



October 10, 2016

John 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 16-3 ESR  
Adoption Submission Package

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, this submission package constitutes the adoption of Comprehensive Plan Amendment known locally as CPA2015-03. This amendment packet includes the final action and adopting ordinance for:

CPA2015-00003, Dusty Metro: Amend Lee Plan Future Land Use Map to redesignate 299.01 acres from the Industrial Development and Wetlands future land use categories to the Urban Community and Wetlands future land use categories. Amend Table 1(b), Year 2030 Allocations, to accommodate additional residential development for the Urban Community future land use category within the Gateway/Airport Planning Community. (Adopted by Ordinance 16-17)

The Lee County Board of County Commissioners held an adoption hearing to adopt the above identified ordinance for the plan amendment on October 5, 2016. As required by F.S. 163.3184, the final action on this amendment was completed within 180 days of the receipt of the State Land Planning Agency's review letter.

Changes were made to the amendment which included the addition of a text amendment to Policy 7.1.1 of the Lee Plan in order to address anticipated negative impacts on development potential of adjacent properties located within the remaining Industrial Development future land category.

The name of the local newspaper in which the Adoption Hearing was published is The News-Press, Fort Myers, Florida.

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

Mr. Brandon Dunn, Principal Planner  
Department of Community Development  
Planning Section

P.O. Box 398  
Fort Myers, Florida 33902-0398  
(239) 533-8585  
Fax (239) 485-8344  
Email: bdunn@leegov.com

Included with this package is one paper copy and two CD ROM copies, in PDF format, of the adopted amendment and supporting data and analysis. All documents and reports attendant to this submission are also being sent, by copy of this cover, to:

Comprehensive Plan Review  
Department of Agriculture and Consumer Services

Tracy D. Suber  
Department of Education

Plan Review  
Department of Environmental Protection

Deena Woodward  
Florida Department of State

Scott Sanders  
Florida Fish and Wildlife Conservation Commission

Sarah Catala  
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

Sincerely,  
**DEPT. OF COMMUNITY DEVELOPMENT**  
**Planning Section**



Mikki Rozdolski, Planning Manager

**CPA2015-00003**

**DUSTY METRO**

**LEE COUNTY ORDINANCE NO. 16-17**

Dusty Metro  
(CPA2015-00003)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE DUSTY METRO (CPA2015-00003) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO TEXT AND ADOPTED MAP; LEGAL EFFECT OF "THE LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1. and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on April 25, 2016; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on June 22, 2016. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Dusty Metro (CPA2015-00003) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the June 22, 2016 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on October 5, 2016, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:**



## SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt text and map amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Dusty Metro Ordinance (CPA2015-00003)."**

## SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends Policy 7.1.1. and amends Table 1(b), Year 2030 Allocations to the Lee Plan Future Land Use Map known as Dusty Metro (CPA2015-00003).

The Lee County Board of County Commissioners adopted the findings of fact provided by the applicants and are included as part of the support documentation.

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

## SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

## SECTION FOUR: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

## SECTION FIVE: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

## SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the



powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SEVEN: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION EIGHT: EFFECTIVE DATE

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

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

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



DONE AND ADOPTED this 5<sup>th</sup> day of October, 2016.

ATTEST:  
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY: *Linda Doggett*  
Deputy Clerk

BY: *Franklin B. Mann*  
Franklin B. Mann, Chair



DATE: 10/5/2016

Approved as to Form for the  
Reliance of Lee County Only

*[Signature]*  
County Attorney's Office

- Exhibit A: Adopted revisions to Policy 7.1.1. (Adopted by BOCC 10/5/16)
- Exhibit B: Adopted revisions to Future Land Use Map (Adopted by BOCC 10/5/16)
- Exhibit C: Adopted revisions to Table 1(b) (Adopted by BOCC 10/5/16)



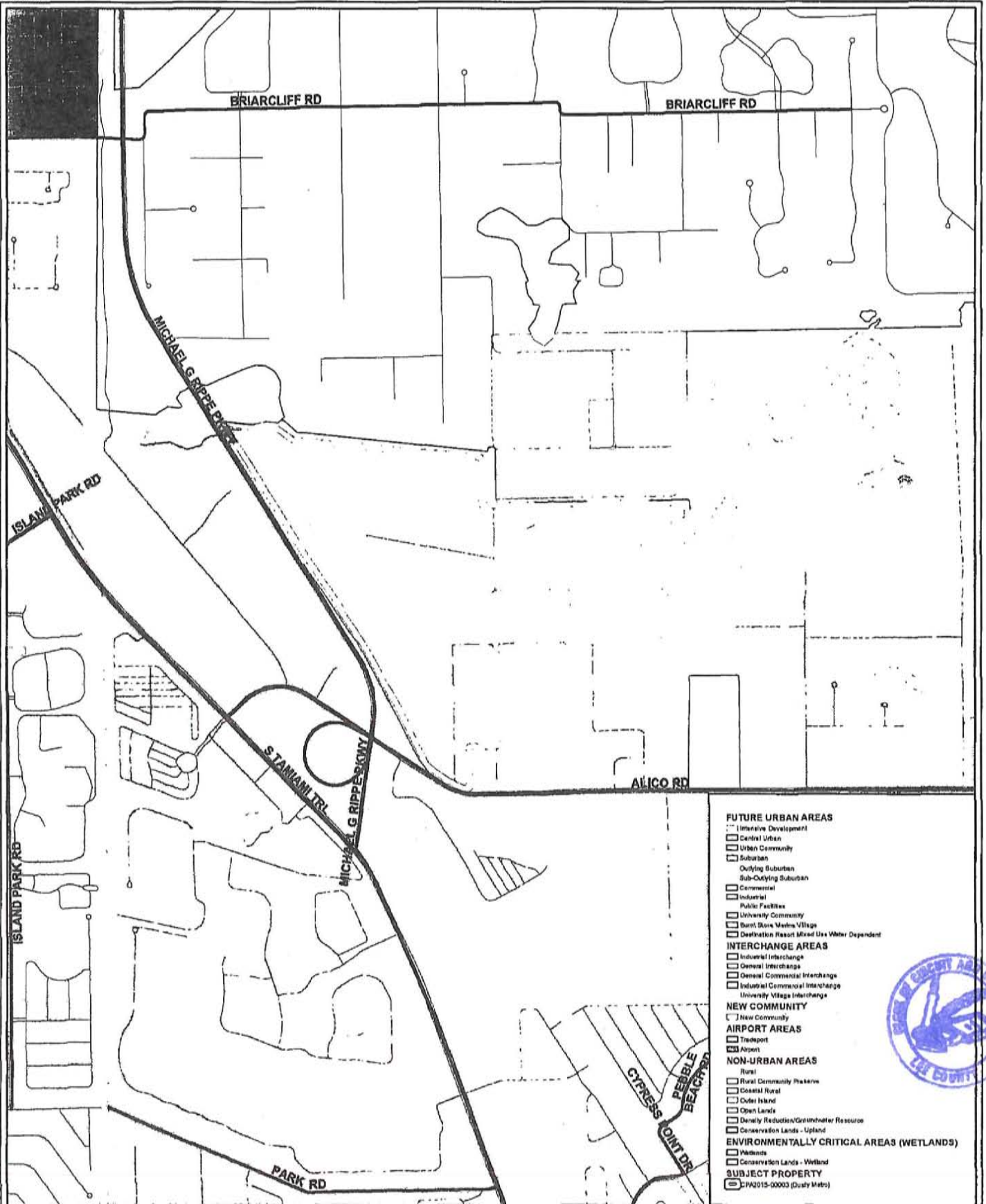
## EXHIBIT A

**POLICY 7.1.1:** In addition to the standards required herein, the following factors apply to industrial rezoning and development order applications:

5. Applications for industrial development will be reviewed and evaluated as to:
  - a. *through h. remain unchanged*
  - i. buffering and screening, except properties within the Industrial Development future land use category adjacent to lands redesignated to the Urban Community future land use category by Ordinance 16-17 will retain their development potential and land development regulations (including buffers and setbacks) consistent with the requirements previous to the redesignation, as though the redesignated lands are non-residential in use (planned development rezoning and development orders);
  - j. *through m. remain unchanged*

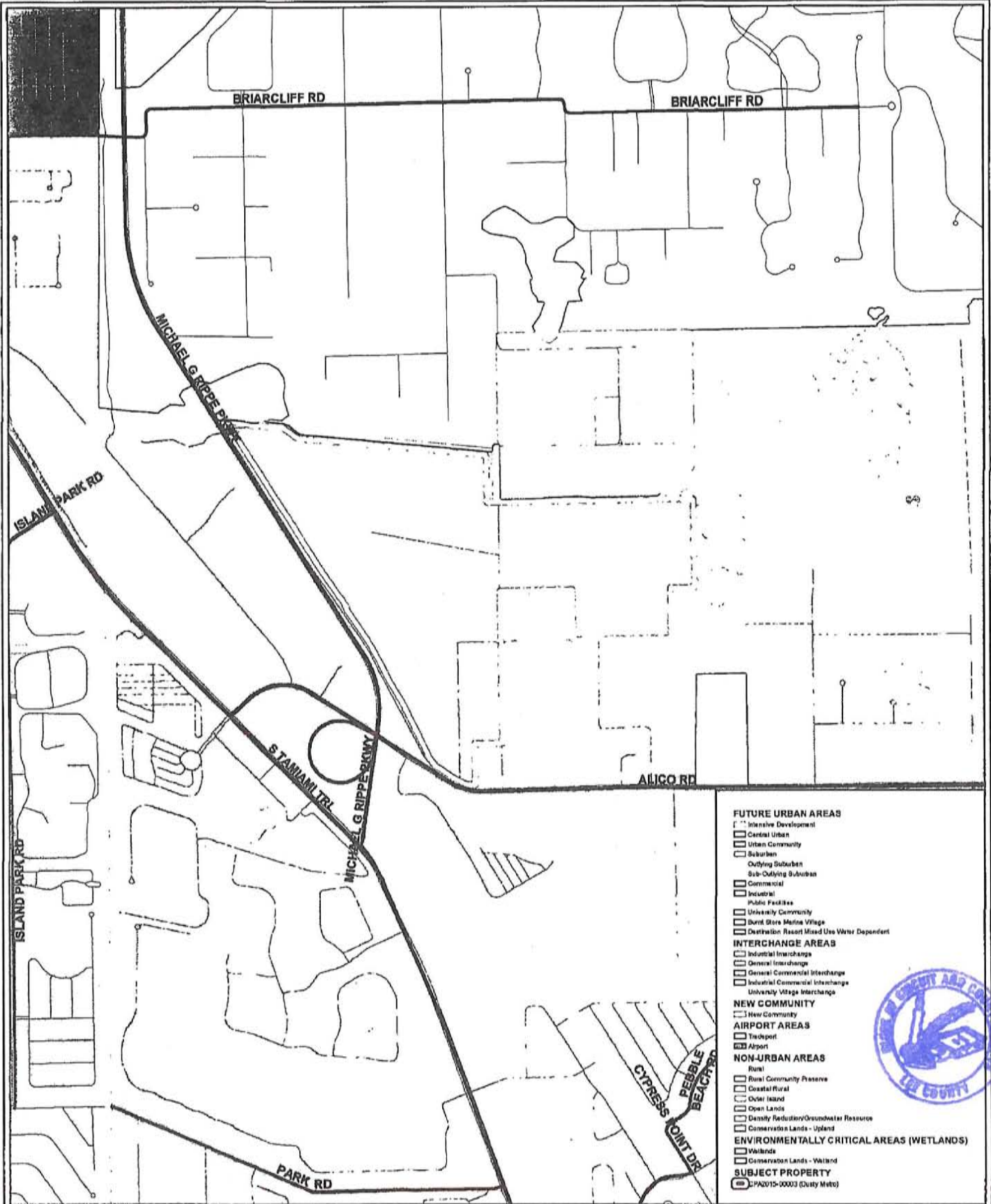






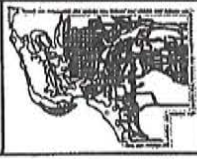
- FUTURE URBAN AREAS**
  - Intensive Development
  - Central Urban
  - Urban Community
  - Suburban
  - Outlying Suburban
  - Sub-Outlying Suburban
  - Commercial
  - Industrial
  - Public Facilities
  - University Community
  - Burnt Stone Manors/Villages
  - Destination Resort Mixed Use Water Dependent
- INTERCHANGE AREAS**
  - Industrial Interchange
  - General Interchange
  - General Commercial Interchange
  - Industrial Commercial Interchange
  - University Village Interchange
- NEW COMMUNITY**
  - New Community
- AIRPORT AREAS**
  - Transport
  - Airport
- NON-URBAN AREAS**
  - Rural
  - Rural Community Pasture
  - Coastal Rural
  - Outer Island
  - Open Lands
  - Directly Reducible/Geospatial Resource
  - Conservation Lands - Upland
- ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)**
  - Wetlands
  - Conservation Lands - Wetland
- SUBJECT PROPERTY**
  - CPA2015-0003 (Dusty Metro)





**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map Generated September 2010



**CPA2015-0003 - Dusty Metro**  
**PROPOSED LEE PLAN**  
**FUTURE LAND USE MAP**

TABLE 1(b)  
Year 2030 Allocation

Future Land Use Category	Lee County Totals		Northest Lee County	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport	
	Existing	Proposed										Existing	Proposed
<b>Residential By Future Land Use Category</b>													
Intensive Development	1,376	1,376				20		27		250			
Central Urban	14,766	14,766				225				230			
Urban Community	18,285	18,084	520	485		637							250
Suburban	16,623	16,623				1,810				85			
Outlying Suburban	3,957	3,957	30			40	20	2	500				
Sub-Outlying Suburban	1,548	1,548				367							
Commercial													
Industrial	79	79								39		20	20
Public Facilities	1	1							1				
University Community	850	850											
Destination Resort Mixed Use Water Dependent	8	8											
Burnt Store Marina Village	4	4					4						
Industrial Interchange													
General Interchange	125	125										11	11
General Commercial Interchange													
Industrial Commercial Interchange													
University Village Interchange													
Mixed Use Interchange													
New Community	900	900										900	900
Airport													
Tradeport	9	9										9	9
Rural	8,313	8,313	1,948			1,400	636						
Rural Community Preserve	3,100	3,100											
Coastal Rural	1,300	1,300											
Outer Island	202	202	5			1			150				
Open Lands	2,805	2,805	250				590						
Density Reduction/ Groundwater Resource	6,905	6,905	711									94	94
Conservation Lands Upland													
Wetlands													
Conservation Lands Wetland													
<b>Unincorporated County Total Residential</b>	<b>81,156</b>	<b>80,955</b>	<b>3,464</b>	<b>485</b>		<b>4,500</b>	<b>1,250</b>	<b>29</b>	<b>651</b>	<b>604</b>		<b>1,034</b>	<b>1,284</b>
<b>Commercial</b>	<b>12,793</b>	<b>12,793</b>	<b>57</b>	<b>52</b>		<b>400</b>	<b>50</b>	<b>17</b>	<b>125</b>	<b>150</b>		<b>1,100</b>	<b>1,100</b>
<b>Industrial</b>	<b>13,801</b>	<b>13,801</b>	<b>26</b>	<b>3</b>		<b>400</b>	<b>5</b>	<b>26</b>		<b>300</b>		<b>3,100</b>	<b>3,100</b>
<b>Non Regulatory Allocations</b>													
Public	82,313	82,313	7,100	421		2,000	7,000	20	1,961	350		7,500	7,500
Active AG	17,027	17,027	5,100			550	150						
Passive AG	46,835	45,585	13,549			2,500	109					1,491	1,241
Conservation	81,933	81,933	2,214	611		1,142	3,236	133	1,603	748		2,798	2,798
Vacant	22,317	22,768	1,953			226	931	34		45		300	300
<b>Total</b>	<b>357,175</b>	<b>357,175</b>	<b>33,463</b>	<b>1,572</b>		<b>11,718</b>	<b>12,731</b>	<b>259</b>	<b>4,340</b>	<b>2,197</b>		<b>17,323</b>	<b>17,323</b>
Population Distribution (unincorporated Lee County)	495,000	495,000	5,090	1,531		30,861	3,270	225	530	5,744		11,977	15,115

EXHIBIT C

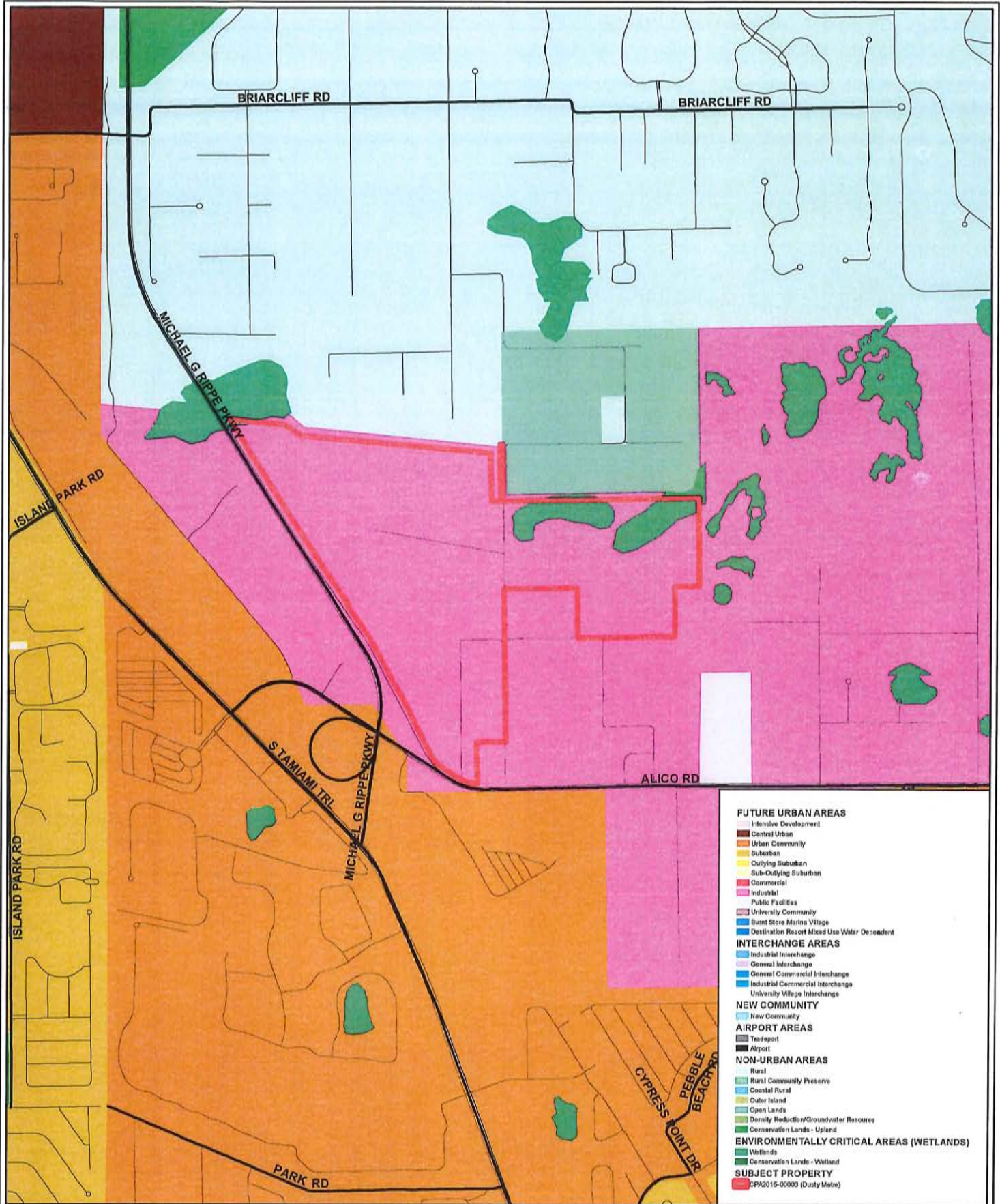
I CERTIFY THIS DOCUMENT TO BE A  
TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE  
LINDA DOGGETT, CLERK OF CIRCUIT COURT,  
STATE OF FLORIDA, COUNTY OF LEE

REDACTED COPY PER F.S.119.071

BY: Theresa King  
Deputy Clerk

DATED: OCT 10 2016





- FUTURE URBAN AREAS**
  - Intensive Development
  - Central Urban
  - Urban Community
  - Suburban
  - Outlying Suburban
  - Sub-Outlying Suburban
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  - New Community
- AIRPORT AREAS**
  - Traieport
  - Airport
- NON-URBAN AREAS**
  - Rural
  - Rural Community Preserve
  - Coastal Rural
  - Outer Island
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  - Conservation Lands - Upland
- ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)**
  - Wetlands
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- SUBJECT PROPERTY**
  - CPA2015-00003 (Dusty Metro)

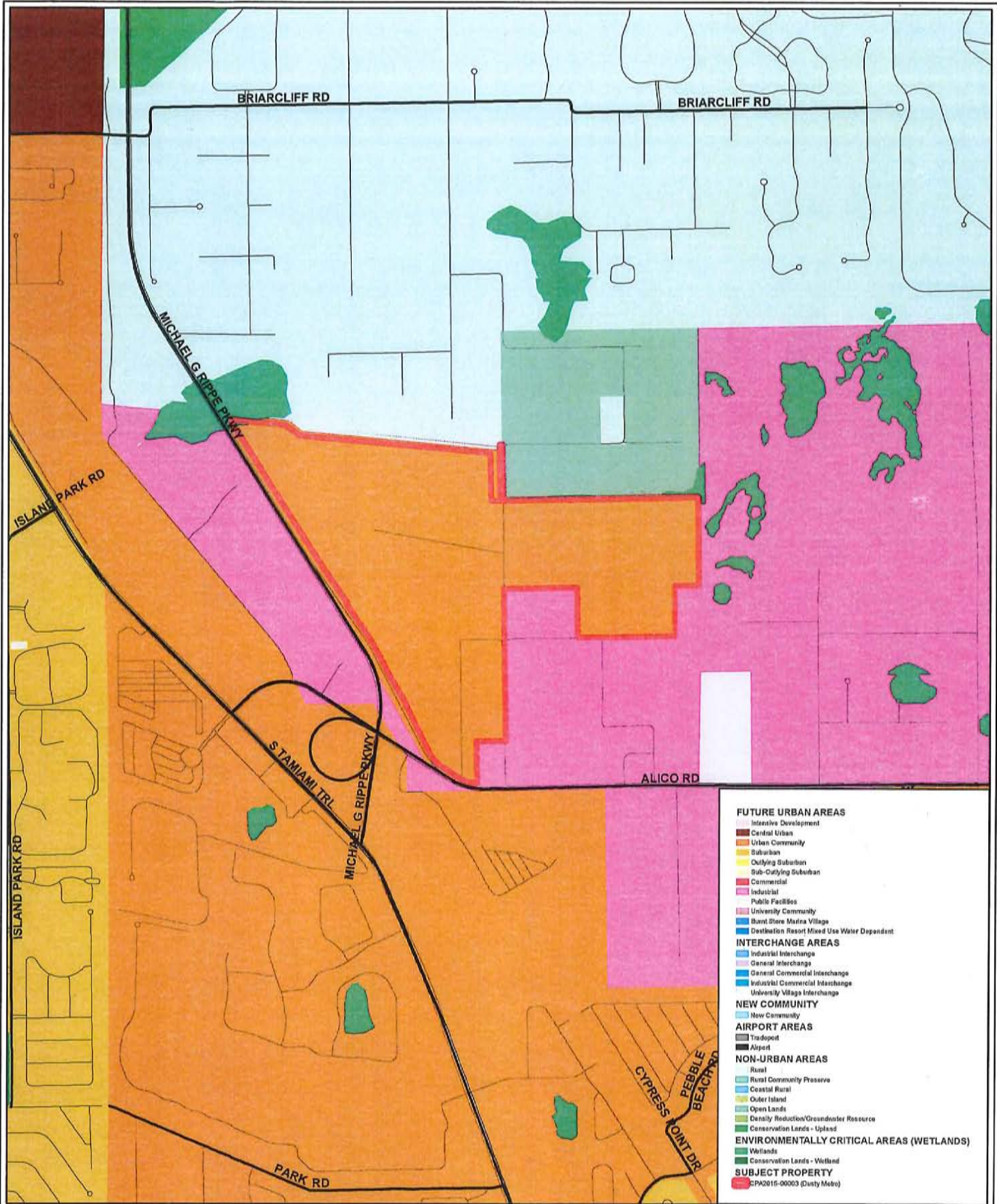
**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map Generated August 2016



EXHIBIT B

**CPA2015-00003 - Dusty Metro**  
**EXISTING LEE PLAN**  
**FUTURE LAND USE MAP**



**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map Generated September 2016



**CPA2015-00003 - Dusty Metro**  
**PROPOSED LEE PLAN**  
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	Sub-Outlying Suburban	1,548	1,548			367								
	Commercial													
	Industrial	79	79							39			20	20
	Public Facilities	1	1						1					
	University Community	850	850											
	Destination Resort Mixed Use Water Dependent	8	8											
	Burnt Store Marina Village	4	4					4						
	Industrial Interchange													
	General Interchange	125	125										11	11
	General Commercial Interchange													
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	Mixed Use Interchange													
	New Community	900	900										900	900
	Airport													
	Tradeport	9	9										9	9
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	Rural Community Preserve	3,100	3,100											
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	Open Lands	2,805	2,805	250				590						
Density Reduction/ Groundwater Resource	6,905	6,905	711									94	94	
Conservation Lands Upland														
Wetlands														
Conservation Lands Wetland														
Unincorporated County Total Residential	81,156	80,955	3,464	485		4,500	1,250	29	651	604		1,034	1,284	
Commercial	12,793	12,793	57	52		400	50	17	125	150		1,100	1,100	
Industrial	13,801	13,801	26	3		400	5	26		300		3,100	3,100	
<b>Non Regulatory Allocations</b>														
Public	82,313	82,313	7,100	421		2,000	7,000	20	1,961	350		7,500	7,500	
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Vacant	22,317	22,768	1,953			226	931	34		45		300	300	
Total	357,175	357,175	33,463	1,572		11,718	12,731	259	4,340	2,197		17,323	17,323	
Population Distribution (unincorporated Lee County)	495,000	495,000	5,090	1,531		30,861	3,270	225	530	5,744		11,977	15,115	

EXHIBIT C

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM  
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 16-17  
(e.g., 93-001)

PRIMARY KEYFIELD  
DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD  
DESCRIPTOR: Planning

OTHER KEYFIELD  
DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Dusty Metro  
(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: 89-02 AMENDMENT #2: \_\_\_\_\_

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: \_\_\_\_\_ ; REPEAL #3: \_\_\_\_\_  
REPEAL #2: \_\_\_\_\_ ; REPEAL #4: \_\_\_\_\_

(Others Repealed: List All That Apply): \_\_\_\_\_

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: \_\_\_\_\_  
KEYFIELD 1 CODE: \_\_\_\_\_ KEYFIELD 2 CODE: \_\_\_\_\_  
KEYFIELD 3 CODE: \_\_\_\_\_





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**COMPREHENSIVE PLAN  
AMENDMENT**

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**CPA2015-03  
DUSTY METRO**  
Privately Sponsored Amendment

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**BoCC Adoption Document**

**10/5/2016**

**LEE COUNTY  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING SECTION**

**STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2015-03**

Text Amendment

Map Amendment

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

Staff Report published on: March 18, 2016

**PART I  
APPLICATION SUMMARY**

**A. PROJECT NAME:**

Dusty Metro

**B. APPLICANT/REPRESENTATIVES:**

Mr. Ronald Inge

Ms. Tina M. Ekblad, Morris-Depew Associates, Inc.

**C. REQUEST:**

Amend Lee Plan Future Land Use Map to redesignate 299.01 acres from the Industrial Development and Wetlands future land use categories to the Urban Community and Wetlands future land use categories.

Amend Table 1(b), Year 2030 Allocations, to accommodate additional residential development for the Urban Community future land use category within the Gateway/Airport Planning Community.

**PART II**  
**RECOMMENDATION and FINDINGS OF FACT**

**RECOMMENDATION:**

For the reasons discussed in this staff report and based on the below findings of fact, Staff recommends that the Board of County Commissioners *not transmit* the proposed amendments.

**BASIS AND RECOMMENDED FINDINGS OF FACT:**

- The applicant submitted an application to amend the Future Land Use Map on February 10, 2015.
- The subject property has been designated Industrial Development since the Lee Plan was originally adopted in 1984.
- The Industrial Development future land use category provides economically viable use of the site.
- The location of the subject property meets the special locational requirements of the Lee Plan for Industrial Development.
- The proposed amendment will add to the deficit of high school seats within the South School Concurrency Zone
- The proposed amendments would increase the Population Accommodation of the Future Land Use Map by 1,375 dwelling units.
- Due to compatibility with adjacent uses and specific requirements of industrial uses, industrial uses are more difficult to locate than residential and commercial uses.
- The proposed amendments will reduce the amount of land that is available and suitable for heavy industrial uses within Lee County.

**PART III  
PROPERTY INFORMATION**

**A. PROPERTY CONDITIONS, INFRASTRUCTURE AND SERVICES:**

**1. EXISTING CONDITIONS:**

**SIZE OF PROPERTY:** ±299.01 Acres

**PROPERTY LOCATION:** Northeast corner of Alico Road and Michael G. Rippe Parkway

**EXISTING USE OF LAND:** Vacant, Pasture, Single-Family Residential, Open Storage, and Wetlands

**CURRENT ZONING:** AG-2, IG, IL, and IPD

**CURRENT FUTURE LAND USE CATEGORY:** Industrial Development (297.2 acres) and Wetlands (1.8 acres)\*

\* Staff notes that this acreage is based on the current Future Land Use Map and does not reflect jurisdictional wetlands.

**2. INFRASTRUCTURE AND SERVICES:**

**FIRE:** San Carlos Fire and Rescue District

**EMS:** Lee County EMS service area

**LAW ENFORCEMENT:** Lee County Sheriff's Office

**SOLID WASTE:** Solid Waste Service Area 3

**MASS TRANSIT:** Not located on a transit route; transit is available on U.S. 41, approximately 0.5 miles west of the subject property

**WATER AND SEWER:** Within Lee County water and sewer future service areas as identified on Maps 6 and 7 of the Lee Plan

**B. FUTURE LAND USE DESIGNATION AND GATEWAY/AIRPORT COMMUNITY:**

The Vision Statement of the Lee Plan consists of six themes that are considered to be of great importance as Lee County approaches the planning horizon of the Plan. One of these themes is the continued diversification of the County's economic base, benefits of which include: an increase in the percentage of high-paying jobs; reduced tax burdens on residents; and, enhanced stability of the community. The areas near Southwest Florida International Airport and Florida Gulf Coast University are identified as areas that will likely help diversify Lee County's economy.

**GATEWAY/AIRPORT COMMUNITY:** The Gateway/Airport Community, in which the subject property is located, is envisioned to grow substantially, with residential uses occurring in the Gateway portion of this community, and commercial and industrial uses in the portion of the community located south and west of Gateway and the airport and west of I-75 along Alico Road. The Vision Statement acknowledges that “this segment of the community is not expected to build out during the timeframe of this plan, the area will be much more urbanized with hi-tech/clean industry businesses.” Given information provided by the applicant regarding vacant lands in the nearby Industrial Development corridor, there is significance in this community vision and its recognition that build-out would extend beyond the year 2030.

**INDUSTRIAL FUTURE LAND USE CATEGORY:** The subject property was designated “Industrial Development” by the original Lee County Future Land Use Map, adopted in 1984.

### **C. SURROUNDING PROPERTIES**

The surrounding Future Land Use categories consist of Open Lands, Rural, Industrial Development, and Urban Community.

**North** of the subject site are properties in the Rural and Open Lands future land use categories. These properties are primarily zoned agricultural with large lot residential parcels. There is a 125 foot wide drainage easement separating the subject site and the lands to the north.

**East** of the subject site are properties in the Industrial Development and Public Facilities future land use categories. These properties are directly adjacent to the subject site and have uses such as concrete and asphalt batch plants, container storage, warehousing, and utility distribution. The properties are zoned General Industrial (IG), Light Industrial (IL) and Industrial Planned Development (IPD).

**West** of the subject site are properties also within the Industrial Development future land use category. These properties are located across Michael G Rippe Parkway and are used for warehousing, distribution, manufacturing, and mulching. These properties are also zoned IG, IL, and IPD.

**South** of the subject site, north of Alico Road, are properties within the Industrial Development future land use category that are zoned IG, IL, and IPD. Uses on these properties include warehousing, outdoor storage, and concrete manufacturing. South of Alico Road there is property within the Industrial Development and the Urban Community future land use categories. Uses on property within the Industrial Development category include an industrial park, outdoor storage, and concrete manufacturing. The property within the Urban Community future land use category was previously mined and is developed with a mobile home residential community.

**PART IV  
STAFF DISCUSSION AND ANALYSIS**

**A. PLANNING STAFF DISCUSSION AND ANALYSIS:**

The applicant is proposing to designate the subject property Urban Community by amending the Future Land Use Map and allocate residential acres to the Urban Community future land use category within the Gateway/Airport Planning Community, by amending Lee Plan Table 1(b). These amendments are being proposed to accommodate a residential community with commercial uses on the 299.01 acre subject property. The project narrative anticipates development of the subject property with 1,500 dwelling units and 450,000 square feet of commercial uses.

The property is currently designated Industrial Development on the Future Land Use Map. Lee Plan Policy 1.1.7, as reproduced below, describes the extent of land uses, by type and intensity, supported in Industrial Development. Churches, schools, public uses and buildings, public utilities, resource recovery facilities and public recreational uses, per Policy 2.1.3, may also be considered in the Industrial Development area.

**POLICY 1.1.7:** The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach. Whereas, the other Future Urban Areas will include a broad combination of residential, commercial, public and limited industrial land uses, the Industrial Development area is to be reserved mainly for industrial activities per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research, properly buffered recreational uses (except where precluded by airport hazard zone regulations) and office complex (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New limerock mining and fill dirt operations must be approved through the Mine Excavation Planned Development rezoning process in accordance with the Lee County Land Development Code. The 14± acre parcel redesignated by CPA2006-14 from the Suburban to the Industrial Development future land use category, located north of Bayshore road and south of ACL Railroad right of way in Section 20, Township 43 South, Range 25 East will have a maximum Floor Area Ratio of 0.3. The 138± acres redesignated by CPA2008-07 from the Central Urban and Urban Community categories to the Industrial Development future land use category, within the Lehigh Acres Planning Community, will have a maximum Floor Area Ratio of 1.0. Retail and commercial service uses supporting neighboring industrial uses are allowed if the following criteria are met:

1. Retailing and/or wholesaling of products manufactured or directly related to that manufactured on the premises;
2. Commercial uses are integrated into the primary R&D/Industrial development; or,
3. Commercial service and retail uses may not exceed 20% of the total acreage within the Industrial Development areas per each Planning Community.

The Industrial Development future land use category is an important asset to Lee County as we strive to diversify our economy to be less reliant on tourism and service industries. As stated in Policy 1.1.7, the Industrial Development future land use category are “areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base.” The intent of Policy 1.1.7 is furthered in Goal 7 which promotes opportunities for well planned industrial development at suitable locations and in Policy 158.3.5, within the Lee Plan Economic Element, that Lee County will ensure that adequate land is allocated by the Lee Plan to meet future commercial, industrial, agricultural, residential and recreational needs.

It is important to ensure that Lee County has adequate lands available to provide for the full range of industrial uses allowed in the Industrial Development future land use category. Currently, the Industrial Development future land use category accounts for only 1.2% of all land in Lee County and unlike “other Future Urban Areas that include a broad combination of residential, commercial, public and limited industrial uses, the Industrial Development area is to be reserved mainly for industrial activities” as well as a mixture of industrial, manufacturing and research uses, properly buffered recreational uses, and office uses when specifically related to adjoining industrial uses. If adopted, the proposed map amendment will reduce the amount of land in this category by 6.7%. This reduction will be extremely difficult, if not impossible, to recapture elsewhere in the County.

As acknowledged in Policy 1.1.7, the Industrial Development future land use category has “special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach.” The unique location of the subject property meets these special requirements with availability of industrial levels of urban services and proximity to three arterial roadways, an interstate highway, an international airport, a general aviation airport, and a railroad. As such, this location is properly designated Industrial Development.

In addition to the special locational requirements for Industrial Development described in Policy 1.1.7, Policy 7.1.3 further considers the appropriateness of locating industrial uses based on their special needs and constraints. Policy 7.1.3 is reproduced below:

**POLICY 7.1.3:** Industrial land uses must be located in areas appropriate to their special needs and constraints, including, but not limited to, considerations of: topography; choice and flexibility in site selection; access by truck, air, deep water, and rail; commuter access from home-to-work trips; and utilities; greenbelt and other amenities; air and water quality considerations; proximity to supportive and related land uses; and compatibility with neighboring uses.

During the early 1980s, when the County was establishing the Lee Plan and creating the Future Land Use Map, Thomas H. Roberts and Associates was contracted to study the need for industrial lands. The study stresses the importance of industrial land use planning. The following is a very pointed excerpt from the Tom Roberts Industrial Land Use Needs Study (“Roberts Study”), which predicted future attempts to allow non-industrial uses within areas that have been designated for industrial uses:

*Whenever a proposal comes along to use industrially designated land for some non-industrial use, it will be tempting to permit it, on the grounds that the County has a great deal of vacant land and that will continue to be the case for many years. But...the amount of land that is needed to provide for eventual industrial use is a tiny percentage of the County's total land area, and it is very important that it be available when and where it is needed.*

This study also concludes the following:

*Just as important as providing an adequate amount of industrial district land is the need to save it in the right places, because of industry's special locational requirements.*

*Ironically, if Lee County errs in its long-term land use planning, it is less likely to be in the category of environmentally critical areas. That issue, while still shaky, has attracted strong public and governmental attention, and its importance is graphic. The greater risk is in the area of industrial land use planning, because the long-term economic and fiscal implications of being short-sighted in the preservation of enough good industrial sites seem remote and elusive today, and the problems faced by older retirement/tourism centers like Miami Beach and St. Petersburg seem far away.*

In September of 2007 a Commercial/Industrial Land Use Analysis (“BBP Study”) was prepared for Lee County by Basile Baumann Prost and Associates. In part, the analysis recommended that:

*Future land for heavy industrial use should be allocated based on long term market absorption for the types of uses that will involve heavier impacts and special waste disposal needs. However, for light industrial and industrial-flex, new demand can be integrated with commercial office development in intensive urban and central urban designations as long as the particular use is not*



*incompatible with adjacent office and commercial activities, as further described below.*

Staff recognizes that there are benefits to having dispersed areas that can support *light industrial and industrial-flex* uses as suggested by the BBP study, such as providing employment opportunities closer to where people live and thereby shortening work commutes. Policy 7.1.6 of the Lee Plan provides light industrial uses may be developed in the Intensive Development, Central Urban, Urban Community, General Interchange, Industrial Commercial Interchange, or University Village Interchange future land use categories, provided the use will not adversely impact surrounding land uses. While this is an important asset to providing employment opportunities in close proximity to residential areas it does not afford the opportunity for heavier industrial uses that may not be compatible with those residential areas. Therefore, it is important for Lee County to retain lands within the Industrial Development and Tradeport future land use categories for uses that may not be viewed as compatible with residential areas.

In considering this proposed amendment the Roberts Study is especially relevant and consistent with the recognized value of the County's industrial lands for continued economic viability and diversity. The economic value of the County's industrial areas is recognized by Lee County's Department of Economic Development as provided in correspondence dated March 16, 2016 reproduced below:

*The County should continue encouraging new development that effectively utilizes the County's land inventory while also reserving the most valuable commercial and industrial corridors for businesses and industries likely to locate there over the next two decades. If the County rezones an industrial area, it may directly displace industrial jobs and also trigger real estate speculation in adjoining areas which begins a downward spiral of disinvestment and job loss. In doing so, the County may make an economic mistake that they might never be able to reverse. This is because this area is just the type of neighborhood in which light, clean, specialized industry can thrive--helping to make the County's economy more diverse and more competitive overall.*

*That said, Lee County must preserve the vast majority of industrial land for industrial use to accomplish the following objectives:*

- 1. Retain high paying jobs in the County*
- 2. Encourage new industrial development*
- 3. Protect the County's tax base*

Staff does not recommend that the County amend the Future Land Use Map to lessen the amount of land within the Industrial Development future land use category especially without a specific plan for protecting these lands from further encroachment. The land use planning issues at stake for Lee County are much

larger than the nearly 300 acres that make up the subject site. Not only does Lee County indefinitely lose 6.7% of its Industrial Development lands it sets a precedent for further degradation of the future land use categories in Lee County identified as areas important for diversification of the County's economic base.

Changing the future land use designation from Industrial Development to Urban Community with impending residential development, per the applicant's request, has a compound effect on future development of industrial uses. There are also inherent conflicts that are created when locating residential uses next to industrial uses. The types of uses to be located within the Industrial Development future land use category are likely to be incompatible with residential uses. Nonetheless, the applicant's request proposes locating residential uses adjacent to active industrial uses and lands designated for future industrial uses. Locating residential uses on the subject property will adversely affect the surrounding active and future industrial uses. Industrial uses adjacent to residential development are required, through strict development standards, to comply with increased setback and buffer requirements.

One of the major functions of the Lee Plan is to protect the character of residential communities from incompatible uses. This function is expressed in Policies 5.1.5 and 7.1.9 which are reproduced below:

**POLICY 5.1.5:** Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments.

**POLICY 7.1.9:** Industrial development will not be permitted if it allows industrial traffic to travel through predominantly residential areas.

The potential development of the subject property with residential uses will conflict with Policy 5.1.5. Allowing residential uses within this area could potentially require existing industrial traffic to travel through residential areas which conflicts with Policy 7.1.9. If residential uses are approved, the industrial uses that have been planned in this area since 1984 will be perceived as the potentially destructive use. This incompatibility will make it increasingly difficult to expand or locate industrial uses in this planned Industrial Development area. Staff would not recommend changing the future land use category on the subject property to allow uses which could lead to future situations where the county would have to limit or deny development during the rezoning phase based on these incompatibilities.

### **Lee Plan Planning Communities Map and Table 1(b)**

The proposed amendment is not consistent with the provisions of Lee Plan Table 1(b), Year 2030 Allocations. The subject property is located within the "Gateway/Airport" planning community. Appropriately, Table 1(b) does not allocate any acres for residential use in the Urban Community future land use category portion of the Gateway/Airport planning community. To address this, the applicant has requested an amendment to Table 1(b) to accommodate 250 acres of residential development and 50 acres of commercial development in the Urban Community future land use category located within the Gateway/Airport Planning District.

There is currently no Urban Community future land use category within the Gateway/Airport planning community. Therefore, Staff based assumptions for impacts to the population accommodation of the Future Land Use Map on the densities of recently approved residential planned developments within the Urban Community future land use designation near the subject property. The average density of recent approvals is 6.18 units per acre. Staff has used the maximum density for the Urban Community category (6 units per acre) to calculate the number of units accommodated by the proposed amendment. The applicant requests that 1,500 units be accommodated within the Gateway/Airport planning community. Using population assumptions derived from the 2010 Census, these units will house an additional 3,021 people. This increases the Table 1(b) total population accommodation by 0.6% and the Gateway/Airport population by 26%. To maintain the adopted population accommodation, a reduction in residential allocation from another Future Land Use Category and/or planning community would need to be approved.

The Gateway/Airport planning community has a commercial allocation of 1,100 acres with 864 acres remaining for additional development.

## **B. ENVIRONMENTAL CONSIDERATIONS:**

Lee Plan Policy 5.1.2 prohibits residential developments in areas where environmental or other site characteristics may endanger the residential community:

**POLICY 5.1.2:** Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

The environmental site characteristics identified in this Policy will be reviewed when the property is rezoned. However, at this time, it is appropriate to note that portions of the property along the western boundary are within the Category 1 Storm Surge Zone.

## C. HISTORIC RESOURCES

The Florida Master Site File for the subject property lists: no previously recorded archaeological sites; two resource groups; and, no standing structures.

Portions of the subject property, near the eastern property line, are within the level 2 sensitivity areas for archeological and historic resources. A Certificate to Dig will be required before future development occurs.

## D. INFRASTRUCTURE AND SERVICES:

### TRANSPORTATION

On September 21, 2015 the Lee County Department of Transportation provided a memorandum states the following:

*We have reviewed the above application which requests the land use designation of approximately 299 acres be changed from "Industrial Development" to "Urban Community". The existing FLUM designation of land uses, 3,900,000 square feet of industrial development could be built in the subject area. The proposed land uses designation would allow 1,500 residential dwelling units and 400,000 square feet of commercial uses to be built in the subject area. Based on the traffic analysis provided by the applicant, the trip generation of proposed land uses will be decreased 348 trips in the PM peak hour basis as compared with the existing land uses. Lee County DOT have no objection to the application since there are no additional traffic increase.*

An analysis by of the subject property's access to adjacent transportation facilities and networks by the Department of Community Development's Senior Engineer is provided in a March 18, 2016 memo. Pertinent Lee Plan policies and their relation to various modes of transportation identified in Policy 7.1.3 (access by truck, air, deep water, and rail; as well as commuter access from home to work trips) were analyzed. This memo summarizes the review of the various transportation systems be stating that:

*In review of the subject site's location, it appears that these "special locational requirements" are met with respect to the transportation needs of the subject site in that it is reasonably well-served by:*

- *3 arterial roadways to accommodate surface (non-rail) transportation needs,*
- *the county's two airports to accommodate air transportation needs, and*
- *the county's sole rail system to accommodate rail transportation needs.*

The memo also provides the following conclusion.

*This locational evidence with respect to access to multi-modal transportation systems provides insight as to why the subject site is currently designated for*

*Industrial Development and was likely not arbitrarily identified as fitting the stringent locational criteria of The Lee Plan.*

This memo is attached to the staff report.

### **MASS TRANSIT**

LeeTran provided correspondence dated September 18, 2014 and provided the following response:

*LeeTran currently offers fixed-route transit service about 0.5 miles from the western boundary of the proposed development. Also, a portion of the proposed development lies within the LeeTran paratransit services boundary. According to the LeeTran Transit Development Plan, there are no new planned expansions for service within proximity of the proposed development.*

### **UTILITIES**

Lee County Utilities (LCU) provided correspondence to the Department of Community Development on December 16, 2015. The memo provided by LCU states that there is sufficient potable water treatment capacity to serve the proposed development. Concerning sanitary sewer service LCU provided the following:

*There currently is capacity at the Three Oaks WWTP to provide service to the proposed development. Regarding sufficient treatment capacity in the future, the following should be noted. LCU has recently completed a study of the Three Oaks WWTP service area which included a flow projection to the facility. This study was completed by a Consultant. The flow projection included in this study was based on the Three Oaks WWTP future service area. The Dusty Metro project is located within the Three Oaks WWTP future service area, however, the wastewater flow projected from the Dusty Metro area was based on the current land use classification of the property. The wastewater flow proposed to be generated by the Dusty Metro project (367,500gpd) is more than the 1,100 gpd wastewater flow projected to be generated from this area that was included in the flow projection performed in the study. Therefore, if the Dusty Metro development is approved an additional 366,400 gpd (367,500-1,100) wastewater flow will be received by the Three Oaks WWTP in the future. Utilizing the flow projection performed during this study the effect the Dusty Metro development projected flow will have on the available capacity at the Three Oaks WWTP can be determined. The flow projection was revised to add the flow generated from Dusty Metro as well as comprehensive plan amendments approved after the projection was performed. It was assumed that the Dusty Metro project would be fully built out by the year 2020. The revised projection indicates that the annual average daily flow to the Three Oaks WWTP will not exceed the permitted capacity until the year 2030.*

This memo is attached to the staff report.

## **SCHOOL IMPACTS**

The Lee County School District provided correspondence dated February 17, 2015 with the following response:

*Capacities for elementary and middle seats are not an issue within the Concurrency Service Area (CSA). For high school, the development adds to the projected deficit within the CSA, however, there are sufficient seats available to serve the need within the contiguous CSA.*

## **EMERGENCY MEDICAL SERVICES (EMS)**

Lee County EMS provided correspondence dated September 23, 2014 concerning the proposed Lee Plan amendment. The memo provided the following:

*Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the address you have provided. Because we currently serve this area and have a sufficient response data sample, we evaluated response times in this vicinity to simulate the anticipated demand and response.*

*The primary ambulance for this location is Medic 33; there are two other locations within 5 miles of the proposed development. All three of these locations are projected to be able to meet existing service standards, as required in County Ordinance 08-16, and current response times in that area are compliant with this ordinance. No additional impacts are anticipated at this time.*

*It is our opinion that the service availability for the proposed development of this property is adequate at this time. Should the plans or access to the property change, a new analysis of this impact would be required.*

## **POLICE**

The Lee County Sheriff's Office provided a letter to the applicant on October 21, 2014 stating the following:

*The proposed Dusty / Metro development (MDA 14052) does not affect the ability of the Lee County Sheriff's Office to provide core services at this time.*

*As such, this agency does not object to a Comprehensive Plan Amendment application for this location that would allow a future Land Use Amendment modification from Industrial to Urban Community and allow up to 1,798 residential dwelling units on the 23 parcels included on the application.*

*We will provide law enforcement services primarily from our South District office in Bonita Springs.*

## **FIRE**

The San Carlos Park Fire Protection and Rescue Service District provided a letter to the applicant dated September 4, 2014, and provided the following statement:

*The property's in question, Dusty/Metro, is within the jurisdiction of the San Carlos Park Fire District, and is located approximately 2.1 miles from our station 52 located at 16901 Island Park Road. With a response time of less than 3 minutes.*

*We are able to provide fire suppression and emergency medical services to the proposed development, as well as fire prevention, and public education service.*

## **SOLID WASTE**

The Lee County Solid Waste Division provided the applicant a letter dated September 4, 2014 stating that “the Lee County Solid Waste Division is capable of providing solid waste collection service for the planned residential units and, if any, retail commercial establishments proposed for the Dusty/Metro Development...”

## **E. CONCLUSION:**

The proposed amendment to the Lee Plan would result in a loss of approximately 300 acres of land that has been identified as appropriate for heavy industrial uses. The Lee Plan allows for limited light industrial uses in other Future Urban Areas within Lee County if, through the Planned Development rezoning process, compatibility with adjacent uses can be demonstrated. However this does not allow for heavier industrial uses or other development that may be deemed incompatible with residential or commercial uses.

Industrial uses have special locational and infrastructure requirements. The lands within the Industrial Development future land use category along Alico Road are uniquely situated within Lee County relative to nearby transportation networks. The location of the subject property meets the locational requirements and infrastructure needs of industrial developments.

Staff is also concerned that changing the future land use category on the subject property to allow residential uses, and a wider variety of commercial uses could lead to situations where the county would have to limit or deny development on the subject property or adjacent properties based on incompatibilities between industrial uses and residential or commercial uses.

And finally, redesignating these lands from Industrial Development to Urban Community to allow up to 1,500 residential uses and 450,000 square feet of commercial will add to the projected deficit of high school capacity as well increase the demand on the Three Oaks Waste Water Treatment Plant, which is expected to exceed its capacity by 2030 without additional capacity improvements.

**PART V  
LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: March 28, 2016 and April 25, 2016

**A. LOCAL PLANNING AGENCY REVIEW:**

The proposed amendment was originally scheduled for the March 28, 2016 LPA Hearing. At the March LPA Hearing the applicant requested that the hearing be continued to the April 25, 2016 LPA Hearing. **A motion was made to approve the requested continuance. The motion was called and passed 6-0.**

At the April 25, 2016 LPA Hearing, representatives of the applicant presented the requested amendment to the LPA. The applicant's presentation included the property's location, changing conditions, and access and transportation issues.

Following the applicant's presentation staff addressed the LPA concerning the proposed amendment, recommending that the Board of County Commissioners does not transmit the proposed amendment. Reasons presented by staff for not transmitting the proposed amendments included loss of 15.2 percent of Lee County's vacant Industrial Development lands and future potential conflicts with the existing industrial development in the area and the uses that would be permitted if the proposed amendments are approved.

Two representatives of the subject property spoke during the public comments period of the hearing. They provided a history of the project, summary of existing uses, and interest by developers for residential uses at the properties' location.

One member of the LPA stated agreement with staff's recommendation, noting that the access issues cited as being a disadvantage to industrial uses were not insurmountable, and would also be issues for uses allowed within the Urban Community future land use category. He also asked for clarification from the applicant about the amount of industrial development that had been approved versus what is available to be occupied by new or expanding industrial uses. The LPA member thought it was important to have lands available for industrial uses on Alico Road, as close as possible to the Naples/Estero/Bonita housing markets.

One member of the LPA asked for clarification about the staff findings concerning Table 1(b) and the School Concurrency Zones. Another member asked for clarification about access to Michael G. Rippe Parkway. Another member identified adjacent residential and stated that this site should be viewed as infill. He agreed that it would be difficult to locate industrial uses at the subject property's location. Another member thought the data provided by the applicant should be given more weight since it is more current.



Following the LPA discussion and questions, the applicant addressed the staff presentation and recommendation and responded to questions raised by the LPA.

**A motion was made to recommend that the Board of County Commissioners transmit the proposed amendment. The motion was called and passed 5-1.**

**B. SUMMARY OF LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT:**

**1. RECOMMENDATION:**

The LPA recommended that the Board of County Commissioners *transmit* the amendment to the Lee Plan.

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

The LPA did not accept the basis and recommended findings of fact as advanced by staff.

**C. VOTE: (To recommend that the BOCC transmit the proposed amendment)**

<b>NOEL ANDRESS</b>	<u><b>AYE</b></u>
<b>JOHN CASSANI</b>	<u><b>AYE</b></u>
<b>DENNIS CHURCH</b>	<u><b>AYE</b></u>
<b>JIM GREEN</b>	<u><b>ABSENT</b></u>
<b>STAN STOUWER</b>	<u><b>NAY</b></u>
<b>GARY TASMAN</b>	<u><b>ABSENT</b></u>
<b>ROGER STRELOW</b>	<u><b>AYE</b></u>

**D. STAFF RESPONSE TO LPA RECOMMENDATION:**

Staff continues to support the original staff recommendation; that the Board of County Commissioners does not transmit the proposed amendment to the Future Land Use Map for the following reasons:

- Prior to the construction of Michael G. Rippe Parkway, access to the subject property would have been much more difficult than its current access.
- The Tom Roberts Industrial Land Use Needs Study predicted that there would be attempts to remove lands from the Industrial Lands inventory and warned that these lands should be kept available for industrial uses. The vision statement for

the Gateway/Airport Planning Community acknowledges that that the industrial lands between I-75 and U.S. 41 on Alico Road is not expected to build out within the horizon of the Lee Plan.

- Heavy industrial uses are only allowable in the Industrial Development future land use category. Neither the Lee Plan nor the Land Development Code (LDC) defines “heavy industrial” uses. However, LDC Section 34-2443 identifies industrial uses that are required to provide increased setbacks from residentially zoned property under separate ownership.

The uses that require a setback of 660 feet include the following:

- Asphalt batch plants.
- Dumps, refuse and trash.
- Essential service facilities, group III.
- Junkyard (df) or salvage yard.
- Landfills, sanitary.
- Manufacturing of:
  - Chemicals and allied products, group I
  - Chemicals and allied products, group II
  - Fabricated metal products, group I
  - Lumber and wood products, groups III, V, and VI
  - Machinery, group III
  - Paper and allied products, group I
  - Petroleum
  - Primary metal industries
  - Stone, clay, glass and concrete products, groups II and IV
  - Textile mill products, group III
  - Tobacco
  - Transportation equipment, groups I, III, and IV
- Research and development laboratories, group III
- Lumber and wood products, group I
- Stockyards.
- Wrecking yard — Auto and other.

The uses that require a setback of 330 feet include the following:

- Hatcheries, poultry.
- Manufacturing of:
  - Food and kindred products, group I
  - Leather products, group I
  - Lumber and wood products, group I
- Research and development laboratories, group I
- Wholesale establishments, groups I and II

These setbacks are intended to minimize the negative effects of the land uses on the surrounding properties and the public interest generally. The heavy industrial uses listed here are examples of uses that would be expected in the Industrial Development future land use category due to the difficulty of meeting these required setbacks in land use categories that permit a mix of industrial and residential uses.

- Residential uses on the subject property will create future complaints of incompatibility for existing or redeveloping industrial uses on adjacent properties.
- The Alico Road industrial corridor is the industrial area that is furthest south in unincorporated Lee County that has large tracks of vacant land. It is well situated to provide services to the growing markets in southern Lee County and Collier County.
- The proposed Urban Community future land use category would allow uses that could lead to future situations where the county would have to limit or deny development during the rezoning phase due to incompatibilities with adjacent use.

**PART VI  
BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: June 22, 2016

**A. BOARD REVIEW:**

Staff gave a brief presentation on the proposed amendment. The presentation provided staff's findings of fact and recommendation to not transmit; and the recommendation of the LPA to transmit the proposed amendment.

The applicant and the applicant's agents provided a brief presentation in support of the proposed amendment. The applicant stated that the request is in response to changing conditions in the area and it was their finding that there are adequate industrial lands to accommodate future growth within Lee County even with this property converted to the Urban Community future land use category.

During discussion, the Board members expressed general agreement with the applicants' position.

No members of the public addressed the Board or spoke on the proposed amendment.

**A motion was made to transmit the proposed amendment. The motion was called and passed 4-0.**

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

1. **BOARD ACTION:** The Board transmitted the proposed amendment to the State Reviewing Agencies for review.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board did not agree with the findings of fact provided by staff. The motion was based on the data and analysis provided by the applicant in their application and presentation.

**C. VOTE:**

<b>BRIAN HAMMAN</b>	<u>AYE</u>
<b>LARRY KIKER</b>	<u>AYE</u>
<b>FRANK MANN</b>	<u>AYE</u>
<b>JOHN MANNING</b>	<u>AYE</u>
<b>CECIL L. PENDERGRASS</b>	<u>ABSENT</u>

**PART VII**  
**OBJECTIONS, RECOMMENDATIONS AND COMMENTS**  
**FROM STATE REVIEWING AGENCIES**

DATE OF REVIEWING AGENCY COMMENTS: Due by July 23, 2015.

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

Lee County received responses from the following review agencies addressing the proposed amendment:

- Florida Department of Agriculture and Consumer Services,
- Florida Department of Economic Opportunity,
- Florida Department of Environmental Protection,
- Florida Department of Transportation,
- South Florida Water Management District,
- Southwest Florida Regional Planning Council (Staff Only), and
- Florida Fish and Wildlife Conservation Commission.

There were no objections to the proposed amendments. Comments and recommendations were made by the Florida Department of Transportation and the Florida Fish and Wildlife Conservation Commission.

**Florida Department of Transportation (FDOT):**

Comment # 1:

*Access to the property should be coordinated with FDOT's Fort Myers Operation Center (Permitting Department) as early as possible to determine the appropriate connection for any developmental project. Any access to SR 739 will be subject to FDOT permitting process as described in Rules 14-96 and 14-97 FAC.*

Lee County staff acknowledges that any access to SR 739 will be subject to FDOT permitting process as described in Rules 14-96 and 14-97 FAC.

Comments #2:

*Please clarify if the subject area for the proposed Land Use category change is 299+/- acres or 300+/- acres. Additionally, please clarify if the total acreage proposed for allocation to unincorporated Residential is 1,023 acres or 1,034 acres. Unfortunately, the acreage varies through the transmittal package.*

The subject property is 299.01 acres in size. Inconsistencies have been corrected in the staff report.

Comment # 3:

*FDOT supports the Lee County planning staff in their recommendation to provide an appropriate balance of allocated residential uses through a*

*reduction in residential allocation from another FLU category and/or planning community to offset this increase.*

Lee County staff acknowledges this comment.

Comment # 4:

*The proposed amendment site is expected to serve mixed land uses, including residential, commercial, and office. The land uses surrounding the proposed site are primarily residential, industrial, and commercial. In addition, the proposed site is adjacent to SR 739/Michael G. Rippe Parkway, just east of SR 45/US 41/Tamiami Trail (both State transportation facilities), and does not have a transit route along Alico Road or SR/739/Michael G. Rippe Parkway at this time.*

*In order to promote fewer single vehicle occupancy trips and lessen potential conflicts from the proposed mixed-use development and the surrounding uses, FDOT encourages the applicant to work with Lee County and Lee Tran staff during the development phase to establish a transit route and stop to serve this area.*

Lee County Staff will work with the applicant during future development of the project to address transit needs.

Comment # 5:

*FDOT often receives complaints about traffic noise at residences that have been built within very close proximity of a state highway. Such homes often experience hourly equalized noise levels in excess of 66 decibels, the level at which FDOT considers feasibility and reasonableness of noise barriers. Under federal regulation and FDOT policy, FDOT only constructs noise barriers at pre-existing homes built/permitted before the completion of the Project Development and Environment (PD&E) process for future planned highway widenings or for new roadways on new alignments. FDOT does not provide "retro-fit" noise barriers for new/future impacted residences along existing facilities.*

*Therefore, FDOT strongly encourages developers and permitting agencies to incorporate several proactive mitigative measures in design plans to reduce impacts of highway noise along existing state highways on residences that will be built in the future:*

- *Depending on traffic volumes and speeds, residences should ideally be set back at least 300-400 feet from the nearest travel lane of the existing/future planned arterial roadways, and greater distances (over 500 feet) from higher speed/higher volume limited access highways like Interstates.*

- *A solid masonry wall and/or earthen berm that is tall enough to break the line of sight between residences and noise sources (particularly large trucks with high exhaust pipes) is recommended. To reduce traffic noise to acceptable levels at residences, FDOT typically builds walls between 12 and 16 feet high along arterial highways and between 16 and 22 feet high along Interstate highways. Shorter 6- to 8-foot privacy walls as typically constructed by developers do not provide enough noise reduction to meet FDOT policy criteria.*
- *Vegetation that blocks views of the highway is not an effective noise abatement strategy unless it is tall dense forest hundreds of feet deep (that cannot be seen through). Landscape plantings provide an aesthetic/psychological barrier, but would not adequately replace a wall/berm described above for noise mitigation.*

Staff appreciates these comments and will share the technical assistance resources with the developer of the property as they seek future approvals through Lee County.

**Florida Fish and Wildlife Conservation Commission (FWC):**

The Florida Fish and Wildlife Conservation Commission did not have any objections to the proposed amendment, but provided a letter to Lee County on August 4, 2016 that included “technical assistance when planning for any additional future development that may occur on the subject property.” The comments were specific to the subject site and addressed protected species.

Lee County staff appreciates the technical assistance provided by the Florida Fish and Wildlife Conservation Commission and will further consider their recommendations through future rezoning of the subject property.

**B. STAFF RECOMMENDATION**

Staff continues to recommend that the Board of County Commissioners ***not adopt*** the amendments to the Lee Plan based on the findings of fact on page 20 of the staff report.

Attachment 1 (existing and proposed Future Land Use Map) and Attachment 2 (amendments to Table 1(b): Year 2030 Allocations) have been prepared if the Board of County Commissioners decides to adopt the proposed amendments.

**PART VIII**  
**BOARD OF COUNTY COMMISSIONERS**  
**HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF PUBLIC HEARING: October 5, 2016

**A. BOARD REVIEW**

Planning staff provided a brief summary of the proposed amendment and provided staff's recommendation that the Board of County Commissioners not adopt the proposed amendment. Staff stated that no state reviewing agency had objected to the proposed amendment. Staff also identified the existing and proposed Future Land Use Map and text amendments to Table 1(b) and Policy 7.1.1 should the BoCC decide to adopt the proposed amendment. One member of the Board asked for clarification about the purpose of the amendment to Policy 7.1.1.

The applicant provided a brief presentation and provided the Board with findings of fact to support the adoption of the proposed amendment. Following the applicants' presentation the BoCC briefly discussed the proposed amendment. One member stated additional Industrial Development lands may be needed in Lehigh Acres or in Cape Coral, but that there was adequate land for industrial uses near the subject property.

No members of the public provided comments concerning the proposed amendment.

**A motion was made that the BOCC *adopt* staff's recommendation. The motion was called and passed 5-0.**

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

**1. BOARD ACTION:**

The Board of County Commissioners adopted the proposed amendment.

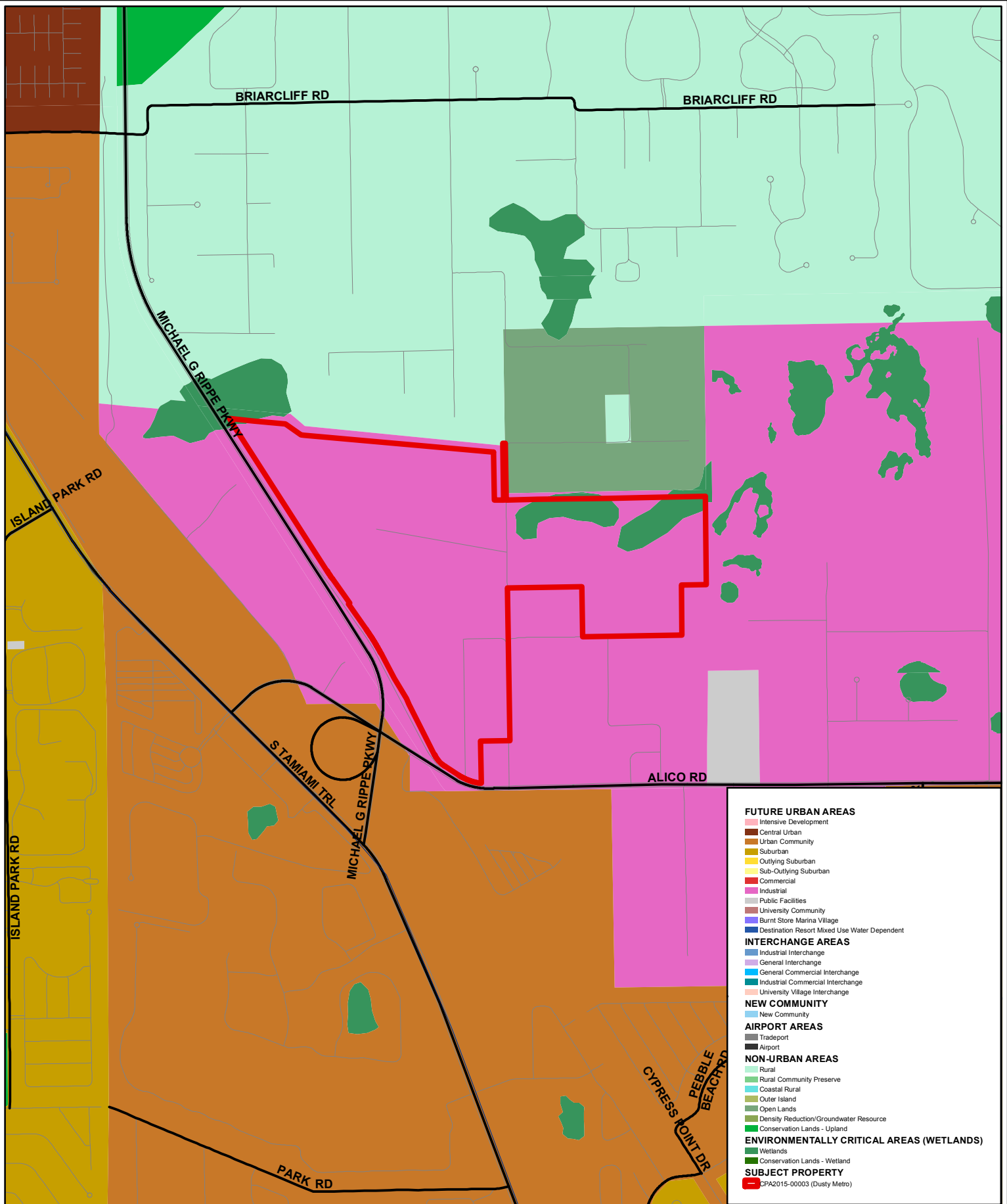
**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

The Board of County Commissioners accepted the findings of fact as advanced by the applicant.



**C. VOTE:**

<b>BRIAN HAMMAN</b>	<b>AYE</b>
<b>LARRY KIKER</b>	<b>AYE</b>
<b>FRANK MANN</b>	<b>AYE</b>
<b>JOHN MANNING</b>	<b>AYE</b>
<b>CECIL L PENDERGRASS</b>	<b>AYE</b>



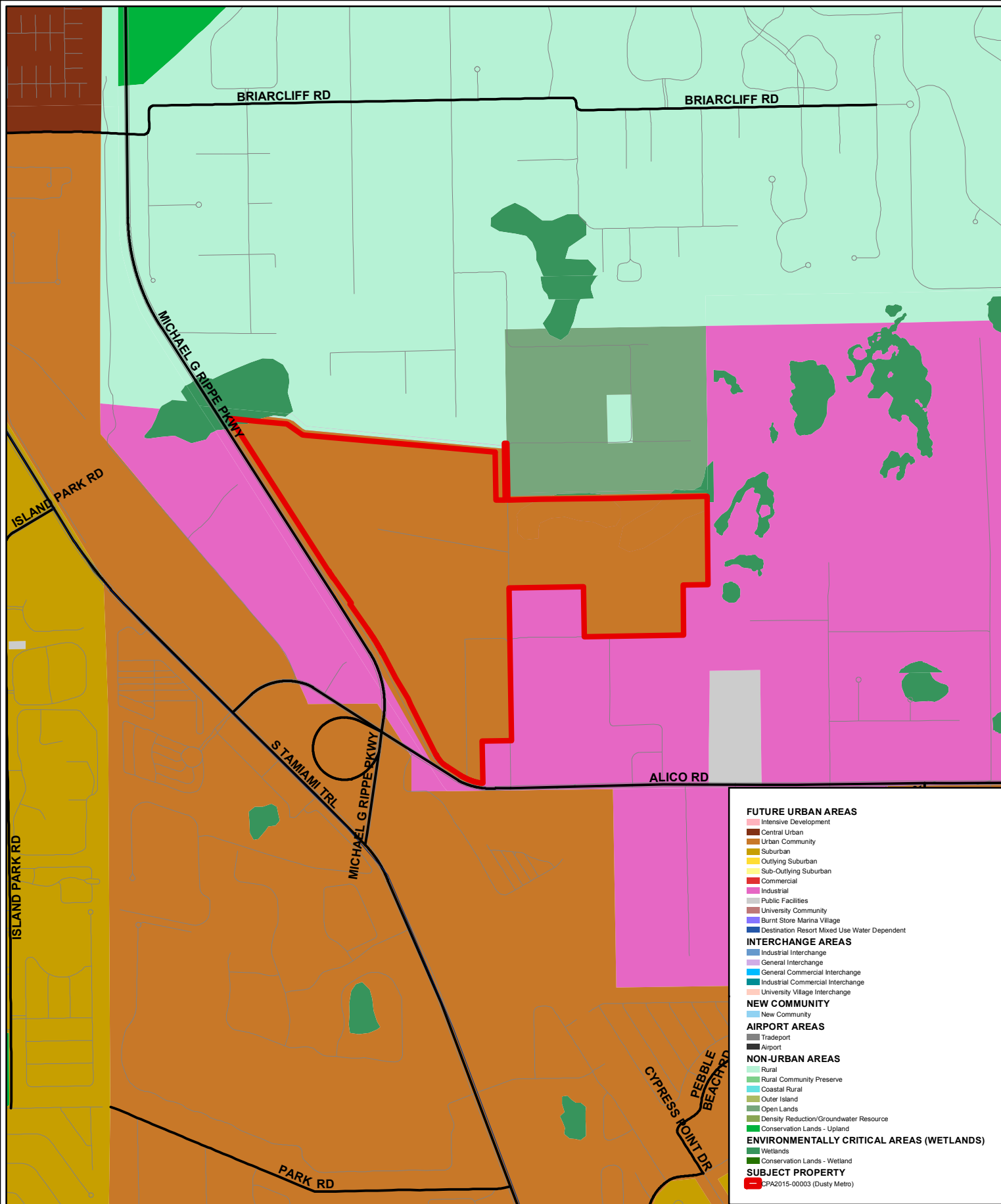
- FUTURE URBAN AREAS**
- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Outlying Suburban
- Sub-Outlying Suburban
- Commercial
- Industrial
- Public Facilities
- University Community
- Burnt Store Marina Village
- Destination Resort Mixed Use Water Dependent
- INTERCHANGE AREAS**
- Industrial Interchange
- General Interchange
- General Commercial Interchange
- Industrial Commercial Interchange
- University Village Interchange
- NEW COMMUNITY**
- New Community
- AIRPORT AREAS**
- Tradeport
- Airport
- NON-URBAN AREAS**
- Rural
- Rural Community Preserve
- Coastal Rural
- Outer Island
- Open Lands
- Density Reduction/Groundwater Resource
- Conservation Lands - Upland
- ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)**
- Wetlands
- Conservation Lands - Wetland
- SUBJECT PROPERTY**
- CPA2015-00003 (Dusty Metro)

**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Miles  
Map Generated August 2016



**CPA2015-00003 - Dusty Metro**  
**EXISTING LEE PLAN**  
**FUTURE LAND USE MAP**



LEE COUNTY  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map Generated September 2016



**CPA2015-00003 - Dusty Metro**  
**PROPOSED LEE PLAN**  
**FUTURE LAND USE MAP**

**TABLE 1(b)**  
**Year 2030 Allocation**

Future Land Use Category	Lee County Totals		Northeast Lee County	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport		
	Existing	Proposed										Existing	Proposed	
<i>Residential By Future Land Use Category</i>	Intensive Development	1,376	<u>1,376</u>			20		27		250				
	Central Urban	14,766	<u>14,766</u>			225				230				
	Urban Community	18,285	<u>18,084</u>	520	485	637							<u>250</u>	
	Suburban	16,623	<u>16,623</u>			1,810				85				
	Outlying Suburban	3,957	<u>3,957</u>	30		40	20	2	500					
	Sub-Outlying Suburban	1,548	<u>1,548</u>			367								
	Commercial													
	Industrial	79	<u>79</u>							39			<u>20</u>	<u>20</u>
	Public Facilities	1	<u>1</u>						1					
	University Community	850	<u>850</u>											
	Destination Resort Mixed Use Water Dependent	8	<u>8</u>											
	Burnt Store Marina Village	4	<u>4</u>					4						
	Industrial Interchange													
	General Interchange	125	<u>125</u>										<u>11</u>	<u>11</u>
	General Commercial Interchange													
	Industrial Commercial Interchange													
	University Village Interchange													
	Mixed Use Interchange													
	New Community	900	<u>900</u>										<u>900</u>	<u>900</u>
	Airport													
	Tradeport	9	<u>9</u>										<u>9</u>	<u>9</u>
	Rural	8,313	<u>8,313</u>	1,948		1,400	636							
	Rural Community Preserve	3,100	<u>3,100</u>											
Coastal Rural	1,300	<u>1,300</u>												
Outer Island	202	<u>202</u>	5		1			150						
Open Lands	2,805	<u>2,805</u>	250				590							
Density Reduction/ Groundwater Resource	6,905	<u>6,905</u>	711									<u>94</u>	<u>94</u>	
Conservation Lands Upland														
Wetlands														
Conservation Lands Wetland														
<b>Unincorporated County Total Residential</b>	<b>81,156</b>	<b>80,955</b>	<b>3,464</b>	<b>485</b>	<b>4,500</b>	<b>1,250</b>	<b>29</b>	<b>651</b>	<b>604</b>	<b>1,034</b>	<b>1,284</b>	<b>1,034</b>	<b>1,284</b>	
<b>Commercial</b>	<b>12,793</b>	<b>12,793</b>	<b>57</b>	<b>52</b>	<b>400</b>	<b>50</b>	<b>17</b>	<b>125</b>	<b>150</b>	<b>1,100</b>	<b>1,100</b>	<b>1,100</b>	<b>1,100</b>	
<b>Industrial</b>	<b>13,801</b>	<b>13,801</b>	<b>26</b>	<b>3</b>	<b>400</b>	<b>5</b>	<b>26</b>	<b>300</b>	<b>300</b>	<b>3,100</b>	<b>3,100</b>	<b>3,100</b>	<b>3,100</b>	
<b>Non Regulatory Allocations</b>														
Public	82,313	<u>82,313</u>	7,100	421	2,000	7,000	20	1,961	350			7,500	<u>7,500</u>	
Active AG	17,027	<u>17,027</u>	5,100		550	150								
Passive AG	45,835	<u>45,585</u>	13,549		2,500	109						1,491	<u>1,241</u>	
Conservation	81,933	<u>81,933</u>	2,214	611	1,142	3,236	133	1,603	748			2,798	<u>2,798</u>	
Vacant	22,317	<u>22,768</u>	1,953		226	931	34		45			300	<u>300</u>	
<b>Total</b>	<b>357,175</b>	<b>357,175</b>	<b>33,463</b>	<b>1,572</b>	<b>11,718</b>	<b>12,731</b>	<b>259</b>	<b>4,340</b>	<b>2,197</b>	<b>17,323</b>	<b>17,323</b>	<b>17,323</b>	<b>17,323</b>	
<b>Population Distribution (unincorporated Lee County)</b>	<b>495,000</b>	<b>495,000</b>	<b>5,090</b>	<b>1,531</b>	<b>30,861</b>	<b>3,270</b>	<b>225</b>	<b>530</b>	<b>5,744</b>	<b>11,977</b>	<b>15,115</b>	<b>11,977</b>	<b>15,115</b>	

**TABLE 1(b)**  
**Year 2030 Allocation**

Future Land Use Category	Daniels Parkway	Iona/McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres		Southeast Lee County	North Fort Myers	Buckingham	Estero	Bayshore	
							Existing	Proposed						
<i>Residential By Future Land Use Category</i>	Intensive Development				660	3	42	42		365		9		
	Central Urban		375	17	3,140		8,179	8,179		2,600				
	Urban Community		850	1,000	860	500	12,873	12,422			110	450		
	Suburban		2,488	1,975	1,200	675				6,690		1,700		
	Outlying Suburban	1,552	377			600				382		454		
	Sub-Outlying Suburban			25						140	66		950	
	Commercial													
	Industrial		5	5		10								
	Public Facilities													
	University Community			850										
	Destination Resort Mixed Use Water Dependent		8											
	Burnt Store Marina Village													
	Industrial Interchange													
	General Interchange	32								15	31	6	30	
	General Commercial Interchange													
	Industrial Commercial Interchange													
	University Village Interchange													
	Mixed Use Interchange													
	New Community													
	Airport													
	Tradeport													
	Rural	1,500		90			190	14	14		500	50	635	1,350
	Rural Community Preserve											3,100		
Coastal Rural						1,300								
Outer Island		1				45								
Open Lands	120									45			1,800	
Density Reduction/ Groundwater Resource									4,000				2,100	
Conservation Lands Upland														
Wetlands														
Conservation Lands Wetland														
<b>Unincorporated County Total Residential</b>	<b>3,204</b>	<b>4,104</b>	<b>3,962</b>		<b>5,870</b>	<b>3,313</b>	<b>21,108</b>	<b>20,657</b>	<b>4,015</b>	<b>10,753</b>	<b>3,326</b>	<b>3,254</b>	<b>6,230</b>	
<b>Commercial</b>	<b>440</b>	<b>1,100</b>	<b>1,944</b>		<b>2,100</b>	<b>226</b>	<b>4,420</b>	<b>1,420</b>	<b>68</b>	<b>1,687</b>	<b>18</b>	<b>1,700</b>	<b>139</b>	
<b>Industrial</b>	<b>10</b>	<b>320</b>	<b>450</b>		<b>900</b>	<b>64</b>	<b>300</b>	<b>300</b>	<b>7,246</b>	<b>554</b>	<b>5</b>	<b>87</b>	<b>5</b>	
<b>Non Regulatory Allocations</b>														
Public	2,477	3,550	3,059		3,500	2,100	15,289	15,289	12,000	4,000	1,486	7,000	1,500	
Active AG	20					2,400			7,171	200	411	125	900	
Passive AG	20					815			18,000	1,532	3,619	200	4,000	
Conservation	1,733	9,306	2,969		188	14,767	4,541	1,541	31,359	1,317	336	5,068	864	
Vacant	63	975	594		309	3,781	8,246	8,697	470	2,060	1,000	800	530	
<b>Total</b>	<b>7,967</b>	<b>19,355</b>	<b>12,978</b>		<b>12,867</b>	<b>27,466</b>	<b>47,904</b>	<b>47,904</b>	<b>80,329</b>	<b>22,103</b>	<b>10,201</b>	<b>18,234</b>	<b>14,168</b>	
<b>Population Distribution (unincorporated Lee County)</b>	<b>16,375</b>	<b>34,538</b>	<b>36,963</b>		<b>58,363</b>	<b>13,265</b>	<b>162,543</b>	<b>160,405</b>	<b>1,270</b>	<b>71,001</b>	<b>6,117</b>	<b>25,577</b>	<b>8,760</b>	

**MEMORANDUM**  
**FROM**  
**THE DEPARTMENT OF**  
**COMMUNITY DEVELOPMENT**

**TO:** Board of County Commissioners

**DATE:** October 4, 2016

**FROM:**



---

**Mikki Rozdolski, Manager**  
**Planning Section**

**RE: Dusty Metro, CPA2015-00003**  
**Adoption Hearing**

This privately-initiated amendment is a request to change the future land use category of property located at the northeast corner of Alico Road and Michael G. Rippe Parkway from Industrial Development to Urban Community. On June 22, 2016, the BOCC voted to transmit the proposed amendment. There are no objections to the proposed amendment by the State Reviewing Agencies.

Although Staff continues to recommend that the Board not adopt the proposed Amendment, Staff has prepared a text amendment in order to address anticipated negative impacts on development potential of adjacent properties located within the remaining Industrial Development future land use category. If the Board adopts the proposed future land use map amendment, Staff recommends that the Board also adopt the following text amendment:

**POLICY 7.1.1:** In addition to the standards required herein, the following factors apply to industrial rezoning and development order applications:

5. Applications for industrial development will be reviewed and evaluated as to:

*a. through h. remain unchanged*

*i. buffering and screening, except properties within the Industrial Development future land use category adjacent to lands redesignated to the Urban Community future land use category by Ordinance 16-## will retain their development potential and land development regulations (including buffers and setbacks) consistent with the requirements previous to the redesignation, as though the redesignated lands are non-residential in use (planned development rezoning and development orders);*

*j. through m. remain unchanged*

**INTER-  
DEPARTMENTAL  
COMMENTS**



# THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966 ♦ WWW.LEESCHOOLS.NET

DAWN HUFF  
LONG RANGE PLANNER  
239-337-8142  
DAWNMHU@LEESCHOOLS.NET

CATHLEEN O'DANIEL MORGAN  
CHAIRMAN, DISTRICT 3  
STEVEN K. TEUBER  
VICE CHAIRMAN, DISTRICT 4

MARY FISCHER  
DISTRICT 1

JEANNE S. DOZIER  
DISTRICT 2

PAMELA H. LARIVIERE  
DISTRICT 5

NANCY J. GRAHAM, ED.D  
SUPERINTENDENT

KEITH B. MARTIN, ESQ.  
BOARD ATTORNEY

February 17, 2015

Brandon Dunn, Senior Planner  
Lee County Division of Planning  
1500 Monroe Street  
Fort Myers, Florida 33902-0398

RE: Dusty Metro  
CPA2015-00003

Dear Mr. Dunn;

This letter is in response to your request dated February 11, 2015 for the Dusty Metro proposed development for sufficiency comments in reference to the educational impact. This proposed development is located in the South Choice Zone, Sub Zone S-2.

The Developers request is to change the future land use from Industrial Development to Urban Community to allow for 1500 single-family dwellings. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For single-family the generation rate is .292 with the following break-down, .0146 for elementary, .070 for middle and .076 for high. A total of 438 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

The Concurrency Analysis attached, displays the impact of this development. Capacities for elementary and middle seats are not an issue within the Concurrency Service Area (CSA). For high school, the development adds to the projected deficit within the CSA, however, there are sufficient seats available to serve the need within the contiguous CSA.

Thank you for your attention to this issue. If I may be of further assistance, please call me at (239) 337-8142.

Sincerely,

*Dawn Huff*

Dawn Huff, Long Range Planner  
Planning Department



## LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

**REVIEWING AUTHORITY** Lee School District  
**NAME/CASE NUMBER** Dusty Metro/CPA2015-00003  
**OWNER/AGENT** Multiple Owners  
**ITEM DESCRIPTION** various amendments; all impacts in South CSA, sub area S2

**LOCATION** East of Michael G Rippe Pkwy, North of Alico Rd  
**ACRES** 299.01  
**CURRENT FLU** 280.71 Industrial/18.3 Wetlands  
**CURRENT ZONING** IL, IPD, IG & AG-2

PROPOSED DWELLING UNITS BY TYPE	Single Family	Multi Family	Mobile Home
	1500	0	0

STUDENT GENERATION	Student Generation Rates			Projected Students
	SF	MF	MH	
Elementary School	0.146			219.00
Middle School	0.07			105.00
High School	0.076			114.00
Source: Lee County School District, February 17, 2015 letter				

CSA SCHOOL NAME 2018/19	CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH Capacity	Adjacent CSA Available Capacity w/Impact
South CSA, Elementary	12,413	10,768	1,645	219	1426	89%	
South CSA, Middle	5,621	5,325	296	105	191	97%	
South CSA, High	7,070	7,550	-480	114	-594	108%	

(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan  
 (2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity )  
 (3) Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual

Prepared by: Dawn Huff, Long Range Planner

# Memo

To: Brandon Dunn, Principal Planner  
Planning Division

From: Lili Wu  
Sr. Transportation Planner

Date: Sept. 21, 2015

**Subject: Dusty Metro Comprehensive Plan Amendment (CPA2015-00003)**

---

We have reviewed the above application which requests the land use designation of approximately 299 acres be changed from “Industrial Development” to “Urban Community”. The existing FLUM designation of land uses, 3,900,000 square feet of industrial development could be built in the subject area. The proposed land uses designation would allow 1,500 residential dwelling units and 400,000 square feet of commercial uses to be built in the subject area. Based on the traffic analysis provided by the applicant, the trip generation of proposed land uses will be decreased 348 trips in the PM peak hour basis as compared with the existing land uses. Lee County DOT have no objection to the application since there are no additional traffic increase.

cc: File



# Lee County Southwest Florida

**INTEROFFICE MEMORANDUM  
PUBLIC WORKS  
UTILITIES**

**DATE:** December 16, 2015

**TO:** Brandon Dunn

**FROM:** Howard Wegis

**SUBJECT: CPA2015-00003 Dusty Metro/LCU Treatment Capacity to Provide Service**

This memo is intended to supplement information previously provided to the Lee County Planning Division, regarding Lee County Utilities' (LCU) available potable water and sanitary sewer treatment capacity to provide service to the proposed Dusty Metro development. More specifically, it is intended to supplement information provided in the form of a sufficiency review checklist sent to Brandon Dunn via e-mail on March 4, 2015.

Potable Water:

LCU's current total combined water treatment capacity is 45.9 million gallons per day (MGD). The Green Meadows Water Treatment Plant (WTP) is in the process of being expanded from 9.00 MGD to 14.00 MGD which will bring the total combined treatment capacity of the water system to 50.9 MGD. The projected water system demand included in LCU's Integrated Water Resource Master Plan indicates a total water system demand of 37.04 MGD annual average daily flow (AADF) in the year 2030. This represents a surplus capacity of 13.86 MGD. The 2014 annual average daily demand in LCU's water system was 23.21 MGD. The 2014 maximum month average daily demand in LCU's water system was 26.8 MGD. Based on the information presented above there is sufficient water treatment capacity to serve the proposed development.

Sanitary Sewer:

The current permitted treatment capacity of the Three Oaks Wastewater Treatment Plant (WWTP) is 6.0 MGD. The current annual average daily flow to the Three Oaks WWTP is 2.86 MGD. There currently is capacity at the Three Oaks WWTP to provide service to the proposed development. Regarding sufficient treatment capacity in the future, the following should be noted. LCU has recently completed a study of the Three Oaks WWTP service area which included a flow projection to the facility. This study was completed by a Consultant. The flow projection included in this study was based on the Three Oaks WWTP future service area.

December 16, 2015  
Brandon Dunn  
Page Two

The Dusty Metro project is located within the Three Oaks WWTP future service area, however, the wastewater flow projected from the Dusty Metro area was based on the current land use classification of the property. The wastewater flow proposed to be generated by the Dusty Metro project (367,500gpd) is more than the 1,100 gpd wastewater flow projected to be generated from this area that was included in the flow projection performed in the study. Therefore, if the Dusty Metro development is approved an additional 366,400 gpd (367,500-1,100) wastewater flow will be received by the Three Oaks WWTP in the future. Utilizing the flow projection performed during this study the effect the Dusty Metro development projected flow will have on the available capacity at the Three Oaks WWTP can be determined. The flow projection was revised to add the flow generated from Dusty Metro as well as comprehensive plan amendments approved after the projection was performed. It was assumed that the Dusty Metro project would be fully built out by the year 2020. The revised projection indicates that the annual average daily flow to the Three Oaks WWTP will not exceed the permitted capacity until the year 2030.

Because the wastewater flow to the Three Oaks WWTP is projected to exceed the permitted capacity in the future, LCU has initiated a study to identify options for treatment of wastewater flows that are projected to be generated within the Three Oaks WWTP service area. This study is currently underway.

cc: Tom Mamott, DLCU  
Rand Edelstein, DLCU  
Thom Osterhout, DLCU

## Miller, Janet

---

**From:** Dunn, Brandon  
**Sent:** Thursday, March 17, 2016 12:23 PM  
**To:** Miller, Janet  
**Subject:** FW: Dusty Metro Comp Plan Amendment

---

**From:** Loveland, David  
**Sent:** Wednesday, March 16, 2016 3:54 PM  
**To:** Rozdolski, Mikki; Dunn, Brandon  
**Subject:** FW: Dusty Metro Comp Plan Amendment

Corrected version.

David M. Loveland, AICP  
Director  
Lee County Dept. of Community Development  
1500 Monroe Street  
Fort Myers, FL 33901  
Office Phone: (239)533-8509  
Cell Phone: (239)839-1988  
[DLoveland@leegov.com](mailto:DLoveland@leegov.com)

---

**From:** Boland, John  
**Sent:** Wednesday, March 16, 2016 3:36 PM  
**To:** Loveland, David  
**Subject:** RE: Dusty Metro Comp Plan Amendment

Found a grammatical error

To paraphrase Lee County's 2007 *Commercial / Industrial Land Use Analysis* study, the County should continue encouraging new development that effectively utilizes the County's land inventory while also reserving the most valuable commercial and industrial corridors for businesses and industries likely to locate there over the next two decades. If the County rezones an industrial area, it may directly displace industrial jobs and also trigger real estate speculation in adjoining areas which begins a downward spiral of disinvestment and job loss. In doing so, the County may make an economic mistake that they might never be able to reverse. This is because this area is just the type of neighborhood in which light, clean, specialized industry can thrive--helping to make the County's economy more diverse and more competitive overall.

That said, Lee County must preserve the vast majority of industrial land for industrial use to accomplish the following objectives:

1. Retain high paying jobs in the County
2. Encourage new industrial development
3. Protect the County's tax base

John Patrick Boland  
O: 239.533.6818 | M: 239.634.4272  
[www.leecountybusiness.com](http://www.leecountybusiness.com)

**MEMORANDUM**

**Date:** March 18, 2016

**To:** B. Dunn  
Principal Planner

**From:** M. Evans *ME.*  
Senior Engineer

**Subject:** **Dusty Metro Proposed Comprehensive Plan Amendment (CPA)  
Transportation-Related Review and Analysis**  
Case No. CPA2015-00003

In the October 15, 2015 "Applicant's Report" for the subject case, the applicant appears to indicate that the transportation system in proximity to the combined subject parcels ("the subject site") does not meet the subject site's future industrial needs. The purpose of this memorandum is to evaluate this apparent assertion.

According to *The Lee Plan Policy 7.1.3*, "Industrial land uses must be located in areas appropriate to their special needs and constraints, including, but not limited to, considerations of...access by truck, air, deep water, and rail; commuter access from home-to work trips..." An evaluation of the subject site with respect to access to each transportation system follows.

**Surface (Non-Rail) Transportation**

The subject site has frontage along approximately 1 mile of the 6-lane section of Michael G Rippe Parkway to the west and limited frontage along the 4/6-lane section of Alico Road to the south. The subject site has existing access to Michael G Rippe Parkway at the following approximate locations with respect to Alico Road:

- 2,225 feet north (direct right-in/right-out access only),
- 3,700 feet north (direct right-in/right-out access only),
- 4,700 feet north (direct full access), and
- 5,425 feet north (direct right-in/right-out access only).

The subject site also has existing access to Alico Road at the following approximate locations with respect to Michael G Rippe Parkway:

- 1,325 feet east at James Whitehead Road (direct right-in/right-out access only),
- 1,900 feet east at Indy Road (direct full access),
- 3,500 feet east at Quaker Lane (indirect full access), and
- 3,900 feet east at Pennsylvania Street (indirect right-in/right-out access only).

In the "Applicant's Report", the applicant provides the following comments with respect to surface (non-rail) transportation in support of amending the current Industrial Development land use classification with the Urban Community classification:

- "The property is no longer in an obscure location with limited access, but occupies a prominent frontage on this newly constructed north-south corridor [Michael G Rippe Parkway]." – p. 2, ¶1
- "The change in land use would also provide opportunities for commercial retail and office with convenient access to goods and services for the surrounding residential development units as well as the general public traveling Metro Parkway [Michael G Rippe Parkway] and Alico Road." – p. 3, ¶2
- "The "Metro Extension" [Michael G Rippe Parkway extension] changed the access and the visibility of the property. The property is no longer in an obscure location with limited access, but occupies a prominent frontage on this newly constructed north-south corridor [Michael G Rippe Parkway]. " – p. 12, ¶3
- "The extension of Metro Parkway [Michael G Rippe Parkway] adjacent to the subject property provides convenient access to nearby employment, shopping centers, schools, mass transit and bicycle facilities consistent with the requirements of Policy 5.1.3." – p. 16, ¶1
- "Further, the commercial uses will be located on the subject property to have access to Metro Parkway [Michael G Rippe Parkway] and Alico Road, both arterial roadways, and adequate site area will be provided for the proposed commercial floor area...A traffic impact statement has been completed as part of this application and request, no additional improvements are necessary to the surrounding roadway to serve the proposed development consistent with policy 6.1.5." – p. 17, ¶6

Per the applicant's above-described narrative, it appears that the applicant agrees that the subject site has very good access to the nearby surface (non-rail) transportation network and would well-serve a mixed residential and commercial development, however the applicant also makes the following statements in the "Applicant's Report" that appear to counter this assertion as applied to industrial and/or regional commercial development as follows:

- "The recent completion of the Metro Parkway [Michael G Rippe Parkway] Interchange creates an inflexible access situation that does not meet the needs of future industrial needs on the subject property inconsistent with Policy 7.1.3." – p. 3, ¶3
- "...trucks entering or leaving the existing industrial uses from James Whitehead Road are no longer able to turn left. When leaving the property trucks cannot take a direct route toward the Interstate and the Airport. The trucks, which include large semi-trailer trucks, are forced, due to the lack of a full median on Alico Road, to travel west and turn onto Metro Parkway north toward Daniels or turn onto US 41. " – p. 4, ¶1
- "The Urban Land Institute has produced a Development Series and within the Mixed-Use Development Handbook, providing site access via roadways and/or transit is fundamental. Regional commercial uses need to have site entrance and

exit access from all major arterial roads. The existing challenging conditions related to the subject property's access for future industrial uses are the same for future commercial development." – p. 12, ¶12

- "Due to the limited access to Alico Road and configuration of Alico Road with the Metro Parkway [Michael G Rippe Parkway] Interchange, it is unlikely that regional commercial uses could be supported by the existing configuration as well as market conditions." – p. 12, ¶13
- "Large semi-trailer trucks are no longer easily able to access the subject property or directly travel to and from the airport." – p. 19, ¶15

Of note, commercial development will likely need to accommodate large trucks for deliveries, therefore the same argument against industrial development could be made against commercial development. Regardless of land use, good access to the surrounding road network is important. Sound roadway intersection design, especially along high-volume arterial roadways, should accommodate large truck turning movements, especially in areas of commercial and industrial land use. Access management along arterial roadways is also very important in order to promote traffic safety and mobility.

The subject site is located in close proximity to 3 arterials roadways: Alico Road, Michael G Rippe Parkway, and US 41. If the subject site is developed with industrial uses, per *The Lee Plan Policy 7.1.2*, the developer will be required to "provide necessary facilities and services where they are inadequate to serve the proposed use." Similar to mixed-use residential and commercial development, improvements will likely include a transportation network internal to the subject site that will provide good interconnectivity and adequate access to nearby arterial and non-arterial roadways. As the subject site is at present largely undeveloped, this necessary infrastructure is yet to be constructed to accommodate development.

In addition, *The Lee Plan Policy 7.1.9* states: "Industrial development will not be permitted if it allows traffic to travel through predominantly residential areas." The subject site may border residential areas, but traffic using the subject site will likely not travel through these areas, but will rather use the more easily-accessible arterial roadways.

### **Air Transportation**

Two commercial airports serve Lee County, both under the ownership of the Lee County Port Authority: Southwest Florida International Airport (SWFIA) and Page Field Airport, the latter serving as a reliever for the former. The SWFIA is located approximately 3.5 linear miles from the subject site. The Page Field Airport is located approximately 5.5 linear miles from the subject site. Based on the total area of Lee County, only approximately 3% of Lee County is within the same proximity to the SWFIA as the subject site and only approximately 8% of Lee County is within the same proximity to the Page Field Airport as the subject site.



## **Deep Water Transportation**

The seaports currently identified in *The Lee Plan* as serving Lee County are located at Gasparilla Island and San Carlos Island. The seaport at Gasparilla Island is no longer used. The seaport at San Carlos Island is located approximately 7.5 linear miles from the subject site. Based on the total area of Lee County, only approximately 15% of Lee County is within the same proximity to the seaport at San Carlos Island as the subject site, although much of this area is non-developable and consists of ocean, inland waters, and/or wetlands.

## **Rail Transportation**

The sole rail line currently identified in *The Lee Plan* as serving Lee County is owned by CSX Transportation and borders the subject site immediately to the south and west across Alico Road and Michael G Rippe Parkway respectively. The continuous rail line cuts through the center of Lee County, running north into Charlotte County and south into Collier County. CSX Transportation is considered a Class I railroad and is one of the largest in the United States in terms of annual carrier operating revenues.

## **Summary**

*The Lee Plan Policy 1.1.7* states: "The Industrial Development areas...have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail highway)...and locations that are convenient for employees to reach." In review of the subject site's location, it appears that these "special locational requirements" are met with respect to the transportation needs of the subject site in that it is reasonably well-served by:

- 3 arterial roadways to accommodate surface (non-rail) transportation needs,
- the county's two airports to accommodate air transportation needs, and
- the county's sole rail system to accommodate rail transportation needs.

Of note, in reviewing the both the air and deep water transportation ports, if a line were drawn between the SWFIA and the San Carlos Island seaport, the line would actually bisect the subject site. As also noted, at this same location, major arterial roadways and rail lines converge. This locational evidence with respect to access to multi-modal transportation systems provides insight as to why the subject site is currently designated for Industrial Development and was likely not arbitrarily identified as fitting the stringent locational criteria of *The Lee Plan*.

MJE:mje

Copy: A. Getch – Lee County  
file

# STATE REVIEW AGENCY COMMENTS

**Miller, Janet**

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**From:** Rozdolski, Mikki  
**Sent:** Thursday, July 21, 2016 12:47 PM  
**To:** Miller, Janet  
**Subject:** Fwd: Lee County, DEO # 16-3ESR Comments on Proposed Comprehensive Plan Amendment

Mikki Rozdolski

Sent from my iPad

Begin forwarded message:

**From:** "Oblaczynski, Deborah" <[doblaczy@sfwmd.gov](mailto:doblaczy@sfwmd.gov)>  
**Date:** July 21, 2016 at 11:24:35 AM EDT  
**To:** "Mikki Rozdolski ([MRozdolski@leegov.com](mailto:MRozdolski@leegov.com))" <[MRozdolski@leegov.com](mailto:MRozdolski@leegov.com)>  
**Cc:** "[bdunn@leegov.com](mailto:bdunn@leegov.com)" <[bdunn@leegov.com](mailto:bdunn@leegov.com)>, "Ray Eubanks ([DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com))" <[DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)>, "Brenda Winningham ([brenda.winningham@deo.myflorida.com](mailto:brenda.winningham@deo.myflorida.com))" <[brenda.winningham@deo.myflorida.com](mailto:brenda.winningham@deo.myflorida.com)>, "Margaret Wuerstle ([mwuerstle@swfrpc.org](mailto:mwuerstle@swfrpc.org))" <[mwuerstle@swfrpc.org](mailto:mwuerstle@swfrpc.org)>  
**Subject:** Lee County, DEO # 16-3ESR Comments on Proposed Comprehensive Plan Amendment

Dear Ms. Rozdolski:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Lee County (County). The proposed amendment includes text and map amendments changing the land use designation on approximately 299 acres from Industrial Development and Wetlands, to Urban Community and Wetlands. There appear to be no regionally significant water resource issues; therefore, the District has 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 the adopted amendments to the District. Please contact me if you need assistance or additional information.

Sincerely,

Deb Oblaczynski  
Policy & Planning Analyst  
Water Supply Implementation Unit  
South Florida Water Management District  
3301 Gun Club Road  
West Palm Beach, FL 33406  
(561) 682-2544 or [doblaczy@sfwmd.gov](mailto:doblaczy@sfwmd.gov)



## *Florida Department of Transportation*

RICK SCOTT  
GOVERNOR

10041 Daniels Parkway  
Fort Myers, FL 33913

JIM BOXOLD  
SECRETARY

July 26, 2016

Mr. Brandon Dunn  
Principal Planner  
Lee County Planning Division  
P.O. Box 398  
Fort Myers, Florida 33902-0398

### **RE: Lee County 16-3ESR Proposed Comprehensive Plan Amendment (Expedited State Review Process) – FDOT Comments and Recommendations**

Dear Mr. Dunn:

The Florida Department of Transportation (FDOT), District One, has reviewed the Lee County 16-3ESR, Proposed Comprehensive Plan Amendment (CPA), known locally as CPA2015-03, Dusty Metro. This CPA was transmitted under the Expedited State Review process by the Board of County Commissioners in accordance with the requirements of Florida Statutes (F.S.) Chapter 163.

#### **CPA2015-03, Dusty Metro (Future Land Use Amendment):**

CPA2015-03 is a proposed amendment to the Lee Plan, within the Gateway/Airport Planning Community. This Amendment proposes to redesignate 299± acres (located at the northwest corner of Alico Road and SR 739/Michael G. Rippe Parkway) from the Industrial Development and Wetlands future land use (FLU) categories to the Urban Community and Wetlands FLU categories, and to amend Table 1(b) of the Lee Plan, Year 2030 Allocations, to accommodate additional residential development for the Urban Community future land use category within the Gateway/Airport Planning Community. Residential uses were not initially contemplated within the Gateway/Airport Planning Community.



**Map Amendment:**

According to the Adopted FLU designations and based on the allowed development within the Gateway/Airport Planning Community, the currently adopted “Industrial Development” category would allow for 3,900,000 square feet of industrial uses, which would generate approximately 3,072 p.m. peak-hour trips. Based on the information provided in the staff report, the proposed “Urban Community” category would allow for 450,000 square feet of commercial and general office, and 1,500 residential units, which would generate approximately 2,724 p.m. peak-hour trips, resulting in a net decrease of 348 p.m. peak hour trips.

The following table summarizes the trip generation potential for the currently adopted and proposed land uses for the 299± acres, and the change in trips as a result of the proposed amendment.

**TRIP GENERATION PROPOSED FOR THE AMENDMENT CPA2015-03**

Scenario	Land Use Designation	Land Use Code	Size of Development		PM Peak Hour Trips <sup>1</sup>
			Acres	Allowed Development	Total
Adopted	Industrial Development	130	299.01	3,900,000 s.f.	3,072
<b>Total</b>					<b>3,072</b>
Requested	Commercial	820	299.01	315,000 s.f.	1,292
Requested	General Office	710	299.01	135,000 s.f.	230
Requested	Single Family Residential	210	299.01	1,500 DU	1,202
<b>Total</b>					<b>2,724</b>
<b>Change in Trips</b>					<b>-348</b>

1. Trip generation based on the rates and/or equations obtained in the ITE Trip Generation Manual (9th Edition).

**Text Amendment:**

The proposed text amendment revises Table 1(b) of the LeePlan to reflect the proposed allocation of 300± acres from the Industrial FLU category to Urban Community within the Gateway/Airport Planning Community. According to the currently adopted Table 1(b) Year 2030 Allocation from the Adopted Lee Plan, the Gateway/Airport Planning Community allocates a total of 1,034 acres of unincorporated Residential, 1,100 acres of Commercial and 3,100 acres of Industrial FLUs.

The proposed change will reallocate 300± acres to account for the 299± acres as presented in the proposed FLU map amendment. The 300± acres will be reallocated as follows:

- 250 acres of new Urban Community
- 1,150 acres of Commercial (a 50 acre addition)
- 2,800 acres of Industrial (a 300 acre reduction)

In order to accommodate the proposed residential units as presented in the map amendment, per the recommendations from the Lee County staff report, a reduction in residential allocation from another FLU category and/or planning community would need to be approved.

Based on FDOT's planning level analysis, and consistent with Lee County Department of Transportation's (DOT) analysis (per a letter dated September 21, 2015) from Lee County DOT, the proposed map amendment results in a decrease in P.M. peak hour trips. While FDOT does not have comments relating to the Level of Service of SR 739, the Department does have comments pertaining to access and road impacts. These comments do not form the basis of an objection.

**FDOT Comment #1:**

Access to the property should be coordinated with FDOT's Fort Myers Operation Center (Permitting Department) as early as possible to determine the appropriate connection for any developmental project. Any access to SR 739 will be subject to FDOT permitting process as described in Rules 14-96 and 14-97 FAC.

**FDOT Comment #2:**

Please clarify if the subject area for the proposed Land Use category change is 299± acres or 300± acres. Additionally, please clarify if the total acreage proposed for allocation to unincorporated Residential is 1,023 acres or 1,034 acres. Unfortunately, the acreage varies through the transmittal package.

**FDOT Comment #3:**

FDOT supports the Lee County planning staff in their recommendation to provide an appropriate balance of allocated residential uses through a reduction in residential allocation from another FLU category and/or planning community to offset this increase.

**FDOT Comment #4:**

The proposed amendment site is expected to serve mixed land uses, including residential, commercial, and office. The land uses surrounding the proposed site are primarily residential, industrial, and commercial. In addition, the proposed site is adjacent to SR 739/Michael G. Rippe Parkway, just east of SR 45/US 41/Tamiami Trail (both State transportation facilities), and does not have a transit route along Alico Road or SR/739/Michael G. Rippe Parkway at this time.

In order to promote fewer single vehicle occupancy trips and lessen potential conflicts from the proposed mixed-use development and the surrounding uses, FDOT encourages the applicant to work with Lee County and Lee Tran staff during the development phase to establish a transit route and stop to serve this area.

**FDOT Comment #5:**

FDOT often receives complaints about traffic noise at residences that have been built within very close proximity of a state highway. Such homes often experience hourly equalized noise levels in excess of 66 decibels, the level at which FDOT considers feasibility and reasonableness of noise barriers. Under federal regulation and FDOT policy, FDOT only constructs noise barriers at pre-existing homes built/permitted before the completion of the Project Development and Environment (PD&E) process for future planned highway widenings or for new roadways on new alignments. FDOT does not provide “retro-fit” noise barriers for new/future impacted residences along existing facilities.

Therefore, FDOT strongly encourages developers and permitting agencies to incorporate several proactive mitigative measures in design plans to reduce impacts of highway noise along existing state highways on residences that will be built in the future:

- Depending on traffic volumes and speeds, residences should ideally be set back at least 300-400 feet from the nearest travel lane of the existing/future planned arterial roadways, and greater distances (over 500 feet) from higher speed/higher volume limited access highways like Interstates.
- A solid masonry wall and/or earthen berm that is tall enough to break the line of sight between residences and noise sources (particularly large trucks with high exhaust pipes) is recommended. To reduce traffic noise to acceptable levels at residences, FDOT typically builds walls between 12 and 16 feet high along arterial highways and between 16 and 22 feet high along Interstate highways. Shorter 6- to 8-foot privacy walls as typically constructed by developers do not provide enough noise reduction to meet FDOT policy criteria.
- Vegetation that blocks views of the highway is not an effective noise abatement strategy unless it is tall dense forest hundreds of feet deep (that cannot be seen through). Landscape plantings provide an aesthetic/psychological barrier, but would not adequately replace a wall/berm described above for noise mitigation.

FDOT welcomes an opportunity to collaborate with Lee County to minimize potential future transportation impacts on State and SIS transportation facilities and offers several new initiatives that complement the goals expressed in the County’s Comprehensive Plan,

such as “Complete Streets”<sup>1</sup>, modern roundabouts<sup>2</sup>, and a commitment to bicycle and pedestrian safety<sup>3</sup>.

Thank you for providing FDOT with the opportunity to review and comment on the proposed amendment. If you have any questions please free to contact me at (239) 225-1981 or [sarah.catala@dot.state.fl.us](mailto:sarah.catala@dot.state.fl.us).

Sincerely,



Sarah Catala  
SIS/Growth Management Coordinator  
FDOT District One

CC: *Mr. Ray Eubanks, Florida Department of Economic Opportunity*  
*Ms. Derek Burr, Florida Department of Transportation, Southwest Area Office*

---

<sup>1</sup> <http://www.flcompletestreets.com/>

<sup>2</sup> <http://www.dot.state.fl.us/rddesign/Roundabouts/Default.shtm>

<sup>3</sup> <http://www.alerttodayflorida.com/>



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July 29, 2016

Ms. Mikki Rozdolski  
Planning Manager  
Department of Community Development  
P.O. Box 398  
Fort Myers, Florida 33902-0398

**Re: Lee County CPA2015-00003 / DEO 16-3ESR**

Dear Ms. Rozdolski:

The staff of the Southwest Florida Regional Planning Council has reviewed the proposed amendment (DEO 16-3ESR) 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 amendment and the staff recommendations at its September 15, 2016 meeting. Council staff is recommending that the request be found not regionally significant. Council staff is also recommending that the proposed changes are consistent with the SRPP and do not produce 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**

A handwritten signature in blue ink that reads 'Margaret Wuerstle'.

Margaret Wuerstle, AICP  
Executive Director

MW/DEC  
Attachment

Cc: Mr. Eubanks, Administrator, Plan Review and Processing, Department of Economic Development



## LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS LEE COUNTY

The Council staff has reviewed the proposed evaluation and appraisal based amendments to the Lee County Comprehensive Plan (DEO 16-3ESR). 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>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
DEO 16-3ESR	No	No	No	(1) Not regionally significant (2) Consistent with SRPP

**RECOMMENDED ACTION:**

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

## 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.**

**LEE COUNTY COMPREHENSIVE PLAN AMENDMENT (DEO 16-3ESR)****RECEIVED: JULY 9, 2016****Summary of Proposed Amendment**

Lee County DEO 16-3ESR amends the Future Land Use Map (FLUM) category of 299.01 acres of land from Industrial Development and Wetlands to Urban Community and Wetlands and amends Table 1(b), Year 2030 Allocations, to accommodate more residential development for the Urban Community FLUM category within the Gateway/Airport Planning Community. The subject site is currently 297.2 acres of Industrial Development and 1.8 acres of Wetlands. The site is mostly surrounded by Industrial Development FLU category. Segments of the site are also adjacent to Rural, Open Lands, and Urban Community. Redesignation of these lands will allow up to 1,500 residential dwelling units and 450,000 square feet of commercial and general office uses.

The subject property is in a changing area within the County. The property was previously subject to airport noise zone restrictions that precluded new residential zoning and development, however, in 2007, the Noise Zones for the Southwest Florida International Airport were revised and the subject property is no longer subject to restrictions on residential development due to the noise zone. The revisions were based on changes that followed the actual noise contours. In 2012, the extension of Michael G. Rippe Parkway, aka Metro Parkway, in front of the subject property was completed. The "Metro Extension" changed the access and the visibility of the property. The property is no longer in an obscure location with limited access, but occupies a prominent frontage on this newly constructed north-south corridor. These changing conditions, along with the existing surrounding residential uses, have altered the development circumstances of the subject property and surrounding area along Metro Parkway and Alico Road.

Industrial uses have special locational and infrastructure requirements. The lands within the Industrial Development future land use category along Alico Road are uniquely situated within Lee County relative to nearby transportation networks. The location of the subject property meets the locational requirements and infrastructure needs of industrial developments. The Lee Plan allows for limited light industrial uses in other Future Urban Areas (including Urban Community) if, through the Planned Development rezoning process, compatibility with adjacent uses can be demonstrated. However this does not allow for heavier industrial uses or other development that may be deemed incompatible with residential or commercial uses. Within the Alico Corridor and the Industrial Future Land Use east of the subject property there are approximately 9.3 million SF of Industrial Uses approved without the subject property.

Redesignating these lands will add to the projected deficit of high school capacity as well increase the demand on the Three Oaks Waste Water Treatment Plant, which is expected to exceed its capacity by 2030 without additional capacity improvements. Lee County Utilities is currently conducting a study to identify options for treatment of wastewater flows that are projected to be generated within the Three Oaks WWTP service area.

**Regional Impacts**

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

The Florida Department of Transportation (FDOT) also reviewed this amendment package and determined that the amendment would result in a net decrease in peak-hour trips. Staff agrees with the recommendations set forth in FDOT's attached review of this project.

**Extra-Jurisdictional Impacts**

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

**Conclusion**

No adverse effects on regional resources or facilities and no extra-jurisdictional impacts have been identified. FDOT's recommendations should be followed. Staff finds that this project is not regionally significant.

**Recommended Action**

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



## *Florida Department of Transportation*

RICK SCOTT  
GOVERNOR

10041 Daniels Parkway  
Fort Myers, FL 33913

JIM BOXOLD  
SECRETARY

July 26, 2016

Mr. Brandon Dunn  
Principal Planner  
Lee County Planning Division  
P.O. Box 398  
Fort Myers, Florida 33902-0398

### **RE: Lee County 16-3ESR Proposed Comprehensive Plan Amendment (Expedited State Review Process) – FDOT Comments and Recommendations**

Dear Mr. Dunn:

The Florida Department of Transportation (FDOT), District One, has reviewed the Lee County 16-3ESR, Proposed Comprehensive Plan Amendment (CPA), known locally as CPA2015-03, Dusty Metro. This CPA was transmitted under the Expedited State Review process by the Board of County Commissioners in accordance with the requirements of Florida Statutes (F.S.) Chapter 163.

#### **CPA2015-03, Dusty Metro (Future Land Use Amendment):**

CPA2015-03 is a proposed amendment to the Lee Plan, within the Gateway/Airport Planning Community. This Amendment proposes to redesignate 299± acres (located at the northwest corner of Alico Road and SR 739/Michael G. Rippe Parkway) from the Industrial Development and Wetlands future land use (FLU) categories to the Urban Community and Wetlands FLU categories, and to amend Table 1(b) of the Lee Plan, Year 2030 Allocations, to accommodate additional residential development for the Urban Community future land use category within the Gateway/Airport Planning Community. Residential uses were not initially contemplated within the Gateway/Airport Planning Community.



**Map Amendment:**

According to the Adopted FLU designations and based on the allowed development within the Gateway/Airport Planning Community, the currently adopted “Industrial Development” category would allow for 3,900,000 square feet of industrial uses, which would generate approximately 3,072 p.m. peak-hour trips. Based on the information provided in the staff report, the proposed “Urban Community” category would allow for 450,000 square feet of commercial and general office, and 1,500 residential units, which would generate approximately 2,724 p.m. peak-hour trips, resulting in a net decrease of 348 p.m. peak hour trips.

The following table summarizes the trip generation potential for the currently adopted and proposed land uses for the 299± acres, and the change in trips as a result of the proposed amendment.

**TRIP GENERATION PROPOSED FOR THE AMENDMENT CPA2015-03**

Scenario	Land Use Designation	Land Use Code	Size of Development		PM Peak Hour Trips <sup>1</sup>
			Acres	Allowed Development	Total
Adopted	Industrial Development	130	299.01	3,900,000 s.f.	3,072
<b>Total</b>					<b>3,072</b>
Requested	Commercial	820	299.01	315,000 s.f.	1,292
Requested	General Office	710	299.01	135,000 s.f.	230
Requested	Single Family Residential	210	299.01	1,500 DU	1,202
<b>Total</b>					<b>2,724</b>
<b>Change in Trips</b>					<b>-348</b>

1. Trip generation based on the rates and/or equations obtained in the ITE Trip Generation Manual (9th Edition).

**Text Amendment:**

The proposed text amendment revises Table 1(b) of the LeePlan to reflect the proposed allocation of 300± acres from the Industrial FLU category to Urban Community within the Gateway/Airport Planning Community. According to the currently adopted Table 1(b) Year 2030 Allocation from the Adopted Lee Plan, the Gateway/Airport Planning Community allocates a total of 1,034 acres of unincorporated Residential, 1,100 acres of Commercial and 3,100 acres of Industrial FLUs.

The proposed change will reallocate 300± acres to account for the 299± acres as presented in the proposed FLU map amendment. The 300± acres will be reallocated as follows:

- 250 acres of new Urban Community
- 1,150 acres of Commercial (a 50 acre addition)
- 2,800 acres of Industrial (a 300 acre reduction)



In order to accommodate the proposed residential units as presented in the map amendment, per the recommendations from the Lee County staff report, a reduction in residential allocation from another FLU category and/or planning community would need to be approved.

Based on FDOT's planning level analysis, and consistent with Lee County Department of Transportation's (DOT) analysis (per a letter dated September 21, 2015) from Lee County DOT, the proposed map amendment results in a decrease in P.M. peak hour trips. While FDOT does not have comments relating to the Level of Service of SR 739, the Department does have comments pertaining to access and road impacts. These comments do not form the basis of an objection.

**FDOT Comment #1:**

Access to the property should be coordinated with FDOT's Fort Myers Operation Center (Permitting Department) as early as possible to determine the appropriate connection for any developmental project. Any access to SR 739 will be subject to FDOT permitting process as described in Rules 14-96 and 14-97 FAC.

**FDOT Comment #2:**

Please clarify if the subject area for the proposed Land Use category change is 299± acres or 300± acres. Additionally, please clarify if the total acreage proposed for allocation to unincorporated Residential is 1,023 acres or 1,034 acres. Unfortunately, the acreage varies through the transmittal package.

**FDOT Comment #3:**

FDOT supports the Lee County planning staff in their recommendation to provide an appropriate balance of allocated residential uses through a reduction in residential allocation from another FLU category and/or planning community to offset this increase.

**FDOT Comment #4:**

The proposed amendment site is expected to serve mixed land uses, including residential, commercial, and office. The land uses surrounding the proposed site are primarily residential, industrial, and commercial. In addition, the proposed site is adjacent to SR 739/Michael G. Rippe Parkway, just east of SR 45/US 41/Tamiami Trail (both State transportation facilities), and does not have a transit route along Alico Road or SR/739/Michael G. Rippe Parkway at this time.

In order to promote fewer single vehicle occupancy trips and lessen potential conflicts from the proposed mixed-use development and the surrounding uses, FDOT encourages the applicant to work with Lee County and Lee Tran staff during the development phase to establish a transit route and stop to serve this area.

**FDOT Comment #5:**

FDOT often receives complaints about traffic noise at residences that have been built within very close proximity of a state highway. Such homes often experience hourly equalized noise levels in excess of 66 decibels, the level at which FDOT considers feasibility and reasonableness of noise barriers. Under federal regulation and FDOT policy, FDOT only constructs noise barriers at pre-existing homes built/permitted before the completion of the Project Development and Environment (PD&E) process for future planned highway widenings or for new roadways on new alignments. FDOT does not provide “retro-fit” noise barriers for new/future impacted residences along existing facilities.

Therefore, FDOT strongly encourages developers and permitting agencies to incorporate several proactive mitigative measures in design plans to reduce impacts of highway noise along existing state highways on residences that will be built in the future:

- Depending on traffic volumes and speeds, residences should ideally be set back at least 300-400 feet from the nearest travel lane of the existing/future planned arterial roadways, and greater distances (over 500 feet) from higher speed/higher volume limited access highways like Interstates.
- A solid masonry wall and/or earthen berm that is tall enough to break the line of sight between residences and noise sources (particularly large trucks with high exhaust pipes) is recommended. To reduce traffic noise to acceptable levels at residences, FDOT typically builds walls between 12 and 16 feet high along arterial highways and between 16 and 22 feet high along Interstate highways. Shorter 6- to 8-foot privacy walls as typically constructed by developers do not provide enough noise reduction to meet FDOT policy criteria.
- Vegetation that blocks views of the highway is not an effective noise abatement strategy unless it is tall dense forest hundreds of feet deep (that cannot be seen through). Landscape plantings provide an aesthetic/psychological barrier, but would not adequately replace a wall/berm described above for noise mitigation.

FDOT welcomes an opportunity to collaborate with Lee County to minimize potential future transportation impacts on State and SIS transportation facilities and offers several new initiatives that complement the goals expressed in the County’s Comprehensive Plan,

such as “Complete Streets”<sup>1</sup>, modern roundabouts<sup>2</sup>, and a commitment to bicycle and pedestrian safety<sup>3</sup>.

Thank you for providing FDOT with the opportunity to review and comment on the proposed amendment. If you have any questions please free to contact me at (239) 225-1981 or [sarah.catala@dot.state.fl.us](mailto:sarah.catala@dot.state.fl.us).

Sincerely,



Sarah Catala  
SIS/Growth Management Coordinator  
FDOT District One

CC: *Mr. Ray Eubanks, Florida Department of Economic Opportunity*  
*Ms. Derek Burr, Florida Department of Transportation, Southwest Area Office*

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<sup>1</sup> <http://www.flcompletestreets.com/>

<sup>2</sup> <http://www.dot.state.fl.us/rddesign/Roundabouts/Default.shtm>

<sup>3</sup> <http://www.alerttodayflorida.com/>

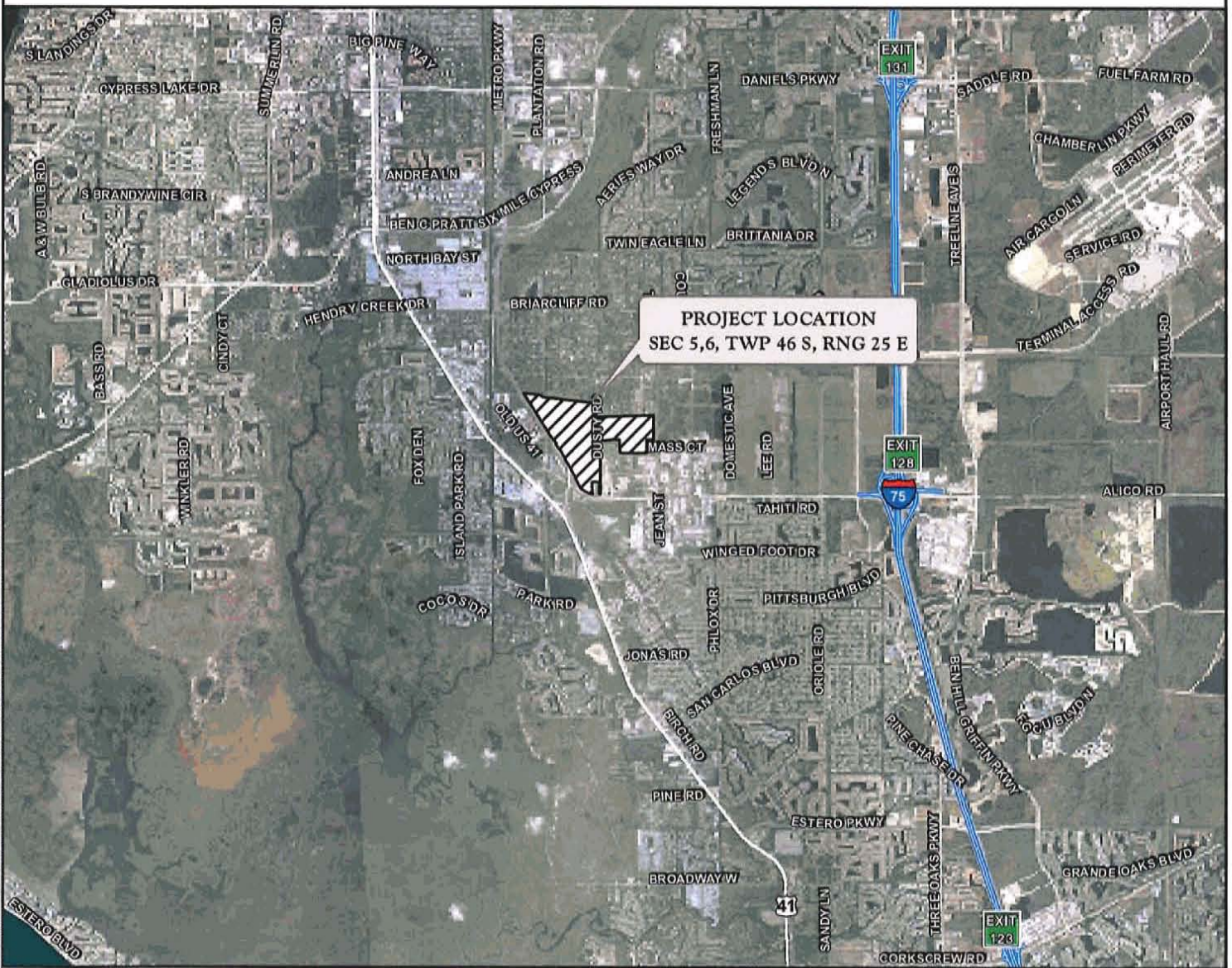
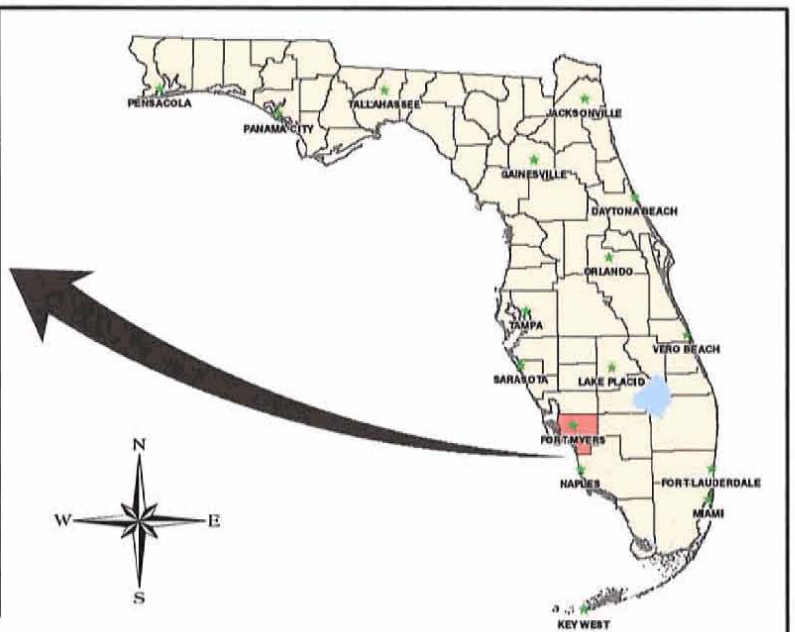
# MAPS

**Lee County**

**DEO 16-3ESR**

**Growth Management Plan**

**Comprehensive Plan Amendment**



J:\2014\11\22\2431013\2014 Environmental Assessment\Figures\Figure 1 Project Location Map.mxd - 11/26/2014 @ 2:07:03 PM

**FIGURE 1. PROJECT LOCATION MAP  
METRO PARCEL**

DRAWN BY	DATE
D.B.	11/4/14
REVIEWED BY	DATE
A.W.	11/4/14
REVISED	DATE





PROJECT:  
**DUSTY / METRO**

ADDRESS:

DEVELOPER:

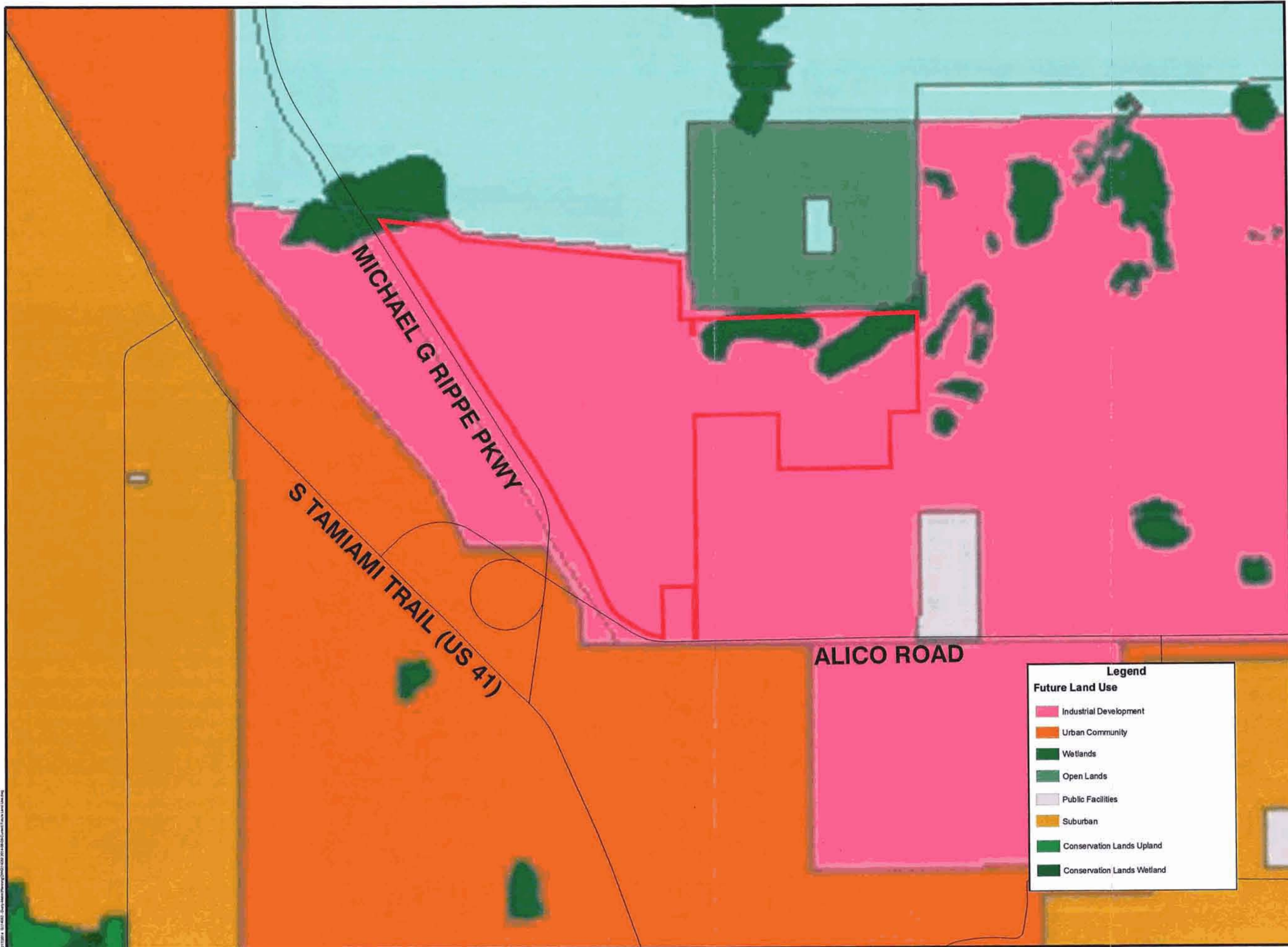
CONSULTANT:

**MORRIS DEPEW**  
ENGINEERS • PLANNERS • SURVEYORS  
LANDSCAPE ARCHITECTS  
FL CA NO. 8102 / FL CERT NO. 13688 / LC20000340

<b>Fort Myers</b> 2801 Center Plaza Drive Unit 100 Fort Myers, Florida 33916 Phone: 937-9900 Fax: 937-337-3004 Toll free: 800-337-7341	<b>Tallahassee</b> 227 Office Plaza Suite 118 Tallahassee, Florida 32301 (904) 254-6900
<b>Galveston</b> 414 SW 140th Terrace Suite 100 Hollywood, FL 33060 (352) 376-3400	<b>Destin</b> 755 Grand Boulevard Suite B105-152 Miramar Beach, FL 32550 Toll free: 800-337-7341

SEAL:

REVISIONS	DATE
PROJECT MANAGER:	TME
DRAWING BY:	ALR
JURISDICTION:	Lee County
DATE:	08/06/2014
TITLE:	<b>AERIAL</b>
SHEET NUMBER:	P-1
<p>SCALE 1"=500'</p>	
JOB/FILE NUMBER:	14052



PROJECT:  
**DUSTY / METRO**

ADDRESS:

DEVELOPER:

CONSULTANT:

**MORRIS DEPEW**  
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<b>Fort Myers</b> 2881 Center Pointe Drive Unit 100 Fort Myers, Florida 33918 (239) 337-0000 Fax: (239) 337-0864 Toll free: 888-537-7341	<b>Tallahassee</b> 337 Office Plaza Suite 113 Tallahassee, Florida 32301 (904) 224-0668
<b>Gainesville</b> 414 SW 140th Terrace Suite 100 Hawthorn, FL 32640 (352) 519-3450	<b>Destin</b> 756 Grand Boulevard Suite B105-112 Miramar Beach, FL 32550 Toll free: 888-537-7341

SEAL:

REVISIONS	DATE

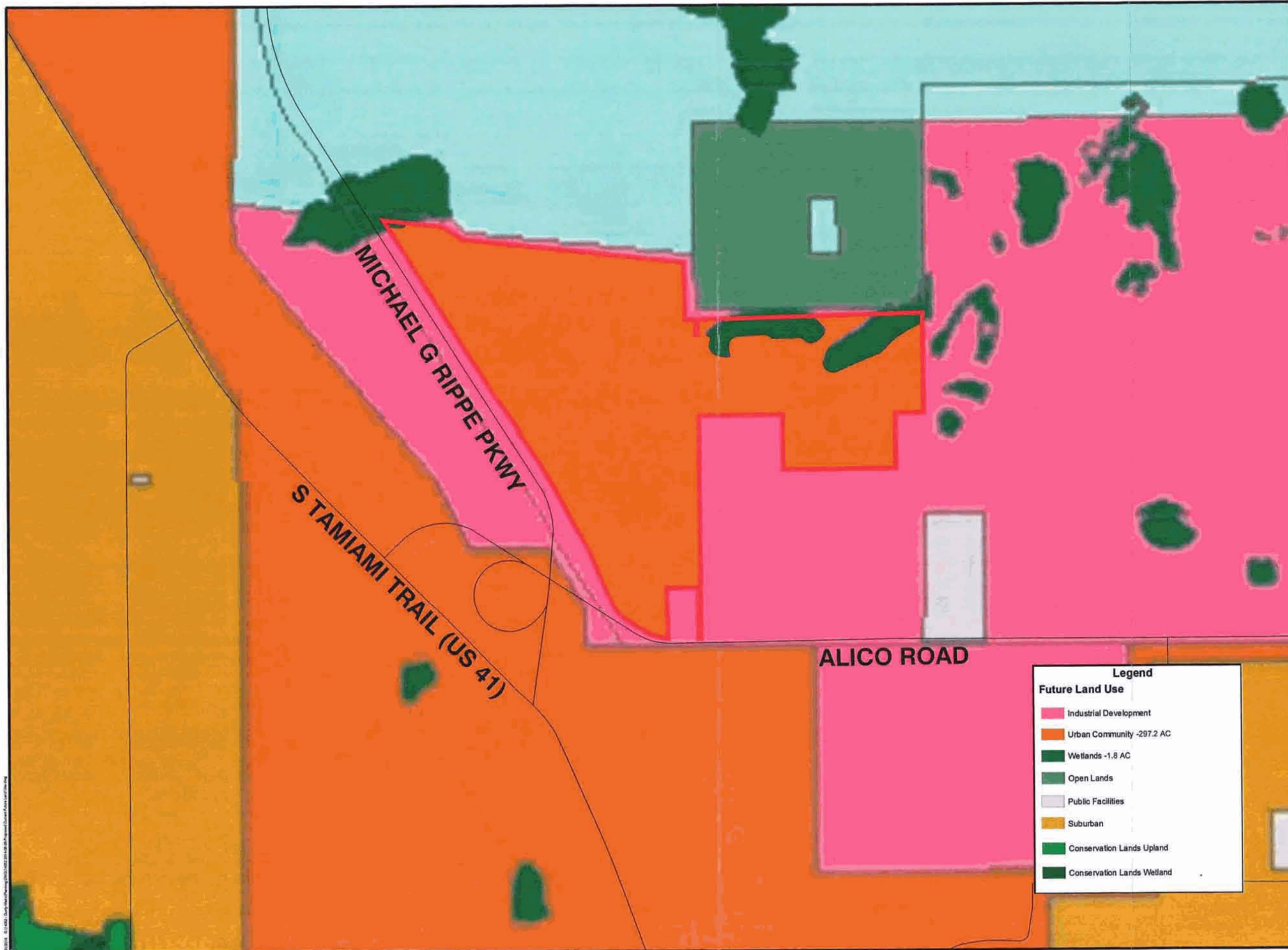
PROJECT MANAGER: TME  
DRAWING BY: ALR  
JURISDICTION: Lee County  
DATE: 08/08/2014

TITLE: **CURRENT FUTURE LAND USE**

SHEET NUMBER: P-1

JOB/FILE NUMBER: 14052

12/2014 1:50 AM 14052 - Dusty Metro Planning District 2014 08/08/2014 Current Future Land Use Map



**Legend**

**Future Land Use**

- Industrial Development
- Urban Community -297.2 AC
- Wetlands -1.8 AC
- Open Lands
- Public Facilities
- Suburban
- Conservation Lands Upland
- Conservation Lands Wetland

PROJECT:

# DUSTY / METRO



CONSULTANT:

**MORRIS DEPEW**

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<p><b>Galveston</b> 414 SW 140th Terrace Suite 100 Newberry, FL 32069 (352) 578-3450</p>	<p><b>Destin</b> 755 Grand Boulevard Suite 0105-102 Miramar Beach, FL 32550 Toll free: 866-337-7341</p>

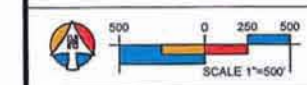


REVISIONS	DATE

PROJECT MANAGER: TME  
 DRAWING BY: ALR  
 JURISDICTION: Lee County  
 DATE: 06/06/2014

TITLE:  
**PROPOSED FUTURE LAND USE**

SHEET NUMBER: P-1

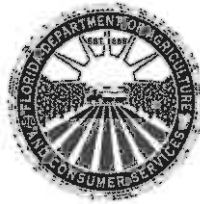


JOB/FILE NUMBER: 14052

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

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

---

August 4, 2016

VIA US EMAIL (bdunn@leegov.com)

Lee County department of Community Development  
Planning Section  
Mr. Mikki Rozdolski  
Post Office Box 398  
Fort Myers, Florida 33902-0398

Re: DACS Docket # -- 20160712-779  
Lee County CPA2015-00003  
Submission dated June 30, 2016

Dear Mr. Rozdolski:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on July 12, 2016 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". The signature is fluid and cursive, with the first name being the most prominent.

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

cc: Florida Department of Economic Opportunity  
(SLPA #: Lee County 16-3 ESR)



**Florida Fish  
and Wildlife  
Conservation  
Commission**

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August 4, 2016

Brandon Dunn, Principal Planner  
Lee County Planning Section  
P.O. Box 398  
Fort Myers, Florida 33902-0398  
[bdunn@leegov.com](mailto:bdunn@leegov.com)

RE: Proposed Comprehensive Plan Amendment, 16-3ESR (CPA2015-00003), Lee County

Dear Mr. Dunn:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the above referenced comprehensive plan amendment package and provides the following recommendations for your consideration in accordance with Chapter 163.3184, Florida Statutes. While we have no objections to the amendment, we offer the following information as technical assistance during your review.

### **Amendment Description**

This comprehensive plan amendment proposes to amend the Future Land Use Map on 299 acres from the Industrial Development and Wetland Future Land Use (FLU) categories, to the Urban Community and Wetlands FLU categories to support future residential development. The 299-acre site, known as "Dusty Metro" is located at the northeast corner of Alico Road and Michael G. Rippe Parkway in the Fort Myers area. The dominant land covers on the site consist of 131.78 acres of improved pasture, 59.62 acres of industrial land, 45.50 acres of woodland pastures, 16.15 acres of pine, 6.69 acres of hardwood/conifer mixed, 6.12 acres of residential land, and 5.19 acres of mixed wetland forest.

### **Potentially Affected Resources**

According to the *Metro Parcel Environmental Assessment for Lee County Comprehensive Plan Amendment* (January 2015) by Morris-Depew Associates, Inc. a wildlife survey was conducted by Passarella & Associates in November 2014. Based on the results of this survey, 53 gopher tortoise burrows were observed on site. The Environmental Assessment also indicated that the wood stork, Everglades snail kite, eastern indigo snake and Big Cypress fox squirrel could potentially occur on the subject parcel.

In addition to the information included in application package, FWC staff conducted a geographic information system (GIS) analysis of the project area. Our analysis found that this site is located near, within, or adjacent to potential habitat or occurrence locations for:

- U.S. Fish and Wildlife Service Consultation Area for the:
  - Florida scrub-jay (*Aphelocoma coerulescens*, Federally Threatened [FT])
  - Wood stork (*Mycteria americana*, FT)
  - Florida bonneted bat (*Eumops floridanus*, Federally Endangered [FE])
  - Everglades snail kite (*Rostrhamus sociabilis plumbeus*, FE)
  - Eastern indigo snake (*Drymarchon couperi*, FT)
  
- Potential habitat for the:
  - Florida black bear (*Ursus americanus floridanus*) – South Bear Management Unit
  - Big Cypress fox squirrel (*Sciurus niger avicennia*, State Threatened [ST])
  - Gopher tortoise (*Gopherus polyphemus*, ST)

## Comments and Recommendations

### Wildlife Surveys

In the event that planning for development of the site moves forward, FWC staff recommends additional listed species-specific surveys be completed prior to any additional clearing or development activities. Species-specific wildlife surveys are time sensitive, and FWC staff recommends that all wildlife surveys follow established survey protocols approved by the USFWS and the FWC and occur at the appropriate time of year. Surveys should also be conducted by qualified biologists with recent documented experience for each potential species. Basic guidance for conducting wildlife surveys may be found in the Florida Wildlife Conservation Guide (FWCG) at <http://myfwc.com/conservation/value/fwcg/>.

### Florida black bear

The FWC has received 53 reports of human-bear conflicts black bears within roughly a 5-mile radius of the project site since 2010 (compilation of FWC data 1980-2015) and the Florida black bear has the potential to occur within and around the project area. The site is located within the South Bear Management Unit as designated by the 2012 Bear Management Plan. While black bears that live in remote areas tend to shy away from people, they are adaptable and will take advantage of human-provided food sources. Once bears become accustomed to finding food around people, their natural wariness is reduced to the point that there can be an increased risk to public safety or private property. There are measures that can be taken to prevent or reduce conflicts with bears during development activities:

- placement of conservation areas on the periphery rather than through/throughout the developed area whenever feasible,
  
- roadway hazard reduction measures, such as:
  - reducing vehicle speeds at dusk and dawn

- reducing vehicle speed in areas where forest habitat is close on both sides of the roadway
- using roadway fencing and wildlife crossings where feasible
- best management practices to follow during construction:
  - Requiring clean construction sites with wildlife-resistant containers for workers to use for food-related and other wildlife attractant refuse
  - Requiring frequent trash removal and the use of proper food storage and removal on work sites.

If the site will have residential or commercial facilities, property owners should provide information on how to avoid human-bear conflicts, which is also found on the bear management website. Information should include guidelines for responding to bears in the area and deterrent measures, such as:

- Bear-resistant garbage containers,
- Place residential garbage on the curb the morning of pick-up (rather than the night before),
- Remove or secure bird and wildlife feeders,
- Use electric fencing to secure outdoor attractants like fruiting trees/shrubs, gardens, and small livestock,
- Secured composting methods,
- Secured pet food, and
- Clean and secure barbeque grills.

FWC staff is available to assist with commercial or residential planning to incorporate the above features. Additional information about Florida black bears can be found on our website at <http://www.myfwc.com/wildlifehabitats/managed/bear>.

#### Big Cypress Fox Squirrel

Big Cypress fox squirrel (BCFS) may nest in the cypress habitats found onsite. Big Cypress fox squirrels typically nest between October and February and from April to August. Surveys should be conducted prior to clearing and development activities to locate any BCFS nests that may be present. Kellam et al. (2013) provides recommendations for survey techniques to detect presence of the Big Cypress fox squirrel and its nests. If fox squirrel nests are found onsite, the applicant should maintain at least a 125-foot distance from the nest. It is important to recognize that BCFS will use nests that appear both active and inactive. If it will be necessary to remove a nest tree or work within 125 feet of a nest tree, the applicant should coordinate with FWC staff identified below to discuss permitting alternatives. Additional information can be found in the species action plan for the BCFS at <http://myfwc.com/media/2738253/Big-Cypress-Fox-Squirrel-Species-Action-Plan-Final-Draft.pdf>.

#### Gopher Tortoise

A Wildlife Survey conducted by Passarella & Associates in November 2014, found 53 potentially active gopher tortoise burrows on site. Due to the previously documented presence of gopher tortoises on site, we recommend that the applicant refer to the FWC's

Gopher Tortoise Permitting Guidelines (Revised February 2015) (<http://myfwc.com/license/wildlife/gopher-tortoise-permits/>) for survey methodology and permitting guidance prior to construction. Survey methodologies require a burrow survey covering a minimum of 15 percent of potential gopher tortoise habitat to be impacted by development activities; including staging areas (refer to Appendix 4 in the Gopher Tortoise Permitting Guidelines for additional information). Specifically, the permitting guidelines include methods for avoiding impacts as well as options and state requirements for minimizing, mitigating, and permitting potential impacts of the proposed activities. Any commensal species observed during burrow excavations should be handled in accordance to Appendix 9 of the Gopher Tortoise Permitting Guidelines.

#### Federal Species

The *Environmental Assessment* indicates the potential for several federally listed species to use habitat within the project area. We recommend the applicant coordinate with the USFWS South Florida at (772) 562-3909 if impacts to federally listed species are anticipated.

The comments provided above are intended to assist the County and the applicant in fulfilling the requirements of Objective 107.3: Wildlife, and Objective 107.4: Endangered and Threatened Species in General, of the Conservation and Coastal Management Element of the Lee County Comprehensive Plan.

We look forward to working with the applicant and Lee County as the proposed development plans move forward. FWC staff remains available to provide technical assistance to the County and the applicant on measures to avoid and minimize potential impacts to fish and wildlife species and their habitats. 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](mailto:FWCConservationPlanningServices@MyFWC.com). If you have specific technical questions regarding the content of this letter, please contact Alex Gramovot at (850) 617-9408 or by email at [Alex.Gramovot@MyFWC.com](mailto:Alex.Gramovot@MyFWC.com).

Sincerely,



Jennifer D. Goff  
Land Use Planning Program Administrator  
Office of Conservation Planning Services

jdg/adg

ENV 1  
Lee County 16-3ESR\_31262\_080416

cc: Ray Eubanks, Administrator Florida Department of Economic Opportunity  
[ray.eubanks@deo.myflorida.com](mailto:ray.eubanks@deo.myflorida.com)

[DCPextemalagencycomments@deo.myflorida.com](mailto:DCPextemalagencycomments@deo.myflorida.com)

### **Reference Cited**

Kellam, J., D. Jansen, A. Johnson, and R. Arwood. 2013. Big Cypress fox squirrel home range and habitat use in cypress dome swamp and pine forest mosaic habitats.

Final report. National Park Service, Big Cypress National Preserve, Ochopee, FL. 27 pp. Available at <http://www.nps.gov/bicy/naturescience/upload/Kellam-et-al->

2013-Big-Cypress-Fox-Squirrel-Home-Range-and-Habitat-Use-in-Cypress  
Dome-Swamp-and-Pine-Forest-Mosaic-Habitats -REVISED-March-20 14.pdf

## Dunn, Brandon

---

**From:** Ray, Suzanne E. [Suzanne.E.Ray@dep.state.fl.us]  
**Sent:** Wednesday, August 10, 2016 10:45 AM  
**To:** Dunn, Brandon; DCPexternalagencycomments  
**Subject:** Lee County 16-3ESR Proposed

To: Brandon Dunn, Principal Planner

Re: Lee County 16-3ESR – Expedited Review of Proposed Comprehensive Plan Amendment

**\*Please note the new contact information below.**

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.

Feel free to contact me at [Suzanne.e.ray@dep.state.fl.us](mailto:Suzanne.e.ray@dep.state.fl.us) or (850) 717-9037 for assistance or additional information. Please send all amendments, both proposed and adopted, to [plan.review@dep.state.fl.us](mailto:plan.review@dep.state.fl.us) or

Florida Department of Environmental Protection  
Office of Intergovernmental Programs, Plan Review  
2600 Blair Stone Rd. MS 47  
Tallahassee, Florida 32399-2400

