



John Manning  
District One

Cecil L. Pendergrass  
District Two

Ray Sandelli  
District Three

Brian Hamman  
District Four

Frank Mann  
District Five

Roger Desjarlais  
County Manager

Richard Wm. Wesch  
County Attorney

Donna Marie Collins  
Hearing Examiner

August 9, 2019

***Via E-Mail***

Ray Eubanks, Plan Processing Administrator  
Florida Department of Economic Opportunity  
Caldwell Building  
107 East Madison – MSC 160  
Tallahassee, FL 32399-0800

**Re: Amendment 19-01 ESR  
Adoption Submission Package**

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, this submission package constitutes the adoption of Comprehensive Plan Amendment known locally as CPA2018-00004 (Portico). This amendment packet includes the final action and adopting ordinance for the following amendment:

***CPA2018-00004:*** Amend the Future Land Use Map designation on 536.82+/- acres from Sub-Outlying Suburban to Outlying Suburban and add a corresponding residential acreage in Table 1(b). (Adopted by Ordinance No.19-14)

The Lee County Board of County Commissioners held an adoption hearing to adopt the above identified ordinance for the plan amendment on August 7, 2019. On May 31, 2019, DEO approved an adoption extension per Section 163.3184(3) to October 31, 2019. In compliance with the extension date, the final action on this amendment was completed prior to October 31, 2019 extension deadline.

No additional changes were made to the adopted amendment that the Department of Economic Opportunity did not previously review.

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

The name, title, address, telephone number, and E-Mail 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 DCD Planning Section  
P.O. Box 398  
Fort Myers, Florida 33902-0398  
(239) 533-8585  
bdunn@leegov.com

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

Comprehensive Plan Review  
Department of Agriculture and Consumer Services

Mark Weigly  
Department of Education

Plan Review  
Department of Environmental Protection

Robin Jackson  
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, AICP, Senior Planner, Intergovernmental Coordination Section  
South Florida Water Management District

Sincerely,  
**Lee County Department of Community Development  
Planning Section**



Mikki Rozdolski  
Manager, Community Development Operations

Attn:  
**LCBC-DEPT OF COMM DEVELOPMENT-**  
**1500 MONROE ST**  
**FORT MYERS, FL 33902**

## STATE OF NEW JERSEY COUNTY OF MONMOUTH

Before the undersigned authority personally appeared Anna Pugliese, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

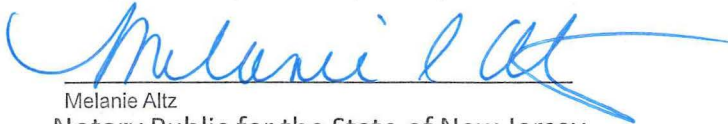
### Legal Notices

In the Twentieth Judicial Circuit Court was published in said newspaper in the issues of:

01/25/19

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 1st of February 2019, by Anna Pugliese who is personally known to me.



Melanie Altz

Notary Public for the State of New Jersey  
 My Commission expires 11/19/2019



### NOTICE OF PROPOSED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN (TRANSMITTAL HEARING)

The Lee County Board of County Commissioners will hold a public hearing to consider proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, February 8, 2019. The hearing will commence at 5:30 a.m., or as soon thereafter as can be heard, in the Board Chambers at 2100 Main Street in Downtown Fort Myers. At the hearing, the Board will consider the proposed amendments for transmittal to the Florida Department of Economic Opportunity.

CPA2018-00004 Portion: Amend the future land use designation from Sub-Outlying Suburban to Outlying Suburban on 568± acres located to the east of Buckingham Road, south of Palm Beach Boulevard. Amend Lee Plan Table 1(a) to correspond with the future land use change.

This transmittal hearing is the first step in a two-step public hearing process to amend the Lee Plan. A second hearing will follow the Department of Economic Opportunity's review of the application.

Documentation for the Proposed Comprehensive Plan Amendment is available at <https://www.lee.gov/centralplanningcpa>. 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 approve a decision made at this hearing.

It is the intent of the Board of County Commissioners that the provisions of this Comprehensive Plan Amendment may be modified as a result of consideration that may arise during Public Hearings. Such modifications shall be incorporated into the final version.

Lee County will not discriminate against individuals with disabilities. To request an accommodation, contact Jean LaBordia, (239) 533-2314, Florida Relay Service 711, or [ADArequest@lee.gov](mailto:ADArequest@lee.gov), at least five business days in advance.  
 ALN 3352164 Jan. 25, 2019

**RECEIVED**  
 FEB 06 2019  
 COMMUNITY DEVELOPMENT



**The News-Press**  
**media group**  
 news-press.com A GANNETT COMPANY

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

Attn:

**LCBC-DEPT OF COMM DEVELOPMENT-  
 1500 MONROE ST  
 FORT MYERS, FL 33901**

**STATE OF FLORIDA COUNTY OF LEE:**

Before the undersigned authority personally appeared , who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

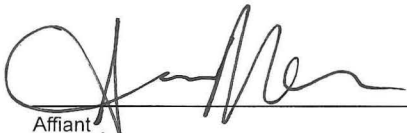
**Notice Public Hearing**


In the Twentieth Judicial Circuit Court was published in said newspaper in the issues of:

07/26/19

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 26th of July 2019, by who is personally known to me.

  
 Affiant

 1-12-2021  
 Notary

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, August 7, 2019. 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:

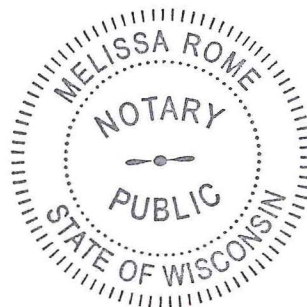
CPA2018-00004 Portico: Amend the future land use designation from Sub-Outlying Suburban to Outlying Suburban on 589± acres located to the east of Buckingham Road, south of Palm Beach Boulevard. Amend Lee Plan Table 1(b) to correspond with the future land use change.

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 ADArequests@leegov.com, at least five business days in advance.

AD# 3694003 July 26, 2019



**RECEIVED**  
 AUG 02 2019

**COMMUNITY DEVELOPMENT**



**LEE COUNTY ORDINANCE NO. 19-14**  
(Portico)  
(CPA2018-00004)

**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 PORTICO (CPA2018-00004) 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") 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 December 17, 2018; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on February 6, 2019. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Portico (CPA2018-00004) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the February 6, 2019 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on August 7, 2019 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 "Portico Ordinance (CPA2018-00004)."**

## 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 the future land use designation and Lee Plan Table 1(b), known as Portico (CPA2018-00004).

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.

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

John Manning	Absent
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Nay



DONE AND ADOPTED this 7<sup>th</sup> day of August 2019.

ATTEST:  
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY: Missy Flint  
Deputy Clerk



BY: Brian Hamman  
Brian Hamman, Vice Chair

DATE: 08/08/19

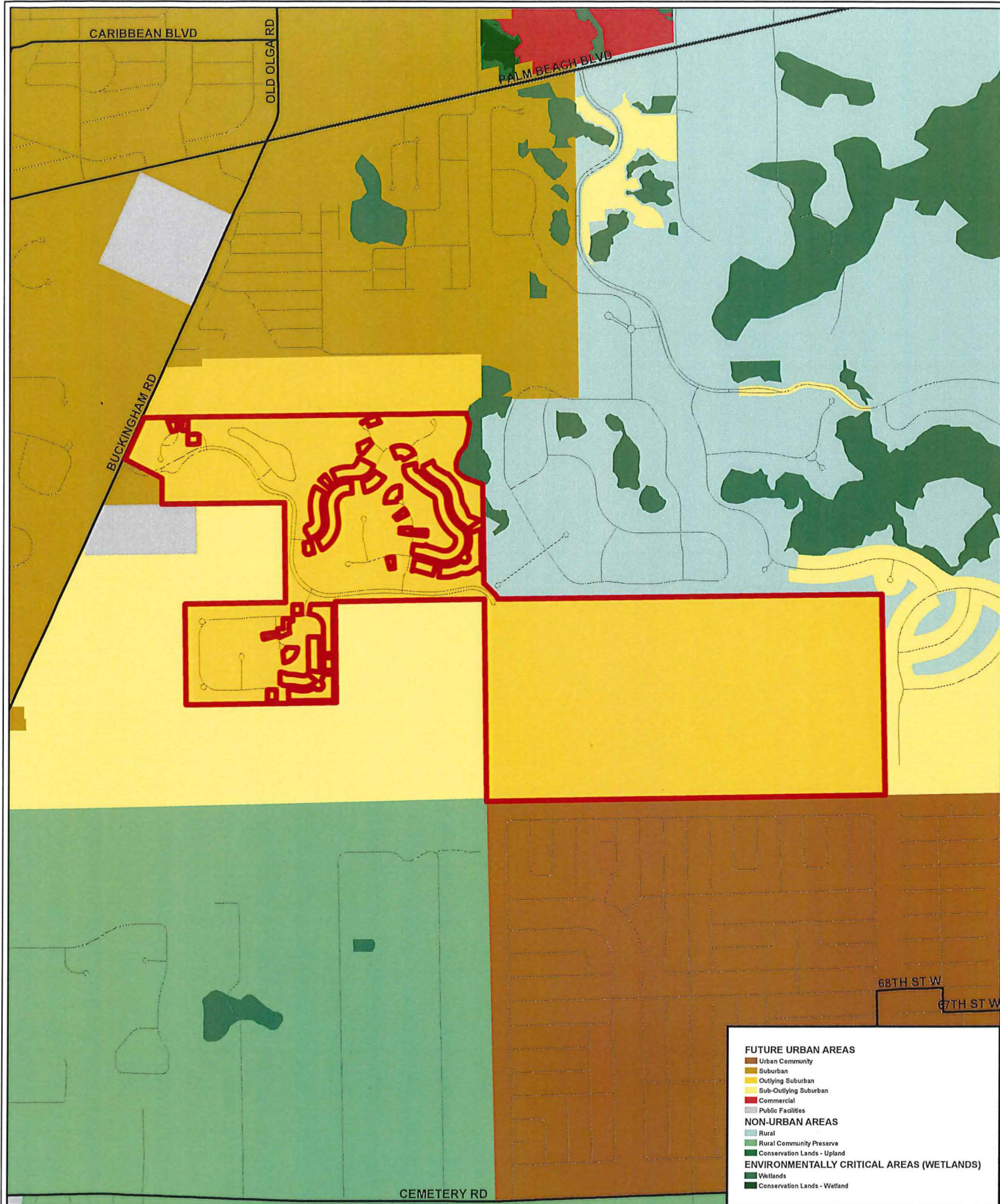
APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

M. J. [Signature]  
County Attorney's Office

Exhibit A: Adopted revisions to Future Land Use Map and Table 1(b)  
(Adopted by BOCC August 7, 2019)

## EXHIBIT A

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



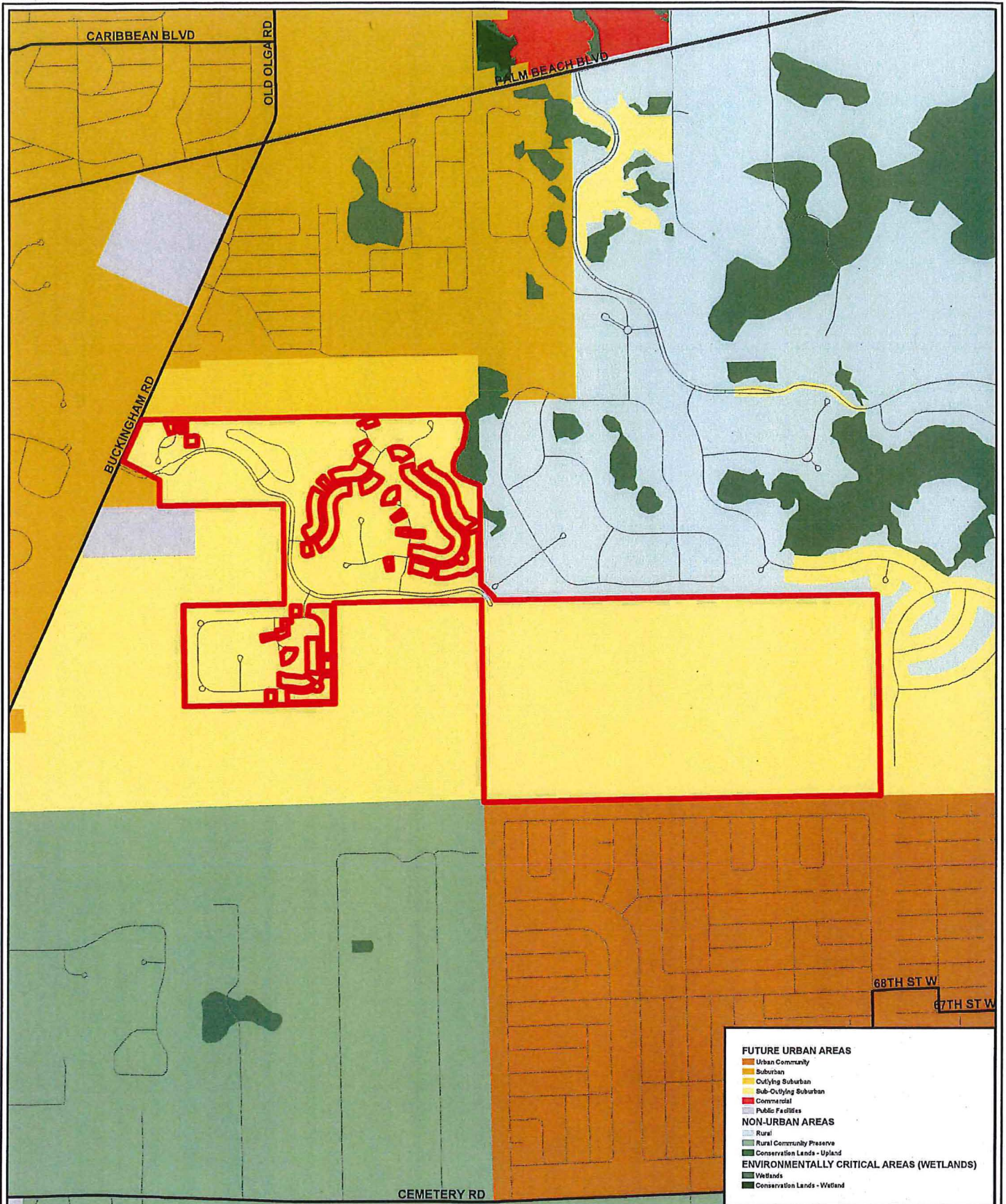
0 500 1,000 2,000 3,000  
Feet

Map Generated February 2019



## CPA2018-00004 - Portico PROPOSED LEE PLAN FUTURE LAND USE MAP





0 500 1,000 2,000 3,000  
Feet

Map Generated November 2018



## CPA2018-00004 - Portico

### EXISTING LEE PLAN FUTURE LAND USE MAP



TABLE 1(b)  
Year 2030 Allocation

Future Land Use Category		Lee County Totals		Northeast Lee County	Boca Grande	Bonita Springs	Fort Myers Shores		Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/Airport	Daniels Parkway
		Existing	Proposed				Existing	Proposed							
Residential By Future Land Use Category	Intensive Development	1,361	1,361				5	5		27		250			
	Central Urban	44,766	14,766				225	225				230			
	Urban Community	17,021	16,663	520	485		637	637						250	
	Suburban	16,623	16,623				1,810	1,810				85			
	Outlying Suburban	3,843	4,113	30			40	310	20	2	500				1,438
	Sub-Outlying Suburban	1,955	1,880				547	472						227	
	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	151	151											11	58
	General Commercial Interchange														
	Industrial Commercial Interchange														
	University Village Interchange														
	Mixed Use Interchange														
	New Community	2,100	2,100	1,200										900	
	Airport														
	Tradeport	9	9											9	
	Rural	8,313	8,313	1,948			1,400	1,400	636						1,500
	Rural Community Preserve	3,100	3,100												
	Coastal Rural	1,300	1,300												
	Outer Island	202	202	5			1	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		81,396	81,233	4,664	485		4,665	4,860	1,250	29	651	604		1,511	3,116
Commercial		12,793	12,793	177	52		400	400	50	17	125	150		1,100	440
Industrial		13,801	13,801	26	3		400	400	5	26		300		3,100	10
Non Regulatory Allocations															
Public		82,565	82,565	7,100	421		2,000	2,000	7,000	20	1,961	350		7,752	2,477
Active AG		17,027	17,027	5,100			550	550	150						20
Passive AG		43,786	43,591	12,229			2,500	2,305	109					1,241	20
Conservation		81,933	81,933	2,214	611		1,142	1,142	3,236	133	1,603	748		2,947	1,733
Vacant		23,874	24,232	1,953			61	61	931	34		45		300	151
Total		357,175	357,175	33,463	1,572		11,718	11,718	12,731	259	4,340	2,197		17,951	7,967
Population Distribution (unincorporated Lee County)		495,000	495,000	9,266	1,531		30,861	33,348	3,270	225	530	5,744		18,332	16,375

TABLE 1(b)  
Year 2030 Allocation

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	Proposed				
Residential By Future Land Use Category	Intensive Development				660	3	42	42		365		9	
	Central Urban	375	17		3,140		8,179	8,179		2,600			
	Urban Community	850	1,000		860	500	11,359	11,001			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	31		6	30
	General Commercial Interchange												
	Industrial Commercial Interchange												
	University Village Interchange												
	Mixed Use Interchange												
	New Community												
	Airport												
	Tradeport												
	Rural		90			190	14	14		500	50	635	1,350
	Rural Community Preserve										3,100		
	Coastal Rural					1,300							
	Outer Island	1				45							
	Open Lands									45			1,800
	Density Reduction/ Groundwater Resource								4,000				2,100
	Conservation Lands Upland												
	Wetlands												
	Conservation Lands Wetland												
Unincorporated County Total Residential		4,104	3,962		5,870	3,313	19,594	19,236	4,015	10,753	3,326	3,254	6,230
Commercial		1,100	1,944		2,100	226	1,300	1,300	68	1,687	18	1,700	139
Industrial		320	450		900	64	300	300	7,246	554	5	87	5
Non Regulatory Allocations													
Public		3,550	3,059		3,500	2,100	15,289	15,289	12,000	4,000	1,486	7,000	1,500
Active AG						2,400			7,171	200	411	125	900
Passive AG						815			17,521	1,532	3,619	200	4,000
Conservation		9,306	2,969		188	14,767	1,541	1,541	31,210	1,317	336	5,068	864
Vacant		975	594		309	3,781	9,880	10,238	470	2,060	1,000	800	530
Total		19,355	12,978		12,867	27,466	47,904	47,904	79,701	22,103	10,201	18,234	14,168
Population Distribution (unincorporated Lee County)		34,538	36,963		58,363	13,265	153,011	150,524	1,270	71,001	6,117	25,577	8,760



FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM  
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 19-14  
(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD

DESCRIPTOR: Planning

OTHER KEYFIELD

DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Portico  
(25 Characters Maximum Including Spaces)

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

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

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

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

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

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

(FOR OFFICE USE ONLY):

COUNTY CODE NUMBER: \_\_\_\_\_

KEYFIELD 1 CODE: \_\_\_\_\_

KEYFIELD 2 CODE: \_\_\_\_\_

KEYFIELD 3 CODE: \_\_\_\_\_



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

August 9, 2019

Honorable Linda Doggett  
Clerk of the Circuit Courts  
Lee County  
Post Office Box 2469  
Fort Myers, Florida 33902-2469

Attention: Missy Flint

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Ordinance No. 19-14, which was filed in this office on August 9, 2019.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

## STAFF REPORT FOR CPA2018-04: PORTICO

Privately Initiated Map and Text Amendments to the Lee Plan



### Applicants:

Portico Master  
Property Assoc. Inc;  
Portico CDD; WCI  
Communities, LLC

### Representative:

Morris-Depew  
Associates, Inc.

### Size:

536.82 ± acres

### Location:

Fort Myers Shores  
Planning District;  
Caloosahatchee  
Shores Community  
Plan Area

### Commissioner

District: #5

### Attachments:

FLUM Existing  
FLUM Proposed  
Table 1(b)

### Hearing Dates:

LPA: 12/17/2018  
BOCC: 2/06/2019  
BOCC: 8/07/2019

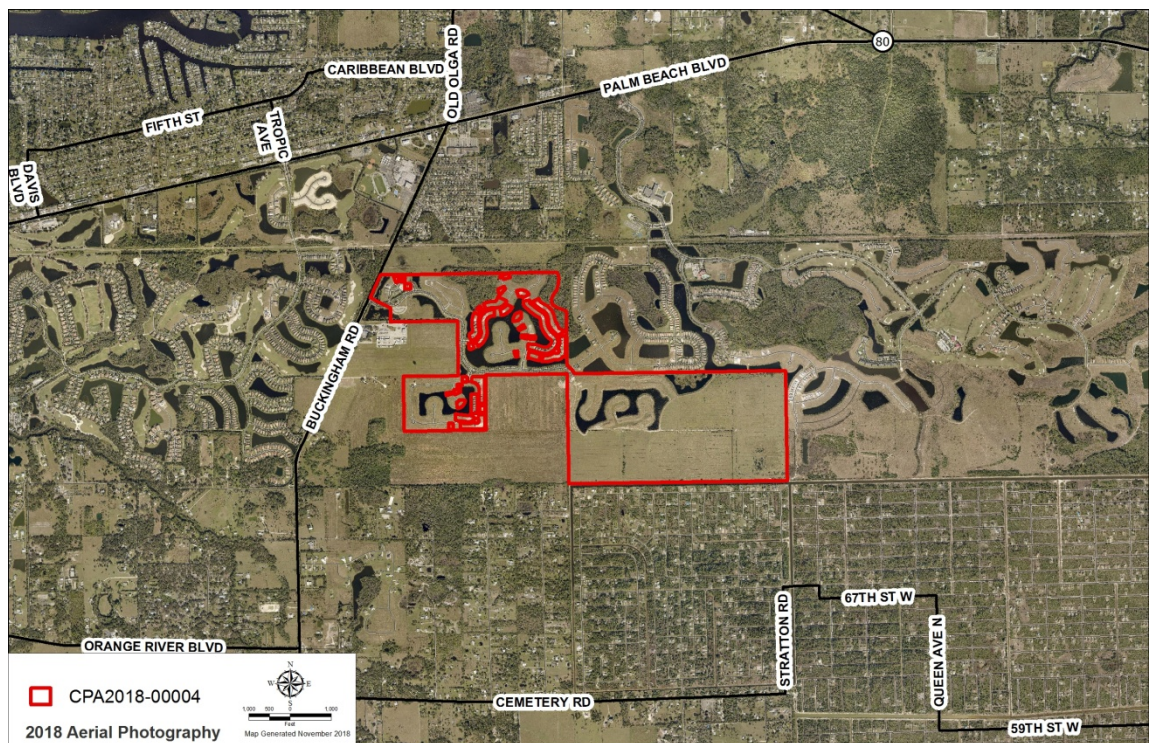
### REQUEST

Amend the Future Land Use Map designation on 536.82+/- acres from Sub-Outlying Suburban to Outlying Suburban and add a corresponding residential acreage in Table 1(b).

### PROJECT LOCATION

The subject property is located on the east side of Buckingham Road, about a mile south of Palm Beach Boulevard (State Road 80).

FIGURE A  
AERIAL LOCATION MAP



### AFFECT OF PROPOSED AMENDMENT

Under the current designation, a maximum of 1,074 dwelling units could be built. Amending the Future Land Use Map will allow up to 1,611 dwelling units on the subject property. This equates to a potential increase of 537 dwelling units on the subject property. A concurrent zoning request is to allow 1,600 dwelling units.

### RECOMMENDATION

Staff recommends that the Board of County Commissioners **transmit** the amendment to designate the subject property as Outlying Suburban on the future land use map and to amend Table 1(b) based on the analysis and findings in this staff report. Staff further recommends that the amendment include designating the outparcels within the subject property boundary to Outlying Suburban. The resulting amendment would include a total of 577± acres.



## **PART 1 OVERVIEW**

### **Concurrent Application Review:**

The applicant has filed a companion rezoning application (DCI2018-00018) that is being reviewed concurrently with the plan amendment application. The applicant is seeking to amend the Portico RPD on the subject property to permit a maximum of 1,600 dwelling units.

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 with the recommended adoption of the proposed map and text amendments, the applicant must demonstrate consistency with the Lee Plan, including the proposed amendments, in order for the companion rezoning to receive a favorable recommendation.

## **PART 2 PROPERTY INFORMATION**

### **History:**

The subject property contains 536.82+/- acres and is a substantial portion of the Portico Residential Planned Development (RPD). The Portico RPD (Case No. DCI2004-00031, Zoning Ordinance Z-04-080) was originally approved for 1,178 residential units on 589 acres. In 2016, the schedule of uses was amended to replace 120 townhouses with 64 two-family dwelling units and a 22,000 square foot amenity site (Case No. ADD2016-00184). The Portico RPD is currently approved for a total of 1,122 residential units. A portion of the Portico RPD has been platted (Instrument #2006411756) and contains 380 lots. Based on the Lee County permitting records, 222 new residential permits have been issued for lands within the Portico RPD.

The subject property is located on the east side of Buckingham Road, about a mile south of Palm Beach Boulevard (State Road 80). The subject property is located in the Fort Myers Shores Planning Community and is currently in the Sub-Outlying Suburban future land use category.

### **Fort Myers Shores Vision Statement:**

The Fort Myers Shores Planning Community has two components. The subject property is within the Caloosahatchee Shores area located east of I-75. The area is anticipated to grow and currently contains a variety of future land use categories.

**Caloosahatchee Shores:** This community is located south of the Caloosahatchee River, west of Hickey's Creek, and north of the Orange River; and along I-75 east to the Buckingham Rural Community Preserve, north of SR82 and west to I-75. This community contains three neighborhoods: Fort Myers Shores, Olga, and the Riverdale neighborhood around the intersection of Buckingham Road and SR 80. The Caloosahatchee Shores planning community has a more rural character, but is anticipated to grow substantially over the life of this plan. This area also has a mixture of future land use designations. The majority of land use designations are Suburban, Outlying Suburban, Rural or Urban Community; however, there are some lands designated public facility and industrial interchange.

**Current Future Land Use Category- Sub-Outlying Suburban:**

The subject property is designated as Sub-Outlying Suburban on the Future Land Use Map. The Sub-Outlying Suburban future land use category is limited to low density residential development with a maximum of two dwelling units per acre.

***POLICY 1.1.11:** The Sub-Outlying Suburban future land use category is characterized by low density residential areas. Generally the infrastructure needed for higher density development is not planned or in place. This future land use category will be placed in areas where higher densities would be incompatible or where there is a desire to retain a low-density community character. Industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to two dwelling units per acre (2 du/acre). Bonus densities are not allowed. (Ordinance No. 07-09, 17-13)*

**Surrounding Properties:**

The surrounding properties are within the Outlying Suburban, Sub-Outlying Suburban, Suburban, Urban Community, Rural, Rural Community Preserves, Wetlands, and Public Facilities future land use categories and are zoned Residential Planned Development (RPD), Commercial Planned Development, Mixed Use Planned Development, Residential RS-1 and Agriculture (AG-2). Table 1 provides detailed information on the surrounding properties. Please also refer to Figure B that shows the locations of the surrounding neighborhoods.

**TABLE 1  
SURROUNDING PROPERTIES INFORMATION**

	<b>Future Land Use/ Maximum Standard Density</b>	<b>Zoning</b>	<b>Existing Use</b>
<b>North</b>	Outlying Suburban- 3 units/acre;  Suburban - 6 units/acre	RPD;  RS-1	Undeveloped Hemingway Pointe RPD approved for 207 units on 75 acres (2.75 u/a); Drawdy Road; large lot residential/farming; Riverdale Shores residential (approx. 75 ft X 100 ft lots); Riverdale Shores Villas, Riverdale Shore Estates (approx. 80 ft x 135 ft lots); Hawks Preserve (approx. 75 ft X 120 ft lots); Reserve at Buckingham (approx. 75 ft X 121 ft lots)
<b>North &amp; East</b>	Rural - 1 unit/acre; Wetlands-1 unit/20 acres; Sub-Outlying Suburban-2 units/ acre; Suburban- 6 units/acre	RPD/CPD	River Hall approved for 2,695 units on 1,978.44 acres and 45,000 square feet of commercial on 47.05 acres. (1.36 u/a)
<b>South</b>	Public Facilities Sub-Outlying Suburban -2 units/acre Urban Community*- 6 units/acre Rural Community Preserves -1 unit/acre	AG-2; RPD; RS-1; AG-2	School (Buckingham Exceptional Student Center); Buckingham 345 RPD approved for 690 units on 345 acres (2 u/a); Buckingham Chase f/k/a Tuscany Estates approved for 35 units on 18.9 acres (1.85 u/a) Lehigh Acres residential lots (approx. 80 ft X 130 ft); Large lot residential; undeveloped/agricultural uses
<b>West</b>	Suburban - 6 units/acre	MPD	Buckingham Road, Verandah RPD approved for 1,765 units on 1431.4 acres and 242,000 square feet of commercial on 24 acres (1.23 u/a); Oak View RPD approved for 30 units on 16.21 acres (3.7 u/a) and 10,000 SF residential amenities/public.

\*Additional density may be approved through Bonus Density or Pine Island Transfer Development Units

**FIGURE B  
SURROUNDING PROPERTIES MAP**





### PART 3

#### STAFF DISCUSSION AND ANALYSIS OF PROPOSED AMENDMENTS

The applicant has proposed to amend the future land use category of the subject property to Outlying Suburban to increase the number of allowable units within the Portico RPD. The request includes amending Table 1(b) to accommodate additional population in the Fort Myers Shores Outlying Suburban future land use category.

The Outlying Suburban future land Use designation is rural in nature and allows low density residential development. A maximum of three dwelling units an acre is permitted. No bonus density is permitted.

**POLICY 1.1.6:** The Outlying Suburban future land use category is characterized by its peripheral location in relation to established urban areas. In general, this category is rural in nature or contains existing low-density development. Some of the requisite infrastructure needed for higher density development is planned or in place. Industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. (Ordinance No. 91-19, 03-20, 07-09, 17-13)

The standards for commercial and industrial uses permitted are the same in both the Sub-Outlying Suburban and Outlying Suburban future land use categories. The area will remain designated as a future suburban area without increasing the allowable commercial and industrial intensities.

Under the current designation, a maximum of 1,074 dwelling units could be built. Amending the future land use map will allow up to 1,611 dwelling units on the subject property. This equates to an increase of 537 dwelling units on the subject property.

The subject property is in a transition area surrounded by property designated as Outlying Suburban, Sub-Outlying Suburban, Suburban, Public Facilities, Rural, Wetlands and Urban Community on the Future Land Use Map. As provided in Table 1, the area densities range from a maximum of one unit per twenty acres (Wetlands) to a standard density maximum of six units an acre (Urban Community). The proposed amendment is not out of character with the surrounding area.

If approved, the allowable densities in the area would transition from Palm Beach Boulevard south on Buckingham Road from the Suburban future land use category (6 units an acre) to the Rural Community Preserve future land use category (one unit an acre). Similarly, densities would range from Suburban (6 units an acre) to Rural/ Sub-Outlying Suburban future land use categories (1-2 units an acre) from the west side of Buckingham Road to east of the subject property.

It should be noted that in order to achieve the maximum number of units, the request includes platted portions of the Portico RPD. Some lots under separate ownership are not included. Changes are not proposed as part of the rezoning to the platted areas.

The subject property contains outparcels within the boundary which results in areas of land remaining in the Sub-Outlying Suburban future land use classification. This would create “spots” of Sub-Outlying Suburban within the Outlying Suburban designated area. Designating all lands within the Portico RPD to Outlying Suburban would be a more efficient use of land and would be easier to regulate.

### **Lee Plan Consistency**

The proposed Outlying Suburban Future Land Use designation would allow residential development on the subject property consistent with Policy 5.1.5 that protects residential areas from any encroachment of uses that would be destructive to the character and integrity of the area. The request is also consistent with Lee Plan 5.1.2 since there are no existing physical constraints or hazards affecting development on the land.

### **Community Planning**

Consistent with Policies 17.3.2, 17.3.3 and 17.3.4, the applicant conducted a public information meeting with the Caloosahatchee Shores planning community on August 13, 2018. The attendees asked zoning related questions about stormwater management, the development entrance on Buckingham Road, emergency access locations, lake setbacks, flooding, traffic, calculating density/wetlands and the public input process.

Residential uses are consistent with Goal 21 Caloosahatchee Shores Community Plan. Accommodating reasonable residential densities in Outlying Suburban areas will help to protect rural areas from urbanizing.

**Goal 21: Caloosahatchee Shores Community Plan:** Protect the existing character, natural resources and quality of life in Caloosahatchee Shores, while promoting new development, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments.

### **Table 1(b)**

The request to amend Table 1(b) is consistent with Goal 5 to provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the 2030 projected population of Lee County. To maintain the 2030 Lee County adopted population accommodations, Table 1 (b) is being amended to increase the Outlying Suburban future land use category to 310 residential acres and to decrease Sub-Outlying Suburban future land use category to 472 residential areas within the Fort Myers Shore planning community. In order to make the population balance countywide, changes are also proposed as shown on the proposed Table 1 (b) located in Attachment 1.

Increasing the allowable population by one unit an acre on the subject property will not negatively impact the 2030 population allocations. In 2002, lands that were within the Suburban and Rural future land use categories were redesignated to Outlying Suburban in response to the adopted Caloosahatchee Shores Community Plan (CPA2002-04). This included an increase to the Table 1(b) Suburban allocation by 384 acres. In 2005, Table 1(b) was amended to accommodate residential development in the Outlying Suburban areas (CPA2004-15). Table 1(b) was amended to reduce the allocation of Urban Community acreage in the Fort Myers Shores planning community which resulted in less population being allocated to the community.

### **Transportation:**

Access to the property is from Buckingham Road which is a paved two-lane arterial roadway that intersects with Palm Beach Boulevard/SR 80 to the north. SR 80 is a four-lane median divided arterial roadway that accesses I-75. I-75 is a six-lane median divided freeway maintained by the State. Buckingham Road also links to Cemetery Road and Orange River Boulevard. Both are paved two lane

collector roadways maintained by the county. SR 31 is located off of SR 80. SR 31 is an arterial roadway maintained by FDOT.

Buckingham Road will fail with or without development on the subject property. The 5 year analysis indicates that Orange River Blvd from SR 80 to Buckingham Road, SR 31 from SR 80 to SR 78 are projected to operate at LOS "F" with and without the project in the Year 2023. The Long Range 2040 Horizon LOS analysis indicates that Buckingham Road from Gunnery Road to SR 80, Cemetery Road from Buckingham Road to Goebel Dr, and Orange River Boulevard from SR 80 to Buckingham Road are projected to operate at LOS "F" with and without the project in Year 2040.

Transportation concurrency is not required per Florida Statutes Section 163.3180. Therefore, the request to designate the subject property to Outlying Suburban is consistent with Objectives 2.1, 2.2 and Policy 39.2.1.

### **Service Availability**

There are adequate potable water, sanitary sewers, solid waste, police, fire/EMS, schools and mass transit services to accommodate the proposed amendment.

**Mass Transit:** The closest bus route is Route 100 along Palm Beach Boulevard located approximately a mile north of the Buckingham Road entrance into the Portico residential development. The property is not within ¼ mile of a fixed route corridor; however, a portion of the property is within the ¾ mile ADA corridor.

**Utilities:** The subject property has access to water and sewer services. It is within the Lee County Utilities future services area. Potable water and wastewater lines are in operation adjacent to the property on Portico Blvd. Potable water is available from the Olga Water Treatment Plant. Wastewater service will be provided by the City of Fort Myers Central Wastewater Treatment Plant.

**Solid Waste:** The subject property has access to solid waste services. Solid waste collection services will be provided by Lee County using the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.

**Fire:** The Fort Myers Shores Fire Protection indicated they are capable of providing fire protection.

**EMS:** The subject property has access to EMS services. In a letter dated February 7, 2018, Lee County Emergency Medical Services indicates they will be able to serve the property from Medic 11 located 5.6 miles west of the property, and a second EMS facility located 8 miles from the property.

**Police:** The Lee County Sheriff will provide law enforcement services primarily from the Central District office in Fort Myers. The Sheriff indicated in a letter dated January 19, 2018 that the development of the subject property will not affect the ability of the Lee County Sheriff's Office to provide core services at this time.

**Schools:** There is adequate elementary school seat capacity to serve the subject property and the project's generation of middle and high school students can be served by the contiguous Concurrency Service area.



### **PART 3 CONCLUSIONS**

The Outlying Suburban future land use category on the subject property will allow residential densities comparable with those allowed in the surrounding area. The subject property is in a transition area surrounded by properties that allow between 1 unit per 20 acres (Wetlands) and 6 units per acre (Urban Community).

The standards for commercial and industrial uses permitted are the same in both the Sub-Outlying Suburban and Outlying Suburban future land use categories. The area will remain designated as a future suburban area without increasing the allowable commercial and industrial intensities.

Density, design and mitigation are guided by Lee Plan policies that will be enforced through the planned development rezoning.

The amendments to change the Future Land Use Map designation of the subject property to Outlying Suburban and to Table 1(b) for population accommodation are consistent with the Lee Plan.

For the reasons discussed in this staff report, Staff recommends that the Board of County Commissioners **transmit** the proposed amendments. Staff further recommends that all lands within the Portico boundary be designated to Outlying Suburban to avoid “spots” of Sub-Outlying Suburban and for ease of applying the regulation.

### **PART 4 ATTACHMENTS**

#### **Attachment 1:**

- Existing Future Land Use Map
- Proposed Future Land Use Map
- Proposed Table 1(b)

**Electronic File:** <https://www.leegov.com/dcd/planning/cpa/compplansearch?case=CPA2018-00004>

**PART 5**  
**LOCAL PLANNING AGENCY**  
**REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: December 17, 2018

**A. LOCAL PLANNING AGENCY REVIEW:**

The Applicant presented an overview of their map and text amendment requests and consistency with the Lee Plan. Staff provided a brief presentation for the proposed amendments which covered consistency with the Lee Plan and the recommendation to include the parcels under separate ownership located within the Portico community. The inclusion of these lands will not impact the existing residential use on the individual owner's parcels, nor will it provide any benefit to the owner of adjacent lands. It will create a uniform Future Land Use Map.

One member of the public objected and raised concerns about the quality of life in the area and the impacts to traffic and stormwater discharges into the adjacent neighborhood.

Members of the LPA asked questions about traffic, impact fees, MPO funding, location of new lots, public benefit, affordable housing, and potential impacts to the existing residents.

**B. LOCAL PLANNING AGENCY RECOMMENDATION:**

A motion was made to find the request consistent with the Lee Plan and to recommend that the Board of County Commissioners transmit CPA2018-00004 as proposed by Staff. The motion passed 6 to 0 with one member abstaining.

**VOTE:**

<b>DENNIS CHURCH</b>	<b>AYE</b>
<b>FRANK FEENEY</b>	<b>AYE</b>
<b>JAMES INK</b>	<b>AYE</b>
<b>KRISTINE SMALE</b>	<b>AYE</b>
<b>STAN STOUDE</b>	<b>AYE</b>
<b>JUSTIN THIBAUT</b>	<b>ABSTAIN</b>
<b>HENRY ZUBA</b>	<b>AYE</b>

**PART 6**  
**BOARD OF COUNTY COMMISSIONERS**  
**TRANSMITTAL HEARING FOR PROPOSED AMENDMENT**

DATE OF PUBLIC HEARING: February 6, 2019

**A. BOARD REVIEW:**

Staff provided a brief presentation for the proposed amendment which covered consistency with the Lee Plan and the LPA and staff recommendations. The applicant provided a more detailed presentation. One member of the public objected and raised concerns about the quality of life in the area and the impacts to traffic and stormwater discharges into the adjacent neighborhood.

The Board asked questions about traffic, water management permitting and the ability for the public to provide input. The applicant responded that traffic impact fees will help fund needed roadway improvements. Water management permits are handled by the South Florida Water Management District and public can input as part of that process. Furthermore, project specifics will be reviewed as part of the concurrent rezoning request.

**B. BOARD ACTION:**

A motion was made to transmit CPA2018-00004 as recommended by staff. The motion was passed 3 to 1.

**VOTE:**

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



**PART 7**  
**STATE REVIEWING AGENCIES'**  
**OBJECTIONS, RECOMMENDATIONS, AND COMMENTS**

Comments from the State Reviewing Agencies were due to Lee County by March 13, 2019.

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

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

- Florida Department of Economic Opportunity (DEO)
- Florida Fish and Wildlife Conservation Commission (FWC)
- Florida Department of Environmental Protection (DEP)
- Florida Department of Agriculture & Consumer Services
- South Florida Water Management District (SFWMD)
- Florida Department of Transportation (FDOT)

There were **no objections** concerning the proposed amendments; however, a technical assistance comment was received by the South Florida Water Management District and three technical assistance comments from FDOT.

**SFWMD:**

*The County is required to revise its Water Supply Facilities Work Plan (Work Plan) within 18 months after approval of the Lower West Coast (LWC) Water Supply Plan Update by the District's Governing Board. The District's Governing Board approved the LWC Water Supply Plan Update on December 11, 2017. Therefore, the County's Work Plan needs to be updated and adopted by June 14, 2019. The Work Plan must cover at least a 10-year planning period, include updated water demand projections, identify alternative and traditional water supply projects, and describe conservation and reuse activities needed to meet the projected future demands. Planning tools are available on the District's website for your use and District Staff are available to provide technical assistance to update the Work Plan, including reviewing draft Work Plans prior to formal plan amendment submittal. The planning tools are located at this link: <https://www.sfwmd.gov/our-work/water-supply/work-plans>.*

**Response:**

Staff is appreciative of SFWMD's technical guidance comments regarding the County's Regional Water Supply Planning and more particularly its Water Supply Facilities Work Plan (Work Plan). County staff is currently reviewing the current Work Plan, and updates are being made in accordance with SFWMD requirements. Updates to the Work Plan are anticipated to be adopted by the Board of County Commissioners in August 2019.

**FDOT:**

**FDOT Technical Assistance Statement #1:**

FDOT encourages the County staff to consider requiring the applicant to partner with Lee Tran in constructing additional bus stops on Buckingham Road and extending Route 100 service to serve the residents and patrons of the residential property, as they help with the reduction of automobile dependency on the local and regional roadway network.

**FDOT Technical Assistance Statement #2:**

FDOT recommends that the County continue to monitor impacts to the aforementioned facilities through traffic impact analyses and coordination with the Department, in order to identify appropriate mitigation strategies to address potential impacts to the failing roadways as development proposed in the amendment moves forward and any new developments in the area comes forward.

**FDOT Technical Assistance Statement #3:**

The FDOT has concerns regarding the existing operations at the intersection of SR 80 and Buckingham Road. Based on the existing geometry and surrounding land uses, the westbound left and northbound movements operate at unacceptable conditions with excessive queuing, consistent with the SYNCHRO analysis provided within the Portico Rezoning Traffic Impact Statement (September 7, 2018).

Based on the future condition's intersection analysis, and consistent with the traffic study, this intersection of SR 80 and Buckingham Road is anticipated to operate at an adverse condition by the future YR 2027. FDOT requests that when the development seeks transportation concurrency, the County and applicant coordinate with the Department regarding the necessary intersection improvements and mitigation needed to alleviate the adversities impacted by the proposed development. Pers. 163.3180(5)(h)1.a., F.S., the applicant shall consult with the Department of Transportation when proposed plan amendments affect facilities on the strategic intermodal system (i.e. SR 80).

**Response to FDOT Statements #1, 2 & 3:**

Lee County staff appreciates the technical guidance provided by Florida Department of Transportation. Lee County will continue to coordinate with the MPO to assess the financial feasibility of the roadway improvement projects and with Lee Tran to assess the need for additional transit connections to provide transit alternatives. Coordination between the applicant and County will also continue during the regulatory approval process to address potential impacts resulting from the proposed development. The Planned Development rezoning (DCI2018-00018) is being reviewed concurrently with this plan amendment.

**B. STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners ***adopt*** the amendment to the Lee Plan as transmitted to the State Reviewing Agencies as provided in Attachment 1.

**PART 8**  
**BOARD OF COUNTY COMMISSIONERS**  
**ADOPTION HEARING FOR PROPOSED AMENDMENT**

DATE OF PUBLIC HEARING: August 7, 2019

**A. BOARD REVIEW:**

Staff provided a brief presentation for the proposed amendment which covered consistency with the Lee Plan, state agency review and the staff recommendation. No members of the public spoke in favor of or against the proposed amendments.

**B. BOARD ACTION:**

A motion was made to adopt CPA2018-00004 as recommended by staff. The motion passed 3 to 1.

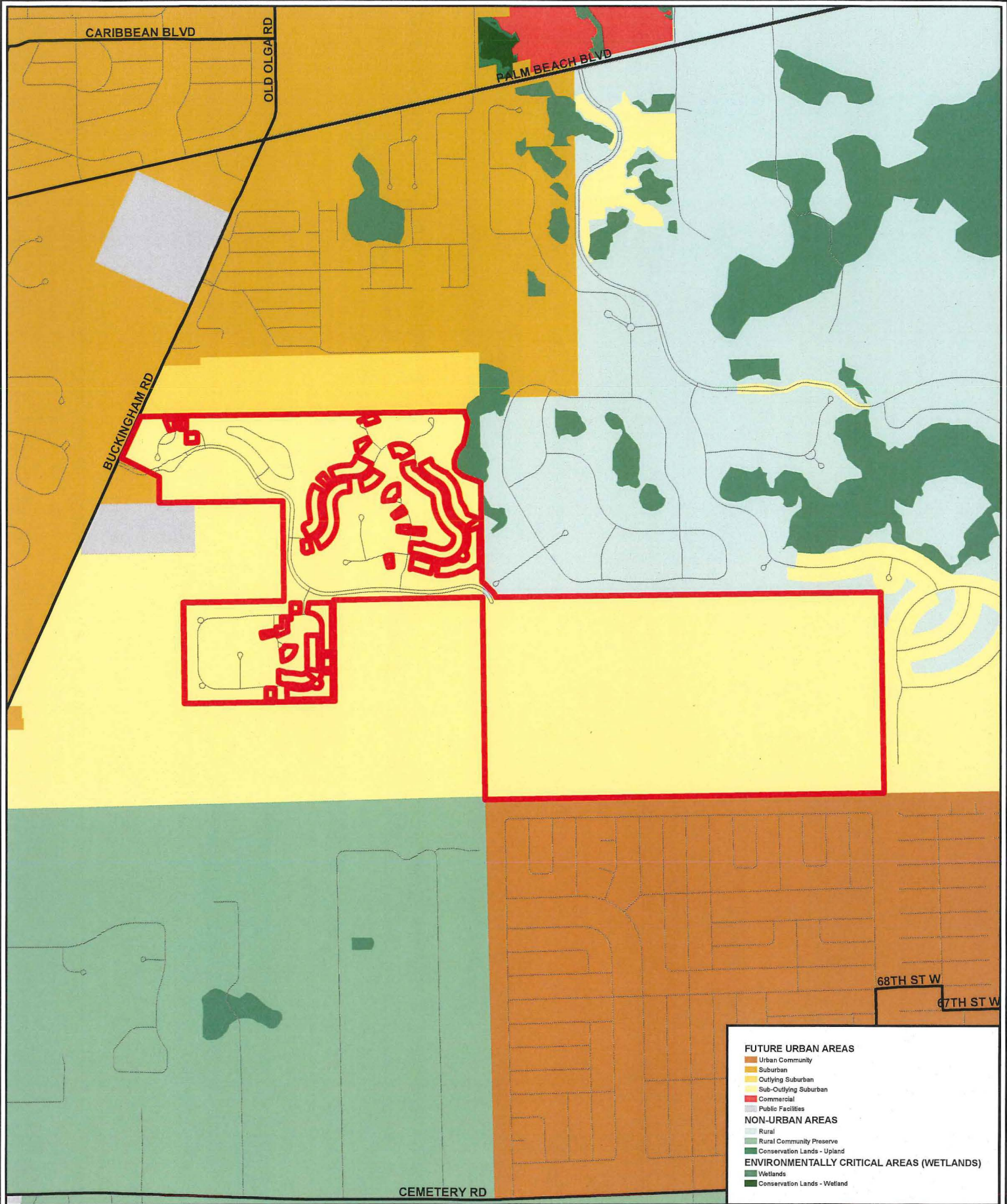
**VOTE:**

<b>BRIAN HAMMAN</b>	<b>AYE</b>
<b>FRANK MANN</b>	<b>NAY</b>
<b>JOHN MANNING</b>	<b>ABSENT</b>
<b>CECIL L. PENDERGRASS</b>	<b>AYE</b>
<b>RAYMOND SANDELLI</b>	<b>AYE</b>



**ATTACHMENT 1:**

**Existing Future Land Use Map  
Proposed Future Land Use Map  
Proposed Table 1(b)**



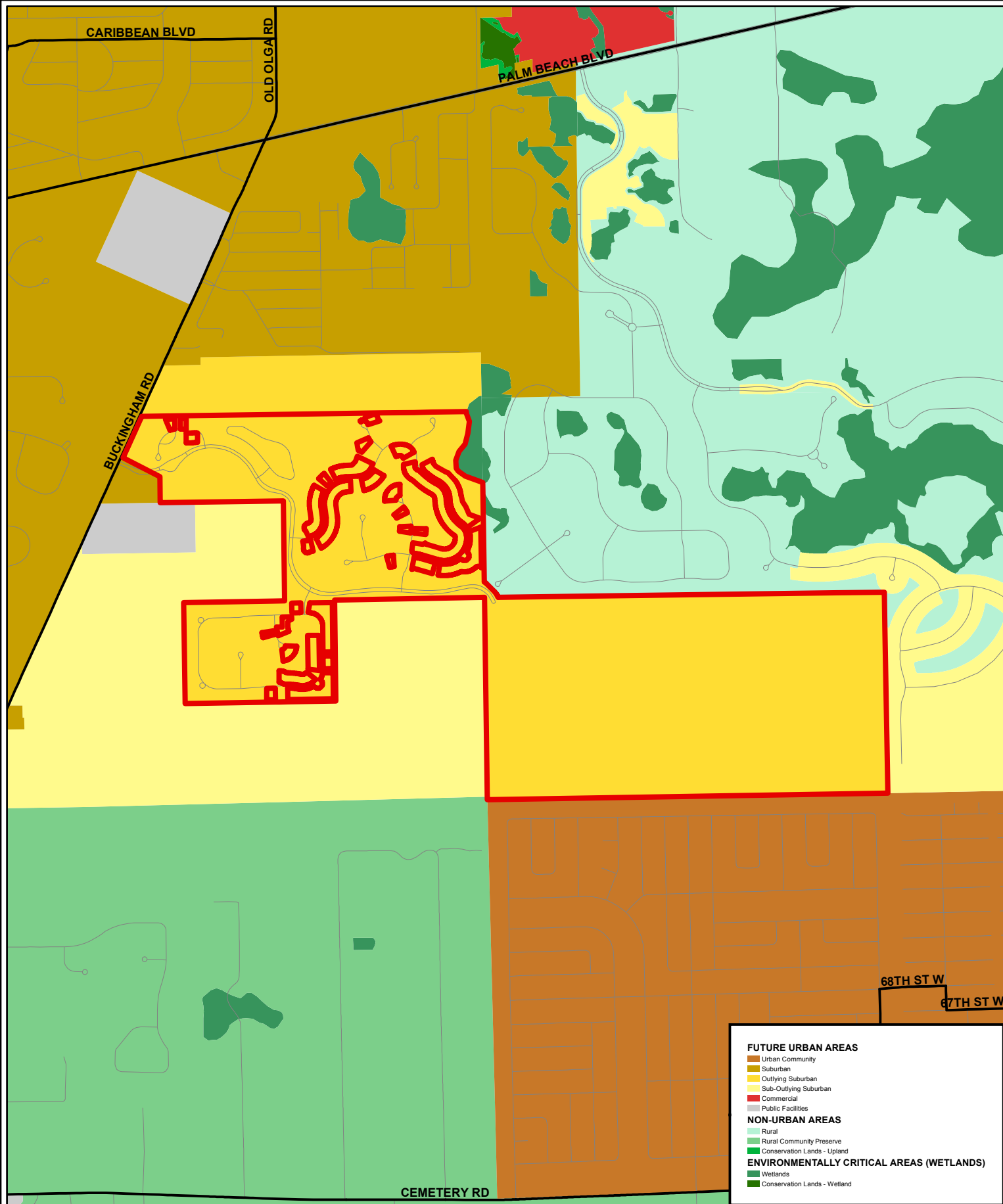
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Feet

Map Generated November 2018



# CPA2018-00004 - Portico EXISTING LEE PLAN FUTURE LAND USE MAP



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Map Generated February 2019



## CPA2018-00004 - Portico

### PROPOSED LEE PLAN FUTURE LAND USE MAP



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

Future Land Use Category		Lee County Totals		Northeast Lee County	Boca Grande	Bonita Springs	Fort Myers Shores		Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/Airport	Daniels Parkway
		Existing	Proposed				Existing	Proposed							
<i>Residential By Future Land Use Category</i>	Intensive Development	<u>1,361</u>	<u>1,361</u>				5	5		27		250			
	Central Urban	<u>14,766</u>	<u>14,766</u>				225	225				230			
	Urban Community	<u>17,021</u>	<u>16,663</u>	520	485		637	637						250	
	Suburban	<u>16,623</u>	<u>16,623</u>				1,810	1,810				85			
	Outlying Suburban	<u>3,843</u>	<u>4,113</u>	30			40	310	20	2	500				1,438
	Sub-Outlying Suburban	<u>1,955</u>	<u>1,880</u>				547	472						227	
	Commercial														
	Industrial	<u>79</u>	<u>79</u>									39		20	
	Public Facilities	<u>1</u>	<u>1</u>								1				
	University Community	850	850												
	Destination Resort Mixed Use Water Dependent	<u>8</u>	<u>8</u>												
	Burnt Store Marina Village	<u>4</u>	<u>4</u>						4						
	Industrial Interchange														
	General Interchange	<u>151</u>	<u>151</u>											11	58
	General Commercial Interchange														
	Industrial Commercial Interchange														
	University Village Interchange														
	Mixed Use Interchange														
	New Community	<u>2,100</u>	<u>2,100</u>	1,200										900	
	Airport														
	Tradeport	<u>9</u>	<u>9</u>											9	
	Rural	<u>8,313</u>	<u>8,313</u>	1,948			1,400	1,400	636						1,500
	Rural Community Preserve	<u>3,100</u>	<u>3,100</u>												
	Coastal Rural	<u>1,300</u>	<u>1,300</u>												
	Outer Island	<u>202</u>	<u>202</u>	5			1	1			150				
	Open Lands	<u>2,805</u>	<u>2,805</u>	250					590						120
	Density Reduction/ Groundwater Resource	<u>6,905</u>	<u>6,905</u>	711										94	
	Conservation Lands Upland														
	Wetlands														
	Conservation Lands Wetland														
Unincorporated County Total Residential		81,396	81,233	4,664	485		4,665	4,860	1,250	29	651	604		1,511	3,116
Commercial		12,793	12,793	177	52		400	400	50	17	125	150		1,100	440
Industrial		13,801	13,801	26	3		400	400	5	26		300		3,100	10
<b>Non Regulatory Allocations</b>															
Public		82,565	82,565	7,100	421		2,000	2,000	7,000	20	1,961	350		7,752	2,477
Active AG		17,027	17,027	5,100			550	550	150						20
Passive AG		43,786	43,591	12,229			2,500	2,305	109					1,241	20
Conservation		81,933	81,933	2,214	611		1,142	1,142	3,236	133	1,603	748		2,947	1,733
Vacant		23,874	24,232	1,953			61	61	931	34		45		300	151
Total		357,175	357,175	33,463	1,572		11,718	11,718	12,731	259	4,340	2,197		17,951	7,967
Population Distribution (unincorporated Lee County)		495,000	495,000	9,266	1,531		30,861	33,348	3,270	225	530	5,744		18,332	16,375

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

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	Proposed				
<b>Residential By Future Land Use Category</b>	Intensive Development				660	3	42	42		365		9	
	Central Urban	375	17		3,140		8,179	8,179		2,600			
	Urban Community	850	1,000		860	500	11,359	11,001			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	31		6	30
	General Commercial Interchange												
	Industrial Commercial Interchange												
	University Village Interchange												
	Mixed Use Interchange												
	New Community												
	Airport												
	Tradeport												
	Rural		90			190	14	14		500	50	635	1,350
	Rural Community Preserve										3,100		
	Coastal Rural					1,300							
	Outer Island	1				45							
	Open Lands									45			1,800
	Density Reduction/ Groundwater Resource								4,000				2,100
	Conservation Lands Upland												
	Wetlands												
	Conservation Lands Wetland												
Unincorporated County Total Residential		4,104	3,962		5,870	3,313	19,594	19,236	4,015	10,753	3,326	3,254	6,230
Commercial		1,100	1,944		2,100	226	1,300	1,300	68	1,687	18	1,700	139
Industrial		320	450		900	64	300	300	7,246	554	5	87	5
<b>Non Regulatory Allocations</b>													
Public		3,550	3,059		3,500	2,100	15,289	15,289	12,000	4,000	1,486	7,000	1,500
Active AG						2,400			7,171	200	411	125	900
Passive AG						815			17,521	1,532	3,619	200	4,000
Conservation		9,306	2,969		188	14,767	1,541	1,541	31,210	1,317	336	5,068	864
Vacant		975	594		309	3,781	9,880	10,238	470	2,060	1,000	800	530
Total		19,355	12,978		12,867	27,466	47,904	47,904	79,701	22,103	10,201	18,234	14,168
Population Distribution (unincorporated Lee County)		34,538	36,963		58,363	13,265	153,011	150,524	1,270	71,001	6,117	25,577	8,760

# AGENCY COMMENTS

CPA2018-00004  
PORTICO



**Ron DeSantis**  
GOVERNOR



**Ken Lawson**  
EXECUTIVE DIRECTOR

**RECEIVED**  
MAY 23 2019  
COMMUNITY DEVELOPMENT

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

Dear Ms. Rozdolski:

This letter is in response to the letter dated May 20, 2019, notifying of a second extension for the adoption of a proposed amendment DEO 18-4ESR to the Lee County Comprehensive Plan pursuant to Section 163.3184(3), Florida Statutes.

The Department acknowledges receipt of County's second extension notification. The new extended adoption date is December 5, 2019. The Department reminds the County that all citizens who commented on the amendment need to be notified of the extension.

If the proposed amendment is adopted, please submit the amendments to the Florida Department of Economic Opportunity, Bureau of Community Planning, Plan Processing Team within 10 working days of adoption pursuant to Section 163.3184(3), Florida Statutes.

If you have any questions concerning this matter, please do not hesitate to contact Ms. Barbara Powell at (850) 717-8504, or myself, at (850) 717-8483.

Sincerely,

D. Ray Eubanks  
Plan Processing Administrator

DRE/me

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](https://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](https://www.facebook.com/FLDEO)

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**LEE COUNTY**  
**SOUTHWEST FLORIDA**  
**BOARD OF COUNTY COMMISSIONERS**

John E. 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*

May 20, 2019

Mr. Ray Eubanks  
Plan Processing Administrator  
Florida Department of Economic Opportunity  
Division of Community Development  
107 East Madison Street, MSC 160  
Tallahassee, Florida 32399-4120

**Re: Comprehensive Plan Amendment No. 18-4ESR  
Bay Harbour Marina Village DRMUWD  
Extension of 180-Day Adoption Deadline**

Dear Mr. Eubanks:

In accordance with the provisions of Section 163.3184(3)(c)1., Florida Statutes, this letter is to provide notice to the Florida Department of Economic Opportunity ("DEO") and other state and regional review agencies of an agreement between the applicant, Southern Comfort Storage, LLC and the County to extend adoption of Comprehensive Plan Amendment No. 18-4ESR (the "CPA").

The CPA consists of text and map amendments that are intended to accommodate a destination resort mixed use water dependent development on a 7.47 acre parcel. The CPA is locally known as CPA2017-00005.

The Lee County Board of County Commissioners (BoCC) held a public hearing to transmit the CPA on May 2, 2018. The County and the applicant previously agreed to extend the second public hearing on the CPA until June 8, 2018. On May 15, 2019, the applicant requested a second extension to December 5, 2019. A copy of this letter is attached.

The County agrees to this time extension and respectfully requests that DEO issue a letter recognizing the extension to December 5, 2019 to forward an adopted amendment to DEO and other state and regional agencies for final review. Upon receipt of such acknowledgment, the County will notify all citizens who commented on the amendment of the extension.

RECEIVED

*Div. of Community Planning and Growth*

MAY 20 2019

Div. of Community Development  
Dept. Economic Opportunity

Thank you for your time and attention to this matter. If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,



Mikki Rozdolski, Planning Manager  
Department of Community Development  
Planning Section

cc: Comprehensive Plan Review  
Department of Agriculture and Consumer Services

Mark Weigly  
Department of Education

Plan Review  
Department of Environmental Protection

Robin Jackson  
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, AICP, Senior Planner, Intergovernmental Coordination Section  
South Florida Water Management District

David Depew, AICP, Applicant's Representative  
Morris-Depew Associates, Inc.

Michael Jacob, Deputy County Attorney  
Lee County Attorney's Office



May 15, 2018

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

**RE: Bay Harbour Comprehensive Plan Amendment Adoption Hearing (CPA2017-00005)**

Dear Ms. Rozdolski:

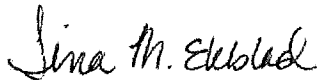
Please allow this letter to serve as notice on behalf of the applicant, Southern Comfort Storage, LLC, to allow an additional time extension for the adoption of the Comprehensive Plan Amendment No. 18-4ESR ("CPA") until October 6, 2019 pursuant to Section 163.3184(3)(c)1., Florida Statutes.

The Lee County Board of County Commissioners ("Board") voted to approve transmittal of the CPA on May 2, 2018, and subsequently transmitted the CPA to the reviewing agencies on May 14, 2018. The County received no comments from the reviewing agencies on the transmitted CPA application. Pursuant to Section 163.3184(3)(c)1., Florida Statutes, the Board was required to conduct its second public (adoption) hearing to take final action on the CPA by December 10, 2018 (180 days after receiving no comments) or else the CPA would have been deemed withdrawn, absent an agreement to extend the deadline with notice to the Florida Department of Economic Opportunity ("DEO") and any affected person that provided comments on the CPA. Since that time the hearing was approved for a time extension until June 8, 2019.

Per the recommendation, the second public hearing on the CPA must be held by June 8, 2019 (180 days after receiving no comments). This deadline is rapidly approaching. The Planned Development (PD) application concluded presentations before the Lee County Hearing Examiner on September 10, 2018 but is awaiting the recommendation report. Southern Comfort Storage, LLC agrees to an additional time extension for the second public hearing on the CPA until December 5, 2019, pursuant to Section 163.3184(3)(c) 1., Florida Statutes. This is in order for Southern Comfort Storage, LLC and the County to finalize the joint CPA and related PD so that both applications may be heard concurrently by the Board of County Commissioners. Southern Comfort Storage, LLC is requesting that the County provide notice of this agreed time extension to DEO and any affected person that provided comments on the CPA. We would appreciate receiving copies of the required notice provided to DEO and any affected person.

Thank you for your continued assistance with the CPA and the related PD application. Please do not hesitate to contact me should you have any questions.

Sincerely,  
Morris-Depew Associates, Inc.

A handwritten signature in cursive script, reading "Tina M. Ekblad".

Tina M. Ekblad, MPA, AICP, LEED AP  
Partner – Planning Director

**Ron DeSantis**  
GOVERNOR



**Ken Lawson**  
EXECUTIVE DIRECTOR

February 22, 2019

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

Dear Chairman Kiker:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for Lee County (Amendment No. 19-01ESR) received on February 11, 2019. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

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. In addition, the County is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the County. **If the County receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or 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 pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the County that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

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](https://twitter.com/FLDEO) | [www.facebook.com/FLDEO](https://www.facebook.com/FLDEO)

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

Sincerely,



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

JDS/sr

Enclosure(s): 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."

\_\_\_\_\_ 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.

**Ron DeSantis**  
GOVERNOR



**Ken Lawson**  
EXECUTIVE DIRECTOR

February 11, 2019



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 19-01ESR**.

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 **March 13, 2019**.

If you have any questions please contact Anita Franklin, Senior Plan Processor at (850) 717-8486 or James Stansbury, Bureau Chief, whom will be overseeing the review of the amendments, at (850) 717-8512.

Sincerely,

D. Ray Eubanks, Administrator  
Plan Review and Processing

DRE/af

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.FloridaJobs.org](http://www.FloridaJobs.org)  
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**Ron DeSantis**  
GOVERNOR



**Ken Lawson**  
EXECUTIVE DIRECTOR

**MEMORANDUM**

**TO:** Florida Department of Environmental Protection  
Florida Department of Education  
Florida Department of State  
Florida Department of Transportation District 1  
Southwest Florida Regional Planning Council  
South Florida Water Management  
Florida Fish and Wildlife Conservation Commission  
Florida Department of Agriculture and Consumer Services

**DATE:** February 11, 2019

**SUBJECT: COMMENTS FOR PROPOSED EXPEDITED STATE REVIEW PLAN AMENDMENT**

**LOCAL GOVERNMENT/ STATE LAND PLANNING AGENCY AMENDMENT #: LEE CO 19-01ESR**

**STATE LAND PLANNING AGENCY CONTACT PERSON/PHONE NUMBER: James Stansbury/(850)717-8512**

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 to the State Land Planning Agency to the attention of Ray Eubanks, Administrator, Plan Review and Processing at the Department E-mail address: [DCPexternalagencycomments@deo.myflorida.com](mailto: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](http://www.FloridaJobs.org)  
[www.twitter.com/FLDEO](https://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](https://www.facebook.com/FLDEO)

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RECEIVED  
Div. of Planning & Development  
FEB 11 2019  
Div. of Planning & Development  
Dept. Economic Opportunity

John Manning  
District One

February 8, 2019

**Via E-Mail**

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  
CPA2018-00004 Transmittal Package**

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, please find attached the proposed Comprehensive Plan Amendment, known locally as CPA2018-00004 (Portico). The proposed amendment is being submitted through the expedited state review process as described in Chapter 163.3184. The amendment is as follows:

**CPA2018-00004:** Amend the Future Land Use Map designation on 536.82+/- acres from Sub-Outlying Suburban to Outlying Suburban and add a corresponding residential acreage in Table 1(b).

The Local Planning Agency held a public hearing for this plan amendment on December 17, 2018. The Board of County Commissioners voted to transmit the amendment with staff's recommendations on February 6, 2019. The proposed amendment is not applicable to an area of critical state concern. The Board of County Commissioners stated their intent to hold an adoption hearing following the receipt of the review agencies' comments.

The name, title, address, telephone 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) 533-8585  
Email: bdunn@leegov.com

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

Sincerely,

**Lee County Department of Community Development  
Planning Section**

A handwritten signature in black ink, appearing to read 'Mikki Rozdolski', with a stylized flourish at the end.

Mikki Rozdolski  
Manager, Community Development Operations

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, AICP, Senior Planner, Intergovernmental Coordination Section  
South Florida Water Management District

**From:** [Dunn, Brandon](#)  
**To:** [Jenkins-Owen, Sharon](#); [Miller, Janet](#)  
**Cc:** [Rozdolski, Mikki](#)  
**Subject:** FW: Lee County 19-1ESR (CPA2018-00004[Portico])  
**Date:** Friday, February 22, 2019 10:51:37 AM

---

Please see correspondence from FWC below.

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

---

**From:** Hight, Jason [<mailto:Jason.Hight@MyFWC.com>]  
**Sent:** Friday, February 22, 2019 10:28 AM  
**To:** DCPexternalagencycomments@deo.myflorida.com; Dunn, Brandon  
**Cc:** Hoehn, Ted; Wallace, Traci  
**Subject:** [EXTERNAL] Lee County 19-1ESR (CPA2018-00004[Portico])

Dear Mr. Dunn:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the proposed comprehensive plan amendment in accordance with Chapter 163.3184(4)(c), and Chapter 379 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.

If you need any further assistance, please do not hesitate to contact us by email at [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com). If you have specific technical questions, please contact Theodore Hoehn at (850) 488-8792 or by email at [ted.hoehn@myfwc.com](mailto:ted.hoehn@myfwc.com).

Sincerely,

Jason Hight  
Biological Administrator II  
Office of Conservation Planning Services  
Florida Fish and Wildlife  
Conservation Commission  
620 S. Meridian Street, MS5B5  
Tallahassee, Florida 32399-1600  
850-228-2055



**From:** [Rozdolski, Mikki](#)  
**To:** [Dunn, Brandon](#); [Miller, Janet](#); [Jenkins-Owen, Sharon](#)  
**Subject:** FW: Lee County, DEO # 19-1ESR Comments on Proposed Comprehensive Plan Amendment Package  
**Date:** Monday, March 04, 2019 4:35:39 PM

---

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

---

**From:** Oblaczynski, Deborah [mailto:[doblaczy@sfwmd.gov](mailto:doblaczy@sfwmd.gov)]  
**Sent:** Monday, March 4, 2019 3:34 PM  
**To:** Rozdolski, Mikki  
**Cc:** Dunn, Brandon; Ray Eubanks (DCPexternalagencycomments@deo.myflorida.com); Scott Rogers (scott.rogers@deo.myflorida.com); ext-Wuerstle, Margaret (swfrpc.org)  
**Subject:** Lee County, DEO # 19-1ESR 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 changes the land use designation on 536.82 acres from Sub-Outlying Suburban to Outlying Suburban, and adds the residential acreage to Table 1(b). The proposed changes do not appear to adversely impact the water resources within the South Florida Water Management District; However, the District offers the following technical guidance regarding Regional Water Supply Planning:

- The County is required to revise its Water Supply Facilities Work Plan (Work Plan) within 18 months after approval of the Lower West Coast (LWC) Water Supply Plan Update by the District's Governing Board. The District's Governing Board approved the LWC Water Supply Plan Update on December 11, 2017. Therefore, the County's Work Plan needs to be updated and **adopted by June 14, 2019**. The Work Plan must cover at least a 10-year planning period, include updated water demand projections, identify alternative and traditional water supply projects, and describe conservation and reuse activities needed to meet the projected future demands. Planning tools are available on the District's website for your use and District Staff are available to provide technical assistance to update the Work Plan, including reviewing draft Work Plans prior to formal plan amendment submittal. The planning tools are located at this link: <https://www.sfwmd.gov/our-work/water-supply/work-plans>.

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 email: [doblaczy@sfwmd.gov](mailto:doblaczy@sfwmd.gov)

---

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.

**From:** [Beals, Nathan](#)  
**To:** [Jenkins-Owen, Sharon](#)  
**Subject:** RE: Portico - Water Supply Facilities Work Plan  
**Date:** Friday, June 21, 2019 9:18:34 AM  
**Attachments:** [image001.png](#)

---

Sharon,

I've received informal comments back from SFWMD and am incorporating them. I've been in communication with SFWMD and they know where we are. The goal now is to take it to the Board in August.

Thank you,

Nathan Beals, PMP  
Senior Manager  
New Development and Planning  
Lee County Utilities  
239-533-8157 (Office)

1500 Monroe Street  
Fort Myers, FL 33901  
[Nbeals@leegov.com](mailto:Nbeals@leegov.com)  
<http://www.leegov.com/utilities/>



---

**From:** Jenkins-Owen, Sharon <SJenkins-Owen@leegov.com>  
**Sent:** Friday, June 21, 2019 8:43 AM  
**To:** Beals, Nathan <NBeals@leegov.com>  
**Subject:** Portico - Water Supply Facilities Work Plan

Hi Nathan,

Do you know if the Water Supply Work Pan was adopted by June 14<sup>th</sup> or what the status is?

Thanks,

Sharon

**SFWMD:**

*The County is required to revise its Water Supply Facilities Work Plan (Work Plan) within 18 months after approval of the Lower West Coast (LWC) Water Supply Plan Update by the District's Governing Board. The District's Governing Board approved the LWC Water Supply Plan Update on December 11, 2017. Therefore, the County's Work Plan needs to be updated and adopted by June*

14, 2019. The Work Plan must cover at least a **10-year planning period**, include updated water demand projections, identify alternative and traditional water supply projects, and describe conservation and reuse activities needed to meet the projected future demands. Planning tools are available on the District's website for your use and District Staff are available to provide technical assistance to update the Work Plan, including reviewing draft Work Plans prior to formal plan amendment submittal. The planning tools are located at this link: <https://www.sfwmd.gov/our-work/water-supply/work-plans>.

**Response:**

Staff is appreciative of SFWMD's technical guidance comments regarding the County's Regional Water Supply Planning and more particularly its Water Supply Facilities Work Plan (Work Plan). County staff is currently reviewing the current Work Plan, and updates are being made in accordance with SFWMD requirements. Updates to the Work Plan will be adopted prior to the June 14, 2019 deadline.

**Sharon Jenkins-Owen, AICP**  
Planner, Principal  
Lee County DCD Planning Section  
1500 Monroe Street  
Fort Myers, Florida 33901  
[SJenkins-Owen@leegov.com](mailto:SJenkins-Owen@leegov.com)  
239.533.8535



---

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.



**From:** [Dunn, Brandon](#)  
**To:** [Miller, Janet](#); [Jenkins-Owen, Sharon](#)  
**Cc:** [Rozdolski, Mikki](#)  
**Subject:** FW: Lee County 19-1ESR Proposed  
**Date:** Friday, March 08, 2019 7:40:57 AM  
**Attachments:** [image001.png](#)

---

Please see correspondence below for Portico.

---

**From:** Plan\_Review [mailto:[Plan.Review@dep.state.fl.us](mailto:Plan.Review@dep.state.fl.us)]  
**Sent:** Thursday, March 07, 2019 4:01 PM  
**To:** Dunn, Brandon; DCPexternalagencycomments@deo.myflorida.com  
**Cc:** Plan\_Review  
**Subject:** Lee County 19-1ESR Proposed

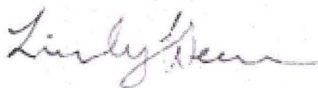
To: Brandon Dunn, Principal Planner

Re: Lee County 19-1ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

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

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

Please submit all future amendments by email to [Plan.Review@FloridaDEP.gov](mailto:Plan.Review@FloridaDEP.gov). If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.





**FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**  
**COMMISSIONER NICOLE "NIKKI" FRIED**

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March 8, 2019

VIA EMAIL (bdunn@leegov.com)

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

Re: DACS Docket # -- 20190211-13  
Lee County  
Submission dated February 8, 2019

Dear Mr. Dunn:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on February 11, 2019 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 850-410-2282.

Sincerely,

Gail Lolley  
Sr. Management Analyst II  
Office of Policy and Budget

cc: Florida Department of Economic Opportunity  
(SLPA #: Lee County 19-01ESR)





## Florida Department of Transportation

RON DESANTIS  
GOVERNOR

10041 Daniels Parkway  
Fort Myers, FL 33913

KEVIN J. THIBAUT, P.E.  
SECRETARY

April 8, 2019

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

**RE: Lee County 19-01ESR Proposed Comprehensive Plan Amendment (CPA), Expedited State Review Process – FDOT Review Letter (Technical Assistance Comments)**

Dear Mr. Dunn:

The Florida Department of Transportation (FDOT), District One, has reviewed the Lee County 19-01ESR Proposed Comprehensive Plan Amendment, CPA (locally known as CPA2018-00004, Portico). The proposed CPA package was transmitted under the Expedited State Review process by the County Commission, in accordance with the requirements of Florida Statutes Chapter 163. The following is a summary of the Department's review.

**PROJECT OVERVIEW:**

The Comprehensive Plan Amendment No. 2018-00004 is a privately-initiated CPA which requests to revise the Future Land Use Map (FLUM) designation on approximately 536.82+ acres, from Sub-Outlying Suburban to Outlying Suburban and add a corresponding residential acreage in Table 1(b). The applicant is seeking to amend the maximum number of dwelling units (DUs) for the Portico Residential Planned Development (RPD).

The subject property is generally located east of Buckingham Road, approximately one-mile south of Palm Beach Boulevard (SR 80), in Lee County, Florida. The applicant has filed a companion rezoning application (DCI2018-00018) that is being reviewed concurrently by the County. The concurrent zoning request is to allow for 1,600 dwelling units.



**TRIP GENERATION and ROADWAY ANALYSIS:**

The planning-level trip generation analysis, included in Appendix A, shows the maximum development, which would occur on the approximately 536.82 acres. As previously identified, the subject property has an adopted FLU designation of Sub-Outlying Suburban, resulting in 1,074

single family DUs (2 DUs / Acre), which would generate approximately 9,236 daily trips with 992 p.m. peak hour trips. The proposed amendment, which provides a maximum 1,611 single family DUs (3 DUs / Acre), would generate approximately 13,411 daily trips with 1,464 p.m. peak hour trips. As a result, the proposed amendment would generate an increase of 4,175 daily trips or 472 p.m. peak hour trips.

Based on the trip increase under the maximum development potential, a planning-level analysis (included within Appendix A) was prepared to establish whether the State/Strategic Intermodal System (SIS) roadways within the vicinity of the project would operate at their adopted level of service (LOS) standard during the existing (2017), short-term (2023) and long term (2040) horizon year conditions.

As a result of the planning-level analysis, roadway arterial segments: SR 31, from SR 80 to CR 78/N. River Road/Old Bayshore Drive, SR 80 from I-75 to W. of Werner Drive, and SR 78, from Pritchett Parkway to SR 31 are anticipated to operate at acceptable conditions during the existing (2017).

During the long term (2040), SR 80 from I-75 to CR 80A/Buckingham Road/Old Olga Road, is anticipated to operate at unacceptable conditions, with or without the proposed development.

#### **TRANSIT CONNECTIVITY:**

There is one (1) LeeTran route that runs in close proximity to the subject property. Route 100 runs along SR 80 (Palm Beach Boulevard), connecting the Buckingham Road to the Rosa Parks Center, with service headways every 30 minutes during the week, and 40 or 45 minutes during the weekends. The closest bus stop to the subject property is located in the Winn Dixie shopping plaza at the intersection of SR 80 and Buckingham Road, which is located approximately one-mile north.

The applicant should coordinate with the County and LeeTran regarding the potential expansion of Route 100 to include additional bus stops along Buckingham Road serve the residents and patrons of the residential property.

#### **PEDESTRIAN CONNECTIVITY:**

Sidewalks are present adjacent to the subject property boundary, along Buckingham Road, and sporadically through the study area. In addition, there are no marked bicycle lanes along the roadways adjacent to the site. It is encouraged that sidewalks and / or bicycle lanes be included as part of the subject development plan, as well as any future development plans, to encourage connectivity to the development.

#### **LAND USE:**

The adjacent future land uses to the CPA site are Sub-Outlying Suburban, Outlying Suburban, Suburban, Rural, Urban Community, Public Facilities, and Wetlands. The current surrounding land uses include other approved RPDs (Hemingway Pointe, River Hall, Verandah, etc.), consisting of single family residential. Based on the staff report, the proposed change would eliminate "spots" of Sub-Outlying Suburban making "more efficient use of the land and would be easier to regulate." Furthermore, the proposed change would allow development consistent with Lee County Policy 5.1.5, protecting the area from development destructive to the character of the area.



**FDOT TECHNICAL ASSISTANCE:**

Based on the planning level trip generation analysis, this CPA is anticipated to increase the number of trips on the subject property and is anticipated to create adverse impacts on State and SIS transportation facilities.

As a result, FDOT offers the following technical assistance statements to promote the use of multimodal alternatives, versus the use of single-occupant vehicles typical for this type of development.

**FDOT Technical Assistance Statement #1:**

FDOT encourages the County staff to consider requiring the applicant to partner with LeeTran in constructing additional bus stops on Buckingham Road and extending Route 100 service to serve the residents and patrons of the residential property, as they help with the reduction of automobile dependency on the local and regional roadway network.

**FDOT Technical Assistance Statement #2:**

FDOT recommends that the County continue to monitor impacts to the aforementioned facilities through traffic impact analyses and coordination with the Department, in order to identify appropriate mitigation strategies to address potential impacts to the failing roadways as development proposed in the amendment moves forward and any new developments in the area comes forward.

**FDOT Technical Assistance Statement #3:**

The FDOT has concerns regarding the existing operations at the intersection of SR 80 and Buckingham Road. Based on the existing geometry and surrounding land uses, the westbound left and northbound movements operate at unacceptable conditions with excessive queuing, consistent with the SYNCHRO analysis provided within the Portico Rezoning Traffic Impact Statement (September 7, 2018).

Based on the future condition's intersection analysis, and consistent with the traffic study, this intersection of SR 80 and Buckingham Road is anticipated to operate at an adverse condition by the future YR 2027. FDOT requests that when the development seeks transportation concurrency, the County and applicant coordinate with the Department regarding the necessary intersection improvements and mitigation needed to alleviate the adversities impacted by the proposed development. Per s. 163.3180(5)(h)1.a., F.S., the applicant shall consult with the Department of Transportation when proposed plan amendments affect facilities on the strategic intermodal system (i.e. SR 80).

FDOT staff are immediately available to meet with you to discuss our comments and recommendations. 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: *D. Ray Eubanks, Florida Department of Economic Opportunity*  
*Margaret A. Wuerstle, Southwest Florida Regional Planning Council*

## APPENDIX A:

### **TRIP GENERATION BASED ON THE MAXIMUM POTENTIAL DEVELOPMENT:**

According to the adopted FLU designation, the maximum development which would occur from the 536.82 acres of adopted FLU designation of Sub-Outlying Suburban would result in 1,074 single family dwelling units (2 DUs / Acres), which would generate approximately 9,236 gross daily trips with 992 gross p.m. peak hour trips. The proposed development, which includes 1,611 single family dwelling units (3 DUs / Acre), would generate approximately 13,411 gross daily trips with 1,464 gross p.m. peak hour trips. As a result, the proposed amendment would generate an increase of 4,175 gross daily trips or 472 gross p.m. peak hour trips.

The following table summarizes the maximum potential trip generation for the adopted and proposed FLU designations.

**TRIP GENERATION BASED ON MAXIMUM DEVELOPMENT POTENTIAL FOR CPA 2018-00004**

Scenario	Land Use Designation	Maximum Allowed Density / Intensity	Land Use Code	Size of Development		Gross Daily Trips <sup>1</sup>	Gross PM Peak Hour Trips <sup>1</sup>
				Acres	Allowed Development		
Adopted	Sub-Outlying Suburban	2 DUs/AC	210	536.82	1,074 DUs	9,236	992
Proposed	Outlying Suburban	3 DUs/AC	210	536.82	1,611 DUs	13,411	1,464
Change in Trips						<b>+4,175</b>	<b>+472</b>

1. Trip generation based on the rates and equations obtained in the ITE Trip Generation Manual (10th Edition).



**ROADWAY ANALYSIS BASED ON THE MAXIMUM POTENTIAL DEVELOPMENT:**

As seen in the following tables, a planning level analysis was prepared to establish whether State roadways within the vicinity of the project will operate at their adopted level of service (LOS) standards during the existing (2017), short-term (2023) and long term (2040) horizon year conditions. The roadway analysis was conducted for the maximum potential development.

**YEAR 2017 EXISTING ROADWAY CONDITIONS**

Roadway	From	To	SIS/E-SIS?	Area Type	LOS Std. <sup>1</sup>	2017 Daily Conditions				
						No. of Lanes	Service Volume	Volume <sup>2</sup>	LOS	Acceptable?
SR 31	SR 80	Old Rodeo Drive	Yes	U	D	2	19,514	10,860	C	Yes
SR 31	Old Rodeo Drive	CR 78/N River Rd/Old Bayshore Rd	Yes	RDA	C	2	16,400	8,800	C	Yes
SR 80	I-75	SR 31 (Arcadia Rd)	Yes	U	D	6	62,895	34,000	C	Yes
SR 80	SR 31 (Arcadia Rd)	CR 80A/Buckingham Rd/Old Olga Rd	Yes	U	D	4	41,790	33,500	C	Yes
SR 80	CR 80A/Buckingham Rd/Old Olga Rd	W. of Werner Drive	Yes	U	D	4	65,600	24,000	B	Yes
SR 80	W. of Werner Drive	Hickey Creek Rd	Yes	RDA	C	4	40,700	24,000	B	Yes
SR 78	Pritchett Pkwy	Old Bayshore Rd	No	U	D	2	18,585	12,000	C	Yes
SR 78	Old Bayshore Rd	SR 31	No	U	D	2	18,585	9,200	C	Yes

1. Adopted LOS Standard obtained from the 2017 FDOT District One LOS Spreadsheet.

2. 2017 Volumes obtained from 2017 FDOT District One LOS Spreadsheet.



### YEAR 2023 SHORT-TERM HORIZON ROADWAY CONDITIONS

Roadway	From	To	2023 Daily Conditions (E+C)								
			No. of Lanes <sup>1</sup>	LOS Std. <sup>2</sup>	Service Volume	Back-ground Volume <sup>3</sup>	Project Distribution <sup>4</sup>	Project Trips	Total Volume	LOS	Accept-able?
SR 31	SR 80	Old Rodeo Drive	2	D	19,514	13,491	7.2%	301	13,791	C	Yes
SR 31	Old Rodeo Drive	CR 78/N River Rd/Old Bayshore Rd	2	C	16,400	12,324	7.2%	301	12,624	C	Yes
SR 80	I-75	SR 31 (Arcadia Rd)	6	D	62,895	41,614	28.2%	1,177	42,791	C	Yes
SR 80	SR 31 (Arcadia Rd)	CR 80A/Buckingham Rd/Old Olga Rd	4	D	41,790	36,195	32.8%	1,369	37,564	D	Yes
SR 80	CR 80A/Buckingham Rd/Old Olga Rd	W. of Werner Drive	4	D	65,600	24,755	10.2%	426	25,181	B	Yes
SR 80	W. of Werner Drive	Hickey Creek Rd	4	C	40,700	24,755	7.8%	326	25,081	C	Yes
SR 78	Pritchett Pkwy	Old Bayshore Rd	2	D	18,585	14,623	5.2%	217	14,840	C	Yes
SR 78	Old Bayshore Rd	SR 31	2	D	18,585	10,678	5.2%	217	10,895	C	Yes

1. Number of Lanes (based on E+C Condition) obtained from 2017 FDOT District One LOS Spreadsheet.

2. Adopted LOS Standard obtained from the 2017 FDOT District One LOS Spreadsheet.

3. The short-term planning horizon year 2023 background volume was obtained based on interpolation between 2017 (existing) and 2040 background volumes.

4. Project Trip Distribution is based on Portico CPA Traffic Study (February 5, 2018).

### YEAR 2040 LONG-TERM HORIZON ROADWAY CONDITIONS

Roadway	From	To	2023 Daily Conditions (E+C)								
			No. of Lanes <sub>1</sub>	LOS Std. <sub>2</sub>	Service Volume	Back-ground Volume <sub>3</sub>	Project Distribution <sub>4</sub>	Project Trips	Total Volume	LOS	Accept-able?
SR 31	SR 80	Old Rodeo Drive	2	D	19,514	20,945	7.2%	301	21,246	F	No
SR 31	Old Rodeo Drive	CR 78/N River Rd/Old Bayshore Rd	2	C	16,400	22,308	7.2%	301	22,609	F	No
SR 80	I-75	SR 31 (Arcadia Rd)	6	D	62,895	63,187	28.2%	1,177	64,364	F	No
SR 80	SR 31 (Arcadia Rd)	CR 80A/Buckingham Rd/Old Olga Rd	4	D	41,790	43,830	32.8%	1,369	45,199	F	No
SR 80	CR 80A/Buckingham Rd/Old Olga Rd	W. of Werner Drive	4	D	65,600	26,896	10.2%	426	27,322	B	Yes
SR 80	W. of Werner Drive	Hickey Creek Rd	4	C	40,700	26,896	7.8%	326	27,222	C	Yes
SR 78	Pritchett Pkwy	Old Bayshore Rd	2	D	18,585	22,054	5.2%	217	22,271	F	No
SR 78	Old Bayshore Rd	SR 31	2	D	18,585	14,866	5.2%	217	15,083	C	Yes

1. Number of Lanes from 2040 District One Regional Planning Cost Feasible Model.
2. Adopted LOS Standard obtained from the 2017 FDOT District One LOS Spreadsheet.
3. The long-term planning horizon year 2040 background volumes were obtained based on the average of 2040 model volumes and 2040 volumes resulting from Trends Analysis.
4. Project Trip Distribution is based on Portico CPA Traffic Study (February 5, 2018).

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

[Click Here](#)