, 2014

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

COMMUNITY DEVELOPMENT

Re: Lee County / DEO 14-4ESR

Dear Mr. Eubanks:

The staff of the Southwest Florida Regional Planning Council has reviewed the proposed amendments (DEO 14-4ESR/CPA 2013-06) 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 April 17, 2014 meeting. Council staff has recommended that Council find the requested changes to the concurrency provisions of the Lee Plan as procedural, regionally significant, and consistent with the Strategic Regional Policy Plan. Also, Council staff has recommended that the changes to the Lee Plan do not produce extra-jurisdictional impacts that are inconsistent with the Comprehensive Plans of other local jurisdictions.

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

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
LEE COUNTY**

The Council staff has reviewed proposed changes to the Lee County Growth Management Plan (DEO 14-4ESR/CPA 2013-06). 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>
Concurrency (CPA 2013-06)	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.

04/14

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 RECEIVED:

February 24, 2014

DATE AMENDMENT MAILED TO LOCAL GOVERNMENT AND STATE:

March 31, 2014

1. AMENDMENT NAME

Concurrency (CPA 2013-06)

2. DESCRIPTION OF AMENDMENT(S):

Lee County is requesting to amend the Lee Plan to make the County's concurrency consistent with the State regulatory and non-regulatory concurrency requirements. The proposed amendment will make parks and recreation and transportation concurrency requirements non-regulatory. Under the requested changes the public education concurrency requirements will remain regulatory due to interlocal agreements between the County, the School District and the five municipalities within the County.

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

Council staff has reviewed the proposed amendments to the Lee County Comprehensive Plan and finds that the proposed changes will update the Plan's concurrency policies. 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 will impact the provision of regional parks and recreation and transportation infrastructure resources and facilities within the region. However, base upon staff review of the request, Council staff finds that the proposed changes do 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 14-4ESR**

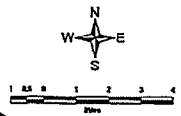
Comprehensive Plan Amendments

**FUTURE RECREATIONAL USES
GENERALIZED SERVICE AREA BOUNDARIES
(See Plan View 1)**

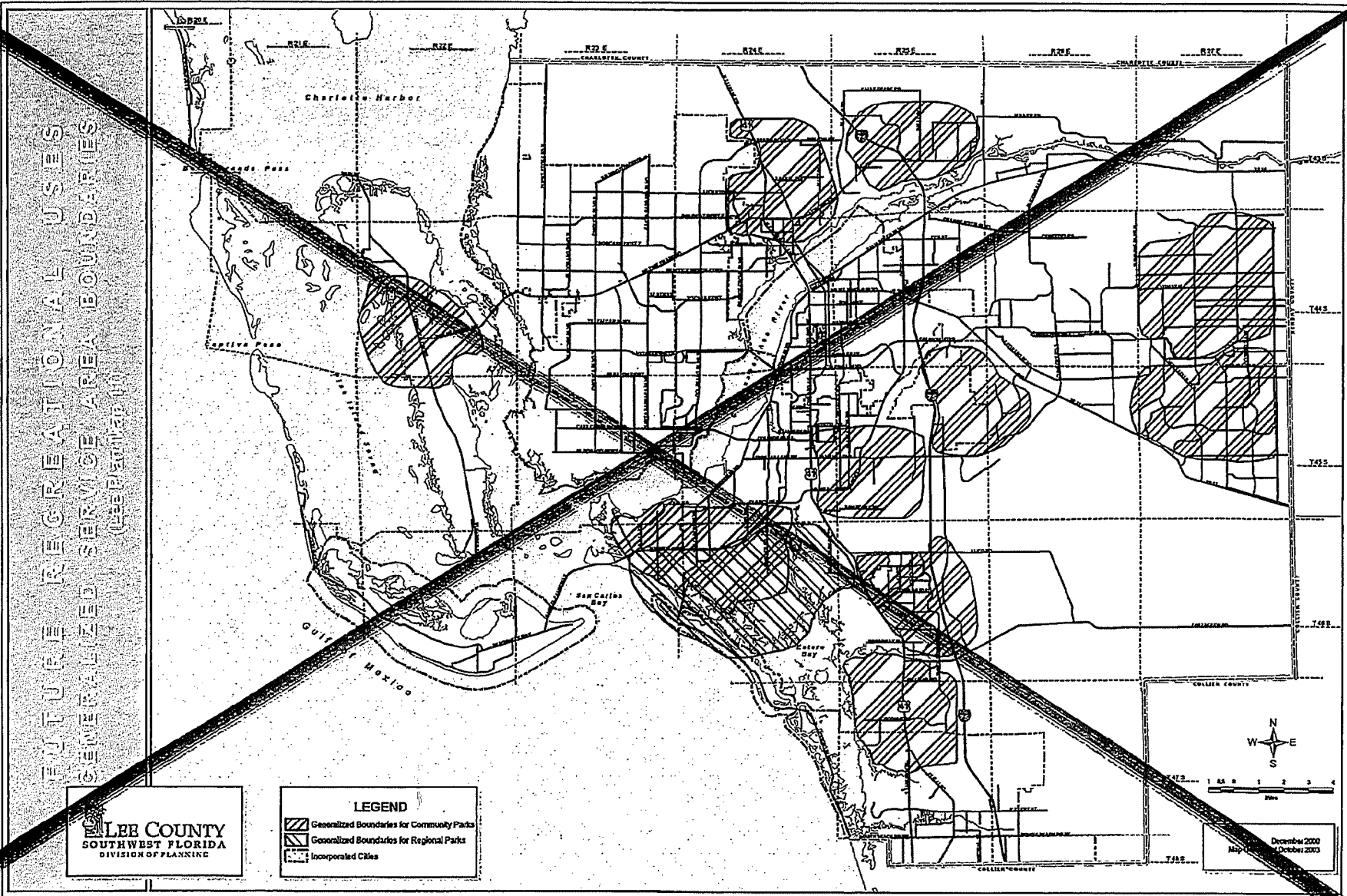
LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

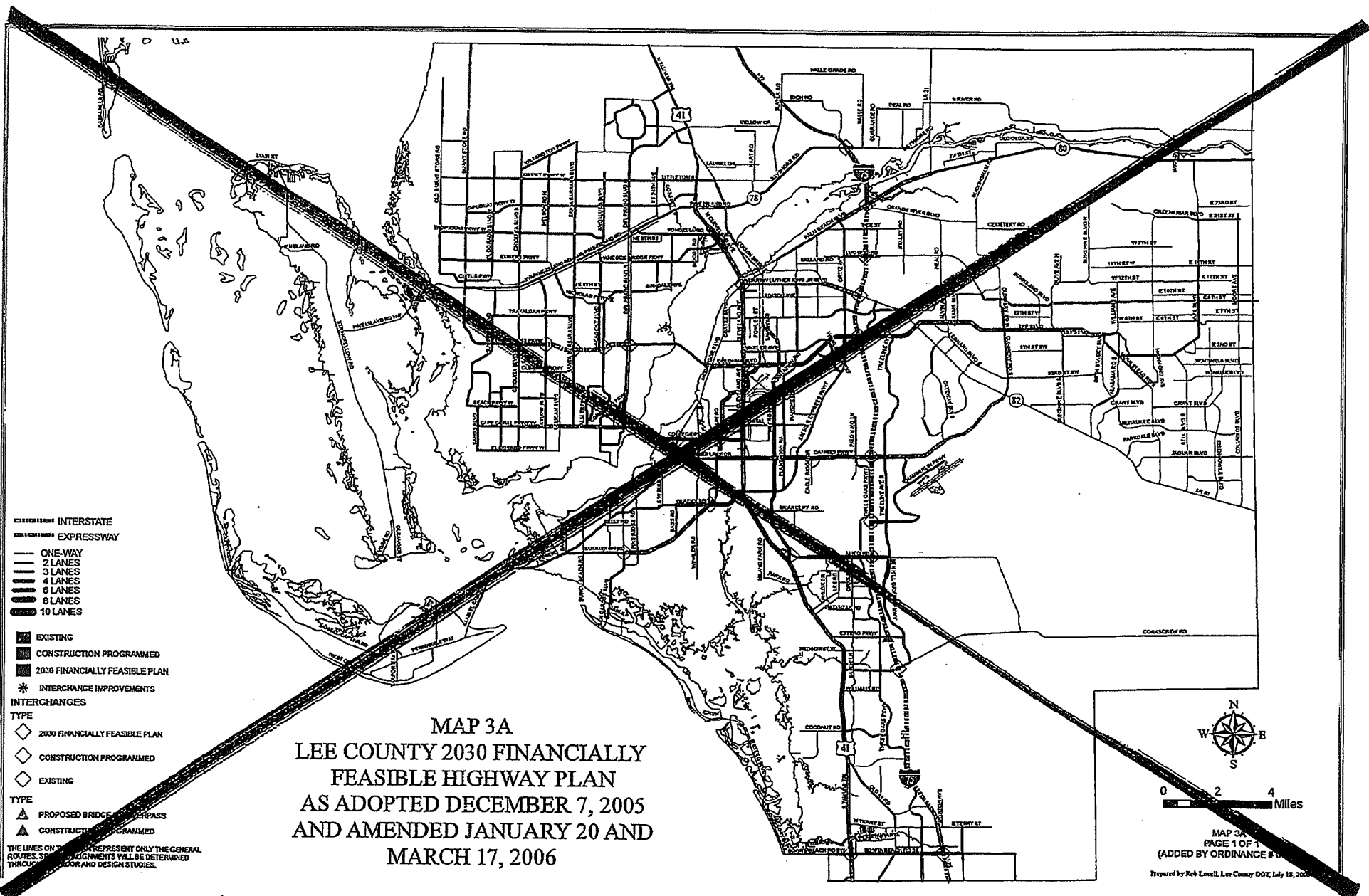
LEGEND

-  Generalized Boundaries for Community Parks
-  Generalized Boundaries for Regional Parks
-  Incorporated Cities



December 2000
May
October 2003

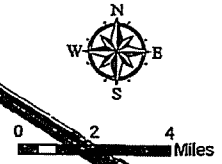




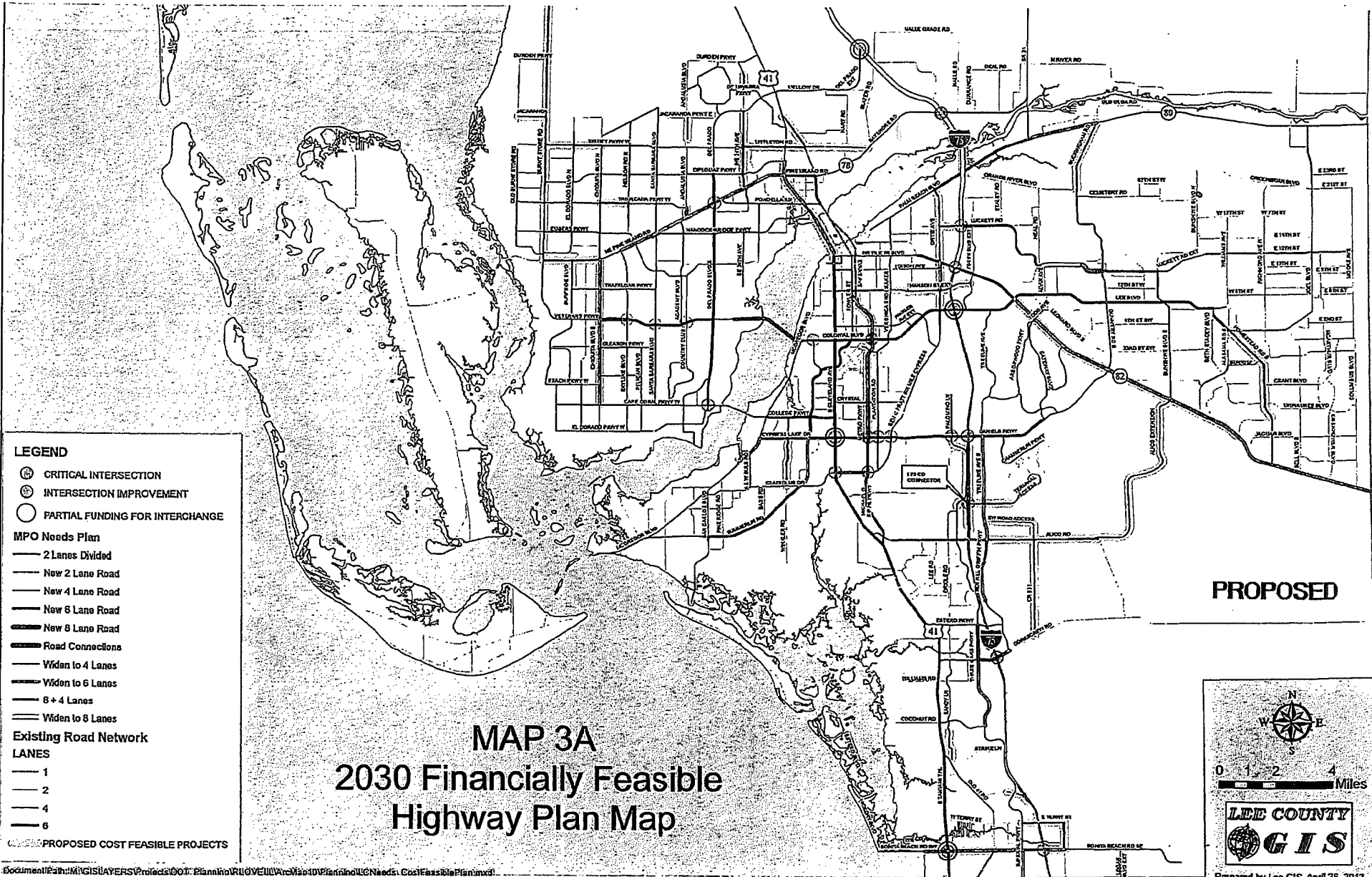
MAP 3A
LEE COUNTY 2030 FINANCIALLY
FEASIBLE HIGHWAY PLAN
AS ADOPTED DECEMBER 7, 2005
AND AMENDED JANUARY 20 AND
MARCH 17, 2006

- INTERSTATE
- EXPRESSWAY
- ONE-WAY
- 2 LANES
- 3 LANES
- 4 LANES
- 6 LANES
- 8 LANES
- 10 LANES
- EXISTING
- CONSTRUCTION PROGRAMMED
- 2030 FINANCIALLY FEASIBLE PLAN
- * INTERCHANGE IMPROVEMENTS
- INTERCHANGES
- TYPE
- 2030 FINANCIALLY FEASIBLE PLAN
- CONSTRUCTION PROGRAMMED
- EXISTING
- TYPE
- PROPOSED BRIDGE/OVERPASS
- CONSTRUCTION PROGRAMMED

THE LINES ON THIS MAP REPRESENT ONLY THE GENERAL ROUTES. SPECIFIC ALIGNMENTS WILL BE DETERMINED THROUGH PRELIMINARY ENGINEERING AND DESIGN STUDIES.



MAP 3A
 PAGE 1 OF 1
 (ADDED BY ORDINANCE # 2005-10)
 Prepared by Rob Lovell, Lee County DOT, July 18, 2005



- LEGEND**
- ⊗ CRITICAL INTERSECTION
 - ⊕ INTERSECTION IMPROVEMENT
 - PARTIAL FUNDING FOR INTERCHANGE

MPO Needs Plan

- 2 Lanes Divided
- New 2 Lane Road
- New 4 Lane Road
- New 6 Lane Road
- New 8 Lane Road
- Road Connections
- Widen to 4 Lanes
- Widen to 6 Lanes
- 8 + 4 Lanes
- Widen to 8 Lanes

Existing Road Network


- LANES**
- 1
 - 2
 - 4
 - 6

PROPOSED COST FEASIBLE PROJECTS


MAP 3A

2030 Financially Feasible Highway Plan Map

PROPOSED



0 1 2 4 Miles



LEE COUNTY
GIS

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

FLORIDA DEPARTMENT of
ECONOMIC OPPORTUNITY

May 1, 2014

RECEIVED
MAY 05 2014

COMMUNITY DEVELOPMENT

Mr. Paul O'Connor, Director
Lee County Planning 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. 14-4ESR** adopted by **Ordinance No. 14-9 on April 16, 2014**, for our review pursuant to the Expedited State Review process. The adopted package was received by the Department on **April 30, 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 **May 1, 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



Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

ANANTH PRASAD, P.E.
SECRETARY

May 9, 2014

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

RE: Lee County 14-4ESR Adopted Comprehensive Plan Amendment – FDOT Comments and Recommendations

Dear Mr. O'Connor:

The Florida Department of Transportation, District One (hereafter the "Department"), has reviewed the Lee County 14-4ESR Adopted Comprehensive Plan Amendment (received by the Department on 4/28/14) in accordance with the requirements of Florida Statutes (F.S.) Section 163 and Chapter 9J-11 of the Florida Administrative Code (F.A.C). The Department offers Lee County the following comments:

The Department offers **no comment** on Lee County 14-4ESR Adopted Comprehensive Plan Amendment, as this amendment is not anticipated to adversely impact any State highway facilities.

If you have any questions please free to contact me at (863) 519-2395 or bob.crawley@dot.state.fl.us.

Sincerely,

Bob Crawley
District Transportation Modeling Coordinator
FDOT District One

CC: Mr. Ray Eubanks, Florida Department of Economic Opportunity

/BC

Miller, Janet

From: O'Connor, Paul
Sent: Friday, May 16, 2014 11:33 AM
To: Dunn, Brandon; Miller, Janet
Subject: FW: Lee County 14-4ESR Adopted

From: Stahl, Chris [<mailto:Chris.Stahl@dep.state.fl.us>]
Sent: Thursday, May 15, 2014 11:06 AM
To: O'Connor, Paul
Cc: Craig, Kae; DEO Agency Comments
Subject: Lee County 14-4ESR Adopted

To: Paul O'Connor, Lee County Planning Division Director

Re: Lee County 14-4ESR – Expedited Review of Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that would result in adverse impacts to important state resources subject to the Department's jurisdiction. Please feel free to contact me with any questions.

Christopher Stahl
DEP Office of Intergovernmental Programs
3900 Commonwealth Blvd., MS 47
Tallahassee, FL 32399-3000
(850) 245-2169 office

Thank you!
cjs



Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

May 29, 2014

RECEIVED
JUN 02 2014

COMMUNITY DEVELOPMENT

The Honorable Larry Kiker, Chairman
Lee County Board of County Commissioners
Post Office Box 398
Fort Myers, Florida 33902-0398

Dear Chairman Kiker:

The Department of Economic Opportunity has completed its review of the comprehensive plan amendment adopted by Lee County on April 16, 2014 (Amendment 14-4ESR; Ordinance Number 14-9). 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 commence before it has become effective.

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,

Ana Richmond, Chief
Bureau of Community Planning

AR/sr

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