

**AGENCY  
COMMENTS**

**CPA2016-00010**

**TROYER  
BROTHERS  
CONSERVATION  
LANDS**

**Rick Scott**  
GOVERNOR



**Cissy Proctor**  
EXECUTIVE DIRECTOR

May 10, 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. 17-3ESR), which was received on April 12, 2017. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department's authorized scope of review that will be adversely impacted by the amendment if adopted.

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the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment.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](http://www.floridajobs.org)  
[www.twitter.com/FLDEO](http://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](http://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.

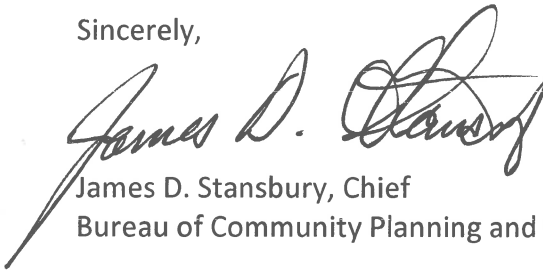
The Honorable John Manning, Chairman

May 10, 2017

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](mailto:scott.rogers@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, sweeping underline that extends to the left.

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

JDS/sr

Enclosure: Procedures for Adoption

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

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS**

**FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

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

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

\_\_\_\_\_ Department of Economic Opportunity identification number for adopted amendment package;

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

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

\_\_\_\_\_ Ordinance number and adoption date;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Miller, Janet**

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**From:** Dunn, Brandon  
**Sent:** Wednesday, April 19, 2017 12:51 PM  
**To:** Miller, Janet; Rozdolski, Mikki  
**Subject:** FW: Lee County 17-3ESR (CPA2016-06 & CPA2016-10)

FYI...

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**From:** Hight, Jason [<mailto:Jason.Hight@MyFWC.com>]  
**Sent:** Wednesday, April 19, 2017 10:50 AM  
**To:** [DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com); Dunn, Brandon  
**Cc:** Keltner, James; Wallace, Traci; Chabre, Jane  
**Subject:** Lee County 17-3ESR (CPA2016-06 & CPA2016-10)

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 fish and wildlife or listed species and their habitat to offer on this amendment.

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

Sincerely,

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

Lee County 17-3ESR\_32877

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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.

## Miller, Janet

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**From:** Dunn, Brandon  
**Sent:** Thursday, April 27, 2017 9:49 AM  
**To:** Rozdolski, Mikki; Miller, Janet  
**Subject:** FW: Lee County 17-3ESR Proposed

Please see FDEP correspondence below.

*Brandon D. Dunn*, Principal Planner  
Lee County Department of Community Development  
Planning Section  
[bdunn@leegov.com](mailto:bdunn@leegov.com)  
239.533.8585

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**From:** Plan\_Review [<mailto:Plan.Review@dep.state.fl.us>]  
**Sent:** Thursday, April 27, 2017 9:18 AM  
**To:** Dunn, Brandon; DCPexternalagencycomments  
**Cc:** Plan\_Review  
**Subject:** Lee County 17-3ESR Proposed

To: Brandon Dunn, Principal Planner

Re: Lee County 17-3ESR – Expedited Review of Proposed Comprehensive Plan Amendment

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

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

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

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

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

**Miller, Janet**

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**From:** Dunn, Brandon  
**Sent:** Thursday, May 04, 2017 8:31 AM  
**To:** Miller, Janet  
**Subject:** FW: DEO #17-3ESR Comments on Proposed Comprehensive Plan Amendment Package

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**From:** Oblaczynski, Deborah [<mailto:doblaczy@sfwmd.gov>]  
**Sent:** Thursday, May 04, 2017 8:17 AM  
**To:** Rozdolski, Mikki  
**Cc:** Dunn, Brandon; Ray Eubanks ([DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)); Brenda Winningham ([brenda.winningham@deo.myflorida.com](mailto:brenda.winningham@deo.myflorida.com)); ext-Wuerstle, Margaret (swfrpc.org)  
**Subject:** DEO #17-3ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Ms. Rozdolski:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Lee County (County). The amendment package amends the land use designation on 453.32 acres from Density Reduction/Groundwater Resource (DR/GR) and Wetlands to Conservation. The amendment package also includes adding 907.6 acres to the Future Limerock Mining Overlay and adds industrial acreage to the Southeast Lee County Planning Community. Based on review of the submitted materials, the District has no comments on the proposed amendment package.

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

Sincerely,

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

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

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



OFFICE OF THE COMMISSIONER  
(850) 617-7700



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

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

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May 11, 2017

VIA EMAIL (bdunn@leegov.com)

Lee County Department of community Development  
Mr. Brandon Dunn  
P.O. Box 398  
Fort Myers, Florida 33902-0398

Re: DACS Docket # -- 20170410-905  
Lee County CPA2016-00006 (Troyer Brothers Map) 14 and  
CPA2016-00010 (Troyer Brothers Conservation Lands)  
Submission dated April 10, 2017

Dear Mr. Dunn:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on April 10, 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 cursive script that reads "Stormie Knight".

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

cc: Florida Department of Economic Opportunity  
(SLPA #: Lee County 17-3 ESR)



## Florida Department of Transportation

RICK SCOTT  
GOVERNOR

10041 Daniels Parkway  
Fort Myers, FL 33913

RACHEL D. CONE  
INTERIM SECRETARY

May 12, 2017

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

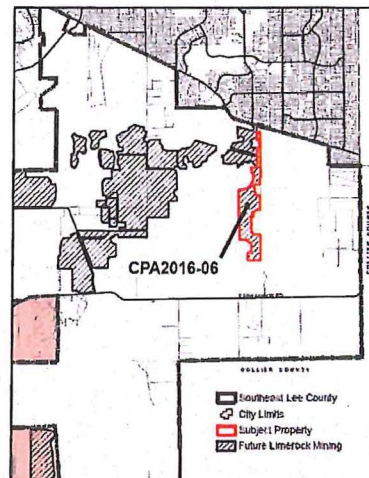
### RE: Lee County 17-3ESR Proposed Comprehensive Plan Amendment (Expedited State Review Process) – FDOT Technical Assistance Comments

Dear Mr. Dunn:

The Florida Department of Transportation (FDOT), District One, has reviewed the Lee County 17-3ESR Proposed Comprehensive Plan Map Amendment (CPA). The CPA proposal package was transmitted under the Expedited State Review process by the Lee County Board of County Commissioners in accordance with the requirements of Florida Statutes Chapter 163. FDOT offers the following technical assistance comments.

The Lee County 17-3ESR CPA includes two separate amendments for land within the 1,804± acres Troyer Brothers site, located in Southeast Lee County (about 7 miles to the east of Daniels/Gunnery Road, and on the south side of State Route 82). The CPAs are summarized below:

- CPA2016-00006, Troyer Brothers Map 14: This amendment includes two primary changes, as summarized below:
  - Amend Map 14 (Future Limerock Mining Overlay) to add 907± acres within the Troyer Brothers property to the Future Limerock Mining Overlay; and
  - Add the corresponding 907± acres to Table 1(b) for Year 2030 Allocations under Industrial acreage, within the Southeast Lee County planning area.



Per the staff report, the limerock mining operation will generate 313 trips (passenger-car equivalent trips) in the AM peak hour, 205 trips in the mid-day peak hour, 46 trips in the PM peak hour, and 2,092 daily trips. The staff report also identifies four widening projects along SR 82, which will provide adequate transportation facilities for a Limerock mine at this location. Each

widening project is included in the FDOT Adopted 5-Year Work Program, and are listed in the following table:

Segment	FM #	Improvement	Construction/ Funding Year
SR 82 from CR 884/ Colonial Blvd. to Shawnee Rd.	425841-1	Widen to 6 lanes	2017
SR 82 from Shawnee Rd. to Alabama Rd.	425841-2	Widen to 6 lanes	2022
SR 82 from Alabama Rd. to Homestead Rd.	425841-3	Widen to 4 lanes	2018
SR 82 from Homestead Rd. to County Line	425841-4	Widen to 4 lanes	2018

- CPA2016-00010, Troyer Brothers Conservation Lands: Amend the Future Land Use (FLU) Map (Map 1) to redesignate 453± acres within the Troyer Brothers property, from the Density Reduction/Groundwater (DR/GR) and Wetlands FLU designation to Conservation Lands.

Per the staff report and consistent with Lee Plan Policies 1.4.3 (DR/GR) and 1.4.6 (Conservation Lands), the DR/GR FLU category allows residential development up to 10 dwelling units (DUs) per acre totaling 45 residential DUs, while the Conservation Lands FLU category does not allow residential densities. The proposed Conservation Lands FLU areas represent native habitat that will be preserved during the Mine Excavation Planned Development (MEPD) process to allow mining in the adjacent Map 14 Amendment area.

**FDOT Technical Assistance Comments, CPA2016-00006:**

*The trip generation results included in the Staff Report (page 9 of 18) represent the trip generation from an older Traffic Impact Analysis report. The revised Traffic Impact Analysis, dated February 9, 2017, shows slightly different numbers for the AM and PM peak hours (352 AM and 81 PM peak hour trips). **Please revise the trip generation volumes to reflect the latest Traffic Impact Analysis in the Adoption package, for consistency.***

*The proposed changes to add land from the subject property to Map 14 for future mining activities, and the addition of 907± acres allocated to industrial uses in Table 1(b) do not create adverse capacity impacts to State or Strategic Intermodal System (SIS) facilities due to the widening of SR 82 (an Emerging SIS facility) in current and future years. Therefore, FDOT offers no capacity comments on CPA2016-00006. FDOT encourages the property owners to coordinate with District One Permitting/Access Management staff to evaluate the existing driveway permit in terms of the land use change to assure the safe and efficient operation of SR 82 at the connection of SR 82/Troyers Bros Road.*

**FDOT Technical Assistance Comments, CPA2016-00010:**

*The proposed FLU Map change from DR/GR to Conservation Lands reduces the development potential on the subject properties making up the 453± acres. Therefore, FDOT offers no comments on CPA2016-00010.*

Thank you for providing FDOT with the opportunity to review and comment on the proposed amendment. 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](mailto:sarah.catala@dot.state.fl.us).

Sincerely,



Sarah Catala  
SIS/Growth Management Coordinator  
FDOT District One

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

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



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

**RECEIVED**  
JUN 06 2017

COMMUNITY DEVELOPMENT

June 5, 2017

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

**Re: Lee County CPA2014-00006 & CPA2016-00010 / DEO 17-3ESR**

Dear Ms. Rozdolski:

The staff of the Southwest Florida Regional Planning Council has reviewed the proposed amendment (DEO 17-3ESR) to the Lee County Comprehensive Plan. The review was performed according to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

The Council will review the proposed amendment and the staff recommendations at its June 15, 2017 meeting. Council staff is recommending that the request be found regionally significant with regards to location. Council staff is also recommending that the proposed changes are conditionally consistent with the SRPP, awaiting the results of the applicants' modeling and given that staff's recommendations are followed.

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



**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 17-3ESR). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps can be reviewed in Attachment III.

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
2. Magnitude--equal to or greater than the threshold for a Development of Regional Impact of the same type (a DRI-related amendment is considered regionally significant); and
3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

Factors of Regional Significance

<u>Proposed Amendment</u>	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
DEO 17-3ESR	Yes	No	No	(1) Regionally significant (2) Conditionally consistent with SRPP

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

## COMMUNITY PLANNING ACT

### Local Government Comprehensive Plans

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;  
A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e. g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda

Collier County, Everglades City, Marco Island, Naples

Glades County, Moore Haven

Hendry County, Clewiston, LaBelle

Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel

Sarasota County, Longboat Key, North Port, Sarasota, Venice

## COMPREHENSIVE PLAN AMENDMENTS

A local government may amend its plan at any time during the calendar year. Six copies of the amendment are sent to the Department of Economic Opportunity (DEO) for review. A copy is also sent to the Regional Planning Council, the Water Management District, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

The proposed amendments will be reviewed by DEO in two situations. In the first, there must be a written request to DEO. The request for review must be received within forty-five days after transmittal of the proposed amendment. Reviews can be requested by one of the following:

- the local government that transmits the amendment,
- the regional planning council, or
- an affected person.

In the second situation, DEO can decide to review the proposed amendment without a request. In that case, DEO must give notice within thirty days of transmittal.

Within five working days after deciding to conduct a review, DEO may forward copies to various reviewing agencies, including the Regional Planning Council.

### **Regional Planning Council Review**

The Regional Planning Council must submit its comments in writing within thirty days of receipt of the proposed amendment from DEO. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the Regional Planning Council must be limited to "effects on regional resources or facilities identified in the Strategic Regional Policy Plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government".

After receipt of comments from the Regional Planning Council and other reviewing agencies, DEO has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DEO transmits its written comments to the local government.

**NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) FOR DETAILS.**



**LEE COUNTY COMPREHENSIVE PLAN AMENDMENT (DEO 17-3ESR)****Summary of Proposed Amendment**

Lee County DEO 17-3ESR consists of two amendments:

CPA2016-00006 (Troyer Brothers Map 14): Amend Map 14 to add lands within the Troyer Brothers property to the Future Limerock Mining Overlay and corresponding industrial acreage to Table 1(b).

CPA2016-00010 (Troyer Brothers Conservation Lands): Redesignate 453± acres, a portion of the Troyer Brothers property, from DR/GR and Wetlands to Conservation Lands on the Future Land Use Map.

The total size of the property is 1,804± Acres (907.6 acres will be added to Map 14, and 453.32 acres will be redesignated to the Conservation Lands future land use category). The subject property is located in Southeast Lee County about 7 miles to the east of Daniels/Gunnery Road on the south side of State Route 82. The property is zoned agricultural (AG-2) to accommodate agricultural row crops and an agricultural processing facility and the FLU Category is Density Reduction/Groundwater Resource (DR/GR) and wetlands. With the exception of the properties within the Lehigh Acres Planning Community, located north of the subject property, the surrounding properties are located in the DR/GR or Wetlands future land use categories and are zoned AG-2.

Lee Plan Goal 33 and its subsequent Objectives and Policies are based on 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. These studies underscore the importance of finding a balance between Southeast Lee County's predominate uses – agricultural, resource extraction (water and aggregate), residential, and conservation. While the 2008 study acknowledges possible impacts of mining activities, it also recognizes the need for aggregate limerock materials:

*"The DR/GR is a central part of one of only six areas in the State of Florida that are believed to contain high quality, sub-surface limestone that can be economically processed for use in road construction. Crushed stone, often known as aggregate, is also an important raw material in the construction of buildings. Aggregate is considered to be a geographically limited essential resource for economic development and growth in Florida."*

In recognizing the need for a balance, Lee County implemented the Future Limerock Mining Overlay through the adoption of Map 14 and Objective 33.1. Objective 33.1 provides that the County will designate on Map 14 sufficient land for continued limerock mining to meet regional demands through the Lee Plan's planning horizon and Policy 33.1.1 recognizes that by allowing rezonings for new and expanded limerock mines only in the areas identified in Map 14, limerock resources will be more fully utilized and the spread of limerock mining impacts will be precluded until such time as there is a clear necessity to do so and Map 14 is amended accordingly. As such, in determining when and where land should be added to the Future Limerock Mining Overlay the need for additional land and the location of the additional land are required to be evaluated and considered.

On December 20, 2016, in compliance with Policy 33.1.4, the Board adopted the 2016 Southeast Lee County DR/GR Mining Study. The Study demonstrates that there is insufficient land designated on Map 14 to meet the regional limerock demands through the 2040 Planning horizon. In addition, during the Lee Plan

amendment application process, the Applicant provided their own analysis that concluded there is a deficit of limerock supply through the 2030 planning horizon. The Applicant further indicated, assuming all required approvals are obtained, mining excavation would not occur on the subject property prior to 2020, well after the Lee Planning horizon update. Lee County Staff finds that there is a clear necessity that additional land needs to be added to the Future Limerock Mining Overlay to meet demand through the year 2040. In accordance with the recommendations made in the 2016 Southeast Lee County DR/GR Mining Study, Staff is recommending that the Board review applications on a case-by-case basis for inclusion within the Future Limerock Mining overlay rather than the County initiating its own analysis and unilaterally designating land on Map 14.

The application materials provide that the proposed mine will access State Route 82. No access to Corkscrew Road is proposed. Access locations to the subject property will be verified and likely conditioned through the MEPD zoning process. The subject site is located on the south side of State Route 82 east of Homestead Road. State Route 82 is currently an east/west two lane undivided arterial roadway on the Strategic Intermodal System maintained by and under the jurisdiction of FDOT. The applicant proposes to use the existing farm operation access to State Route 82. Lee Plan Map 3A reflects the Lee County Metropolitan Planning Organization (MPO) 2035 Long Range Transportation Plan (LRTP). This map shows six-laning of State Route 82 from Homestead Road to Colonial Boulevard as a cost feasible project, and four-laning of State Route 82 from the Hendry County Line to Homestead Road as a needs plan project. The FDOT 5-year work program has multiple projects to widen State Route 82 from Colonial Blvd to County Line. The MPO 2040 LRTP was adopted in December 2015. The updated LRTP includes the four-laning of State Route 82 from the Hendry County Line to Homestead Road as a cost feasible project. Staff is preparing an amendment to Map 3A to incorporate the MPO's 2040 Cost Feasible and Highway Needs Plans.

State Route 82 Improvement Schedule

Segment	Improvement	Construction Funding Year
Colonial Blvd to Shawnee Rd	Widen to 6 lanes	2016/2017
Shawnee Rd to Alabama Rd	Widen to 6 lanes	2021/2022
Alabama Rd to Homestead Rd	Widen to 6 lanes	2017/2018
Homestead Rd to County Line	Widen to 4 lanes	2017/2018

Although County staff is recommending the proposed amendment be transmitted, findings that the mine will be "compatible with maintaining surface and groundwater levels" and that the proposed mine will "minimize or eliminate adverse effects" on surrounding conservation uses cannot be made until the applicant provides the modeling required as part of the concurrent MEPD. If the modeling demonstrates that the proposed mine does not have adverse impacts on surface and groundwater levels and water quality, findings will be made at the adoption hearing regarding surface and ground levels and effects on conservation lands. If this cannot be demonstrated, the proposed amendment to add land to the Future Limerock Mining Overlay should not be adopted.

**Regional Impacts**

Since the restoration post-mining is not completed until after the site has been impacted and would not commence until the future, in approximately 2040 or later, a performance bond to pay for the restoration is recommended to guarantee that the site would be restored even if the mining company(s) who undertake the impacts declare bankruptcy or no longer exist before that time.

The proposal extends the Map 14 Mining Overlay further east than any current projects or entitlements for mining. The configuration extends across 5 and one half sections (miles) of land between SR82 and Corkscrew Road blocking the northeast to southwest flowways of this part of the DR/GR and bisecting these northeastern portions of the DR/GR. The application asserts that these flow paths are currently blocked by agricultural ditching and that upon the future completion of the project the flowways would be restored through the remnant mining pit. Given the hydrologic behaviors of mining pits in southwest Florida it is unlikely the flows will cross across the pit since the pit will form a hydrological low in the surficial aquifer and capture water for some distance around the pit particularly during the dry season. So it is unlikely the proposed flowway restoration will be effective.

The project site is in an area of documented Florida panther use with telemetry points on the site. Other federal and state listed species can be found on the site. We recommend that in addition to the review of federally listed species impacts, a review of impacts to state-listed species should occur. The recommendations of the USFWS and FWC should be implemented with regard to wildlife and listed species. The determination of how the connectivity of the proposed on-site wildlife corridors to wildlife habitats off-site including the need for wildlife underpasses within on the site, on SR 82 and Corkscrew Road should be addressed in coordination with the USFWS and FWC.

Staff finds this project is regionally significant in regards to location. This project is located in the DR/GR which is an ecologically important resource. Staff also finds this project conditionally consistent with the SRPP given the recommendations above are followed and the results of the applicant's modeling show no adverse impacts on surface and groundwater levels and water quality.

**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**

Staff finds this project is regionally significant in regards to location and conditionally consistent with the SRPP given the recommendations above are followed and the results of the applicant's modeling show no adverse impacts on surface and groundwater levels and water quality.

**Recommended Action**

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



*Florida Department of Transportation*

RICK SCOTT  
GOVERNOR

10041 Daniels Parkway  
Fort Myers, FL 33913

RACHEL D. CONE  
INTERIM SECRETARY

May 12, 2017

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

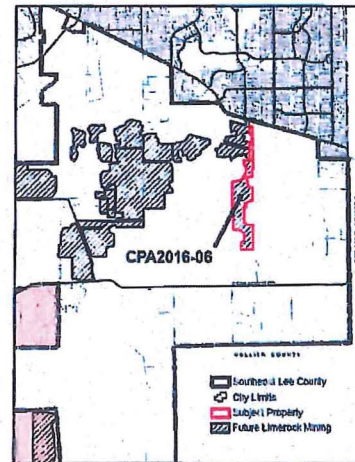
**RE: Lee County 17-3ESR Proposed Comprehensive Plan Amendment (Expedited State Review Process) – FDOT Technical Assistance Comments**

Dear Mr. Dunn:

The Florida Department of Transportation (FDOT), District One, has reviewed the Lee County 17-3ESR Proposed Comprehensive Plan Map Amendment (CPA). The CPA proposal package was transmitted under the Expedited State Review process by the Lee County Board of County Commissioners in accordance with the requirements of Florida Statutes Chapter 163. FDOT offers the following technical assistance comments.

The Lee County 17-3ESR CPA includes two separate amendments for land within the 1,804± acres Troyer Brothers site, located in Southeast Lee County (about 7 miles to the east of Daniels/Gunnery Road, and on the south side of State Route 82). The CPAs are summarized below:

- CPA2016-00006, Troyer Brothers Map 14: This amendment includes two primary changes, as summarized below:
  - Amend Map 14 (Future Limerock Mining Overlay) to add 907± acres within the Troyer Brothers property to the Future Limerock Mining Overlay; and
  - Add the corresponding 907± acres to Table 1(b) for Year 2030 Allocations under Industrial acreage, within the Southeast Lee County planning area.



Per the staff report, the limerock mining operation will generate 313 trips (passenger-car equivalent trips) in the AM peak hour, 205 trips in the mid-day peak hour, 46 trips in the PM peak hour, and 2,092 daily trips. The staff report also identifies four widening projects along SR 82, which will provide adequate transportation facilities for a Limerock mine at this location. Each

widening project is included in the FDOT Adopted 5-Year Work Program, and are listed in the following table:

Segment	FM #	Improvement	Construction/ Funding Year
SR 82 from CR 884/ Colonial Blvd. to Shawnee Rd.	425841-1	Widen to 6 lanes	2017
SR 82 from Shawnee Rd. to Alabama Rd.	425841-2	Widen to 6 lanes	2022
SR 82 from Alabama Rd. to Homestead Rd.	425841-3	Widen to 4 lanes	2018
SR 82 from Homestead Rd. to County Line	425841-4	Widen to 4 lanes	2018

- CPA2016-00010, Troyer Brothers Conservation Lands: Amend the Future Land Use (FLU) Map (Map 1) to redesignate 453± acres within the Troyer Brothers property, from the Density Reduction/Groundwater (DR/GR) and Wetlands FLU designation to Conservation Lands.

Per the staff report and consistent with Lee Plan Policies 1.4.3 (DR/GR) and 1.4.6 (Conservation Lands), the DR/GR FLU category allows residential development up to 10 dwelling units (DUs) per acre totaling 45 residential DUs, while the Conservation Lands FLU category does not allow residential densities. The proposed Conservation Lands FLU areas represent native habitat that will be preserved during the Mine Excavation Planned Development (MEPD) process to allow mining in the adjacent Map 14 Amendment area.

**FDOT Technical Assistance Comments, CPA2016-00006:**

*The trip generation results included in the Staff Report (page 9 of 18) represent the trip generation from an older Traffic Impact Analysis report. The revised Traffic Impact Analysis, dated February 9, 2017, shows slightly different numbers for the AM and PM peak hours (352 AM and 81 PM peak hour trips). **Please revise the trip generation volumes to reflect the latest Traffic Impact Analysis in the Adoption package, for consistency.***

*The proposed changes to add land from the subject property to Map 14 for future mining activities, and the addition of 907± acres allocated to industrial uses in Table 1(b) do not create adverse capacity impacts to State or Strategic Intermodal System (SIS) facilities due to the widening of SR 82 (an Emerging SIS facility) in current and future years. Therefore, FDOT offers no capacity comments on CPA2016-00006. FDOT encourages the property owners to coordinate with District One Permitting/Access Management staff to evaluate the existing driveway permit in terms of the land use change to assure the safe and efficient operation of SR 82 at the connection of SR 82/Troyers Bros Road.*

Brandon Dunn  
Lee County 17-3ESR Proposed CPA – FDOT Technical Assistance Comments  
May 12, 2017  
Page 3 of 3

**FDOT Technical Assistance Comments, CPA2016-00010:**

*The proposed FLU Map change from DR/GR to Conservation Lands reduces the development potential on the subject properties making up the 453± acres. Therefore, FDOT offers no comments on CPA2016-00010.*

Thank you for providing FDOT with the opportunity to review and comment on the proposed amendment. 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](mailto:sarah.catala@dot.state.fl.us).

Sincerely,



Sarah Catala  
SIS/Growth Management Coordinator  
FDOT District One

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

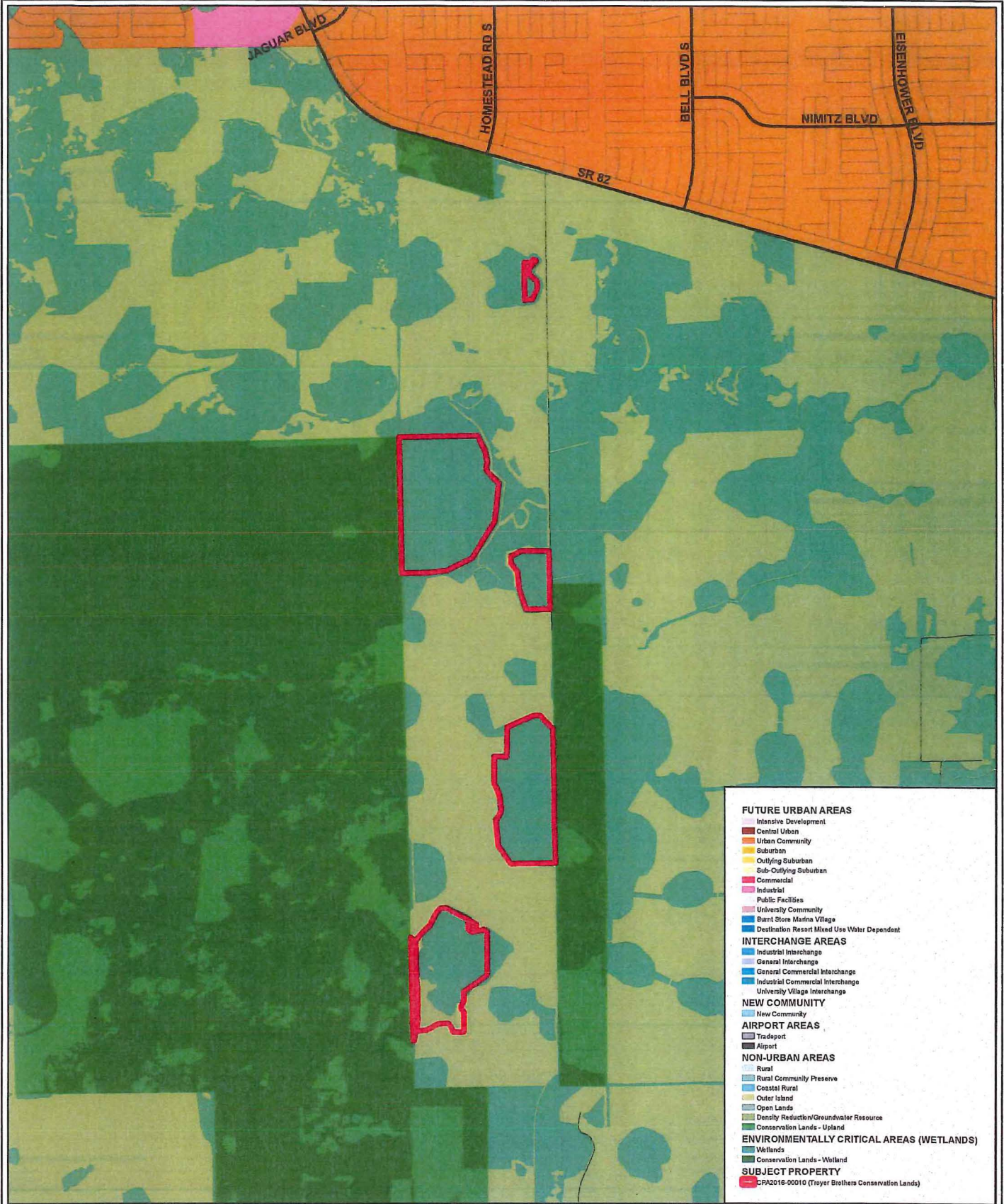
# MAPS

Lee County

DEO 17-3ESR

Growth Management Plan

Comprehensive Plan Amendment



- FUTURE URBAN AREAS**
  - Intensive Development
  - Central Urban
  - Urban Community
  - Suburban
  - Outlying Suburban
  - Sub-Outlying Suburban
  - Commercial
  - Industrial
  - Public Facilities
  - University Community
  - Burnt Store Marina Village
  - Destination Resort Mixed Use Water Dependent
- INTERCHANGE AREAS**
  - Industrial Interchange
  - General Interchange
  - General Commercial Interchange
  - Industrial Commercial Interchange
  - University Village Interchange
- NEW COMMUNITY**
  - New Community
- AIRPORT AREAS**
  - Tradeport
  - Airport
- NON-URBAN AREAS**
  - Rural
  - Rural Community Preserve
  - Coastal Rural
  - Outer Island
  - Open Lands
  - Density Reduction/Groundwater Resource
  - Conservation Lands - Upland
- ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)**
  - Wetlands
  - Conservation Lands - Wetland
- SUBJECT PROPERTY**
  - CPA2016-00010 (Troyer Brothers Conservation Lands)

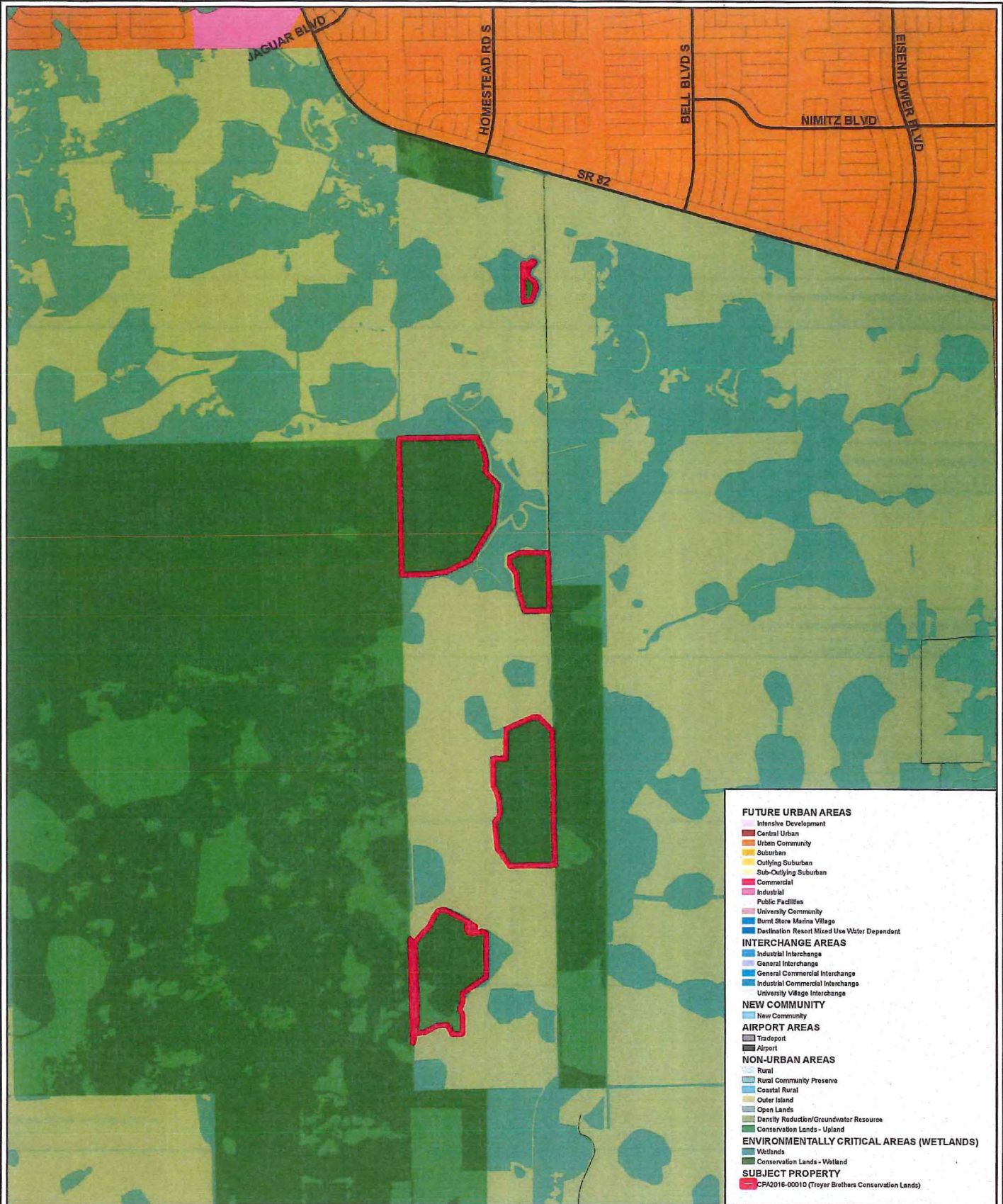
**LEE COUNTY**  
SOUTH WEST FLORIDA  
DEPARTMENT OF PLANNING

Map Generated February 2017



**CPA2016-00010**  
**Troyer Brothers Conservation Lands**  
**EXISTING LEE PLAN**  
**FUTURE LAND USE MAP**



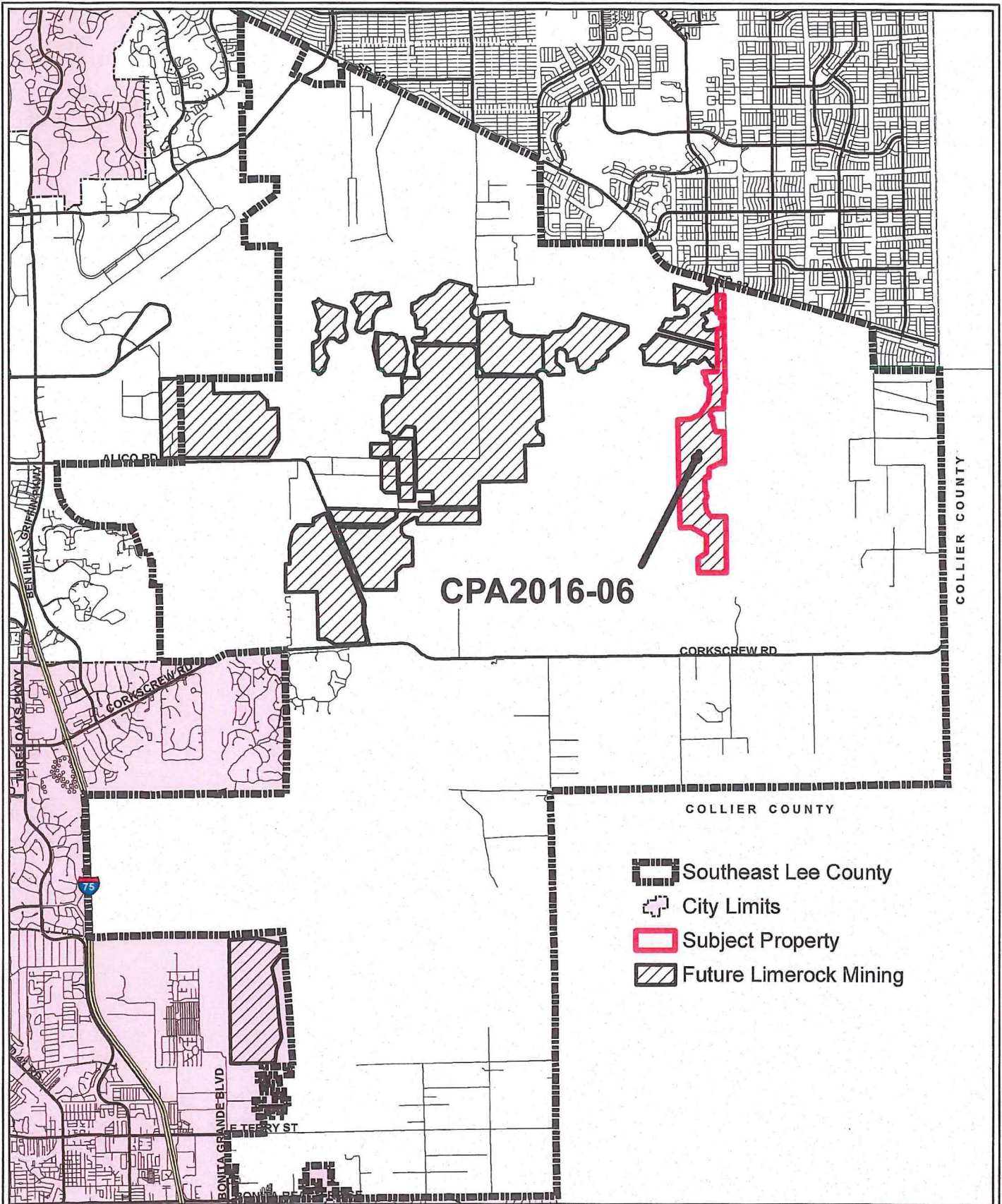


LEE COUNTY  
SOUTHWEST FLORIDA  
RESISTORS OF PLANNING





Map Generated February 2017




**CPA2016-00010**  
**Troyer Brothers Conservation Lands**  
**PROPOSED LEE PLAN**  
**FUTURE LAND USE MAP**



CPA2016-06

-  Southeast Lee County
-  City Limits
-  Subject Property
-  Future Limerock Mining



Map Generated February 2017  
Prepared by Lee County DCD/Planning



CPA2016-00006 - TROYER BROTHERS  
LEE PLAN MAP 14  
FUTURE LIMEROCK MINING OVERLAY

TABLE 1(b)  
Year 2030 Allocation  
CPA2016-00006

Future Land Use Category	Lee County Totals		Northeast Lee County	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captive	Fort Myers	Fort Myers Beach	Gateway/Airport	Daniels Parkway
	Existing	Proposed											
Intensive Development	4,376	1,376				20		27		250			
Central Urban	14,801	14,801				225				230			
Urban Community	18,084	18,084	520	485		637						250	
Suburban	16,623	16,623				1,810				85			
Outlying Suburban	3,849	3,849	30			40	20	2	500				1,552
Sub-Outlying Suburban	1,548	1,548				367							
Commercial													
Industrial	79	79								39		20	
Public Facilities	1	1							1				
University Community	850	850											
Destination Resort Mixed Use Water Dependent	8	8											
Burnt Store Marina Village	4	4					4						
Industrial Interchange													
General Interchange	125	125										11	32
General Commercial Interchange													
Industrial Commercial Interchange													
University Village Interchange													
Mixed Use Interchange													
New Community	900	900										900	
Airport													
Tradeport	9	9										9	
Rural	8,313	8,313	1,948			1,400	636						1,500
Rural Community Preserve	3,100	3,100											
Coastal Rural	1,300	1,300											
Outer Island	202	202	5			1			150				
Open Lands	2,805	2,805	250				590						120
Density Reduction/ Groundwater Resource	6,905	6,905	711									94	
Conservation Lands Upland													
Wetlands													
Conservation Lands Wetland													
Unincorporated County Total Residential	80,955	80,955	3,464	485		4,500	1,250	29	651	604		1,284	3,204
Commercial	12,793	12,793	57	52		400	50	17	125	150		1,100	440
Industrial	13,801	14,708	26	3		400	5	26		300		3,100	10
<b>Non-Regulatory Allocations</b>													
Public	82,313	82,313	7,100	421		2,000	7,000	20	1,961	350		7,500	2,477
Active AG	17,027	16,120	5,100			550	150						20
Passive AG	45,585	45,585	13,549			2,500	109					1,241	20
Conservation	81,933	81,933	2,214	611		1,142	3,236	133	1,603	748		2,798	1,733
Vacant	22,841	22,841	1,953			226	931	34		45		300	136
Total	357,248	357,248	33,463	1,572		11,718	12,731	259	4,340	2,197		17,323	7,967
Population Distribution (unincorporated Lee County)	495,000	495,000	5,090	1,531		30,861	3,270	225	530	5,744		15,115	16,275

TABLE 1(b)  
Year 2030 Allocation  
CPA2016-00006

Future Land Use Category	Iona/ McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres	Southeast Lee County		North Fort Myers	Buckingham	Estero	Bayshore
							Existing	Proposed				
Intensive Development				660	3	42			365		9	
Central Urban	375	17		3,140		8,179			2,600			
Urban Community	850	1,000		860	500	12,422				110	450	
Suburban	2,488	1,975		1,200	675				6,690		1,700	
Outlying Suburban	377				600				382		454	
Sub-Outlying Suburban		25							140	66		950
Commercial												
Industrial	5	5		10								
Public Facilities												
University Community		850										
Destination Resort Mixed Use Water Dependent	8											
Burnt Store Marina Village												
Industrial Interchange												
General Interchange							15	15	31		6	30
General Commercial Interchange												
Industrial Commercial Interchange												
University Village Interchange												
Mixed Use Interchange												
New Community												
Airport												
Tradeport												
Rural		90			190	14			500	50	635	1,380
Rural Community Preserve										3,100		
Coastal Rural					1,300							
Outer Island	1				45							
Open Lands									45			1,800
Density Reduction/ Groundwater Resource							4,000	4,000				2,100
Conservation Lands Upland												
Wetlands												
Conservation Lands Wetland												
Unincorporated County Total Residential	4,104	3,962		5,870	3,313	20,657	4,015	4,015	10,753	3,326	3,254	6,230
Commercial	1,100	1,944		2,100	226	1,420	68	68	1,687	18	1,700	139
Industrial	320	450		900	64	300	7,246	8,153	554	5	87	5
<b>Non-Regulatory Allocations</b>												
Public	3,550	3,059		3,500	2,100	15,289	12,000	12,000	4,000	1,486	7,000	1,500
Active AG						2,400	7,171	6,264	200	411	125	900
Passive AG						815	18,000	18,000	1,532	3,619	200	4,000
Conservation	9,306	2,969		188	14,767	1,541	31,259	31,359	1,317	336	5,068	864
Vacant	975	594		309	3,781	8,697	470	470	2,060	1,000	800	530
Total	19,355	12,978		12,867	27,466	47,904	80,329	80,329	22,103	10,201	18,234	14,168
Population Distribution (unincorporated Lee County)	34,538	36,963		58,363	13,265	160,405	1,270	1,270	71,001	6,117	25,577	8,760