

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

July 24, 2017

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

Dear Chairman Manning:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Lee County (Amendment No. 17-5ESR), which was received on June 30, 2017. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department's authorized scope of review that will be adversely impacted by the amendment if adopted.

We are, however, providing a technical assistance comment consistent with Section 163.3168(3), F.S. The technical assistance comments will not form the basis of a challenge. They are offered as suggestions which can strengthen the County's comprehensive plan in order foster a vibrant, healthy community.

Technical Assistance Comment (Commercial future land use category): The proposed amendment to Future Land Use Element Policy 1.1.10 deletes the maximum intensity of use standard from the Commercial future land use category. The future land use category should retain a maximum intensity of use standard in order to continue having meaningful and predictable standards.

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

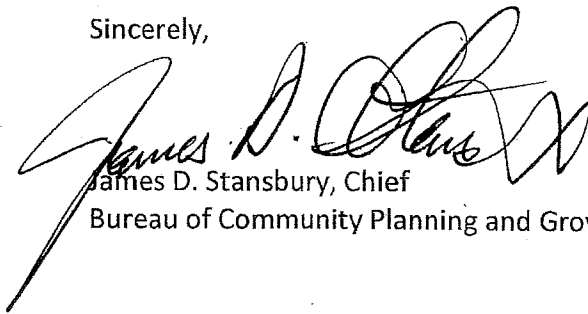
Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
[www.twitter.com/FLDEO](https://twitter.com/FLDEO) | www.facebook.com/FLDEO

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

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

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/sr

Enclosure: Procedures for Adoption

cc: David Loveland, Director, Lee County Department of Community Development
Margaret Wuerstle, Executive Director, Southwest Florida Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

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

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ Department of Economic Opportunity identification number for adopted amendment package;

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

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

_____ Ordinance number and adoption date;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OFFICE OF THE COMMISSIONER
(850) 617-7700



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

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

July 6, 2017

VIA EMAIL (bdunn@leegov.com)

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

Re: DACS Docket # -- 20170628-947
Lee County CPA2015-00010; CPA2017-00001
Submission dated June 28, 2017

Dear Mr. Dunn:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on June 28, 2017 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 850-410-2280.

Sincerely,

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

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

cc: Florida Department of Economic Opportunity
(SLPA #: Lee County 17-5 ESR)

Jenkins-Owen, Sharon

From: Dunn, Brandon
Sent: Wednesday, July 12, 2017 9:22 AM
To: Miller, Janet; Simpson, Cheryl
Cc: Rozdolski, Mikki; Jenkins-Owen, Sharon
Subject: FW: Lee County 17-5ESR (CPA2015-00010 & CPA2017-00001)

From: Hight, Jason [<mailto:Jason.Hight@MyFWC.com>]
Sent: Wednesday, July 12, 2017 9:18 AM
To: DCPexternalagencycomments@deo.myflorida.com; Dunn, Brandon
Cc: Keltner, James; Wallace, Traci; Chabre, Jane
Subject: Lee County 17-5ESR (CPA2015-00010 & CPA2017-00001)

Dear Mr. Dunn:

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

If you need any further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or by email at FWCConservationPlanningServices@MyFWC.com. If you have specific technical questions, Jim Keltner at (239) 332-6972 x9209 or by email at James.Keltner@MyFWC.com.

Thank you,

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

Lee County 17-5ESR_33451

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

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



Florida Department of Transportation

RICK SCOTT
GOVERNOR

10041 Daniels Parkway
Fort Myers, FL 33913

MIKE DEW
SECRETARY

July 21, 2017

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

RE: Lee County 17-5ESR Proposed Comprehensive Plan Amendment (Expedited State Review Process) – FDOT Technical Assistance Comments

Dear Mr. Dunn:

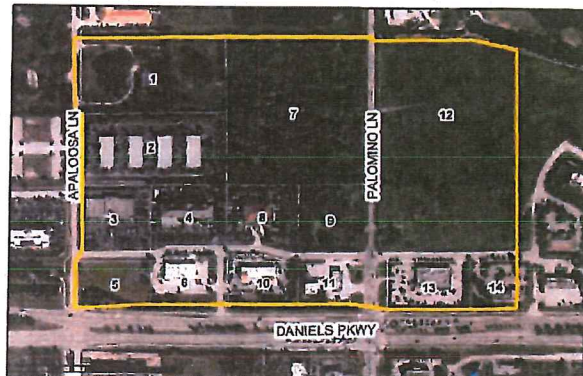
The Florida Department of Transportation (FDOT), District One, has reviewed the Lee County 17-5ESR Proposed Comprehensive Plan Amendment (CPA). The CPA proposal package was transmitted under the Expedited State Review process by the Lee County Board of County Commissioners in accordance with the requirements of Florida Statutes Chapter 163. FDOT offers the following technical assistance comments.

The Lee County 17-5ESR Proposed CPA includes two independent CPAs locally known as CPA 2015-00010 (Apaloosa Lane) and CPA 2017-00001 (Growth Management). Following is a summary of both amendments.

CPA 2015-00010 (APALOOSA LANE)

CPA 2015-00010 is a County-Initiated Text and Map Amendment to the Lee Plan, including:

1. Amending the Lee Plan Future Land Use Map (FLUM) to designate 59.72+/- acres from the Outlying Suburban (OUT-SUB) FLUM category to the General Interchange (GEN-INT) FLUM category, on property generally located along the north side of Daniels Parkway on both sides of Palomino Lane, extending to Apaloosa Lane.
2. Amending Table 1(b), Year 2030 Allocations, to accommodate additional residential development in the GEN-INT FLU category within the Daniels Parkway Planning Community.



The currently adopted OUT-SUB FLU designation allows up to three dwelling units (DUs) per acre, resulting in 179 single-family residential DUs. The 179 DUs generates approximately 1,794 daily trips or 177 p.m. peak hour trips. The proposed GEN-INT allows up to 22 DUs per acre, resulting in 1,313 multi-family residential DUs. The 1,313 DUs would generate approximately 8,080 daily trips or 740 p.m. peak hour trips; resulting in a net increase of 6,286 daily trips or 563 p.m. peak hour trips.

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

TRIP GENERATION COMPARISON

Scenario	Land Use Designation	Maximum Allowed Density / Intensity	Land Use Code	Size of Development		Daily Trips ¹	PM Peak Hour Trips ¹
				Acres	Allowed Development		
Adopted	RES-SF	3 DUs/Acre	210	59.72	179 DUs	1,794	177
Proposed	RES-MF	22 DUs/Acre	220	59.72	1,313 DUs	8,080	740
Change in Trips						+6,286	+563

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

As seen in the following tables, a planning level analysis was prepared to establish whether State roadways in the vicinity of the project will operate at their adopted level of service (LOS) standards during the existing (2016), short-term (2022), and long-term (2040) horizon year conditions.

YEAR 2016 EXISTING ROADWAY CONDITIONS

Roadway	From	To	SIS/E-SIS?	LOS Std. ¹	2016 Daily Conditions				
					No. of Lanes	Service Volume	Volume ²	LOS	Acceptable?
Daniels Pkwy/SR 876	W. of I-75	E. of Rest Area	No	D	6	62,895	53,000	C	Yes
I-75	Alico Rd	Terminal Access Rd	Yes	D	6	151,800 ³	98,964	B	Yes
I-75	Terminal Access Rd	Daniels Pkwy	Yes	D	6	131,800 ³	98,964	C	Yes
I-75	Daniels Pkwy	SR 884/CR 884/Colonial Blvd	Yes	D	6	111,800	90,000	C	Yes

1. Adopted LOS Standard obtained from Lee County.
2. 2016 Volumes obtained from 2016 FDOT District One LOS Spreadsheet.
3. Includes Auxiliary Lanes.

YEAR 2022 SHORT-TERM HORIZON ROADWAY CONDITIONS

Roadway	From	To	2022 Daily Conditions (E+C)								
			No. of Lanes ¹	LOS Std. ²	Service Volume	Back-ground Volume ³	Project Distribution ⁴	Project Trips	Total Volume	LOS	Acceptable?
Daniels Pkwy/SR 876	W. of I-75	E. of Rest Area	6	D	62,895	59,889	45.0%	2,829	62,718	D	Yes
I-75	Alico Rd	Terminal Access Rd	6	D	151,800 ⁵	110,126	20.0%	1,257	111,383	C	Yes
I-75	Terminal Access Rd	Daniels Pkwy	6	D	131,800 ⁵	110,126	20.0%	1,257	111,383	C	Yes
I-75	Daniels Pkwy	SR 884/CR 884/Colonial Blvd	6	D	111,800	96,471	20.0%	1,257	97,728	D	Yes

1. Number of Lanes (based on E+C Condition) obtained from 2016 FDOT District One LOS Spreadsheet.
2. Adopted LOS Standard obtained from Lee County.
3. The short-term planning horizon year 2022 background volume was obtained based on interpolation between 2016 and 2040 volumes.
4. Project Trip Distribution was obtained from the traffic study provided by the Applicant.
5. Includes Auxiliary Lanes.

YEAR 2040 LONG-TERM HORIZON ROADWAY CONDITIONS

Roadway	From	To	2040 Daily Conditions								
			No. of Lanes ¹	LOS Std. ²	Service Volume	Back-ground Volume ³	Project Trip Distribution ⁴	Project Trips	Total Volume	LOS	Acceptable?
Daniels Pkwy/SR 876	W. of I-75	E. of Rest Area	6	D	62,895	80,557	45.0%	2,829	83,386	F	No
I-75	Alico Rd	Terminal Access Rd	6	D	151,800 ⁵	143,613	20.0%	1,257	144,870	D	Yes
I-75	Terminal Access Rd	Daniels Pkwy	6	D	131,800 ⁵	143,613	20.0%	1,257	144,870	F	No
I-75	Daniels Pkwy	SR 884/CR 884/Colonial Blvd	6	D	111,800	115,884	20.0%	1,257	117,141	E	No

1. Number of Lanes from 2040 District One Regional Planning Cost Feasible Model.
2. Adopted LOS Standard obtained from Lee County.
3. The long-term planning horizon year 2040 background volume was obtained based on an average of 2040 model volumes and 2040 historical trend volumes.
4. Project Trip Distribution was obtained from the traffic study provided by the Applicant.
5. Includes Auxiliary Lanes.

Based on the planning level analysis, the segments of Daniels Parkway/SR 876 from West of I-75 to East of Rest Area, and I-75 from Terminal Access Road to SR 884/CR 884/Colonial Boulevard, are expected to operate below acceptable levels of service (LOS) during the long-term (2040), without the proposed CPA.

FDOT notes that Daniels Parkway from I-75 to Metro Parkway (which includes a portion of the State segment) is designated as a constrained roadway (Lee Plan Table 2(a)). Pursuant to Lee Plan Policy 95.1.3(7) and Policy 37.2.2, a maximum volume-to-capacity (v/c) ratio of 1.85 is established for the constrained roads identified in Table 2(a) that lie in the unincorporated area. Based on the planning level analysis, Daniels Parkway from west of I-75 to Fiddlesticks Boulevard/Palomino Lane is estimated to have a V/C of 1.28 without the proposed CPA, and a V/C of 1.33 with the proposed CPA. Moreover, the project trips along the above mentioned segment account for approximately 4.50% of the roadway capacity, and are considered insignificant.

FDOT also notes that the segment of I-75 from Collier County Line to Luckett Road has been identified as a needed widening project from six lanes to eight lanes in the Lee County MPO 2040 Long Range Transportation Plan (LRTP). In addition, the project trips along the I-75 segments from Terminal Access Road to SR 884/CR 884/Colonial Boulevard, range from 0.95% to 1.12% of the roadway capacity in year 2040, and are considered insignificant.

FDOT Technical Assistance Comment #1:

As noted earlier, the approximately 1,257 daily trips being added to I-75 account for approximately 0.95% to 1.12% of the adopted LOS Standard service volume, which does not adversely impact I-75. Although the new trips do not create an adverse impact on I-75, the trips associated with CPA 2015-00010 (Apaloosa Lane) are considered to be local in nature. These local trips contribute to, and further exacerbate the long-term failure of I-75 by competing with long distance and regional trips. The Department encourages the development of a multimodal strategy which will facilitate alternative local transportation networks that connect residential and non-residential uses without affecting larger systems.

FDOT Technical Assistance Comment #2:

The new development associated with the CPA 2015-00010 (Apaloosa Lane) is expected to serve residential development. In an effort to reduce personal automobile trips on State and SIS transportation facilities, minimizing potential transportation impacts, State roadways are planned, designed and constructed in harmony with the surrounding land use characteristics. This context sensitive approach promotes healthy, safe, and economically viable communities that encourages quality of life, incorporating all modes of transportation. FDOT offers several initiatives to assist the County in creating quality developments while protecting future mobility on the regional roadway network. These include "Complete Streets"¹, modern roundabouts², and a commitment to bicycle and pedestrian safety³. FDOT welcomes the opportunity to partner with, and provide technical assistance to Lee County, to create multimodal transportation facilities to serve all users.

¹ <http://www.flcompletestreets.com/>

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

³ <http://www.alerttodayflorida.com/>

FDOT Technical Assistance Comment #3:

FDOT offers no comments on the Text Amendment associated with CPA 2015-00010 (Apalooosa and Palomino Lane), which amend Table 1(b), Year 2030 Allocations, to accommodate additional residential development in the General Interchange future land use category within the Daniels Parkway Planning Community.

CPA 2017-00001 (GROWTH MANAGEMENT):

CPA 2017-00001 (Growth Management) is a County-initiated Text Amendment that proposes to amend the Lee Plan to align land use and transportation policies. The amendments that deal with land use clarify existing requirements; reorganize the goals, objectives, and policies to group topics such as development standards, growth management, and mixed use; and provide for alternative development regulations that allow for urban forms of development within the Mixed-Use Overlay. The amendments that address transportation reduce redundancies, align with state statutes, recognize a multi-modal transportation network; and allow for different roadway cross sections based on location (requires amendment to Land Development Code).

The proposed text amendments associated with CPA 2017-00001 (Growth Management) do not change allowable densities and intensities within the Lee Plan, and allows for the implementation of mixed-used, compact developments that follow context-sensitive design principles that encourage bicycle/pedestrian and transit use. As a result, FDOT offers no comments on CPA 2017-00001.

Thank you for providing FDOT with the opportunity to review and comment on the proposed amendments. If you have any questions or need to discuss these comments further, please contact me at (239) 225-1981 or 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

Miller, Janet

From: Dunn, Brandon
Sent: Monday, July 24, 2017 4:25 PM
To: Rozdolski, Mikki; Jenkins-Owen, Sharon; Miller, Janet; Simpson, Cheryl
Subject: FW: Lee County 17-5ESR Proposed

FYI...

Brandon D. Dunn, Principal Planner
Lee County Department of Community Development
Planning Section
bdunn@leegov.com
239.533.8585

From: Plan_Review [<mailto:Plan.Review@dep.state.fl.us>]
Sent: Monday, July 24, 2017 2:06 PM
To: Dunn, Brandon; DCPexternalagencycomments
Cc: Plan_Review
Subject: Lee County 17-5ESR Proposed

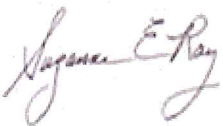
To: Brandon Dunn, Principal Planner

Re: Lee County 17-5ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

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

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

Please submit all future amendments by email to plan.review@dep.state.fl.us. If your submittal is too large to send via email or if you need other assistance, contact Suzanne Ray at (850) 717-9037.



Miller, Janet

From: Dunn, Brandon
Sent: Monday, July 24, 2017 10:19 AM
To: Miller, Janet; Rozdolski, Mikki; Simpson, Cheryl; Jenkins-Owen, Sharon
Subject: FW: Lee County, DEO #17-5ESR Comments on Proposed Comprehensive Plan Amendment Package

Here is correspondence from SFWMD for Apaloosa and Growth Management.

Brandon D. Dunn, Principal Planner
Lee County Department of Community Development
Planning Section
bdunn@leegov.com
239.533.8585

From: Oblaczynski, Deborah [<mailto:doblaszy@sfwmd.gov>]
Sent: Monday, July 24, 2017 9:17 AM
To: Rozdolski, Mikki
Cc: Dunn, Brandon; Ray Eubanks (DCPexternalagencycomments@deo.myflorida.com); Brenda Winningham (brenda.winningham@deo.myflorida.com); ext-Wuerstle, Margaret (swfrpc.org)
Subject: Lee County, DEO #17-5ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Ms. Rozdolski

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Lee County (County). The amendment package includes one map amendment and text amendments to the Lee Plan. The proposed changes do not appear to adversely impact the water resources in this area; therefore, the District has no comments on the proposed amendment package.

The District offers technical assistance to the County 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 doblaszy@sfwmd.gov