

**AGENCY
COMMENTS**

CPA2017-00005

**BAY HARBOUR
MARINA VILLAGE
DRMUWD**

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

June 13, 2018

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

Dear Chairman Pendergrass:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Lee County (Amendment No. 18-4ESR), which was received on May 14, 2018. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department's authorized scope of review that will be adversely impacted by the amendment if adopted.

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

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the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment.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

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

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

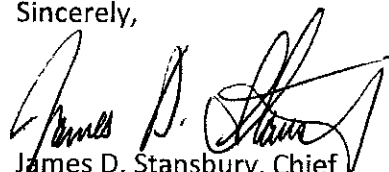
The Honorable Cecil Pendergrass, Chairman

June 13, 2018

Page 2 of 2

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

Sincerely,



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

JDS/sr

Enclosure: Procedures for Adoption

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

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency 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:

_____ State Land Planning Agency 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 state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective. "

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency 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 State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

Miller, Janet

From: Rozdolski, Mikki
Sent: Thursday, May 24, 2018 5:43 PM
To: Miller, Janet
Subject: FW: Lee County, DEO #18-4ESR Comments on Proposed Comprehensive Plan Amendment Package

Mikki Rozdolski
Planning Section Manager
Lee County Community Development
email: mrozdolski@leegov.com
phone: 239-533-8309

From: Oblaczynski, Deborah [<mailto:doblaczy@sfwmd.gov>]
Sent: Thursday, May 24, 2018 3:45 PM
To: Rozdolski, Mikki
Cc: Dunn, Brandon; Ray Eubanks (DCPexternalagencycomments@deo.myflorida.com); Brenda Winningham (brenda.winningham@deo.myflorida.com); ext-Wuerstle, Margaret (swfrpc.org)
Subject: Lee County, DEO #18-4ESR Comments on Proposed Comprehensive Plan Amendment Package

NOTICE: This email came from outside Lee County Government (leegov.com); exercise caution with attachments or links.

Dear Ms. Rozdolski:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Lee County (County). The package includes map and text amendments establishing the Destination Resort Mixed Use Water Dependent land use category on 7.47 acres. The proposed changes do not appear to adversely impact the water resources within the South Florida Water Management District; therefore, the District has no comments on the proposed amendment package.

The District offers its technical assistance to the County in developing sound, sustainable solutions to meet the County's future water supply needs and to protect the region's water resources. Please forward a copy of the adopted amendments to the District. Please contact me if you need assistance or additional information.

Sincerely,

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

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Florida Department of Transportation

RICK SCOTT
GOVERNOR

10041 Daniels Parkway
Fort Myers, FL 33913

MIKE DEW
SECRETARY

May 25, 2018

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

**RE: Lee County 18-4ESR Proposed Comprehensive Plan Amendment (CPA),
Expedited State Review Process – FDOT Technical Assistance Comments**

Dear Mr. Dunn:

The Florida Department of Transportation (FDOT), District One, has reviewed the Lee County 18-4ESR Proposed CPA (locally known as CPA2017-05, Bay Harbour Marina Village DRMUWD). The proposed CPA package was transmitted by the Board of County Commissioners in accordance with the requirements of Florida Statutes Chapter 163. FDOT offers the following technical assistance comments.

The proposed CPA includes both text and map amendments to the Lee Plan that will allow for a mixed-use development on 7.47± acres located approximately 580 feet east of San Carlos Boulevard/SR 865 on the north side of Main Street, in Lee County, Florida. The subject property is located within the Iona McGregor Planning Community. The amendments include the following revisions:

1. Amend the Future Land Use Map (FLUM) from Industrial and Suburban FLU categories to the Destination Resort Mixed Use Water Dependent (DRMUWD) FLU category.
2. Amend Table 1(a) to allow a bonus density in the DRMUWD FLU category, and increase the overall number of units permitted in the category.
3. Amend Table 1(b) to accommodate the proposed mixed-use development within the Iona McGregor Planning Community.
4. Amend Policy 31.1.1 to allow for bonus density within the DRMUWD if developed using affordable housing for the bonus density units.



5. Amend Policy 31.1.2(2) to lower the minimum size of development within the DRMUWD from 8 acres to 7 acres.
6. Delete Policy 31.1.3 which requires adherence to the Goals and locational criteria allowing the DRMUWD. This Policy is redundant to Policy 31.1.2.
7. Amend Policy 31.2.3 to allow all properties on San Carlos Island to be considered for the DRMUWD as opposed to only properties adjacent and contiguous to the existing DRMUWD properties.
8. Delete Policy 31.3.6 which includes development parameters for property within the DRMUWD FLU category, as maximum allowable development is determined in the concurrent zoning application.
9. Amend Policy 31.6.1 to allow for bonus density within the DRMUWD if developed using affordable housing for the bonus density units.
10. Amend Policy 31.10.1 to allow for fee in lieu as a form of hurricane mitigation at the discretion of Lee County.

As seen in the *Technical Analysis* section of this letter (pages 5 thru 7), the development that could occur on the site based on the proposed FLU change, would result in a net increase of 2,535 daily trips or 182 p.m. peak hour trips.

Based on the planning level analysis (*Tables 2 thru 4 of Technical Analysis section*), the segment of SR 865/San Carlos Boulevard from Estero Boulevard to Main Street fails in all years, without the project, and the segment from CR 869/Summerlin Road to CR 867/Old McGregor Boulevard is expected to fail during the short-term (year 2022) and the long-term (year 2040) planning horizons, without the proposed development.

FDOT notes that several improvement projects have been identified along San Carlos Boulevard, including the following:

- The FDOT Five-Year Work Program includes the segment of San Carlos Boulevard from Estero Boulevard to CR 869/Summerlin Road, as a PD&E Study (funded in year 2019) and Intersection Improvements (Design phase funded in year 2018).
- The Lee County MPO 2040 Long Range Transportation Plan (LRTP) includes the segment of San Carlos Boulevard from CR 869/Summerlin Road to Crescent Street, for Right-of-Way and Construction phases in the short-term planning horizon (2021– 2025).
- The LRTP also identifies a transit improvement for Route 400 to increase the seasonal weekday and weekend frequencies from 45 minutes to 25 minutes by year 2035.
- The Lee Plan (amended through April 2018) shows the segment of San Carlos Boulevard from CR 869/Summerlin Road to Kelly Road as a Financially Feasible widening project from two-lanes to four-lanes (Map 3A 2030 Financially Feasible Highway Plan Map).
- The Lee Plan Table 2(a) also identifies the segment of San Carlos Boulevard (Matanzas Pass Bridge) from Center Street to Main Street as a Constrained Roadway.

FDOT offers the following technical assistance comments, aimed at reducing the overall passenger vehicle trips on local and State roadways to minimize impacts from existing and future developments.

FDOT Technical Assistance Comment #1:

San Carlos Boulevard from CR 869/Summerlin to Kelly Road is identified in the Lee Plan as a Financially Feasible widening project from two-lanes to four-lanes, and segments from Estero Boulevard to CR 869/Summerlin Road are in the FDOT Five-Year Work Program and LRTP for additional improvements. *FDOT recommends that the County coordinate with the Lee County Metropolitan Planning Organization during the 2045 Long-Range Transportation Plan update, to assess the financial feasibility of the roadway improvement projects.*

FDOT Technical Assistance Comment #2:

The new trips associated with proposed Bay Harbour Marina Village are expected to serve residential and non-residential uses. FDOT notes that land uses/development patterns drive the development of transportation systems along with their safe and efficient operation. In an effort to decrease overall passenger vehicle trips on the roadway network, FDOT supports the planning and development of well-planned, connected communities that promote the use of multimodal alternatives that aid in mitigating potential transportation impacts on local and State transportation facilities. This can be achieved by encouraging compact and dense developments that provide multimodal connectivity between existing and future development areas. This context sensitive approach promotes healthy, safe, and economically viable communities that encourages quality of life, incorporating all modes of transportation. *FDOT offers several initiatives to assist the County in creating quality developments while protecting future mobility on the regional roadway network, including "Complete Streets"¹, modern roundabouts², and a commitment to bicycle and pedestrian safety³. FDOT welcomes the opportunity to partner with, and provide technical assistance to Lee County, to create multimodal transportation facilities to serve all users.*

FDOT Technical Assistance Comment #3:

FDOT notes that LeeTran Route 400 travels along San Carlos Boulevard between Summerlin Square and the Lovers Key State Park located along Estero Boulevard. The nearest southbound stop location is approximately 700 feet west of the site along Main Street, and the nearest northbound stop location is approximately 660 feet west of the site on San Carlos Boulevard. *In line with the Route 400 increased headways identified in the LRTP, FDOT encourages Lee County to continue coordination with LeeTran to assess the need for additional transit connections along Main Street to provide transit alternatives for the residents of the proposed Bay Harbour Marina Village.*

¹ <http://www.flcompletestreets.com/>

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

³ <http://www.alerttodayflorida.com/>

FDOT Technical Assistance Comment #4:

The subject property is located within the Lee County Coastal High Hazard Area (CHHA). Per revised Policy 31.10.1, an agreement must be executed between the County and the property owner to mitigate the project's hurricane sheltering and evacuation impacts. The agreement will include provisions, at the County's option, either provide a fee in lieu pursuant to the Lee County requirements or to construct on site shelter to withstand Category 5 hurricane force winds and storm surge to accommodate residents. *FDOT encourages continued coordination between the applicant and County to address potential impacts to evacuation times and shelter resulting from the proposed development.*

FDOT Technical Assistance Comment #5:

FDOT notes that per the staff report, a concurrent zoning application (Case No. DCI2015-00015) was filed by the applicant which limits development on the site to 113 multi-family DUs, 30,000 SF of commercial uses, 315 boat slips (dry and wet slips combined) and a parking garage with 200 public spaces. *FDOT recommends that the final approved zoning for the Planned Development be included with the adopted CPA.*

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

COMPREHENSIVE PLAN AMENDMENT TECHNICAL ANALYSIS

Lee County 18-4ESR includes both text and map amendments to the Lee Plan that will allow for a mixed-use development on 7.47± acres located approximately 580 feet east of San Carlos Boulevard/SR 865 on the north side of Main Street, in Lee County, Florida. The subject property is located within the Iona McGregor Planning Community, and is depicted on Figure 1.

Figure 1: Location Map

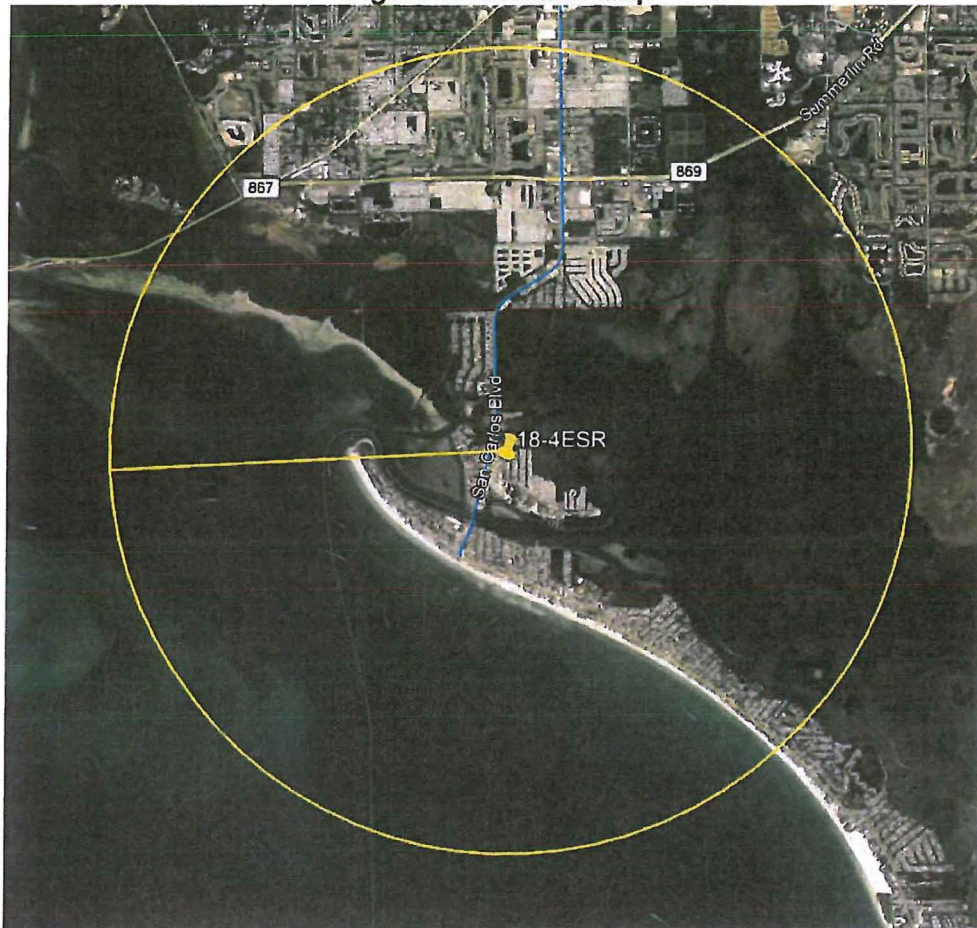


Table 1 below shows the trip generation potential for the currently adopted and proposed land uses, and the change in trips as a result of the amendment. According to the currently adopted FLU designation of IND, and based on discussions with Lee County staff, the maximum development that can occur on the 7.47± acres is 59,760 SF of warehouse (10,000 SF/Acre @ 80% of the subject property) and 14,940 SF of commercial uses (10,000 SF/Acre @ 20% of the subject property), resulting in 2,291 daily trips or 211 p.m. peak hour trips.

The concurrent zoning application (Case No. DCI2015-00015) limits development on the proposed Bay Harbour site to the following:

- Residential – Maximum of 113 dwelling units (DUs)
- Office-Retail-Mini-Storage – Maximum of 30,000 square feet (SF)
- Marina – Maximum of 29 wet and 286 dry boat slips
- Civic Spaces – 200 publicly accessible parking spaces

Based on the proposed development identified in the zoning application, the 113 multi-family DUs, 30,000 SF of commercial uses and 315 boat slips (dry and wet slips combined) would result in 4,826 daily trips or 393 p.m. peak hour trips. **The proposed amendment would result in a net increase of 2,536 daily trips or 183 p.m. peak hour trips.**

TABLE 1: TRIP GENERATION COMPARISON FOR LEE COUNTY 18-4ESR

Scenario	Land Use Designation	Maximum Allowed Density / Intensity	Land Use Code	Size of Development		Daily Trips ¹	PM Peak Hour Trips ¹
				Acres	Allowed Development		
Adopted	IND	10,000 SF/Acre	150	5.98	59,760 sf	317	43
Adopted	IND-COM	10,000 SF/Acre	820	1.49	14,940 sf	1,974	168
Proposed	DRMUWD-RES	NA	230	7.47	113 DUs	715	66
Proposed	DRMUWD-COM	NA	820		30,000 sf	3,105	267
Proposed	DRMUWD-MARINA	NA	420		315 Slips	1,006	60
Change in Trips						+2,535	+182

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

As seen in Tables 2 thru 4, a planning level analysis was prepared to establish whether State/SIS roadways in the vicinity of the project will operate at their adopted level of service (LOS) standards during the existing (2016), short-term (2022), and long term (2040) horizon year conditions.

TABLE 2: YEAR 2016 EXISTING ROADWAY CONDITIONS

Roadway	From	To	SIS/E-SIS?	LOS Std. ¹	2016 Daily Conditions				
					No. of Lanes	Service Volume	Volume ²	LOS	Acceptable?
SR 865	Estero Blvd	Main St	No	D	2	15,540	22,352	F	No
SR 865	Main St	CR 869 (Summerlin Rd)	No	D	4	41,790	22,352	C	Yes
SR 865	CR 869 (Summerlin Rd)	CR 867/Old McGregor Blvd	No	D	2	19,514	18,300	C	Yes

1. Adopted LOS Standard obtained from Lee County.

2. 2016 Volumes obtained from 2016 FDOT District One LOS Spreadsheet.

TABLE 3: YEAR 2022 SHORT-TERM HORIZON ROADWAY CONDITIONS

Roadway	From	To	2022 Daily Conditions (E+C)								
			No. of Lanes ¹	LOS Std. ²	Service Volume	Back-ground Volume ³	Project Distribution ⁴	Project Trips	Total Volume	LOS	Acceptable?
SR 865	Estero Blvd	Main St	2	D	15,540	25,000	35.0%	887	25,887	F	No
SR 865	Main St	CR 869 (Summerlin Rd)	4	D	41,790	25,000	65.0%	1,648	26,648	C	Yes
SR 865	CR 869 (Summerlin Rd)	CR 867/Old McGregor Blvd	2	D	19,514	20,500	15.0%	380	20,880	F	No

1. Number of Lanes (based on E+C Condition) obtained from 2016 FDOT District One LOS Spreadsheet.
2. Adopted LOS Standard obtained from Lee County.
3. The short-term planning horizon year 2022 background volume was obtained from 2016 FDOT District One LOS Spreadsheet.
4. Project Trip Distribution is based on information in the Bay Harbour Marina Village Traffic Impact Statement (July 12, 2017).

TABLE 4: YEAR 2040 LONG-TERM HORIZON ROADWAY CONDITIONS

Roadway	From	To	2040 Daily Conditions								
			No. of Lanes ¹	LOS Std. ²	Service Volume	Back-ground Volume ³	Project Trip Distribution ⁴	Project Trips	Total Volume	LOS	Acceptable?
SR 865	Estero Blvd	Main St	2	D	15,540	31,270	35.0%	887	32,157	F	No
SR 865	Main St	CR 869 (Summerlin Rd)	4	D	41,790	37,126	65.0%	1,648	38,774	C	Yes
SR 865	CR 869 (Summerlin Rd)	CR 867/Old McGregor Blvd	2	D	19,514	24,192	15.0%	380	24,572	F	No

1. Number of Lanes from 2040 District One Regional Planning Cost Feasible Model.
2. Adopted LOS Standard obtained from Lee County.
3. The long-term planning horizon year 2040 background volume was obtained based on an average of 2040 model volumes and 2040 historical trend volumes.
4. Project Trip Distribution is based on information in the Bay Harbour Marina Village Traffic Impact Statement (July 12, 2017).

Miller, Janet

From: Dunn, Brandon
Sent: Friday, June 01, 2018 11:29 AM
To: Rozdolski, Mikki; Miller, Janet; Jenkins-Owen, Sharon
Subject: FW: Lee County 18-4ESR (CPA2017-05)

Please see correspondence from FWC for CPA2017-05.

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

From: Hight, Jason [<mailto:Jason.Hight@MyFWC.com>]
Sent: Friday, June 01, 2018 11:01 AM
To: Dunn, Brandon; DCPexternalagencycomments@deo.myflorida.com
Cc: Keltner, James; Wallace, Traci
Subject: Lee County 18-4ESR (CPA2017-05)

NOTICE: This email came from outside Lee County Government (leegov.com); exercise caution with attachments or links.

Dear Mr. Dunn:

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

We appreciate the opportunity to review the proposed project and look forward to working with the applicant throughout the permitting process. If you need any further assistance, please do not hesitate to contact our office by email at FWCConservationPlanningServices@MyFWC.com. If you have specific technical questions, please contact Jim Keltner at (239) 332-6972 x9209 or by email at James.Keltner@MyFWC.com.

Thank you,

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

Lee County 18-4ESR_36292

From: [Dunn, Brandon](#)
To: [Jenkins-Owen, Sharon](#); [Miller, Janet](#)
Cc: [Rozdolski, Mikki](#)
Subject: FW: Lee County 18-4ESR Proposed
Date: Wednesday, June 13, 2018 1:04:25 PM
Attachments: [image002.png](#)

Please see correspondence from DEP for CPA2017-00005.

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: Wednesday, June 13, 2018 9:10 AM
To: Dunn, Brandon; DCPexternalagencycomments
Cc: Plan_Review
Subject: [EXTERNAL] Lee County 18-4ESR Proposed

To: Brandon Dunn, Principal Planner

Re: Lee County 18-4ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

For your record: While you are receiving this email past our due date, it serves as a record of our review.

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

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

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

Suzanne E. Ray



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