

CORRESPONDENCE

Reply to
Charles J. Basnall
Direct Fax Number 239.344.1560
Direct Dial Number 239.344.1204
E-Mail: charles.basnall@henlaw.com

April 25, 2014

VIA EMAIL AND U.S. MAIL

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

Re: CPA2011-00008 and CPA2014-00003
North Point DRI Site in Estero
Strap No. 33-46-25-00-00019.0000

Dear Paul:

Please be advised that this firm represents the interests of the above referenced parcel. My clients have requested that I communicate to you their comments relating to CPA2011-00008 (Future Land Use Element amendment to the Lee Plan) and CPA2014-00003 (Estero Community Plan revisions under Goal 19 of the Lee Plan).

Given the breadth of the revisions being proposed to both the Lee Plan Land Use Element and the Estero Community Plan contained in Goal 19 of the Lee Plan I intend on keeping my comments general in nature but plan to appear at the Local Planning Agency (LPA) meeting on Monday April 28th to include my comments on the record.

With respect to CPA2011-00008 my clients are requesting that their property be included within the "Urban Places" designation as opposed to the "Urban Neighborhood" designation. The subject property is located adjacent to a six lane section of US 41, has adequate water and sewer capability, has a regional park nearby and is thus located in an area of the County where higher densities are clearly appropriate. One of the mantras that has recently been espoused by Lee County is to locate higher densities in areas that can support them. I would submit to you that the subject property is consistent with this concept and should be included in the "Urban Places" designation. In addition, this request is consistent with proposed Policy 1.1.2 f. of CPA2011-00003, which states the following: "Supporting the development of higher



Paul O'Connor
April 25, 2014
Page 2

levels of density and intensity in Urban Areas by providing greater levels of public services, infrastructure, and park resources;"

As for CPA2014-00003 my clients wish to emphasize the importance of flexibility in development design. Much of the Estero Community Plan speaks to the importance of mixed use development which my clients agree with so long as it is not a requirement for all development. There are numerous occasions where mixed use is simply not appropriate, either from a locational standpoint or perhaps based on market conditions. It is really not the panacea to cure all development ills as it has been portrayed by some. Often times, especially in areas of lower density, it just does not work.

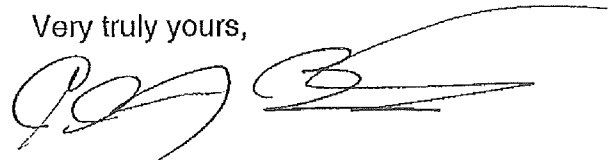
In those areas where mixed use may be appropriate it is important to understand that horizontal mixed use is equally effective as vertical mixed use if done properly and, in fact, history would tell us that in Lee County horizontal mixed use has been more effective as between the two. In line with this concept there needs to be a place for single use buildings and large areas of residential density in mixed use projects, thus maintaining what could be the most important aspects of any project that is going to be an enhancement to the community within which it is located--flexibility in design and flexibility to respond to market conditions.

While I have not discovered any mixed use provisions in CPA2014-00003 or CPA2011-00008 or in the Lee Plan in general that would preclude horizontal mixed use with single use buildings and large areas of residential or in turn require multi-use buildings that would include residential as one of the uses in a mixed use project, I think it is important to emphasize how critical this flexibility is to any development for it to be successful and an enhancement to the community that it is located in. As I have attempted to stress in this correspondence my clients firmly believe that flexibility in design and the flexibility to respond to market conditions is paramount.

As I indicated previously I will be attending the April 28th LPA meeting to place my comments on the record.

Thank you and please contact me if you have any questions in the interim.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Charles J. Basinait', with a long horizontal flourish extending to the right.

Charles J. Basinait

CJB/krs

Paul O'Connor
April 25, 2014
Page 3

cc: *Via email*
Pam Houck
Brandon Dunn
Holly Schwartz
Janet Miller
Dennis Church
David Mulika
Noel Andress
Mitch Hutchcraft
Jim Green
Rick Joyce
James Ink
Nick Batos
Howard Levitan

Jenkins-Owen, Sharon

From: Gibbs, Mary
Sent: Monday, June 09, 2014 11:51 AM
To: Jacob, Michael
Cc: Houck, Pamela; Jenkins-Owen, Sharon
Subject: one change to Estero community plan for the 18th
Attachments: ESTERO POLICY 19.2.5 DRAFT 2014-06-05-2.docx

Hi Michael,

Pam and I met with Ned Dewhirst this morning and the proposed language relating to stand alone bars in the Estero plan that we took out prior to the LPA meeting because of the DRI language they would like back in. We couldn't come up with language that worked well before, but Ned gave me and Pam this language and it appears to be workable. Would you mind looking it over and see what you think? They may change a couple words but this is close to final. We didn't want to forget you like happened before. If this is ok with you, they would hand it out to the Board on the 18th and hope the Board would include it. Ned is hoping they can use it at Coconut Point where any bar would be internal to the project, and they would still require a public hearing. I believe they have taken out any of the formerly problematic language.

Let me know what you think.

Thanks,

Mary

Mary Gibbs, Director
Lee County Dept. of Community Development
1500 Monroe Street
Fort Myers, FL 33901
(239) 533-8345
(239) 485-8344 (fax)
gibbsmx@leegov.com

Join our online public forum at www.leecountytownhall.com

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.

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DRAFT

POLICY 19.2.5: Except as set forth in Policy 19.2.5(a), the following uses are prohibited within Estero: “detrimental uses” (as defined in the Land Development Code, as amended); nightclubs or bar and cocktail lounges unless within a Group III Restaurant; tattoo parlors; and retail uses that require outdoor display in excess of one acre. Outdoor display in excess of one area acre is permitted within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road, and east of Corkscrew Woodlands Boulevard.

POLICY 19.2.5 (a): Enable the development of mixed-use centers by allowing nightclub, bar, and cocktail lounges which are not within a Group III Restaurant but are located within mixed use centers approved as a CCPD or MPD with at least the following thresholds: i) a residential development of 1000 or more dwelling units and ii) a commercial development or activity which includes 1,000,000 square feet or more of floor area. The specific location of these uses is to be designed as part of an overall development project and placed within the project so that it is 1) located adjacent to entertainment and restaurant establishments and 2) in the physical center of the mixed-use development project. This exception to the limitations set forth in Policy 19.2.5 shall only be allowed through a CCPD or MPD public hearing review process.

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

RECEIVED
JUN 30 2014
COMMUNITY DEVELOPMENT

June 26, 2014

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 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 14-5ESR**.

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 State Land Planning Agency's Comment Letter no later than **July 26, 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
Trisha Neasman, Southwest Florida WMD
Margaret Wuerstle, Southwest Florida RPC
Crawley/Massey FDOT1
Wendy Evans, AG
Scott Sanders, FWC

DATE: June 26, 2014

SUBJECT: EXPEDITED STATE REVIEW PROCESS

COMMENTS FOR PROPOSED COMPREHENSIVE PLAN AMENDMENT

LOCAL GOVERNMENT/ STATE LAND PLANNING AGENCY AMENDMENT #:

Lee County 14-5ESR

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

June 19, 2014

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 Amendment, CPA2014-03

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, please find attached the proposed Publicly Sponsored Comprehensive Plan amendment, known locally as CPA2014-03. The proposed amendment is being submitted through the expedited state review process as described in Chapter 163.3184. The amendment is as follows:

CPA2014-03 Amend the Lee Plan to incorporate the new and revised vision, goal, objectives, and policies that resulted from the Estero Community Planning Panel efforts.

The Local Planning Agency held a public hearing for this plan amendment on May 19, 2014. The Board of County Commissioners transmittal hearing for the plan amendment was held on June 18, 2014. The Board of County Commissioners voted to transmit the attached Lee Plan amendment package at the June 18, 2014 transmittal hearing. The proposed amendment is 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
(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



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

Miller, Janet

From: O'Connor, Paul
Sent: Thursday, July 03, 2014 8:03 AM
To: Dunn, Brandon; Miller, Janet
Subject: FW: Lee County 14-5ESR (CPA 2014-03)

From: Hight, Jason [<mailto:Jason.Hight@MyFWC.com>]
Sent: Tuesday, July 01, 2014 2:38 PM
To: DCPexternalagencycomments; O'Connor, Paul
Cc: Wallace, Traci; Chabre, Jane
Subject: Lee County 14-5ESR (CPA 2014-03)

Mr. O'Connor:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed proposed comprehensive plan amendment in accordance with Chapter 163.3184(3), Florida Statutes. We have no comments, recommendations, or objections related to fish and wildlife or listed species and their habitat to offer on this amendment.

If you need any further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or at FWCConservationPlanningServices@MyFWC.com. If you have specific technical questions, please contact me by phone or email.

Sincerely,

Jason Hight
Biological Administrator II
Office of Conservation Planning Services
Division of Habitat and Species Conservation
620 S. Meridian Street, MS 5B5
Tallahassee, FL 32399-1600
office: 850-413-6966
cell: 850-228-2055

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.

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

July 14, 2014

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 # -- 20140625-427
Lee County CPA 2014-03
Submission dated June 19, 2014

Dear Mr. O'Connor:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on June 25, 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 14-5 ESR)

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

RECEIVED
JUL 28 2014

COMMUNITY DEVELOPMENT

July 18, 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. 14-5ESR), which was received on June 24, 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". The signature is fluid and cursive, with the first name "Ana" and last name "Richmond" clearly distinguishable.

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.



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

July 21, 2014

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

RECEIVED
JUL 23 2014
COMMUNITY DEVELOPMENT

**Subject: Lee County, DEO #14-5ESR
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 from the Lee County (County). The amendment revises the vision, goals, objectives and policies of the Estero Community Plan. 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 "De Powell".

Dean Powell
Water Supply Bureau Chief

DP/do

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



Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

ANANTH PRASAD, P.E.
SECRETARY

July 22, 2014

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

RE: Lee County 14-5ESR Proposed Comprehensive Plan Amendment – FDOT Comments

Dear Mr. O'Connor:

The Florida Department of Transportation, District One (hereafter the "Department"), has reviewed the Lee County 14-5ESR Proposed Comprehensive Plan Amendment (received by the Department for review on 6/30/14) 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 14-5ESR Proposed Comprehensive Plan Amendment.

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

Sincerely,

Bob Crawley
District Growth Management Coordinator
FDOT District One

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

/BC

Miller, Janet

From: O'Connor, Paul
Sent: Wednesday, July 23, 2014 2:31 PM
To: Jenkins-Owen, Sharon; Dunn, Brandon; Miller, Janet
Subject: FW: Lee County 14-5ESR - Proposed

From: Stahl, Chris [<mailto:Chris.Stahl@dep.state.fl.us>]
Sent: Wednesday, July 23, 2014 2:25 PM
To: O'Connor, Paul
Cc: Craig, Kae; DEO Agency Comments
Subject: Lee County 14-5ESR – Proposed

To: Paul O'Connor, County Planning Division Director

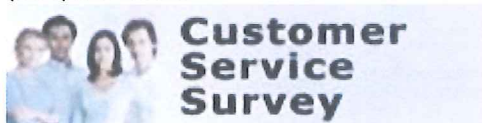
Re: Lee County 14-5ESR – Expedited Review of Proposed Comprehensive Plan Amendment

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.

Chris Stahl
Office of Intergovernmental Programs
Florida Department of Environmental Protection
3900 Commonwealth Blvd., MS 47
Tallahassee, FL 32399-3000
(850) 245-2169



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Southwest Florida Regional Planning Council

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

August 4, 2014

RECEIVED
AUG 05 2014

COMMUNITY DEVELOPMENT

Mr. D. Ray Eubanks
Community Program Administrator
Department of Economic Opportunity
Caldwell Building
107 East Madison Street
Tallahassee, Florida 32399-4120

Re: Lee County / DEO 14-5ESR

Dear Mr. Eubanks:

Staff of the Southwest Florida Regional Planning Council reviewed the proposed evaluation and appraisal based amendments (DEO 14-5ESR; CPA No. 2014-03) to the Lee County Comprehensive 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 at its August 14, 2014 meeting. Council staff has recommended that Council find the requested amendments to the Lee County's Comprehensive Plan as not adversely impacting regional resources and consistent with the Strategic Regional Policy Plan.

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
Executive Director

MW/DEC
Attachment

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

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
LEE COUNTY**

The Council staff has reviewed proposed evaluation and appraisal based amendments to the Lee County Comprehensive Plan (DEO 14-5ESR / local CPA 2013-F). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. 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>Factors of Regional Significance</u>			<u>Consistent</u>
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	
DEO 14-5ESR (Local CPA 2014-03)	yes	yes	yes	(1) regionally significant; (2) procedural; and (3) consistent with SRPP

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

08/2014

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

Attachment I

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**

LOCAL GOVERNMENT:

Lee County

DATE AMENDMENT RECEIVED:

June 23, 2014

DATE AMENDMENT MAILED TO LOCAL GOVERNMENT AND STATE:

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.

July 23, 2014

1. AMENDMENT NAME:

Application Number: DEO 14-5ESR (CPA 2014-03)

2. DESCRIPTION OF AMENDMENT(S):

This proposed, publicly-initiated amendment to refine Goal 19 of the Lee County Comprehensive Plan is a text amendment that updates the Estero Community Planning Panel's community-vetted vision for that area of Lee County. The proposed amendment institutes the Estero Community's plans to ensure high-quality design standards, community character, and locally-appropriate land uses moving forward.

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

Council staff has reviewed the requested amendment. Based on the review, Council staff has found that the requested changes will not produce any significant adverse effects on the regional resources or regional facilities that are identified in the Strategic Regional Policy Plan.

4. EXTRAJURISDICTIONAL IMPACTS INCONSISTENT WITH THE COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION

Council staff has reviewed the requested changes and finds that the requested Comprehensive Plan amendments do not produce any significant extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any other local government within the region.

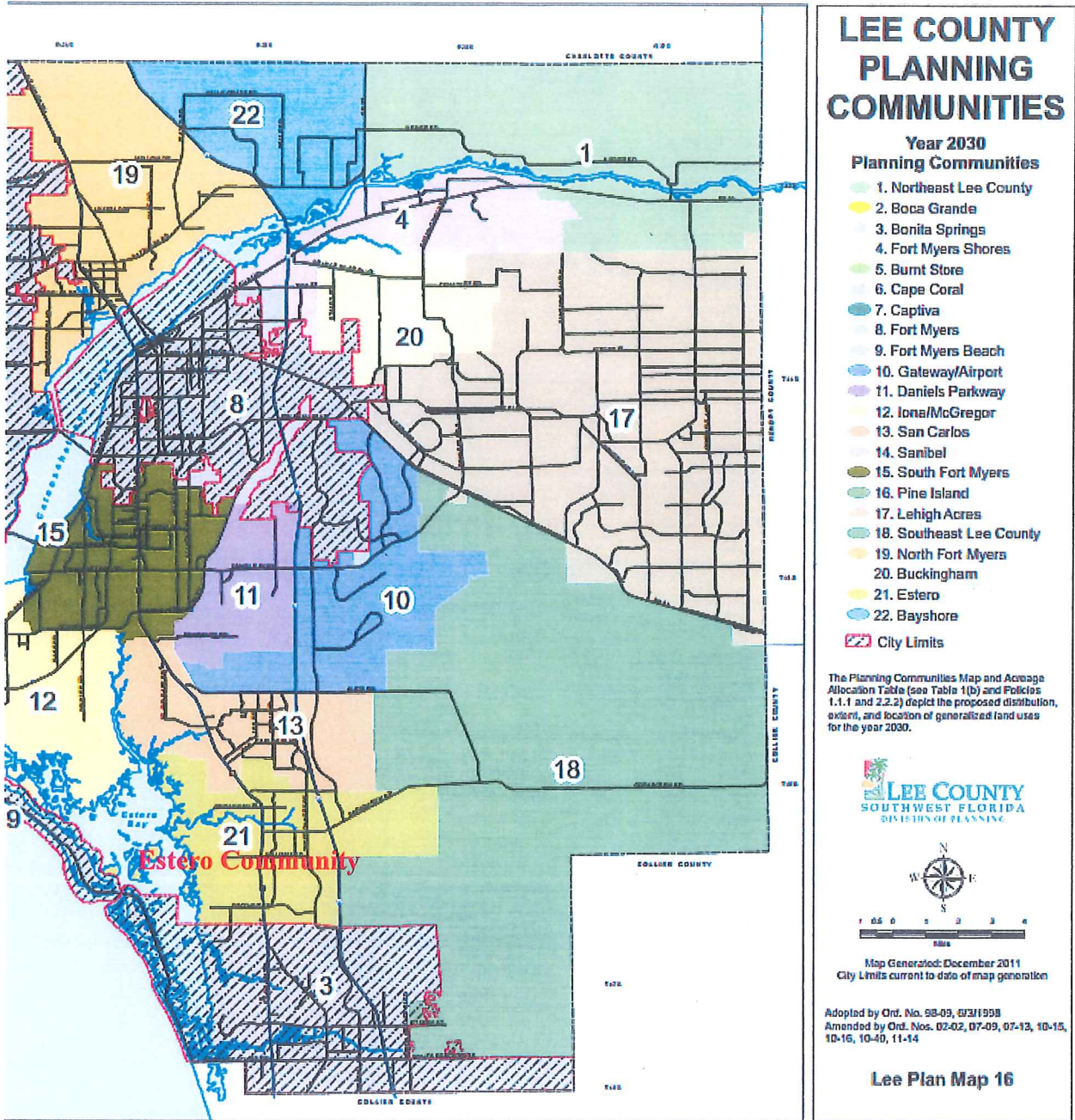
Request a copy of the adopted version of the amendment? Yes No

Maps

**Lee County
DEO 14-5ESR**

**Growth Management Plan
Comprehensive Plan Amendments**

Map 1 – Site Location



Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

**FLORIDA DEPARTMENT of
ECONOMIC OPPORTUNITY**

September 3, 2014

RECEIVED
SEP 08 2014

COMMUNITY DEVELOPMENT

Mr. Paul O'Connor, AICP
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. 14-5ESR** adopted by **Ordinance No. 14-16 on August 20, 2014**, for our review pursuant to the Expedited State Review process. The adopted package was received by the Department on **September 2, 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 **September 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

Miller, Janet

From: O'Connor, Paul
Sent: Monday, September 22, 2014 3:23 PM
To: Dunn, Brandon; Miller, Janet
Subject: FW: Lee County 14-5ESR - Adopted

From: Stahl, Chris [<mailto:Chris.Stahl@dep.state.fl.us>]
Sent: Monday, September 22, 2014 2:56 PM
To: O'Connor, Paul
Cc: Craig, Kae; DEO Agency Comments
Subject: Lee County 14-5ESR – Adopted

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

Re: Lee County 14-5ESR – Expedited Review of Adopted 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

September 26, 2014

RECEIVED
SEP 29 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 August 20, 2014 (Amendment 14-5ESR; Ordinance Number 14-16). 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