



LEE COUNTY BOARD OF COUNTY COMMISSIONERS

LEE COUNTY ZONING HEARING

and

COMPREHENSIVE PLAN AGENDA

Wednesday, December 20, 2017

9:30AM

DCI2017-00008
Z-17-024

HERITAGE GULF LAKES

DCI2017-00007
Z-17-027

ISLAND STORAGE SUITES IPD

CPA2016-00007

TIMBER CREEK

DCI2016-00015
Z-17-019

TIMBER CREEK

CPA2016-00009

VERDANA

NOTICE OF PUBLIC HEARING

The Lee County Board of County Commissioners will hold a public hearing at 9:30 am on Wednesday, December 20, 2017 in the Board Chambers at 2120 Main St., Ft. Myers, FL, to review the written recommendations made by the Hearing Examiner and make a final decision on the cases below.

DCI2017-00008 / HERITAGE GULF LAKES

Amend the existing Mixed-Use Planned Development (MPD) to increase commercial intensity from 30,000 to 85,000 square feet and add an access point to Pine Ridge Road from the multiple-family residential area.

Located at 16851 Pine Ridge Rd., Iona/McGregor Planning Community, Lee County, FL.

DCI2017-00007 / ISLAND STORAGE SUITES IPD

Rezone 8.95± acres from Commercial (C-1A) and Residential Multiple-Family (RM-2) to Industrial Planned Development (IPD) to allow two optional development plans: 112,000 square feet maximum of hybrid warehouse, public and mini-warehouse uses and a maximum 14,000 square feet on a one-acre outparcel; or a maximum of 125,800 square feet of hybrid warehouse, public and mini-warehouse uses. Maximum height requested is 35 feet.

Located at 10950 Old South Way, Iona/McGregor Planning Community, Lee County, FL.

DCI2016-00015 / TIMBER CREEK

Rezone 695± acres from Agricultural (AG-2) to Residential Planned Development (RPD) on 655± acres with a maximum of 1,315 dwelling units; and Mixed Use Planned Development (MPD) on 40± acres with a maximum of 50 multiple-family dwelling units, 250,000 square feet of commercial floor area, and 150 hotel rooms. Maximum building height proposed is 45 feet for residential uses, 55 feet for commercial uses and 65 feet for hotels. Also, see CPA2016-00007 (Comprehensive Plan Amendment).

Located at the Southwest corner of State Road 82 and Daniels Parkway, Southeast Lee County and Lehigh Acres Planning Community, Lee County FL.

Copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Section, 1500 Monroe St., Ft. Myers, FL. Telephone 239-533-8585 for additional information.

If you did not appear before the Hearing Examiner or otherwise become a participant for that case in which you wish to testify, the law does not permit you to address the Board of County Commissioners.

Statements before the Board of County Commissioners regarding the zoning case will be strictly limited to testimony presented to the Hearing Examiner, testimony concerning the correctness of the findings of fact or conclusions of law contained in the record, or to allege the discovery of new, relevant information which was not available at the time of the hearing before the Hearing Examiner.

If a participant decides to appeal a decision made by the Board of County Commissioners with respect to any matter considered at this hearing, a verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

Lee County will not discriminate Lee County will not discriminate against individuals with disabilities. To request an accommodation, contact Joan LaGuardia, 239-533-2314, Florida Relay Service 711, or jlaguardia@leegov.com, at least 5 business days in advance.

**NOTICE OF PROPOSED AMENDMENT TO THE
LEE COUNTY COMPREHENSIVE LAND USE PLAN
(ADOPTION HEARING)**

The Lee County Board of County Commissioners will hold a public hearing to consider the adoption of proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, December 20, 2017. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers, 2120 Main Street in Downtown Fort Myers.

The Board proposes to adopt an ordinance amending the Lee Plan as follows:

CPA2016-00007, Timber Creek: Amend the Future Land Use Map to redesignate 628 acres from the Density Reduction/Groundwater Resource and Wetlands future land use categories to the Sub-Outlying Suburban and Wetlands future land use categories. Amend Table 1(b), Year 2030 Allocations, to accommodate additional residential development for the Sub-Outlying Suburban future land use category within the Gateway/Airport Planning Community. Amend the following Lee Plan maps for internal consistency: Map 1, Pages 2 and 4; Map 4; Map 6; Map 7; Map 14; Map 16; Map 17; Map 20; and Map 25. The property is located near the intersection of SR 82 and Daniels Parkway.

CPA2016-00009, Verdana: Amend Map 17, Southeast DR/GR Residential Overlay, to designate a 1,460 +/- acre property along Corkscrew Road as an "Environmental Enhancement and Preservation Community;" Amend Maps 6 and 7 to include the property within the Future Potable Water and Sewer Service area; and, Amend Policy 33.3.4 to allow Tier 1 properties with access to Corkscrew Road to extend the Environmental Enhancement and Preservation Communities Overlay up to 2 miles to the south. The property is located approximately 4 miles east of the intersection of Alico and Corkscrew Roads. The requested amendments will allow the property to be developed with a residential community pending the property being rezoned.

Copies of this Notice and the proposed ordinance are available for inspection or copying during regular business hours at the Minutes Office of the Clerk of Courts of Lee County, located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

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.

Lee County will not discriminate against individuals with disabilities. To request an accommodation, contact Joan LaGuardia, (239) 533-2314, Florida Relay Service 711, or jlaguardia@leegov.com, at least five business days in advance.

CPA2016-00009

Veranda

Summary Sheet

Verdana, CPA2016-09

Request:

- Amend Map 17, Southeast DR/GR Residential Overlay, to designate a 1,460 +/- acre property along Corkscrew Road as an Environmental Enhancement and Preservation Community.
- Amend Maps 6 and 7 to include the property within the Future Potable Water and Sewer Service area.
- Amend Policy 33.3.4 to allow Tier 1 properties with access to Corkscrew Road to extend the Environmental Enhancement and Preservation Communities Overlay (EEPCO) up to 2 miles south of Corkscrew Road and to allow phase out of citrus operations.

LPA Motion:

A motion was made to recommend that the Board of County Commissioners transmit CPA2017-09 and that staff work with the applicant to identify a way to phase out citrus grove operations in a manner consistent with the EEPCO. **The motion passed 4 to 2.**

Transmittal Hearing:

A motion was made to transmit CPA2016-09 as recommended by staff. **The motion passed 4 to 0.**

Public Comment:

No members of the public spoke concerning the proposed amendment at the BoCC Transmittal Hearing.

State Reviewing Agency Objections, Recommendations, and Comments:

There were no objections to the proposed amendments. The Florida Department of Transportation provided five Technical Assistance Comments.

Changes to Proposed Adoption Language:

Based on the changes in the Growth Management amendments it is necessary to modify the strikethrough and underline revisions to Policy 33.3.4.1. These changes do not change the intent of the EEPCO, nor do they change the intent of the Verdana amendments as they were transmitted to the state reviewing agencies on September 20, 2017.

Staff Recommendation:

Staff recommends that the Board of County Commissioners **adopt** the amendments as identified in Attachment 1.

LEE COUNTY ORDINANCE NO. _____

Verdana
(CPA2016-00009)

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 VERDANA (CPA2016-00009) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; 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 June 26, 2017; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on September 20, 2017. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Verdana (CPA2016-00009) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the September 20, 2017 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies’ written comments; and,

WHEREAS, on December 20, 2017, 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 map and text 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 "Verdana Ordinance (CPA2016-00009)."**

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 33.3.4 and Maps 6, 7 and 17 known as Verdana (CPA2016-00009).

The corresponding Staff Reports and Analysis, along with all attachments and application submittals 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. The adoption of the CPA does not guarantee further development order or development permit approval, including approval of zoning applications for increased density. Prior to any zoning approval granting density greater than 1 dwelling unit per 10 acres of DR/GR and 1 dwelling unit per 20 acres of Wetlands, the applicant must demonstrate consistency with Lee Plan Policy 33.3.4.2.

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 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 _____, who moved its adoption. The motion was seconded by Commissioner _____. The vote was as follows:

John Manning	_____
Cecil Pendergrass	_____
Larry Kiker	_____
Brian Hamman	_____
Frank Mann	_____

DONE AND ADOPTED this 20th day of December, 2017.

ATTEST:
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
Cecil Pendergrass, Chair

DATE: _____

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

County Attorney's Office

Exhibit A: Adopted revisions to Policy 33.3.4 and Maps 6, 7, and 17
(Adopted by BOCC December 20, 2017)

EXHIBIT A

**Note: Text depicted with underscore represents additions to the Lee Plan.
Strike-through text represents deletions from the Lee Plan.**

Text Amendments:

POLICY 33.3.4: Properties that provide a significant regional hydrological and wildlife connection have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats. These properties, located along Corkscrew and Alico Roads, can provide important hydrological connections to the Flint Pen Strand and the Stewart Cypress Slough as well as important wildlife habitat connections between existing CREW and Lee County properties. As an incentive to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species additional densities and accessory commercial uses will be granted if the project is found consistent with and demonstrates through a Planned Development rezoning the following:

1. These lands are within the “Environmental Enhancement and Preservation Communities” overlay as designated on Map 17 of the Plan. Lands eligible for designation on the Environmental Enhancement and Preservation Communities overlay must be consistent with ~~one of~~ the criteria below:
 - Provide significant regional hydrological and wildlife connections and have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats; and
 - Be located west of Lee County 20/20 Imperial Marsh Preserve (Corkscrew Tract) and within one mile north or south of Corkscrew Road. Properties with frontage on Corkscrew Road designated as Tier 1 Priority Restoration Area may extend the overlay an additional mile south to include contiguous Tier 1 properties where the extension will result in regional environmental benefits by connecting protected habitat north of Corkscrew Road to land in Collier County used for conservation purposes; or,
 - Be located west of the intersection of Alico Road and Corkscrew Road, north of Corkscrew Road and south of Alico Road.

Policy 33.3.4(2) to Policy 33.3.4(2)(h) will remain unchanged.

- i. ~~Elimination of any agricultural row crop uses, at time of first development order, including the use of irrigation and fertilizers (or other chemicals), must be entirely eliminated at time of first development order approval for row crops and no later than 5 years from first development order approval for citrus groves. If cessation of citrus groves is to be phased, a phasing plan provided at the time of zoning must demonstrate regional environmental benefits, including but not limited to regional or historic surface water and wildlife connections, occurring with the first phase of development.~~

The remainder of the policy will remain unchanged.

EXHIBIT A

Map Amendments:



Map 6: Future Water Service Area

Map 7: Future Sewer Service Area


Map 17: Southeast DR/GR Residential Overlay

LEE COUNTY UTILITIES FUTURE WATER SERVICE AREAS

Legend

-  City Limits
-  Future Water Service Areas

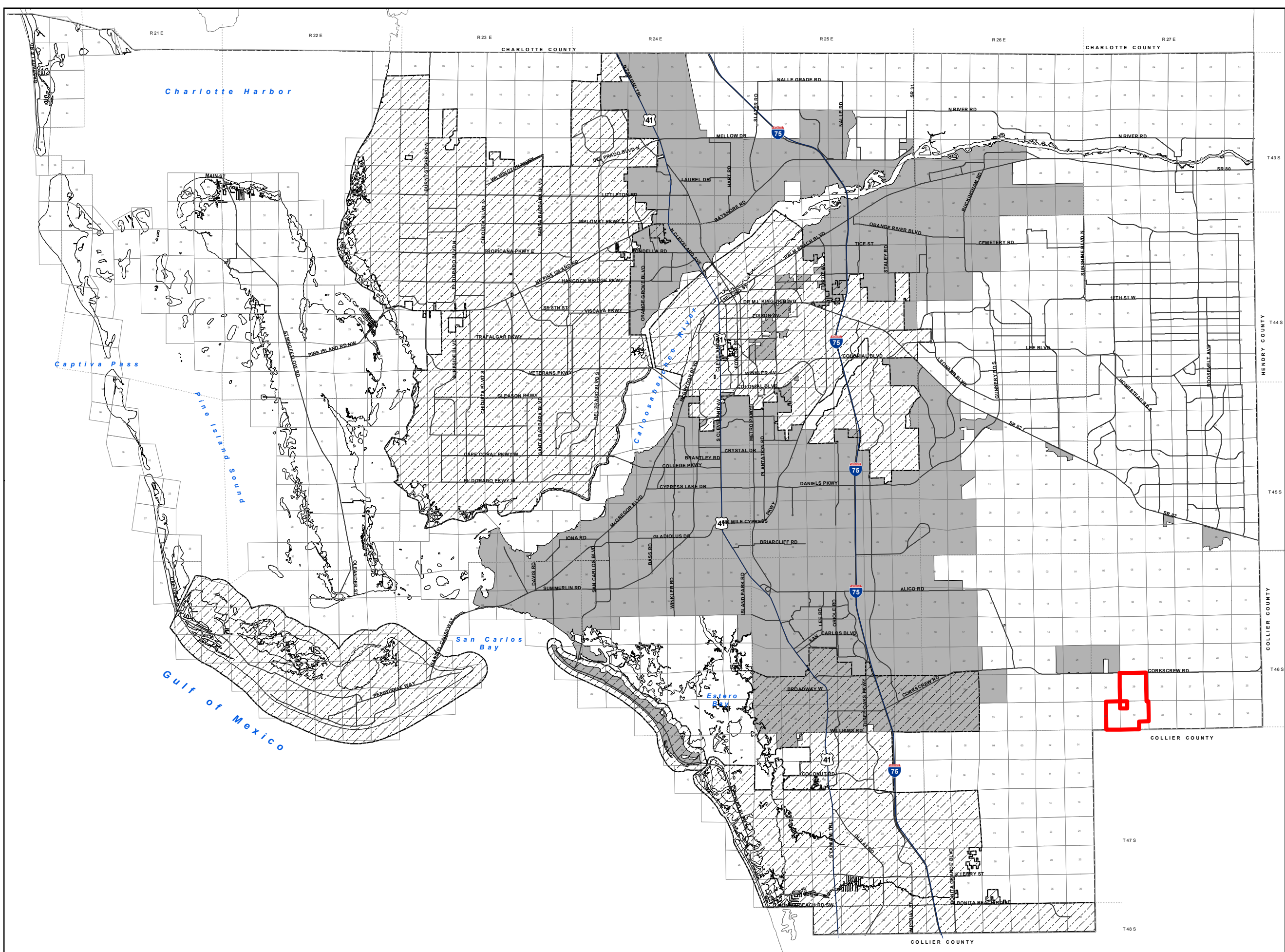
CPA2016-00009
VERDANA

 Extend the existing service area to cover subject property





Map Generated: June 2017
Produced By: DCD/Division of Planning
City Limits current to date of map generation
Adopted by Ord. No. 89-02, 1/31/1989
Amended by Ord. Nos. 00-22, 03-19, 10-06, 10-40, 10-43, 12-24, 13-16, 14-21, 15-13, 15-14

Lee Plan Map 6




LEE COUNTY UTILITIES FUTURE SEWER SERVICE AREAS

Legend

-  City Limits
-  Future Sewer Service Areas

CPA2016-00009
VERDNA

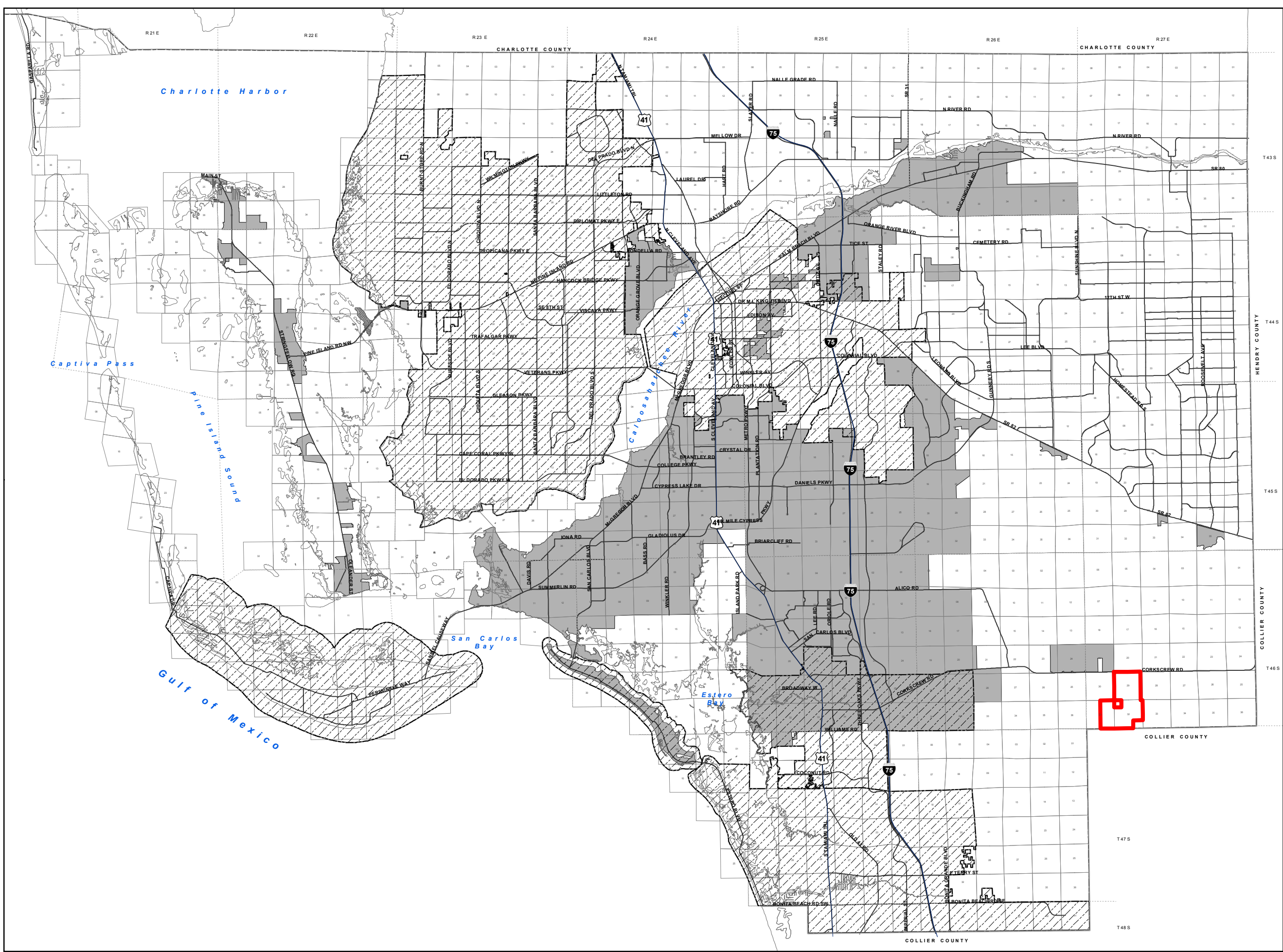
 Extend the existing service area to cover subject property

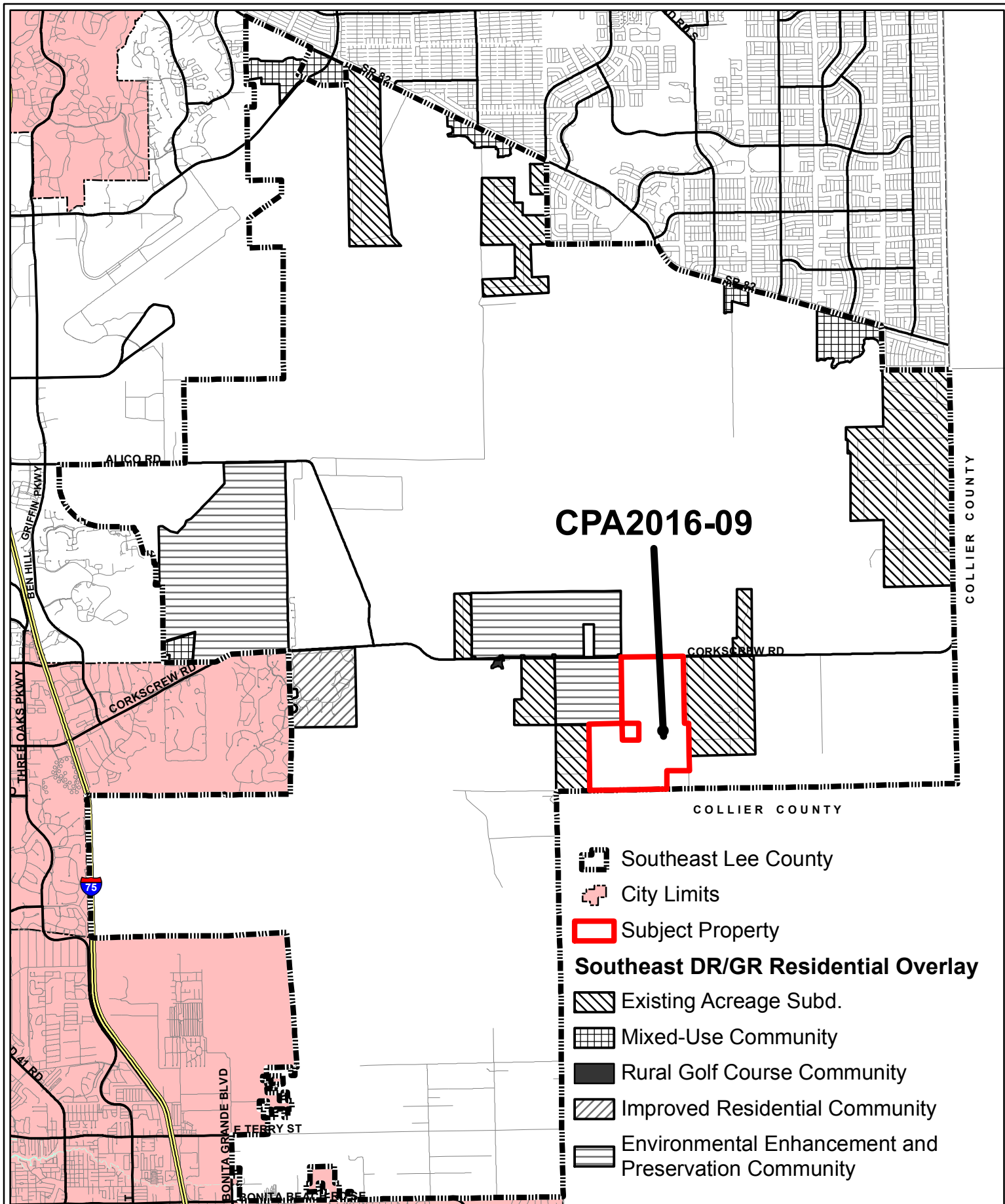


Map Generated: June 2017
Produced By: DCD/Division of Planning
City Limits current to date of map generation

Adopted by Ord. No. 89-02, 1/31/1989
Amended by Ord. Nos. 00-22, 03-19, 10-07, 10-40, 10-43, 11-13, 12-24, 14-21, 15-13, 15-14

Lee Plan Map 7





- Southeast Lee County
- City Limits
- Subject Property
- Southeast DR/GR Residential Overlay**
- Existing Acreage Subd.
- Mixed-Use Community
- Rural Golf Course Community
- Improved Residential Community
- Environmental Enhancement and Preservation Community



Map Generated June 2017
Prepared by Lee County DCD/Planning

CPA2016-00009 - VERDANA
LEE PLAN MAP 17
SOUTHEAST DR/GR RESIDENTIAL OVERLAY

STAFF REPORT FOR

CPA2016-09: Verdana

Privately Initiated **Text and Map** Amendments to the Lee Plan



Applicant:

Pan Terra
Holdings, LTD

Representative:

Daniel Delisi,
AICP

Commissioner

District: # 3

Property Size:

1,460± Acres

Current FLUC:

DR/GR &
Wetlands

Current Zoning:

AG-2

Current Use:

Agriculture-Citrus

Hearing Dates:

LPA:
6/26/2017

Transmittal:

8/20/2017

Adoption:

12/20/2017

REQUEST

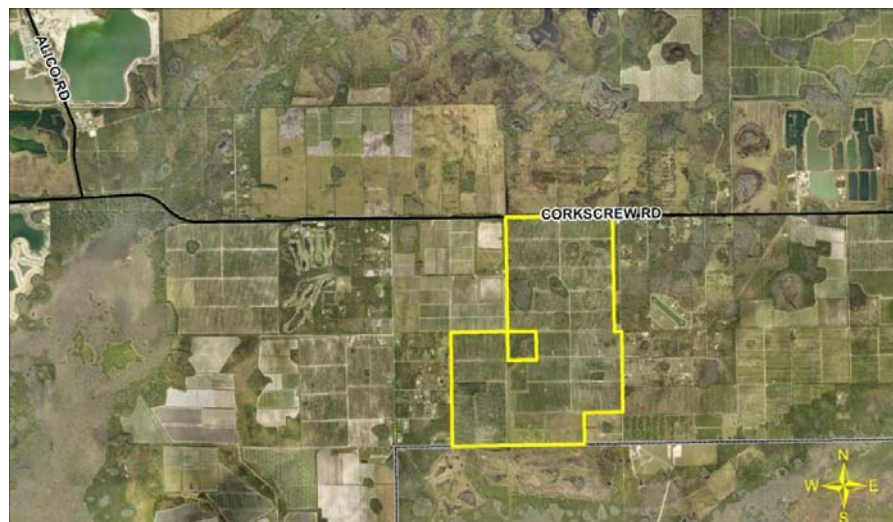
- Amend Map 17, Southeast DR/GR Residential Overlay, to designate a 1,460 +/- acre property along Corkscrew Road as an Environmental Enhancement and Preservation Community.
- Amend Maps 6 and 7 to include the property within the Future Potable Water and Sewer Service area.
- Amend Policy 33.3.4 to allow Tier 1 properties with access to Corkscrew Road to extend the Environmental Enhancement and Preservation Communities Overlay up to 2 miles south of Corkscrew Road and to change the time that agricultural uses must be ceased.

PROJECT SUMMARY

The requested amendments would allow a low density residential development with a maximum of one dwelling unit per acre with accessory commercial development pending the property being rezoned. The project, if properly zoned, will add 875 acres (or 60% of the subject property) for open space and conservation/restoration to the already extensive public and private conservation land within Southeast Lee County and Collier County.

PROPERTY LOCATION

The property is located approximately 4 miles east of the intersection of Alico and Corkscrew Roads.



RECOMMENDATION

Staff recommends that the Board of County Commissioners **transmit the map and the text amendments to 33.3.4.** as provided in Attachment 1 based on the analysis and findings of this staff report.

Concurrent Application Review: The Verdana comprehensive plan amendment was filed on September 6, 2016. The applicant has also filed a companion rezoning application (DCI2016-00018) that is being reviewed concurrently with the plan amendment application. DCI2016-00018 was filed on September 26, 2016 seeking to rezone the subject property from AG-2 to Mixed Use Planned Development (MPD).

Florida Statutes Chapter 163.3184(12) provides that “At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this subsection.” This requires Lee County provide concurrent review of the rezoning request.

Staff notes that even though the applicant may demonstrate that the subject property has the potential to provide significant regional benefits consistent with Policy 33.3.4.1., these benefits **MUST** be demonstrated prior to rezoning approval.

PART 1 RECOMMENDATION

Staff is recommending that the following proposed amendments be ***transmitted*** to the state reviewing agencies:

- Amend Map 17, Southeast DR/GR Residential Overlay, to designate a 1,460 +/- acre property along Corkscrew Road as an Environmental Enhancement and Preservation Community.
- Amend Map 6 to include the property within the Future Potable Water Service Area.
- Amend Map 7 to include the property within the Future Sewer Service Area.
- Amend Policy 33.3.4 to allow Tier 1 properties with access to Corkscrew Road to extend the Environmental Enhancement and Preservation Communities Overlay up to 2 miles south of Corkscrew Road.

Staff recommends that the Board of County Commissioners ***not transmit***¹ the following requested amendment:

- Amend Policy 33.3.4 to allow for agriculture uses to continue after the first development order.

One of the primary regional benefits provided by the proposed development, as provided in the application materials, will be an approximate 80% reduction in groundwater use and habitat/flowway restoration. If agriculture uses are permitted to continue after development commences these benefits may never be accomplished due to fragmented restoration and continued groundwater consumption to accommodate continued agricultural use.

¹ This recommendation was revised by staff prior to the Lee County BoCC Transmittal Hearing. See Part 7C for discussion.

Attachment #1 provides the text amendments recommended by staff in strike-through and underline as well as the proposed map amendments.

PART 2

LAND USE CATEGORY AND COMMUNITY PLANNING

The subject property is located on the south side of Corkscrew Road about 4 miles to the east of the intersection with Alico Road. It is in the Density Reduction/Groundwater Resource and Wetlands future land use categories and within the Southeast Lee County Community Planning Area.

Density Reduction/Groundwater Resource (DR/GR)

The DR/GR future land use category was originally incorporated into the Lee Plan as part of the implementation of the 1990 Stipulated Settlement Agreement between Lee County and the Florida Department of Community Affairs (DCA). The DR/GR future land use category is described in Policy 1.4.5 provided, in part, below:

POLICY 1.4.5: The Density Reduction/Groundwater Resource (DR/GR) land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed.

The underlying objectives for the DR/GR future land use category are to protect the County's shallow aquifers and to reduce the population accommodation of the Future Land Use Map in the Lee Plan.

Prior to the adoption of the 1990 Stipulated Settlement Agreement, the Lee County Division of Natural Resources proposed to protect the shallow aquifers, in part, with an amendment to the Future Land Use Map. The original proposal was for the creation of a new future land use category for the southeast area of the county called "Groundwater Resource." The amendment proposed a reduction in density from one dwelling unit per acre to one dwelling unit per five acres.

The DCA was concerned with the population accommodation of the Future Land Use Map in relation to the Planning Horizon of the Lee Plan. Therefore, as part of the 1990 Stipulated Settlement Agreement, allowable density was further reduced to one dwelling unit per ten acres and the words "Density Reduction" were added to the name of the category.

Wetlands

The wetlands on the subject property are within the Wetlands future land use category which is described in the Lee Plan as follows:

OBJECTIVE 1.5: WETLANDS. Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended in F.S. 373.4211. (Amended by Ordinance No. 94-30)

POLICY 1.5.1: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 114 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan. (Amended by Ordinance No. 94-30)

Southeast Lee County Planning Community

Lee County further delineated appropriate land uses in Southeast Lee County through Ordinance 10-19 through 10-21. This amendment was initiated to provide a balance between several land uses such as limerock mining, agriculture, residential development, and lands held for conservation purposes.

These Ordinances adopted Goal 33: Southeast Lee County which reiterates the importance of water resources in the southeast portion of the county and also introduced the protection of natural habitat as part of the planning goal for this portion of the county. Objective 33.2 and 33.3 allow some flexibility to cluster or concentrate development rights in order to protect water resources and wildlife habitats. Increased density through Transferable Density Rights (TDRs) is also contemplated in relation to the goals of the Lee Plan. To date, no TDRs have been created from lands in Southeast DR/GR.

Adoption of Lee Plan Goal 33 and its subsequent Objectives and Policies are supported by the July 2008 Dover, Kohl & Partners' Prospects for Southeast Lee County and the July 2009 Dover, Kohl & Partners' Natural Resource Strategies for Southeast Lee County.

The 2009 Natural Resource Strategies for Southeast Lee County introduced the current Priority Restoration Strategy areas identified on Lee Plan Map 1, Page 4, and also provided that *"conservation goals should include the following to protect and enhance the natural resources within the DR/GR:*

- 1. Maintaining and enhancing the surface and groundwater resources;*
- 2. Avoiding further loss of wetlands, and requiring any loss of wetlands within the DR/GR to be mitigated within the DR/GR;*
- 3. Expanding the existing shallow and sandstone aquifer monitoring well system to be used as a resource management tool;*
- 4. Restoring historic flow-ways;*
- 5. Providing connectivity between larger, regionally significant preserves for mammal and herpefaunal movement;*

6. *Planning for public potable water well withdrawals to insure natural systems are not harmed;*
7. *Restoration of historic ecosystems;*
8. *Maintaining and enhancing woodstork foraging areas; and*
9. *Maintaining and enhancing agricultural operations.”*

In 2015 Lee County adopted the Environmental Enhancement and Preservation Communities Overlay. The Overlay provided a new strategy to achieve the goals for Southeast Lee County articulated during the 2010 amendments to the Lee Plan and supported by the Dover Kohl Studies. The objectives of the Overlay are discussed in Part 4 of this report.

PART 3 SURROUNDING PROPERTIES

The subject property is surrounded by land within the DR/GR, Conservation Lands, and Wetlands future land use categories. The majority of the properties are zoned AG-2.

West of the subject property is the Pepperland Ranch property. This property has also requested to be included Environmental Enhancement and Preservation Communities Overlay. Also to the west of the subject property are large lot single-family residences in the Six L's Farm neighborhood.

South of the subject property is the Collier County line and the Audubon Corkscrew Swamp Sanctuary.

East of the subject property is the Corkscrew Store, a runway, and Carter Road. East of Carter Road are large lot single-family residences which are zoned AG-2. Also to the east is the Ultimate Ski Lake Residential Planned Development (RPD), consisting 13 residential lots in approximately 167 acres of land.

North of the subject property, across Corkscrew Road, is a privately owned mitigation park, zoned AG-2 and in the Conservation Lands future land use category. To the northwest is the Corkscrew Farms property, which is approximately 1,360 acres. Corkscrew Farms is included in the Environmental Enhancement and Preservation Communities Overlay and is zoned Residential Planned Development (RPD) with a density of one unit per acre and more than 750 acres for conservation purposes. Further north is the Airport Mitigation Park in the Conservation Lands future land use category and is zoned AG-2. It is a 7,000 acre conservation area that was established to compensate for the impact of long-term development of the Southwest Florida International Airport and includes the Imperial Marsh, the largest freshwater marsh in Lee County, and connects to the Flint Pen Strand. The Corkscrew Farms property and the private mitigation park help to provide regional hydrology and wildlife habitat connections from the Airport Mitigation Park down to Corkscrew Road and ultimately the subject property.

PART 4

STAFF DISCUSSION AND ANALYSIS

The requested amendments would allow a low density mixed-use development with a maximum of one dwelling unit per acre (1,460 dwelling units) and accessory commercial uses. The development will be required to provide a minimum of 60% open space with a minimum of 55% preserved in a conservation easement. This will result in approximately 803 acres of uplands and wetlands being restored with potential benefits to regional flowways and wildlife habitat.

Environmental Enhancement And Preservation Communities Overlay:

The requested amendments to the Lee Plan will designate the subject property within the Environmental Enhancement and Preservation Communities Overlay. This Overlay was established based on three objectives:

1. Target strategic areas that can provide critical connections to other conservation lands that serve as the backbone for water resource management and wildlife movement within Southeast Lee County, consistent with Policy 33.2.3 of the Lee Plan;
2. Require development to be designed with the land, consistent with Goal 4: Sustainable Development Design and numerous other Goals, Objectives, and Policies of the Lee Plan; and,
3. Provide a predictable way to assign appropriate increases in density as an incentive to offset the cost of the improvements needed to achieve the longstanding environmental goals of the Southeast DR/GR.

The Overlay was incorporated into the Lee Plan through the adoption of Policy 33.3.4 by Ordinance 15-13 and has previously been found to be consistent with Lee Plan Objective 107.1, Policy 1071.1, Policy 107.2.8 and Policy 107.11.4.

Policy 33.3.4 provides a strict boundary for properties that are considered eligible to be included in the Overlay. To be included within the Overlay, an amendment to Lee Plan Map 17 is required. The applicant must demonstrate that the property is within the eligible overlay boundary and has the potential to provide important hydrological connections to the Flint Pen Strand and the Stewart Cypress Slough as well as important wildlife habitat connections between existing CREW and Lee County conservation properties.

The first objective of the Environmental Enhancement and Preservation Communities Overlay is to include lands that can provide strategic regional benefits while minimizing new and adverse impacts that would be inconsistent with Lee County's goals for Southeast Lee County as stated in Policy 33.3.4:

POLICY 33.3.4: Properties that provide a significant regional hydrological and wildlife connection have the potential to improve, preserve, and restore regional surface and

groundwater resources and indigenous wildlife habitats. These properties, located along Corkscrew and Alico Roads, can provide important hydrological connections to the Flint Pen Strand and the Stewart Cypress Slough as well as important wildlife habitat connections between existing CREW and Lee County properties. As an incentive to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species additional densities and accessory commercial uses will be granted if the project is found consistent with and demonstrates through a Planned Development rezoning the following:

1. These lands are within the “Environmental Enhancement and Preservation Communities” overlay as designated on Map 17 of the Plan. Lands eligible for the Environmental Enhancement and Preservation Communities overlay must be consistent with one of the criteria below:
 - a. Lands located west of Lee County 20/20 Imperial Marsh Preserve (Corkscrew Tract), and within one mile north or south of Corkscrew Road.
 - b. Lands located west of the intersection of Alico Road and Corkscrew Road must be located north of Corkscrew Road and south of Alico Road.

The subject property extends two miles south of Corkscrew Road extending to land in Collier County used for conservation purposes. The northern mile of the subject property is currently included in the area “eligible” to be identified on Map 17 as an Environmental Enhancement and Preservation Community as identified in Policy 33.3.4.1.a. Part of the requested amendments is to amend Policy 33.3.4.1.a. in a manner that allows the southern mile of the subject property to also participate in the Overlay. The text amendment proposed by the applicant is as follows:

1. These lands are within the “Environmental Enhancement and Preservation Communities” overlay as designated on Map 17 of the Plan. Lands eligible for the Environmental Enhancement and Preservation Communities overlay must be consistent with one of the criteria below:
 - a. Lands located west of Lee County 20/20 Imperial Marsh Preserve (Corkscrew Tract), and within one mile north or south of Corkscrew Road. Properties with frontage on Corkscrew Road designated as Tier 1 Priority Restoration Area may extend the overlay an additional mile south to include contiguous Tier 1 properties where the extension will result in regional environmental benefits by connecting protected habitat north of Corkscrew Road to land in Collier County used for conservation purposes.
 - b. Lands located west of the intersection of Alico Road and Corkscrew Road must be located north of Corkscrew Road and south of Alico Road.

Staff finds that expanding the Overlay to Tier 1 properties (as identified on Map 1, Page 4) with frontage on Corkscrew Road provides a direct connection to lands used for conservation purposes in Collier County which is consistent with the objectives of the Overlay, including providing hydrologic and wildlife connections between Lee County conservation properties and the Corkscrew Regional Ecosystem Watershed (CREW) lands in Collier County. Allowing possible extension of the Overlay only on Tier 1 properties will focus the incentive of increased density for restoration on lands further than one mile from Corkscrew Road to only those lands identified as having the highest priority.

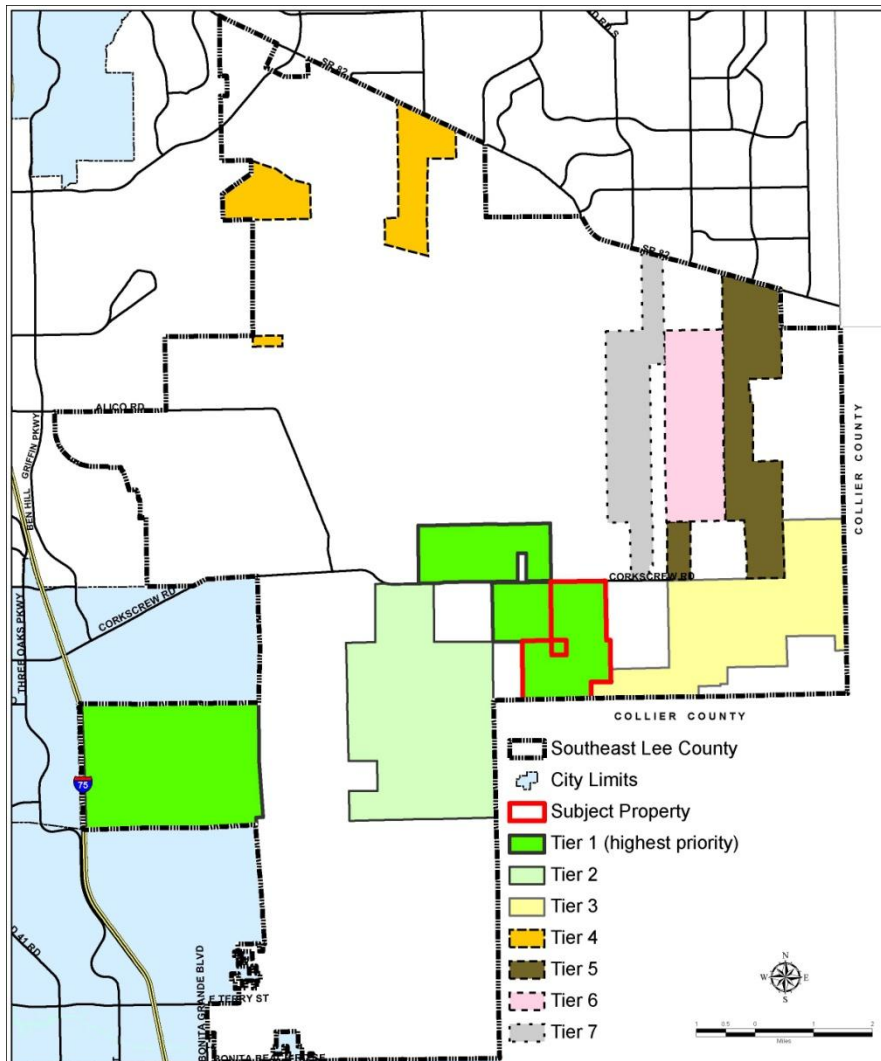


Figure 1: Portion of Lee Plan Map 1, Page 4, Priority Restoration Areas in Southeast Lee County

The subject property is identified in the Lee Plan as a Tier 1 Priority Restoration property, as shown in Figure 1. Lee Plan Policy 33.2.2 provides that the Priority Restoration Areas identify land where protection and/or restoration would be most critical to restore historic surface and groundwater levels and to connect existing corridors or conservation areas. By adding the

subject property to the Overlay the applicant is opting to utilize the incentive based language that would allow for increased density on the site where the project improves, preserves, and restores regional surface water and groundwater resources and indigenous wildlife habitats.

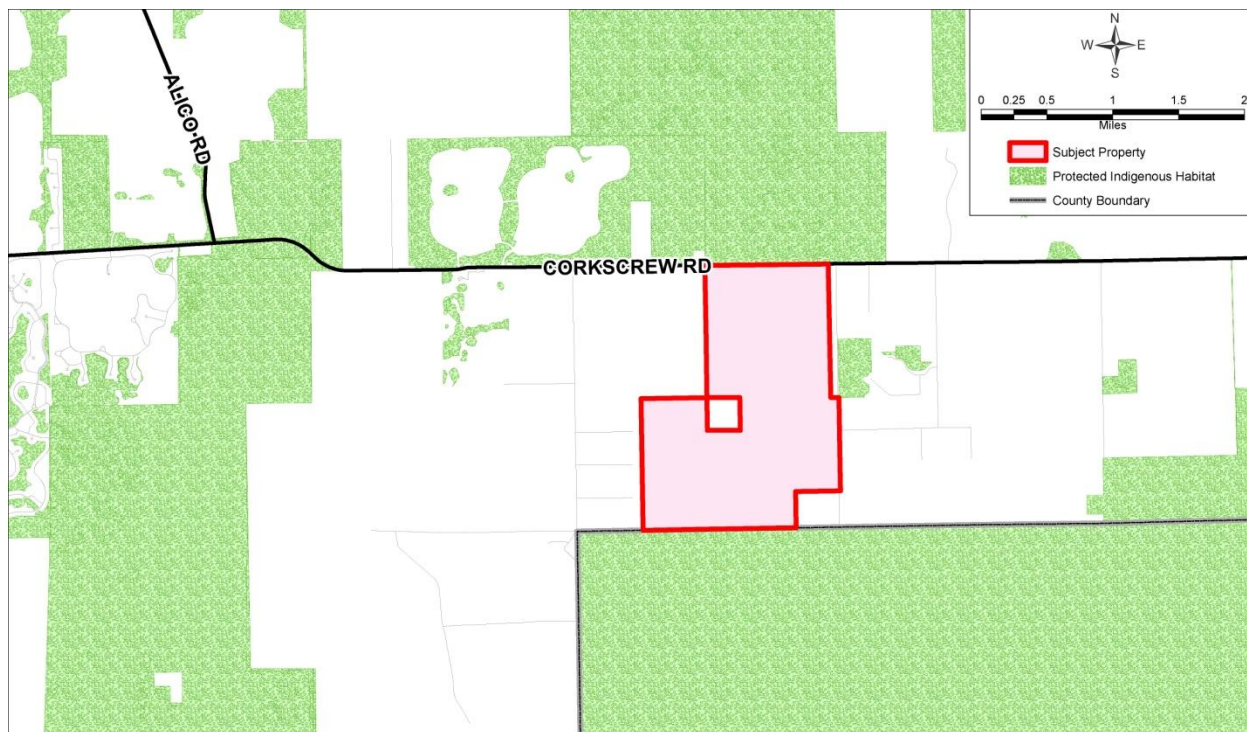


Figure 2: Map showing conservation areas north and south of Corkscrew Road and in Collier County, south of the subject property.

Staff also finds the applicant's proposed text amendments to Policy 33.3.4(1)(a) limits the expansion of the overlay to the subject property which will minimize unknown potential impacts to the Southeast Lee County environment and preserve capacity of public infrastructure and services such as utilities, public safety, education, and transportation facilities.

Data and analysis provided by the applicant demonstrate that the subject property can provide important hydrological and wildlife habitat connections between existing CREW, Lee County, and other properties designated within the Environmental Enhancement and Preservation Communities Overlay. The location of the subject property is consistent with the requirements of Lee Plan Policy 33.3.4, as proposed to be amended, to be identified on Map 17 as an Environmental Enhancement and Preservation Community.

Environmental Considerations:

The 2nd and 3rd objectives of the Overlay are briefly discussed in this section and will be fully analyzed at the time of rezoning.

Of the 1460± acres, only 5% (or 74 acres) is indigenous vegetation. The remaining areas are used for agricultural purposes, including crops, agricultural ditches, and roads. The agricultural property provides limited value for wildlife in its current state. With the removal of the agricultural berms, cessation of agricultural irrigation and restoration of 55% of the property to native habitat, the site will provide more value for wildlife by allowing increased opportunities for wood storks to forage or nest and for panthers to hunt, traverse, or den on the property. Policy 33.3.4.2. requires that development of the property, demonstrated at time of rezoning, provide the following regional benefits:

- Restoration of 803 acres (55% of the property) into wetland and upland preserves including exotic removal, re-grading of agricultural fields and replanting/seeding/natural recruitment of native habitat.
- Improvement of critical wildlife connections to adjacent public conservation lands to the north and south.
- Preservation of water resources through reductions in water use allocation and the use of native plants to reduce irrigation.
- Restoration of native habitats from the agricultural areas.
- Elimination of irrigation for agricultural uses.
- Restoration of historic flowways and connections to off-site flowways.
- Connection to sewer and water instead of the currently approved well and septic use.

PANTHER HABITAT: A majority of the property is within the secondary zone for Florida Panther. The secondary zone are areas adjacent to the primary zones (areas consistently used by panthers) that would most likely be occupied by an expanding panther populations. By ceasing agricultural use and restoring the land to a native landscape this will increase the available habitat for Florida panther. The area of the property located within the primary protection zone is proposed to be restored. The primary zones are areas of suitable habitat that have been consistently occupied by an expanding panther population. To be consistent with Objective 33.2, the property will need to demonstrate commitment of large areas for wildlife movement through the property and connection to the nearby conservation lands to the north and south. Preservation of wildlife habitat on the subject property will help to connect large areas of publicly owned conservation and other areas of publicly and privately preserved and restored lands.

GROUNDWATER: The subject site is located southeast of the Lee County Utilities Corkscrew Wellfield. A small portion of the property is located within wellfield protections zones. The current use on the property is agriculture (citrus and row crop). There are a number of existing permitted wells for agricultural use. The existing agricultural wells constructed in the Water

Table Aquifer will be properly plugged and abandoned. Natural Resources staff has reviewed the information provided by the applicant including the Groundwater Analysis prepared by Progressive Water Resources. Compared to the current agricultural land use, the proposed amendment will reduce impacts on groundwater resources by elimination of agricultural irrigation and using potable water supply provided by Lee County Utilities. The proposed centralized irrigation system utilizes on site lakes replenished by the newly constructed wells on an as necessary basis. This system will be designed to meet the requirements of the Lee County "Water Conservation Ordinance".

SURFACE WATER: The subject site is located south of mitigation and conservation lands owned by other agencies. Farm ditches have been excavated within and around the property altering historical surface water drainage and runoff patterns. These farm ditches are expected to be back filled as part of the drainage improvement. The restoration plan proposed by the applicant provides a flow way interconnect along the northern and southern portions of the project in an attempt to reestablish historic flow patterns and relieve some of the flooding of adjacent properties. **Staff recommends that the flow way interconnect, establishment and restoration be performed during the initial phase of the development.**

WATER QUALITY: One of the conservation goals listed in the Dover Kohl study was to maintain and enhance surface and groundwater resources. This goal is achieved by using lake water for irrigation, providing potable water from Lee County Utilities, not using septic systems for sanitary sewer service, and restoration of flow ways through the property. Further, incorporation of a monitoring well network will provide a tool for managing the natural system and work towards achieving other goals listed in the Dover Kohl study.

The following items must be addressed and resolved through the rezoning process:

- 1) Flow way restoration and maintenance plan.
- 2) Flowway and Outfall Easement agreement.
- 3) Construction of the flowway at commencement of the first phase of project.
- 4) Potential contamination of public water supply system due to construction or operational activities on the project site.
- 5) Design of the water management system to mimic the functions of the natural system.
- 6) Maintain historic flow through the property and avoid flooding of adjacent properties.
- 7) Compliance with Wellfield Protection Ordinance.
- 8) Enhanced Lake Management plan, water levels and water quality monitoring of surface and groundwater.

AGRICULTURAL IRRIGATION: As part of the requested amendments, the applicant has proposed to amend Policy 33.2.4.2.i which is currently written as follows:

- (i) Elimination of any agricultural row crop uses at the time of first development order.

The applicant is proposing the following amendment:

- (i) Elimination of any agricultural row crop uses at the time of ~~first~~ development order for the area encompassed with the development order application.

Staff does not recommend that this amendment be transmitted². Policy 33.3.4 provides, in part, that “Properties that provide a significant regional hydrological and wildlife connection have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats...As an incentive to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species additional densities and accessory commercial uses will be granted.” One of the primary regional benefits anticipated to be provided from the subject property is restoration of groundwater levels and surface water quality. The applicant has indicated that there will be an approximate 80% reduction in permitted groundwater use with the elimination of the agricultural irrigation as well as surface water quality benefits due to enhanced stormwater management and reduction of fertilizers, herbicides, and pesticides. The applicant also stated that the agricultural wells from the Water Table Aquifer will be plugged and abandoned. If agricultural irrigation is permitted to continue after development commences, restoration of groundwater levels may never be implemented due to groundwater consumption necessary for continued agricultural use. There would be nothing to guarantee the development would be built out, agricultural pumping and chemical application would be eliminated across the entire site, and environmental restoration work would be finished.

The proposed amendment to Policy 33.3.4.2.i. will allow for an incremental approach to the construction and development approval process for the subject property and future projects that opt into the Overlay. This would include not designing the complete environmental restoration within a single development order. With this incremental approach it would not be possible for staff determine consistency with the Lee Plan. **To ensure implementation of Lee Plan Policy 33.3.4 (improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species) it is necessary to include all conservation areas and flowway construction in a single development order.** This is the process that has been followed by Corkscrew Farms (aka The Place) which is, under construction, and will be required for all other properties added to the Overlay.

Growth Management:

Policies 2.4.2 and 2.4.3 specifically address amendments that would increase the allowable density or intensity of land uses within the Southeast DR/GR. Policy 2.4.2 requires the Board of County Commissioners make a formal finding that “no significant impacts on present or future water resources will result from the change.” To assist in making this finding, Policy 2.4.3 has

² This recommendation was revised by staff prior to the Lee County BoCC Transmittal Hearing. See Part 7C for discussion.

additional requirements for any amendment that will increase the density or intensity of the DR/GR future land use category. The four pieces of additional required data are discussed in the following paragraphs.

Policy 2.4.3 specifically states that “amendments to the existing DR/GR areas south of SR 82 east of I-75, excluding areas designated by the Port Authority as needed for airport expansion, which increase the current allowable density or intensity of land use will be discouraged by the county.” However, Policy 2.4.3 also provides four specific requirements for applicants seeking such an amendment as follows:

1. *analyze the proposed allowable land uses to determine the availability of irrigation and domestic water sources; and,*
2. *identify potential irrigation and domestic water sources, consistent with the Regional Water Supply Plan. Since regional water suppliers cannot obtain permits consistent with the planning time frame of the Lee Plan, water sources do not have to be currently permitted and available, but they must be reasonably capable of being permitted; and,*
3. *present data and analysis that the proposed land uses will not cause any significant harm to present and future public water resources; and,*
4. *supply data and analysis specifically addressing urban sprawl.*

As proposed by the applicant, the source of the domestic water is Lee County Utilities, eliminating the need for multiple private wells which would drawdown from the potable water tables below the property. Irrigation water for the residential units would be supplied by a master irrigation system that will draw from the existing wells. The master irrigation system will allow greater control of irrigation water resulting in less use than would be allowed by individual private wells. **Staff finds that “no significant impacts on present or future water resources are expected as a result from the change.” (See memo from the Division of Natural Resources)**

PART 5 INFRASTRUCTURE AND SERVICES

Transportation/Traffic Circulation Impacts:

The subject property has frontage on Corkscrew Road, a county maintained minor arterial roadway. There are no designated bicycle or pedestrian facilities along Corkscrew Road east of Alico Road. The nearest Lee Tran route 60 and stop is eight miles to the west at Miromar Outlets. The traffic analysis is dated August 22, 2016, and revised December 1, 2016. It is based on a potential of 134 dwelling units without the amendment and 1,460 dwelling units with the amendment for this property.

The five year analysis is for (134 units without the amendment plus 266 units with the amendment, a total of) 400 single-family units. The analysis estimates a net new total weekday PM peak hour trip generation of 295. The analysis indicates the level of service (LOS) on all the study area roadway segments within a 3 mile radius are anticipated to operate at or better than the adopted LOS standard in year 2020.

CPA2016-00009 2020 LOS Summary

Roadway Segment	From	To	2020 LOS	
			Without the project	With the project
Alico Road	Airport Haul Road	Corkscrew Road	B	B
Corkscrew Road	Ben Hill Griffin Parkway	Wildcat Run Drive	C	C
Corkscrew Road	Wildcat Run Drive	Bella Terra Blvd	E	E
Corkscrew Road	Bella Terra Blvd	Alico Road	C	C
Corkscrew Road	Alico Road	Corkscrew Farms	C	C
Corkscrew Road	Corkscrew Farms	project entrance	B	C
Corkscrew Road	project entrance	TPI Rd	B	B
Corkscrew Road	TPI Rd	Collier County line	B	B

In accordance with the agreed upon methodology for the CPA long range 20+ year analysis, the applicant utilized the 2040 Lee County Metropolitan Planning Organization (MPO) Long Range Transportation Plan (LRTP) model, which is part of a 12 county model for FDOT District 1. The LRTP model was approved in December 2015. Existing population and employment data was developed based on 2010 United States Census data. Florida Statute requires future population growth planning in transportation analyses to be based on University of Florida Bureau of Economic Business Research (BEBR) projections.

The BEBR projection was refined using a planning scenario developed by the MPO LRTP consultant with input from a stakeholders committee of citizens and local government planners. The MPO LRTP consultant recommendation focused population increases between 2010 and 2040 in activity centers and near transit routes. The 2010 Census and MPO LRTP model growth scenario did not anticipate the approval of WildBlue and Corkscrew Farms in the Environmental Enhancement Communities Preservation Overlay (EECPO), or the recent increase in dwelling units along Corkscrew Road between Ben Hill Griffin Parkway and Alico Road.

For the CPA2016-00009 traffic analysis, the applicant agreed to extend the study area to include Corkscrew Road and Alico Road east of Ben Hill Griffin Parkway, and to adjust the LRTP model data to reflect existing dwelling units and consider approved development parameters for Stoneybrook, Wildcat Run, Corkscrew Crossings, The Preserve at Corkscrew, Bella Terra, Corkscrew Shores (Woods), WildBlue and Corkscrew Farms. The concurrent application for Pepperland CPA 2016-00003 was not submitted at the time of the methodology meeting for this project and the CPA is not yet approved and is not included in this traffic analysis. The analysis reflects the MPO LRTP Cost Feasible Plan four laning of Alico Road from Airport Haul

Road to the Alico Connector in the MPO LRTP, and four laning of Corkscrew Road from east of Ben Hill Griffin Parkway to Alico Road.

CPA2016-00009 2040 LOS Summary

Roadway Segment	From	To	# of lanes in the MPO LRTP	2040 LOS	
				Background traffic	With the project, and added approved development parameters
Alico Road	Airport Haul Road	Alico Connector	4	B	B
Alico Road	Alico Connector	Corkscrew Road	2	B	B
Corkscrew Road	Ben Hill Griffin Parkway	Wildcat Run Drive	4	C	C
Corkscrew Road	Wildcat Run Drive	Bella Terra Blvd	4	C	C
Corkscrew Road	Bella Terra Blvd	Alico Road	4	A	A
Corkscrew Road	Alico Road	Corkscrew Farms	2	C	C
Corkscrew Road	Corkscrew Farms	project entrance	2	B	C
Corkscrew Road	project entrance	TPI Rd	2	B	B
Corkscrew Road	TPI Rd	Collier County line	2	A	A

All roadway segments are shown to operate at an acceptable LOS with the existing and planned improvements to Alico Road and Corkscrew Road.

Further analysis of the potential proportionate share obligations of developments in the EECPD includes this application, Corkscrew Farms, WildBlue, and Pepperland. Potential improvements to address roadways, surface water flow and wildlife movement, is being conducted in the EEPCO (aka Corkscrew Road traffic) study. The scope of services for the study is indicates completion by November 2017. As of this date, the consultant is conducting traffic analyses and in the process of organizing steering committee meetings.

School Impacts:

Capacities for elementary seats are not an issue within the Concurrency Service Area (CSA). For middle and 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.

Solid Waste Collection Service:

The Lee County Solid Waste is capable of providing solid waste collection service for the proposed project. Disposal of solid waste from this development will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.

Mass Transit Service:

Currently, the closest route (Route 60) to the identified parcel is approximately eight miles away. This property is outside of the ¼ mile fixed route buffer and the ¾ mile ADA Service Corridor. The current Transit Development Plan (TDP) does not identify for the expansion of LeeTran's transit service in this area as a need within the 10-year horizon of the document.

Emergency Medical Services (EMS):

Lee County EMS has concerns about being able to accommodate the additional development proposed on the subject property. There are two EMS stations that are approximately 7 miles from the proposed entrance off Corkscrew: Station 21 and Station 25. An evaluation of current response times along Corkscrew Road in that vicinity, as well as drive time modeling, suggests that existing service standards as required in County Ordinance 08-16 will not be met. The applicant will be required to address this deficiency as part of the concurrent DCI case as required by Policy 33.3.4.2.m.

Police Service:

The proposed Lee Plan amendment does not affect the ability of the Lee County Sheriff's Office to provide core services as this time. Service will be provided primarily from the South District Office in Bonita Springs with supplemental support from City of Bonita Springs contract deputies.

Fire Protection Service:

The Estero Fire Rescue Service District is able to serve the proposed development with fire protection and non-transport emergency medical services. An additional fire station is planned for the general areas of the subject property in 3 – 5 years.

Utilities Service:

There is adequate capacity to serve the proposed development as follows.

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 2016 annual average daily demand in LCU's water system was 24.40 MGD. The 2016 maximum month average daily demand in LCU's water system was 27.83 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 3.15 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 Corkscrew Overlay Area Wastewater Master Plan study of the current Three Oaks WWTP future service area and the Southeast Lee County Planning Community which included a flow projection to the facility. This study was completed by a Consultant. The flow projection for this study was based on the approved Development Orders at the time and the by-rights property densities.

The Verdana project is currently not entirely located within the Environmental Enhancement and Preservation Communities eligible criteria, therefore, the entire wastewater flow projected from the Verdana development (355,500 gallons per day) was not included in the flow projection performed in the study referenced above. Utilizing the flow projection performed during the study referenced above, the effect the Verdana 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 Verdana as well as comprehensive plan amendments approved after the projection was performed. It was assumed that the Verdana 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 2024.

Because the wastewater flow to the Three Oaks WWTP is projected to exceed the permitted capacity in the future, LCU has initiated a siting 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.

PART 6 CONCLUSIONS

The applicant has provided materials that demonstrate regional hydrological and wildlife connectivity can be provided through the restoration of the existing agricultural fields consistent with Goals, Objectives, and Policies identified in the Lee Plan, including Policy 2.4.2 and 2.4.3 which require a finding that no significant impacts on present or future water resources will result from the change.

The subject property contains a historic flowway that has been impacted by decades of agricultural uses. Restoration of the flowway can be accomplished using the standards provided in the Overlay. Preservation of wildlife habitat on the subject property will help to connect large areas of publicly owned conservation and other areas of privately preserved and

restored lands. The requested Comprehensive Plan Amendment, including the proposed text amendment to allow the expansion of the overlay an additional mile south for the subject property, would allow higher residential densities in return for the restoration of historic flowways and wildlife habitat on property identified by the Lee Plan as a Tier 1 restoration area. Restoration of the southern mile of the Tier 1 subject property will provide a critical wildlife and flowway connections to conservation areas within Collier County.

Staff does not recommend that the proposed text amendment to Policy 33.3.4.2.i, which would allow for continued agricultural irrigation, be transmitted³. This portion of the request is not consistent with the overall objective of the Overlay, which is in part to restore regional surface and groundwater resources. The applicant has indicated a reduction of permitted groundwater use by approximately 80% and improvements to surface water quality through enhanced stormwater management and reduction of fertilizers, herbicides, and pesticides. With this proposed text amendment there would be no guarantee of significant regional groundwater quantity and surface water quality benefits.

PART 7
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: June 26, 2017

A. LOCAL PLANNING AGENCY REVIEW:

The applicant provided a brief presentation for the proposed amendments which covered location, surrounding uses, surface and groundwater characteristics and benefits, transportation and other public facilities, consistency with the Lee Plan, and a proposed text amendment that would allow the applicant to phase out citrus grove operations on the subject property. Following the applicant's presentation staff provided a brief presentation with a recommendation to transmit the proposed amendments without the applicant's proposed text amendment.

Seven members of the public spoke concerning the proposed amendment most were concerned about the timing of the development. Concerns were also raised about water on Carter Road and access to a 40 acre parcel that has easements through the subject property.

One member of the LPA asked about human and wildlife interactions. Two members believed that the amendment was premature and that it could wait. Another member understood the applicants desire to phase citrus grove operations.

³ This recommendation was revised by staff prior to the Lee County BoCC Transmittal Hearing. See Part 7C for discussion.

B. LOCAL PLANNING AGENCY RECOMMENDATION:

A motion was made to recommend that the Board of County Commissioners ***transmit*** CPA2017-00003 as recommended by staff. During discussion this motion was revised to request staff work with the applicant to determine if it is possible to phase out citrus grove operations in a manner consistent with the EEPKO. The motion passed 4 to 2.

VOTE:

NOEL ANDRESS	NAY
DENNIS CHURCH	AYE
JIM GREEN	AYE
CHRISTINE SMALE	NAY
STAN STOUER	AYE
GARY TASMAN	ABSENT
JUSTIN THIBAUT	AYE

C. STAFF RESPONSE TO LPA RECOMMENDATION:

Following the LPA meeting staff and the applicant met to further discuss the potential phase out of citrus grove operations. At that meeting staff asked the applicant to provide additional information to support the phasing of the project and identify the benefits that phasing would provide. The applicant provided the requested information and proposed Lee Plan language that would allow of the phase out of citrus groves.

The primary concern with the phasing of the project, particularly when the potential boundary of the EEPKO is being proposed for expansion, is how to assure meaningful regional surface water and wildlife connections even if the development does not get built-out. As shown in the proposed language below staff supports a phased elimination of the citrus grove operation as long as regional or historic surface water and wildlife connections are made with the first phase of development.

- i. Elimination of any agricultural row crop uses, at time of first development order, including the use of irrigation and fertilizers (or other chemicals), must be entirely eliminated at time of first development order approval for row crops and no later than 5 years from first development order approval for citrus groves. If cessation of citrus groves is to be phased, a phasing plan provided at the time of zoning must demonstrate regional environmental benefits, including but not limited to regional or historic surface water and wildlife connections, occurring with the first phase of development.

Staff recommends that the Board of County Commissioners ***transmit*** CPA2016-00009 with the change to Policy 33.3.4(2)(i), identified above. Staff's complete and updated recommendation is included within Attachment 1 to the staff report.

PART 8
BOARD OF COUNTY COMMISSIONERS
TRANSMITTAL HEARING

DATE OF PUBLIC HEARING: September 20, 2017

A. BOARD REVIEW:

The applicant provided a brief presentation for the proposed amendments which covered location, surrounding uses, history of the Density Reduction/Groundwater Resource future land use category, surface and groundwater characteristics and benefits, transportation, consistency with the Lee Plan, and community outreach. Following the applicant's presentation staff provided a brief presentation with a recommendation to transmit the proposed amendments, including the revised amendment to Policy 33.3.4.2.i.

No members of the public spoke concerning the proposed amendment.

There was discussion about the benefits of the development and the Environmental Enhancement and Preservation Overlay Communities Overlay. One commissioner asked for clarification from staff about the revision to the text amendment and if it provided adequate assurances that environmental restoration would occur.

B. BOARD ACTION:

A motion was made to **transmit** CPA2016-09 as recommended by staff. The motion was passed 4 to 0.

VOTE:

BRIAN HAMMAN	AYE
LARRY KIKER	AYE
FRANK MANN	AYE
JOHN MANNING	ABSENT
CECIL L. PENDERGRASS	AYE

PART 9
STATE REVIEWING AGENCIES'
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS

Comments from the State Reviewing Agencies were due to Lee County by October 25, 2017.

A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

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

- Florida Department of Economic Opportunity,
- Florida Department of Environmental Protection,
- Florida Department of Transportation,
- Florida Department of Agriculture and Consumer Services, and
- Southwest Florida Regional Planning Council.

There were no objections to the proposed amendments.

The Florida Department of Transportation provided five Technical Assistance Comments. The Technical Assistance Comments encourage continued coordination with FDOT and Lee Tran, continued work to address potential truck/car conflicts, work with FDOT to minimize potential future transportation impacts on nearby State transportation facilities, and continued coordination concerning the EEPKO Traffic Study. The full review memorandum, including Technical Assistance Comments, is attached to the staff report. Lee County staff appreciates the technical guidance provided by Florida Department of Transportation and will continue to work towards an efficient network of county and state transportation facilities, including multi-modal transportation alternatives.

B. SUBSEQUENT TO TRANSMITTAL:

CPA2017-00001, Growth Management, became effective after the Board transmitted the Verdana amendments to the state reviewing agencies. Based on the changes in the Growth Management amendments it is necessary to revise the strikethrough and underline changes of the Verdana amendments for Policy 33.3.4.1 only. These changes do not change the intent of the EEPKO, nor do they change the intent of the Verdana amendments as they were transmitted to the state reviewing agencies on September 20, 2017. The revised amendments are shown below and identify strikethrough and underline changes from the October 2017 codification of the Lee Plan.

1. These lands are within the “Environmental Enhancement and Preservation Communities” overlay as designated on Map 17 of the Plan. Lands eligible for designation on the Environmental Enhancement and Preservation Communities overlay must be consistent with ~~one of~~ the criteria below:

- Provide significant regional hydrological and wildlife connections and have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats; and
- Be located west of Lee County 20/20 Imperial Marsh Preserve (Corkscrew Tract) and within one mile north or south of Corkscrew Road. Properties with frontage on Corkscrew Road designated as Tier 1 Priority Restoration Area may extend the overlay an additional mile south to include contiguous Tier 1 properties where the extension will result in regional environmental benefits by connecting protected habitat north of Corkscrew Road to land in Collier County used for conservation purposes; or,
- Be located west of the intersection of Alico Road and Corkscrew Road, north of Corkscrew Road and south of Alico Road.

No additional changes are required for Policy 33.3.4.2.i based on the Growth Management Amendments. Staff's complete and updated recommendation is included within Attachment 1 to the staff report.

C. STAFF RECOMMENDATION

The proposed amendments to the Lee Plan are consistent with the requirements of Policy 33.3.4.1, as amended. Staff notes that the applicant has not yet demonstrated consistency with Policy 33.3.4.2, which is required prior to any zoning approval granting density greater than 1 dwelling unit per 10 acres of DR/GR uplands and 1 dwelling unit per 20 acres of Wetlands.

Staff recommends that the Board of County Commissioners **adopt** the amendments to the Lee Plan as provided in Attachment 1.

Text Amendments:

POLICY 33.3.4: Properties that provide a significant regional hydrological and wildlife connection have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats. These properties, located along Corkscrew and Alico Roads, can provide important hydrological connections to the Flint Pen Strand and the Stewart Cypress Slough as well as important wildlife habitat connections between existing CREW and Lee County properties. As an incentive to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species additional densities and accessory commercial uses will be granted if the project is found consistent with and demonstrates through a Planned Development rezoning the following:

1. These lands are within the “Environmental Enhancement and Preservation Communities” overlay as designated on Map 17 of the Plan. Lands eligible for designation on the Environmental Enhancement and Preservation Communities overlay must be consistent with ~~one of~~ the criteria below:
 - Provide significant regional hydrological and wildlife connections and have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitats; and
 - Be located west of Lee County 20/20 Imperial Marsh Preserve (Corkscrew Tract) and within one mile north or south of Corkscrew Road. Properties with frontage on Corkscrew Road designated as Tier 1 Priority Restoration Area may extend the overlay an additional mile south to include contiguous Tier 1 properties where the extension will result in regional environmental benefits by connecting protected habitat north of Corkscrew Road to land in Collier County used for conservation purposes; or,
 - Be located west of the intersection of Alico Road and Corkscrew Road, north of Corkscrew Road and south of Alico Road.

Policy 33.3.4(2) to Policy 33.3.4(2)(h) will remain unchanged.

- i. Elimination of any agricultural-row crop-uses, at time of first development order, including the use of irrigation and fertilizers (or other chemicals), must be entirely eliminated at time of first development order approval for row crops and no later than 5 years from first development order approval for citrus groves. If cessation of citrus groves is to be phased, a phasing plan provided at the time of zoning must demonstrate regional environmental benefits, including but not limited to regional or historic surface water and wildlife connections, occurring with the first phase of development.

The remainder of the policy will remain unchanged.

Map Amendments:



Map 6: Future Water Service Area

Map 7: Future Sewer Service Area


Map 17: Southeast DR/GR Residential Overlay

LEE COUNTY UTILITIES FUTURE WATER SERVICE AREAS

Legend

-  City Limits
-  Future Water Service Areas

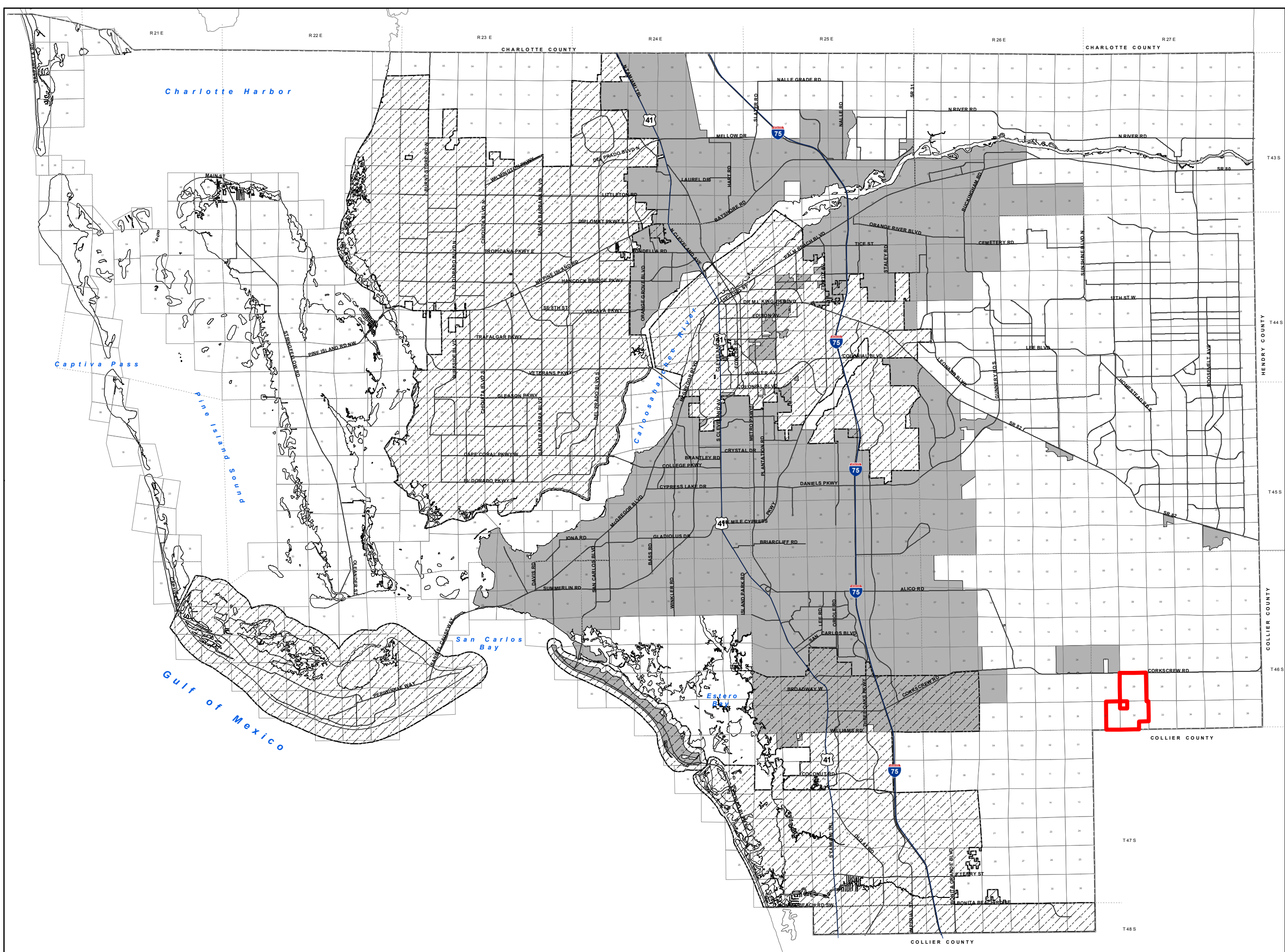
CPA2016-00009
VERDNA

 Extend the existing
service area to cover
subject property





Map Generated: June 2017
Produced By: DCD/Division of Planning
City Limits current to date of map generation
Adopted by Ord. No. 89-02, 1/31/1989
Amended by Ord. Nos. 00-22, 03-19, 10-06, 10-40, 10-43,
12-24, 13-16, 14-21, 15-13, 15-14

Lee Plan Map 6




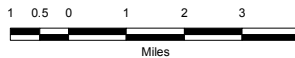
LEE COUNTY UTILITIES FUTURE SEWER SERVICE AREAS

Legend

-  City Limits
-  Future Sewer Service Areas

CPA2016-00009
VERDNA

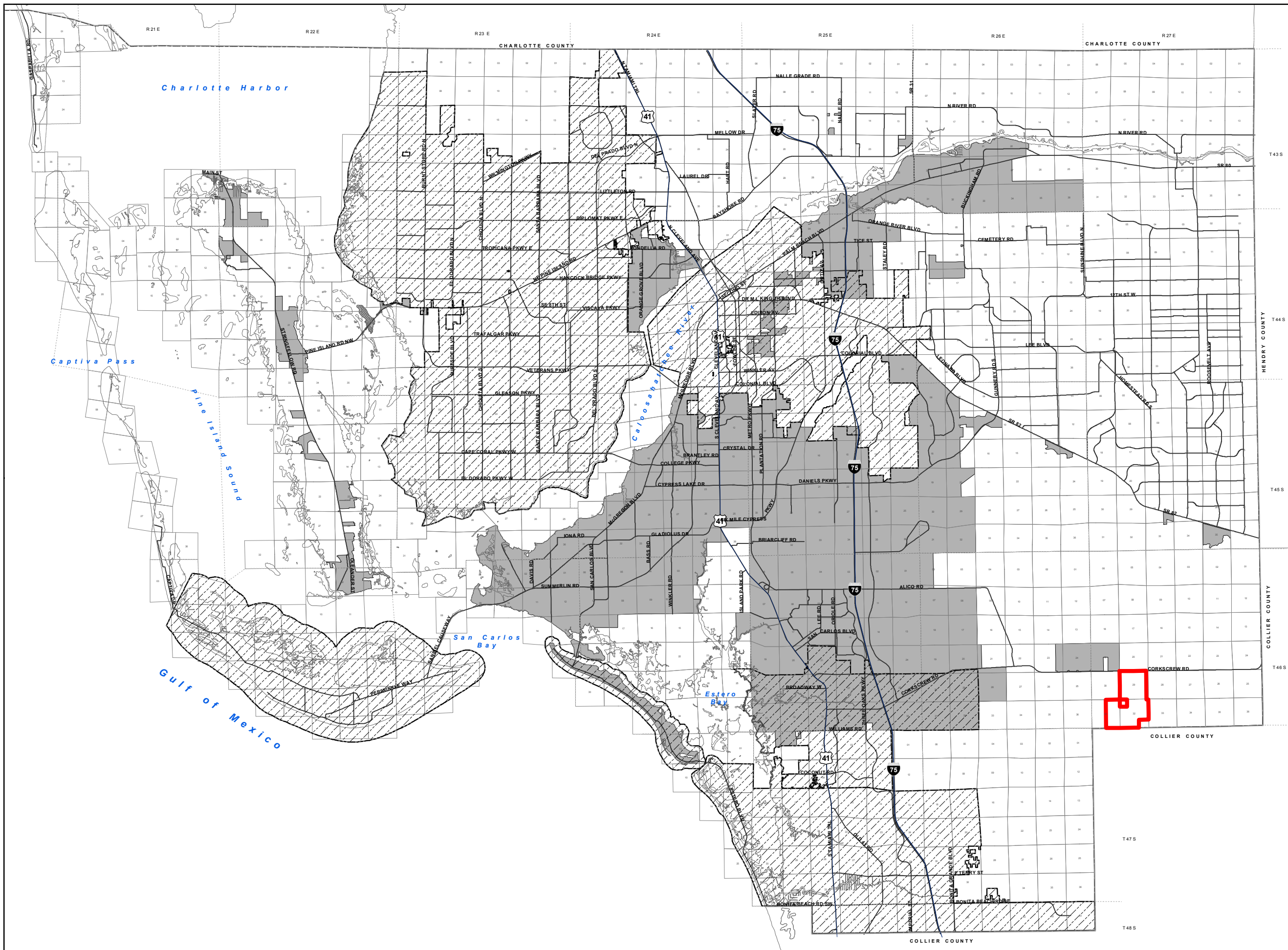
 Extend the existing service area to cover subject property

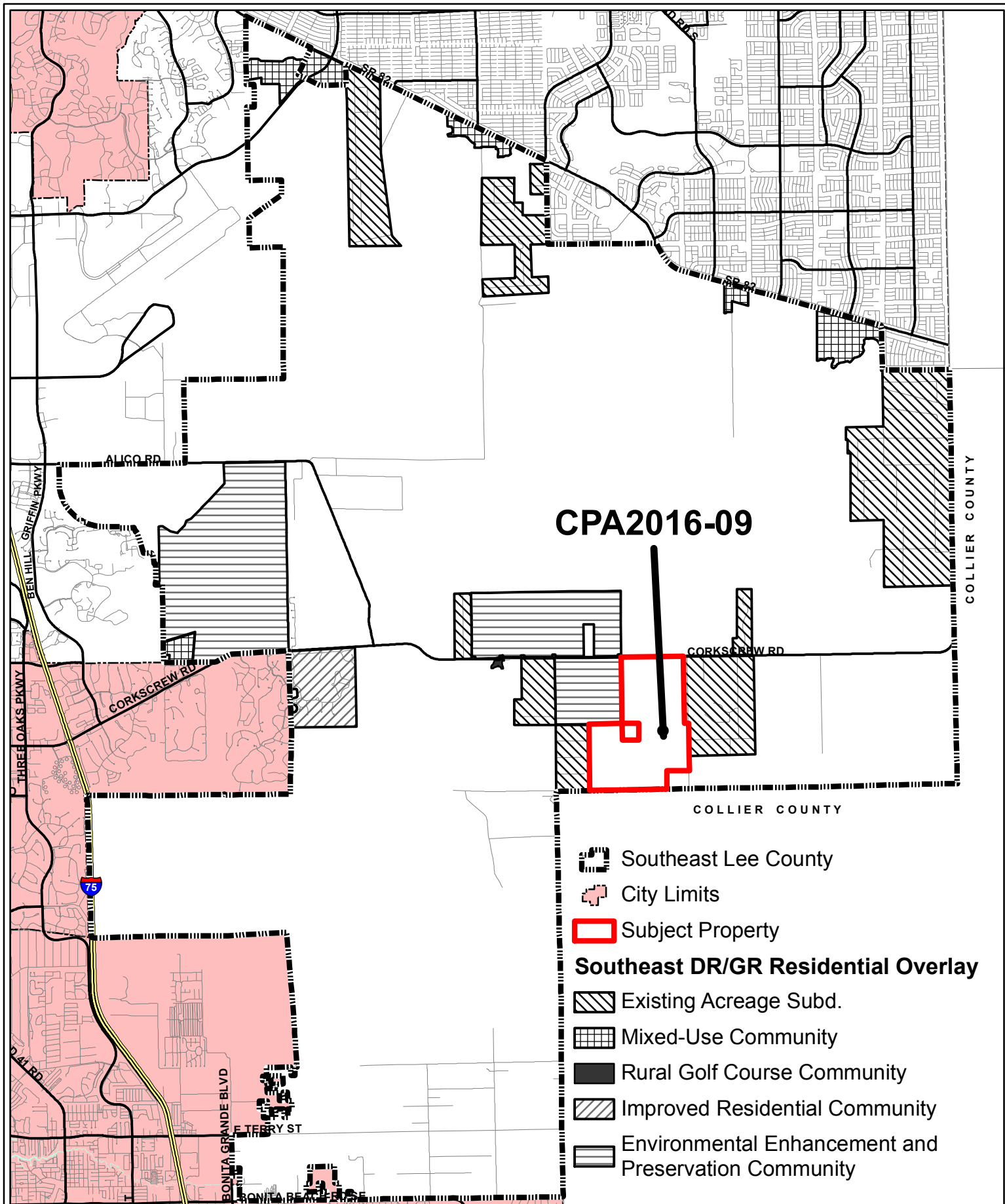


Map Generated: June 2017
Produced By: DCD/Division of Planning
City Limits current to date of map generation









Adopted by Ord. No. 89-02, 1/31/1989
Amended by Ord. Nos. 00-22, 03-19, 10-07, 10-40, 10-43, 11-13, 12-24, 14-21, 15-13, 15-14

Lee Plan Map 7





CPA2016-09

-  Southeast Lee County
-  City Limits
-  Subject Property
- Southeast DR/GR Residential Overlay**
-  Existing Acreage Subd.
-  Mixed-Use Community
-  Rural Golf Course Community
-  Improved Residential Community
-  Environmental Enhancement and Preservation Community

To view the Verdana CPA application materials, please click on the link below:

[Applicant Materials](#)

AGENCY COMMENTS

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

RECEIVED
SEP 29 2017
COMMUNITY DEVELOPMENT

September 27, 2017

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

Dear Ms. Rozdolski:

Thank you for submitting Lee County's proposed comprehensive plan amendments submitted for our review pursuant to the Expedited State Review process. The reference number for this amendment package is **Lee County 17-7ESR**.

The proposed submission package will be reviewed pursuant to Section 163.3184(3), Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. You will receive the Department's Comment Letter no later than **October 25, 2017**.

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

Sincerely,

D. Ray Eubanks, Administrator
Plan Review and Processing

DRE

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

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Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

MEMORANDUM

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

DATE: September 27, 2017

SUBJECT: EXPEDITED STATE REVIEW PROCESS

COMMENTS FOR PROPOSED COMPREHENSIVE PLAN AMENDMENT

LOCAL GOVERNMENT / STATE LAND PLANNING AGENCY AMENDMENT #:

Lee County 17-7ESR

STATE LAND PLANNING AGENCY CONTACT PERSON/PHONE NUMBER:

Brenda Winningham/850-717-8516

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

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

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

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

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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September 22, 2017

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 to the Lee Plan
Transmittal Submission Package
September 20, 2017 Transmittal Hearing

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, please find attached the proposed Comprehensive Plan Amendments, known locally as CPA2016-00009 (Verdana), CPA2017-00003 (Capital Improvements/Water Supply Mgt), and CPA2017-00004 (North Fort Myers Overlay Expansion). The proposed amendments are being submitted through the expedited state review process as described in Chapter 163.3184. The amendments are as follows:

CPA2016-00009, Verdana: Amend Map 17, Southeast DR/GR Residential Overlay, to designate a 1,460 +/- acre property along Corkscrew Road as an Environmental Enhancement and Preservation Community; Maps 6 and 7 to include the property within the Future Potable Water and Sewer Service area; and Policy 33.3.4 to allow Tier 1 properties with access to Corkscrew Road to extend the Environmental Enhancement and Preservation Communities Overlay up to 2 miles south of Corkscrew Road and to change the time that agricultural uses must be ceased.

CPA2017-00003, Capital Improvements/Water Supply Mgt: Amend the Lee Plan to align provisions within Lee Plan Goals 2, 4, 53, 54, 55, 56, 67, 58, 60, 61, 62, 64, 66, 67, 76, 79, 82, 83, 84, 95, 115, and 117 with the Board of County Commissioners strategic policy priority of managing growth (provision of adequate public facilities and services). The amendments will also reduce redundancies; align with state statutes; and, provide better organization of the Lee Plan.

CPA2017-00004, North Fort Myers Overlay Expansion: Amend Lee Plan Map 1, Page 6, to expand the Mixed Use Overlay on 56 properties, approximately 287.57 acres, located at the intersections of US 41 and Diplomat and Littleton Roads, and the intersection of North Tamiami Trail and Pine Island Road along North Key Drive in North Fort Myers.

The Local Planning Agency held a public hearing for CPA2016-00009 and CPA2017-00003 on June 26th, and held a hearing for CPA2017-00004 on August 28th. The Board of County Commissioners transmittal hearing was held on September 20, 2017. At the transmittal hearing, the Board of County Commissioners voted to transmit the attached Lee Plan amendments. The proposed amendments are not applicable to an area of critical state concern. The Board of County Commissioners has stated its intent to hold an adoption hearing following the receipt of the review agencies' comments.

RECEIVED
Div. of Community Planning and Growth
SEP 25 2017
Div. of Community Development
Dept. Economic Opportunity

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

Mr. Brandon Dunn, Principal Planner
Lee County Planning Section
P.O. Box 398
Fort Myers, Florida 33902-0398
(239) 533-8809
Fax (239) 485-8319
Email: bdunn@leegov.com

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

Sincerely,



Mikki Rozdolski, Planning Manager
Department of Community Development
Planning Section

All documents and reports attendant to this transmittal are also being sent, by copy of this cover in an electronic format, 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

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

October 26, 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. 17-7ESR) which was received on September 26, 2017. We have reviewed the proposed amendment pursuant to the expedited state review process in Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department's authorized scope of review that will be adversely impacted by the amendment if adopted.

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

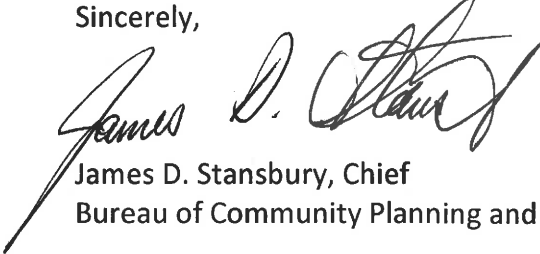
The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second 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.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
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If you have any questions concerning this review, please contact Diana Elsner, Planning Analyst, by telephone at (850) 717-8489 or by email at diana.eisner@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

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

JDS/de

Enclosure(s): Procedures for Adoption

cc: Brandon Dunn, Principal Planner, Lee County Planning Section
Margaret Wuerstle, Executive Director, Southwest 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.

Miller, Janet

From: Dunn, Brandon
Sent: Tuesday, October 17, 2017 3:05 PM
To: Rozdolski, Mikki; Miller, Janet
Subject: FW: Lee County 17-7ESR Proposed

Please see correspondence from FDEP concerning the proposed Verdana CPA.

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: Tuesday, October 17, 2017 2:57 PM
To: Dunn, Brandon; DCPexternalagencycomments
Cc: Plan_Review; 'Oblaczynski, Deborah'
Subject: Lee County 17-7ESR Proposed

To: Brandon Dunn, Principal Planner

Re: Lee County 17-7ESR – Expedited State 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. The Department does, however, agree with the LPA's proposed changes to Policy 33.3.4.2i., regarding agricultural row-crop usage within the property.

Feel free to contact me at 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 or

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

Signature E-Ray



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

October 23, 2017

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

RE: Lee County 17-7ESR 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 17-7ESR Proposed Comprehensive Plan Amendment (CPA). The CPA package includes three independent amendments, including CPA2016-00009 (Verdana), CPA2017-00004 (North Fort Myers Overlay Expansion), and CPA2017-00003 (Capital Improvements/Water Supply Management). The proposed package was transmitted by the Lee County Board of County Commissioners in accordance with the requirements of Florida Statutes Chapter 163. Below is a description for each independent CPA followed by FDOT technical assistance comments as appropriate.

1. CPA2016-00009 (VERDANA) – MAP AND TEXT AMENDMENTS:

The Verdana property is a 1,460+/- acre property located along Corkscrew Road, approximately 10-miles east of I-75. The CPA proposes the following changes:

- Amend Map 17, Southeast Density Reduction / Groundwater Resource (DR/GR) Residential Overlay to designate the 1,460+/- acre property as an Environmental Enhancement and Preservation Community.
- Amend Maps 6 and 7 to include the property within the Future Potable Water and Sewer Service areas.
- Amend Policy 33.3.4 to allow Tier 1 properties with access to Corkscrew Road to extend the Environmental Enhancement and Preservation Communities Overlay up to two miles south of Corkscrew Road and to change the time that agricultural uses must be ceased.



According to the adopted Lee Plan DR/GR Overlay, the maximum development that could occur on the 1,460± acres is 146 dwelling units (DUs), which would result in approximately 1,488 daily or 148 p.m. peak hour trips. The proposed amendment would result in a maximum of 1,460 single-family DUs, which would result in approximately 12,373 daily trips or 1,173 p.m. peak hour trips. As indicated in the table below, the proposed development could result in a net increase of 10,885 daily or 1,025 p.m. peak hour trips.

TRIP GENERATION COMPARISON

Scenario	Land Use Designation	Maximum Allowed Density / Intensity	ITE Land Use Code	Size of Development		Daily Trips ¹	PM Peak Trips ¹
				Acres	Allowed Development		
Approved	DR/GR	1 DU/10 Acres ¹	210	1,460	146 DU	1,488	148
Proposed	Environmental Enhancement and Preservation Overlay	1 DU/Acre	210	1,460	1,460 DU	12,373	1,173
Change in Trips						+10,885	+1,025

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 near the project will operate at their adopted level of service (LOS) standards, as identified within the Lee County's comprehensive plan during the existing (2016), short-term (2022), and long term (2040) horizon year conditions.

YEAR 2016 EXISTING ROADWAY CONDITIONS

Roadway	From	To	SIS?	LOS Std.	2016 Conditions				
					No. of Lanes	Service ² Volume	AADT	LOS	Acceptable?
SR 93/ I-75	CR 865/Bonita Beach Rd	CR 850/ Corkscrew Rd	Y	D	6	111,800	100,500	D	Yes
SR 93/ I-75	CR 850/ Corkscrew Rd	Alico Rd	Y	D	6	111,800	100,500	D	Yes
SR 93/ I-75	Alico Rd	Terminal Access Rd	Y	D	6 ³	151,800	98,964	B	Yes
Alico Road	I-75	Ben Hill Griffin Pkwy.	SC ¹	E	6	56,606	23,925	C	Yes

1. SC = SIS Highway Connector

2. Service Volume at the Lee County Adopted LOS Standard

3. Includes auxiliary lanes

YEAR 2022 SHORT-TERM HORIZON ROADWAY CONDITIONS

Roadway	From	To	LOS Std.	2022 Conditions							
				No. of Lanes	Service Volume ¹	Background Traffic ²	Project Dist.	Project Traffic ³	Total AADT	LOS	Acceptable?
SR 93/I-75	CR 865/Bonita Beach Rd	CR 850/Corkscrew Rd	D	6	111,800	109,823	15%	1,633	111,456	D	Yes
SR 93/I-75	CR 850/Corkscrew Rd	Alico Rd	D	6	111,800	108,772	20%	2,177	110,949	D	Yes
SR 93/I-75	Alico Rd	Terminal Access Rd	D	6 ⁴	151,800	110,126	10%	1,089	111,215	C	Yes
Alico Road	I-75	Ben Hill Griffin Pkwy.	E	6	56,606	25,678	15%	1,633	27,310	C	Yes

1. Service Volume at the Lee County Adopted LOS Standard.
2. The short-term planning horizon year 2022 background volume was obtained based on interpolation between 2016 and 2040 volumes.
3. Distributions based on Verdana Comprehensive Plan Amendment Traffic Study, Revised Exhibits (December 1, 2016) and engineering judgement.
4. Includes auxiliary lanes

YEAR 2040 LONG-TERM HORIZON ROADWAY CONDITIONS

Roadway	From	To	LOS Std.	2040 Conditions							
				No. of Lanes	Service Volume ¹	Background Traffic ²	Project Dist.	Project Traffic ³	Total AADT	LOS	Acceptable?
SR 93/I-75	CR 865/Bonita Beach Rd	CR 850/Corkscrew Rd	D	6	111,800	137,791	15%	1,633	139,424	F	No
SR 93/I-75	CR 850/Corkscrew Rd	Alico Rd	D	6	111,800	133,586	20%	2,177	135,763	F	No
SR 93/I-75	Alico Rd	Terminal Access Rd	D	6 ⁴	151,800	143,613	10%	1,089	144,702	D	Yes
Alico Road	I-75	Ben Hill Griffin Pkwy.	E	6	56,606	30,935	15%	1,633	32,568	C	Yes

1. Service Volume at the Lee County Adopted LOS Standard.
2. The long-term planning horizon year 2040 background volume is based on an average of trends analysis and model volumes.
3. Distributions based on Verdana Comprehensive Plan Amendment Traffic Study, Revised Exhibits (December 1, 2016) and engineering judgement.
4. Includes auxiliary lanes

Based on the planning level analysis, the segment of I-75 from CR 865/Bonita Beach Road to Alico Road is expected to operate below acceptable conditions during the long-term planning horizon, without the project trips.

The Lee County MPO 2040 Long-Range Transportation Plan (LRTP) Needs Plan Projects (Table C-1) identifies the segment of I-75 from the Lee/Collier County Line to Luckett Road as a needed widening project from 6-lanes to an 8-lane facility.

Based on the review, FDOT offers the following technical assistance comments.

FDOT Technical Assistance Comment #1:

The State and SIS transportation facilities that serve this part of the County were developed to accommodate all forms of transportation for moving people and goods, and provides multimodal alternatives to vehicular trips beyond vehicular capacity improvements. FDOT notes that there are currently no transit facilities in place to serve the proposed development associated with this CPA. As this eastern portion of the County continues to grow, FDOT encourages Lee County to promote multimodal connectivity between existing and future development areas and to coordinate with Lee Tran to assess the demand for transit connections. FDOT supports this type of collaboration, as enhanced multi-modal facilities help with the reduction of automobile dependency on the local and regional roadway network.

FDOT Technical Assistance Comment #2:

FDOT notes that Alico Road has been identified in the Lee County MPO 2040 Transportation Plan as a Tier Two Freight Facility. The segment of Alico Road from Airport Haul Road to the Alico Connector is home to several large mining operations such as Vulcan Materials-Florida Rock and Youngquist Brothers Rock. Based on 2016 traffic count data (FDOT Florida Traffic Online, 2016), Alico Road east of Ben Hill Griffin Parkway has a high volume of truck traffic (approximately 3,400 trucks daily), which accounts for approximately 53% of the total daily traffic along this segment.

The high growth in residential developments within this area, along with this proposed project, will cumulatively generate a significant amount of automobile vehicle trips along the roadway blending with a high volume of truck traffic. This increases the potential for truck/car conflicts. In addition to the programmed widening projects, other operational improvements should be investigated to minimize the potential for conflicts between cars and trucks

FDOT Technical Assistance Comment #3:

As previously noted, the various developments approved and planned along Corkscrew Road are large residential areas. FDOT notes that these developments do not include specific language regarding the use of multimodal transportation alternatives (pedestrian, bicycle and transit use). Pedestrian and bicycle paths/trails and a robust transit network can help to decrease overall passenger vehicle trips on local and State/SIS roadways. The use of multimodal alternatives aid in mitigating potential transportation impacts, promote safety and economic development, and improve quality of life for all communities in the County. This context sensitive approach promotes healthy, safe, and economically viable communities that encourages quality of life, incorporating all modes of transportation.

FDOT welcomes the opportunity to partner with, and provide technical assistance to Lee County to minimize potential future transportation impacts on nearby State and SIS transportation facilities, and offers several initiatives that complement the goals expressed

in the County's Comprehensive Plan, such as "Complete Streets"¹, modern roundabouts², and a commitment to bicycle and pedestrian safety³.

FDOT Technical Assistance Comment #4:

FDOT recognizes and supports Lee County in conducting the traffic study identified under Policy 38.1.9 (Environmental Enhancement Communities Preservation Overlay (EECPO) Traffic Study), which includes cumulative traffic impacts of approved developments and planned developments under review, including WildBlue, Corkscrew Farms, Pepperland Ranch, and the subject to this amendment (Verdana). As part of the EECPO Study, FDOT has encouraged the County to expand the boundaries of the EECPO Traffic Study to include the following State/SIS facilities:

- *I-75 from Bonita Beach Road to Corkscrew Road*
- *SR 82 from Corkscrew Road to Daniels Parkway*

Per email correspondence with Lee County on July 6, 2017, the requested segments of I-75 and SR-82 will be included in upcoming analyses. FDOT looks forward to continued cooperation on this project with Lee County.

FDOT Technical Assistance Comment #5:

As defined in Lee Plan Policy 38.1.9, the EECPO traffic study cumulatively assesses the traffic impacts of the various developments proposed in the area, including Verdana, WildBlue, Corkscrew Farms, and Pepperland Ranch. Per Policy 38.1.19, the study will include a financing strategy for the identified improvements, including participation in a Proportionate Fair Share Program.

Pending the results of the EECPO study, FDOT reserves the right to provide future comments on CPA2016-00009 (Verdana), as well as WildBlue, Corkscrew Farms and Pepperland, as it relates to adverse impacts on State and SIS transportation facilities, and mitigation of any identified impact(s).

2. CPA2017-00004 (NORTH FORT MYERS OVERLAY EXPANSION – MAP AMENDMENT):

CPA2017-00004 (North Fort Myers Overlay Expansion) proposes to Amend Lee Plan Map 1, Page 6, to expand the Mixed-Use Overlay on 56 properties which encompass 287.57± acres. The amendment would add properties located in North Fort Myers to the Mixed Use Overlay, which incentivizes properties in conventional zoning districts to maximize their development potential by allowing density/intensity calculations to be based on both the residential and non-residential areas of developments.

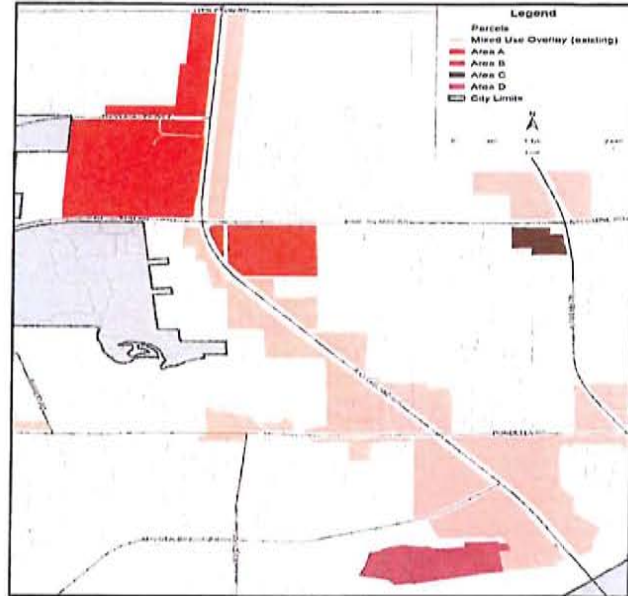
¹ <http://www.flcompletestreets.com/>

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

³ <http://www.alerttodayflorida.com/>

The properties proposed to be added to the North Fort Myers Mixed Use Overlay are in four distinct areas, including the following:

- **Area “A”:** This area is located south of Littleton Road and extends to Pine Island Road on the west side of US 41. The adopted Future Land Use Category is predominantly Central Urban, except for two properties at the southern end, which are Intensive Development.
- **Area B:** This area is located at the southeast corner of the intersection of Pine Island Road and US 41. The adopted Future Land Use Category is entirely Intensive Development.
- **Area C:** This area is located at the southwest corner of Business 41 and Pine Island Road. The adopted Future Land Use Category is mostly Central Urban, except for 41 Pine Island Road, which is Intensive Development.
- **Area D:** This area is located along North Key Drive just north of the Caloosahatchee River. The adopted Future Land Use Category is Intensive Development.



According to the staff report the intent of the Mixed Use Overlay is to allow residential uses in designated areas where commercial activity can occur. In addition, the staff report also notes that "The inclusion of these properties within the Mixed-Use Overlay does not increase the density or intensity allowable by the Lee Plan". Based on our review, FDOT offers no comments on the proposed CPA2017-00004 (North Fort Myers Overlay Expansion – Map Amendment). *FDOT does however, offer the following technical assistance comments, which are not grounds for objection.*

FDOT Technical Assistance Comment #6:

The subject properties are located along several State facilities, including SR 78/Pine Island Road, SR 45/US 41, and SR 739/US 41 Business/N. Tamiami Trail. Any access to these facilities will be subject to the FDOT permitting process as described in Rule 14-96 FAC. FDOT may require that the applicant provide mitigation for any potential impacts as a condition of a permit.

FDOT Technical Assistance Comment #7:

The properties included in the plan amendment are each within a half-mile of a Lee Tran bus stop. FDOT notes that the use of multimodal transportation alternatives which include transit, bicycle and pedestrian facilities that serve the proposed Mixed Use Overlay areas can help to decrease overall passenger vehicle trips on local and State/SIS roadways. To

reduce personal automobile trips on SIS transportation facilities, 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, and incorporates all modes of transportation.

3. CPA2017-00003 (CAPITAL IMPROVEMENTS/WATER SUPPLY MANAGEMENT)

CPA2017-00003 proposes to amend the Lee Plan to align provisions within Lee Plan Goals 2, 4, 53, 54, 55, 56, 67, 58, 60, 61, 62, 64, 66, 67, 76, 79, 82, 83, 84, 95, J 15, and 117 with the Board of County Commissioners strategic policy priority of managing growth (provision of adequate public facilities and services). The amendments reduce redundancies, align with state statutes, and provide better organization of the Lee Plan.

FDOT offers no comments on the changes associated with CPA2017-0003.

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

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

October 23, 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 # -- 20170925-977
Lee County CPA2016-00009, CPA2017-00003, CPA2017-00004
Submission dated September 22, 2017

Dear Mr. Dunn:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on September 25, 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, appearing to read "Stormie Knight", is written over a faint, larger version of the same signature.

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

cc: Florida Department of Economic Opportunity
(SLPA #: Lee County 17-7 ESR)

1400 Colonial Blvd., Suite 1
Fort Myers, FL 33907



P: 239.938.1813 | F: 239.938.1817
www.swfipc.org

November 22, 2017

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

Re: Lee County CPA2016-00009, CPA2017-00003, & CPA2017-00004 / DEO 17-7ESR

Dear Ms. Rozdolski:

The staff of the Southwest Florida Regional Planning Council has reviewed the proposed amendment (DEO 17-7ESR) 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 next meeting (date TBD). 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

Margaret Wuerstle, AICP
Executive Director

MW/DEC
Attachment

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

RECEIVED
NOV 27 2017

COMMUNITY 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 17-7ESR). 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:

Factors of Regional Significance				
<u>Proposed</u> <u>Amendment</u>	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
DEO 17-7ESR	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

11/2017

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 17-7ESR)

Summary of Proposed Amendment

Lee County DEO 17-7ESR consists of three amendments:

CPA2016-00009, Verdana: Amend Map 17, Southwest DR/GR Residential Overlay, to designate a 1,460 +/- acre property along Corkscrew Road as an Environmentally Enhancement and Preservation Community; Maps 6 and 7 to include the property within the Future Potable Water and Sewer Service area; and Policy 33.3.4 to allow Tier 1 properties with access to Corkscrew Road to extend the Environmental Enhancement and Preservation Communities Overlay up to 2 miles south of Corkscrew Road and to change the time that agricultural uses must be ceased.

The property is approximately 1,460 acres, located 4 miles east of the intersection of Alico and Corkscrew Roads. The requested amendments would allow a low density residential development with a maximum of one dwelling unit per acre with accessory commercial development pending the property being rezoned. The project, if properly zoned, will add 875 acres (or 60% of the subject property) for open space and conservation/restoration to the already extensive public and private conservation land within Southeast Lee County and Collier County.

CPA2017-00003, Capital Improvements/Water Supply Mgt: Amend the Lee Plan to align provisions within Lee Plan Goals 2, 4, 53, 54, 55, 56, 67, 58, 60, 61, 62, 64, 66, 67, 76, 79, 82, 83, 84, 95, 115, and 117 with the Board of County Commissioners strategic policy priority of managing growth (provision of adequate public facilities and services). The amendments will also reduce redundancies; align with state statutes; and, provide better organization of the Lee Plan.

Capital Improvement Element Changes:

- Align capital improvement prioritization methods with those implemented by the BOCC.
- Prioritize investment in infrastructure that support infill and redevelopment is designated Future Urban Areas.
- Update level of service standards to reflect current state statutes and demand on public infrastructure and services.

Water Supply Management Changes:

- Establish hierarchy of water sources based on different uses.
 - Require that irrigation demands be met by reuse water, if available.
 - Require alternative design options if reuse water is not available.
 - Require implementation through the Land Development Code.
- Encourage expansion of reuse water infrastructure.

CPA2017-00004, North Fort Myers Overlay Expansion: Amend Lee Plan Map 1, Page 6, to expand the Mixed Use Overlay on 56 properties, approximately 287.57 acres, located at the intersections of US 41 and Diplomat and Littleton Roads, and the intersections of North Tamiami Trail and Pine Island Road along North Key Drive in North Fort Myers.

The amendment would add properties located in North Fort Myers to the Mixed Use Overlay. The overlay was designed to encourage mixed use development in areas of the county suitable for combination of commercial and residential uses. The Mixed Use Overlay incentivizes properties in conventional zoning districts to maximize their development potential by allowing density/intensity calculations to be based on both the residential and non-residential areas of developments.

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.

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. 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.

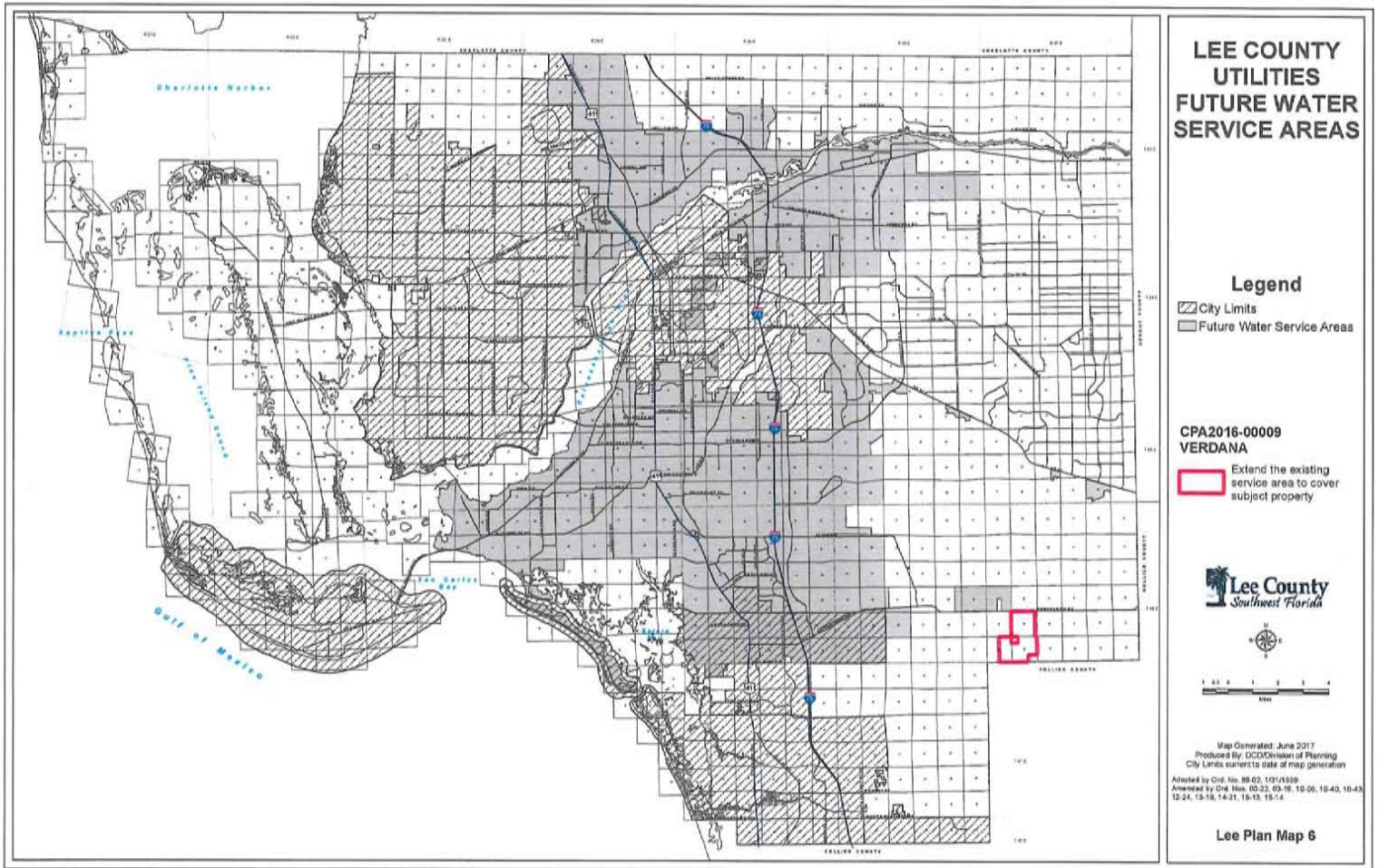
MAPS

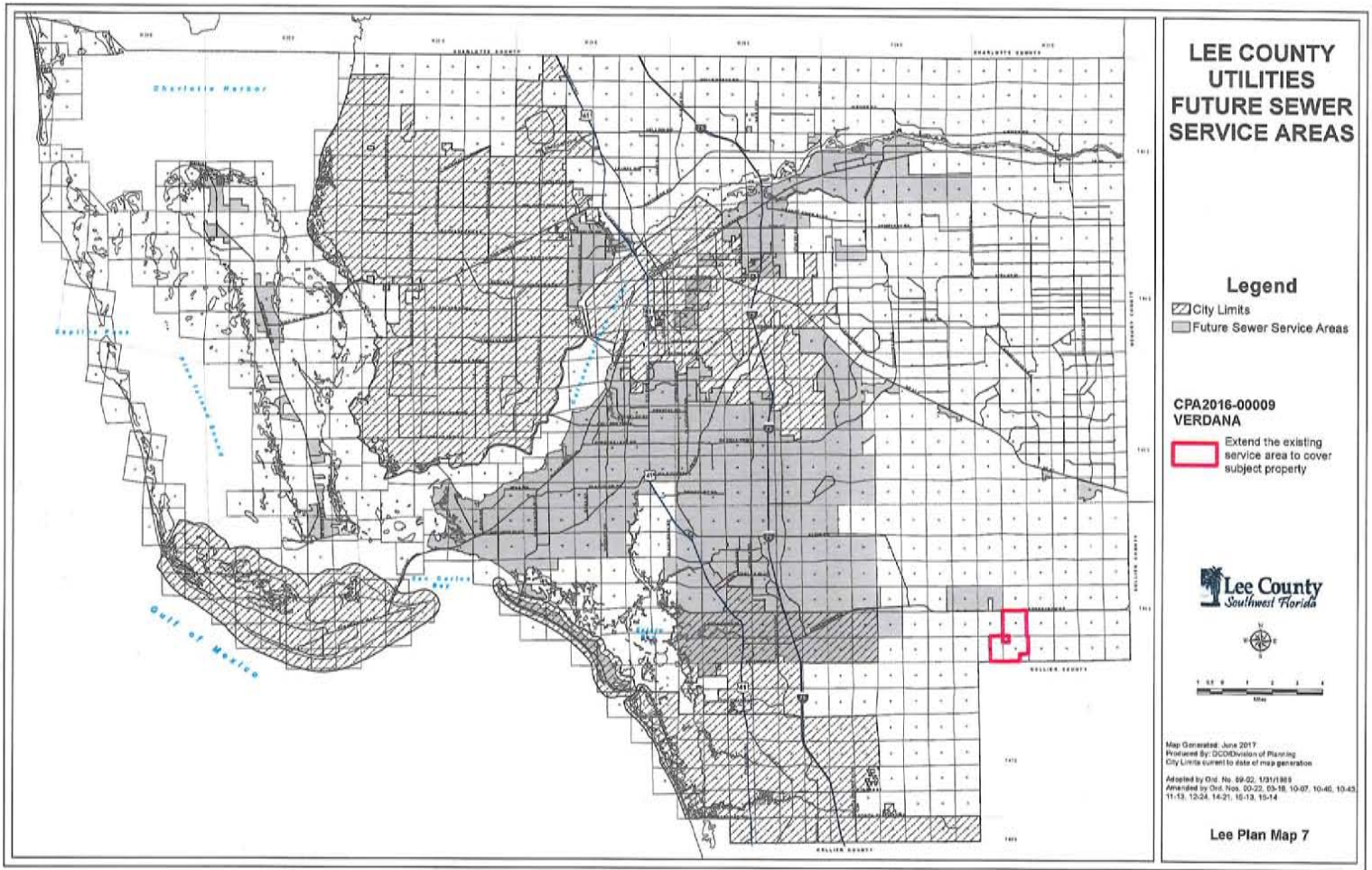
Lee County

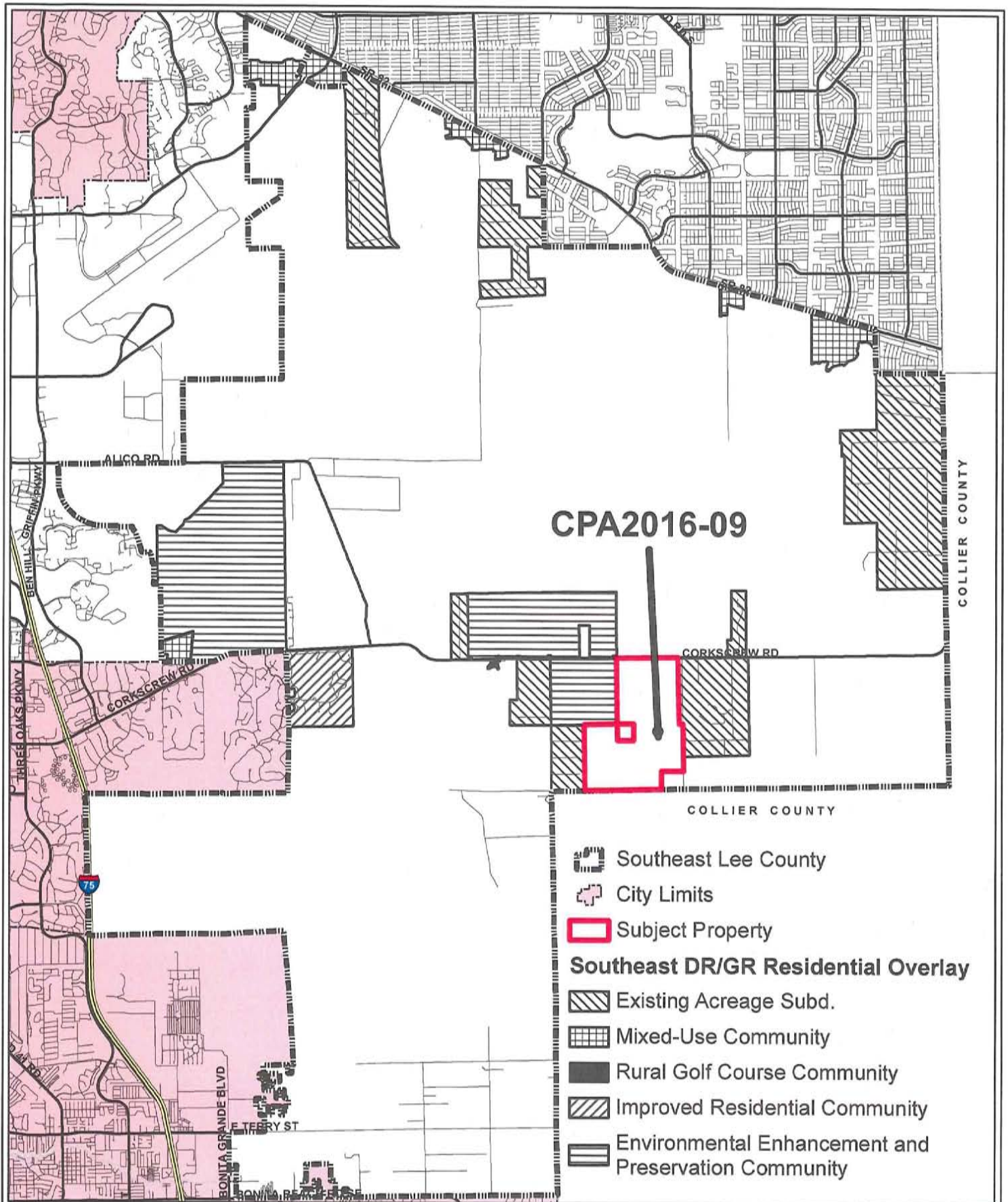
DEO 17-7ESR

Growth Management Plan

Comprehensive Plan Amendment







Map Generated June 2017
Prepared by Lee County DCD/Planning

CPA2016-00009 - VERDANA
LEE PLAN MAP 17
SOUTHEAST DR/GR RESIDENTIAL OVERLAY

OPEN SPACE TABLE	
INDIGENOUS / CONSERVATION AREA: 805 AC.±	(55% MIN. / 803 AC.)
TOTAL OPEN SPACE: 60% MIN. / 876 AC.	
TOTAL PROPERTY AREA: 1,460 AC.	

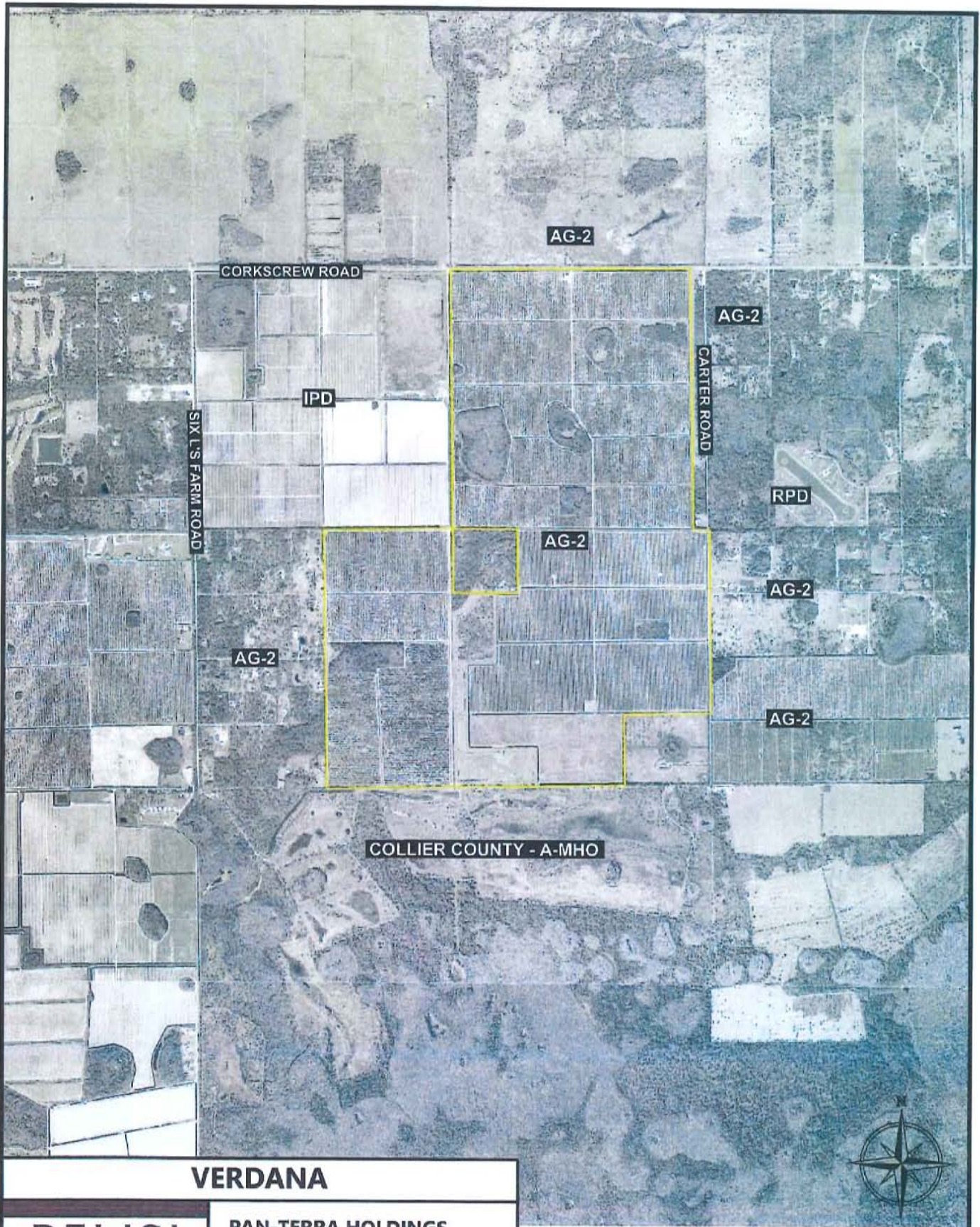


INDIGENOUS / CONSERVATION GROUNDS/SETBACKS COMP. PLAN EXHIBIT 52/13/15-49-OPEN SPACE EXHIBIT 1/16
8/22/2015 4:17 PM

NOTE:
THIS MAP IS FOR REFERENCE
PURPOSES ONLY. DATA PROVIDED IS
DERIVED FROM MULTIPLE SOURCES
WITH VARYING LEVELS OF ACCURACY.

VERDANA	
SITE PLAN	
DeLisi Fitzgerald, Inc. Planning - Engineering - Project Management	
1605 Hendry Street Fort Myers, FL 33901 P: (239) 418-0691 F: (239) 418-0692	Florida Certificate of Authorization: Engineering LS #: 26978





VERDANA

DELISI

Land Use Planning & Water Policy
DAN@DELISI-INC.COM

PAN-TERRA HOLDINGS

150 ALHAMBRA CIRCLE, SUITE 915
CORAL GABLES, FL 33134

**MAP IV.A.5
EXISTING ZONING**