

## STAFF REPORT FOR

### CPA2017-05: Bay Harbour Marina Village DRMUWD

Privately Initiated Text and Map Amendments to the Lee Plan



#### Applicant:

Southern Comfort  
Storage, LLC

#### Representative:

Morris-Depew  
Associates

#### Size:

7.47± acres

#### Location:

Main Street,  
San Carlos Island

#### Commissioner

District: #3

#### Attachments:

FLUM Existing  
FLUM Proposed  
Table 1(a) Densities  
Table 1(b) Population  
Text Amendments

#### Hearing Dates:

LPA: 3/26/2018  
BoCC: 5/02/2018  
BoCC: 10/23/2019

#### REQUEST

Amend Lee Plan Future Land Use Map to designate 7.47± acres from the Industrial and Suburban future land use map categories to Destination Resort Mixed Use Water Dependent (DRMUWD) with accompanying text amendments. Amend Table 1(a) to allow bonus density in DRMUWD and amend Table 1(b), Year 2030 Allocations, to accommodate additional residential development in the DRMUWD future land use category.

#### PROJECT LOCATION

The subject property is located approximately 580 feet east of San Carlos Boulevard on the north side of Main Street.

FIGURE 1: AERIAL LOCATION MAP



#### RECOMMENDATION

Staff recommends that the Board of County Commissioners **transmit** the amendments to designate the subject property to DRMUWD, amend Tables 1(a) and 1(b), and amend the text as proposed by staff (provided in Attachment 1) based on the analysis and findings in this staff report.



**Concurrent Application Review:** The applicant has also filed a companion rezoning application (DCI2015-00015) that is being reviewed concurrently with the plan amendment application. The applicant is seeking to rezone the subject property from Light Industrial (IL), Marine Industrial (IM), Commercial (C-2), and Mobile Home Residential (MH-2) to Mixed Use Planned Development (MPD).

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

Staff notes that even 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 1 PROPERTY INFORMATION**

The subject property is approximately 7.47± acres and is located on the north side of Main Street, east of San Carlos Boulevard on San Carlos Island. The area of the subject property is located in the Iona McGregor Planning Community and is currently in the Industrial and Suburban future land use categories. A portion of the property is within the Water Dependent Overlay.

### **Iona McGregor Vision Statement:**

As provided below, the San Carlos Island area, within the McGregor Planning Community, is anticipated to grow substantially through the year 2030.

*Iona/McGregor - This Community is located primarily south of Gladiolus Drive west of Hendry Creek and contains all of the islands not included in the Town of Fort Myers Beach. This community primarily has lands designated as Central Urban, Urban Community, Suburban, and Outlying Suburban. There is also an industrial area located west of Pine Ridge road north and south of Summerlin Road. This community, due to its proximity to the area beaches, will continue to be a popular area for seasonal residents. This community has three discernible sub-areas: McGregor Boulevard/San Carlos Boulevard, Summerlin Road, and San Carlos Island.*

*The McGregor Blvd./San Carlos Blvd area will be approaching build out by 2030 and some of the older (pre 1980) developments will begin to redevelop to take advantage of a higher end market seeking a combination of quick beach access and closeness to urban services. This area will remain primarily residential with retail uses located at the major intersections.*

*The Summerlin Road Corridor will develop a new look by 2030 and will emerge as one of the county's primary medical service areas. This portion of the community will also continue to develop as a strong residential area with an influx of new gated communities.*

*The San Carlos Island area, which is nearly built out today, will continue to develop its infill areas while maintaining its marine oriented nature. Residents of this community will address current planning concerns in a comprehensive review of this area and future amendments to this plan will be made to address these concerns. This area is anticipated to grow substantially from today to 2030.*

### **Current Future Land Use Categories – Industrial and Suburban:**

The majority of the subject property is designated as Industrial Development on the future land use map. The Industrial Development future land use category is limited to industrial activities and mixtures of industrial, manufacturing, research, recreational uses, office complexes and limited commercial uses. It does not allow residential land uses.

***POLICY 1.1.7:** The Industrial Development future land use category plays an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These uses have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach. The Industrial Development future land use category is reserved mainly for industrial activities and selective land use mixtures. Appropriate land use mixtures include industrial, manufacturing, research, recreational uses and office complex (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. Retail, recreational and service uses are allowed as follows:*

- 1. Retailing and/or wholesaling of products manufactured or directly related to that manufactured on the premises; or,*
  - 2. Recreational, service and retail uses may not exceed 20% of the total acreage within the Industrial Development future land use categories of each Planning Community.*
- (Ordinance No. 94-30, 98-09, 99-15, 02-02, 09-06, 09-12, 10-14, 10-16, 10-20, 17-13)*

The previous uses on the subject property located at 1185 Main Street included one single family dwelling unit that was built in 1958 and was allowed by right until it no longer existed, a boatyard, marina and a storage facility.

The property located at 821 Oak Street is in the Suburban future land use category. The lot on Oak Street that is within the Suburban future land use category would be allowed one dwelling unit. The Suburban future land use category allows residential uses up to 6 units an acre, but does not allow industrial land uses.

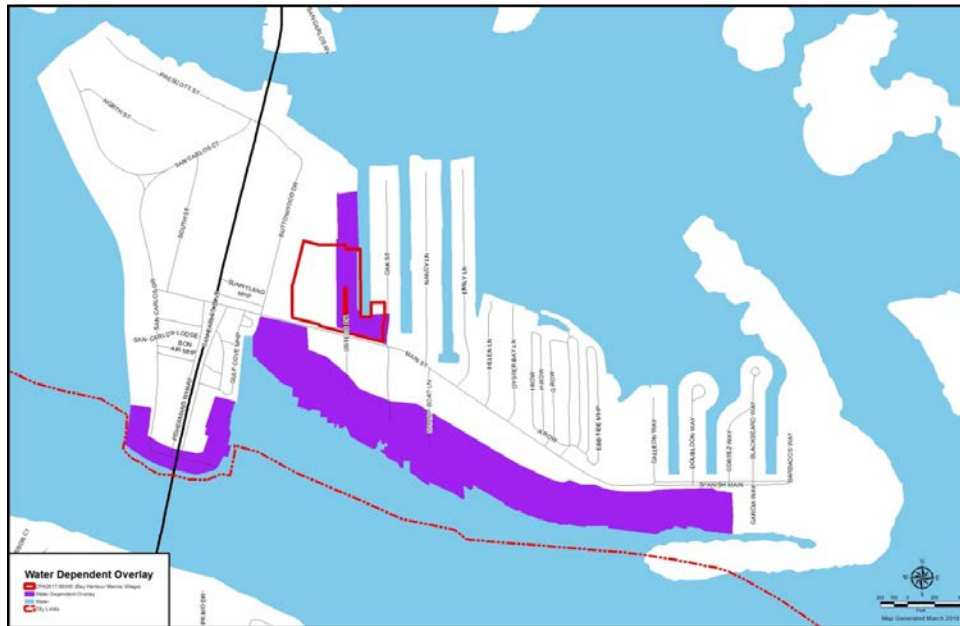
***POLICY 1.1.5:** The Suburban future land use category will consist of predominantly residential areas that are either on the fringe of the Central Urban or Urban Community future land use categories or in areas where it is appropriate to protect existing or emerging residential neighborhoods. This category provides housing near the more urban areas but does not provide the full mix of land uses typical of urban areas. Industrial land uses are not permitted. This category has a standard density range from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre). The maximum total density may only be increased to eight dwelling units per acre (8 du/acre) utilizing Greater Pine Island Transfer of Development Units except in areas that specifically prohibit bonus density. Other forms of bonus densities are not allowed.*

### **Water Dependent Overlay**

A portion of the subject property is within the Water-Dependent Overlay zone which gives priority to water-dependent land uses (Policy 1.7.5). Lee Plan Objective 128.1 and Policy 128.4.2 identify specific requirements of the Water-Dependent Overlay that are intended to prevent the conversion of water-dependent uses by other forms of development unless approved at a public hearing.

Goal 12 provides that new development and substantial redevelopment within the Industrial development and DRMUWD land use categories on San Carlos Island will be permitted only in accordance with certain criteria (Objective 12.1). Policy 12.1.1 criteria require that development within the DRMUWD future land use category be consistent with the provisions of Goal 12 specific to the DRMUWD future land use category.

**FIGURE 4: WATER DEPENDENT OVERLAY MAP**



**Existing Land Use:**

The subject property contains eight parcels. The properties are zoned IM Marine Industrial, IL Light Industrial, C-2 Commercial and MH-2 Mobile Home. Table 2 provides specific information about the parcels within the subject property.

**TABLE 1  
SUBJECT PROPERTY PARCEL INFORMATION**

Address	FLUM	Zoning	Existing Use
1135 Main Street	Industrial Development	IL	24,000 SF Warehouse ( Southern Comfort Self Storage) 1 acre not in CHHA
1145 Main Street	Industrial Development	C-2	Vacant
1185 Main Street	Industrial Development	IM	1,300 SF Office (1 story) (previously a single family residence)
1195 Main Street	Industrial Development	IL	Vacant commercial, fence, boat docks (Prior use: Compass Rose Boat Yard and Marina)
19170 Seaside Drive (a/k/a Ostego)	Industrial Development	IM	Vacant
19210 Seaside Drive (a/k/a Ostego)	Industrial Development	IM	Vacant
19230 Seaside Drive (a/k/a Ostego)	Industrial Development	IM	Vacant
821 Oak Street	Suburban	MH-2	Vacant residential

**Property History:**

The Compass Rose boatyard and marina was previously located on the subject property. It has since been demolished as a result of Hurricane Charley damage. It contained boat slips, a self storage building, a partially developed marina, and a sales center.

In 2007, a Special Exception and Variance (SE22006-00010, VAR2006-00018) were approved to accommodate a dry boat storage facility 55 feet in height to replace two larger dry boat storage buildings with a 15 foot street setback.

In 2008, a Special Exception and Variance (SE22007-00041/VAR2007-00036) were approved to allow one dry boat storage building 65 feet in height. The boat storage was approved to contain a maximum floor area of 72,000 square feet and a maximum of 286 dry boat storage slips. The approval also allowed a maximum of 29 wet slips and 3 loading slips, a 7,200 square foot multipurpose building 35 feet in height (2-story complex) over parking, a member’s facility/common space area that would encompass 4,600 square feet, a ships store occupying 500 square feet and a restaurant occupying 2,100 square feet. This has not been constructed to date.

In 2015, the applicant applied for a comprehensive plan amendment to change the subject property from the Industrial future land use category to the Central Urban future land use category and to add the lands into the Mixed Use Overlay (Bay Harbour Marina Village CPA2015-05). CPA2015-05 was heard before the LPA and they recommended that the BoCC not adopt the amendment. The LPA stated the request was inconsistent with the Lee Plan based on the potential impacts from increasing the density on lands located in the Coastal High Hazard Area. Traffic impacts were also discussed. The applicant requested, and the Board of County Commissioners agreed, to remand the case back to staff at the November 16, 2016 public hearing. The case is pending.

The applicant concurrently filed an application to rezone the property. The Bay Harbour Marina Village MPD (DCI2015-00015 and REZ2015-00009) proposed 113 dwelling units (including 38 workforce income on-site housing units), a marina with 286 dry slips, 29 wet slips, launching facility, 30,000 square feet commercial uses and a 500 space garage (200 spaces for the public). The Hearing Examiner recommended the Board of County Commissioners either deny or remand the request based on the proposed project's density and intensity. The Hearing Examiner recommended that the proposed density was inconsistent with the Lee Plan, negatively impacts the character of the surrounding area, and that urban services were not adequate to accommodate the development.

The applicant filed this comprehensive plan amendment (CPA2017-00005) and resubmitted DCI2015-00015 for a maximum of 113 residential dwelling units, 30,000 square feet of commercial office, retail and mini storage, a marina with a maximum of 29 wet and 286 dry boat slips, 4,000 square feet of civic space; and 200 publicly accessible parking spaces. The proposed maximum building height is 145 feet.

**Surrounding Properties:**

The surrounding properties are within the Industrial Development, Urban Community, Suburban, and Public Facilities future land use categories and are zoned Residential RM-2, Mobile Home MH-2, Industrial Marine IM, Light Industrial IL, Industrial Planned Development IPD, Community Facilities Planned Development CFPD, and Commercial C-2. Table 2 provides detailed information on the surrounding properties. Please also refer to the aerial map below that provides the location and densities associated with the surrounding neighborhoods.

**TABLE 2  
SURROUNDING PROPERTIES INFORMATION**

	<b>Future Land Use</b>	<b>Zoning</b>	<b>Existing Use</b>
<b>North</b>	Industrial Development, Urban Community	C-2, IM, RM-2	Warehouse, vacant lands, Sportsman’s Cove and Yacht & Racquet Club Condos
<b>South</b>	Industrial Development; Public Facilities	IM, IL, RM-2, IPD CFPD	Main Street; Gulf Marine Way & Supply, Inc. Warehouses; Vacant Industrial; Sea Air Beach Apartment; Lee County Office Building that contains the SW Florida Marine institute and the AMI Kids Southwest Florida, a treatment program for at risk children; Trico Shrimp Company
<b>Southeast</b>	Industrial	AG-2 IPD Port IL	Mobile Homes, Single family Gulf Shrimp IPD - Beach Seafood Market & Grill Seafood Packing Plants; Parking area for Key West Express
<b>East</b>	Suburban	MH-2	Canal; residential manufactured homes and trailers along Oak Street, Nancy Lane, Emily Lane and Helen Lane
<b>East</b>	Suburban	MHPD	Canal Point MHPD (Oyster Bay) Manufactured Homes and trailers
<b>East</b>	Destination Resort Mixed Use Water Dependent	MPD	Vacant; San Carlos Island - Ebtide MPD is approved for mixed use development containing a 450 unit hotel with a 75,000 square foot convention center; 271 multi-family residential units; 10,000 square feet of commercial office; 85,000 square feet of commercial retail; and an existing marina. A maximum building height of 230 feet is allowed.
<b>East</b>	Suburban	MHPD	Port Carlos Cove MHPD Manufactured Homes
<b>West</b>	Industrial	C-2, IL	Warehouses, vacant lands



**FIGURE 5  
SURROUNDING PROPERTIES AND DENSITIES MAP**



**PART 2  
STAFF DISCUSSION AND ANALYSIS OF PROPOSED AMENDMENTS**

The applicant has proposed amendments to the Lee Plan that will allow for a mixed use development on 7.47 acres. The proposed amendments are summarized below:

1. **Amend the Future Land Use Map** to designate the subject property within the Destination Resort Mixed Use Water Dependent (DRMUWD) future land use category.
2. **Amend Table 1(a)** to allow for bonus density in the DRMUWD future land use category and increase the overall number of units permitted in the category.
3. **Amend Table 1(b)** to accommodate the proposed missed use development with the Iona McGregor Planning Community.

4. **Amend Goal 12** to allow the DRMUWD future land use category to include mixed use developments not initially considered at the time the future land use category was created.
5. **Amend Policy 12.1.1** to allow for bonus density within the DRMUWD if developed using affordable house for the bonus density units.
6. **Amend Policy 12.1.2** to lower the minimum size of development within the DRMUWD from 8 acres to 7 acres.
7. **Delete Policy 12.1.3** which requires adherence to “these Goals” and locational criteria for allowing the DRMUWD.
8. **Amend Policy 12.2.3** to allow all properties on San Carlos Island to be considered for the DRMUWD as opposed to only properties adjacent and contiguous to the existing DRMUWD properties.
9. **Amend Policy 12.3.6** to provide development parameters for the subject property.
10. **Amend Policy 12.6.1** to allow for bonus density within the DRMUWD if developed using affordable house for the bonus density units.
11. **Amend Policy 12.7.2** to clarify the type of development within the DRMUWD that must have or participate in airport shuttle service.
12. **Amend Policy 12.10.1** to allow for fee in lieu as a form of hurricane mitigation at the discretion of Lee County.

The staff discussion and analysis for each of the amendments identified above follows.

### **1. Future Land Use Map**

The applicant has proposed to amend the Future Land Use Map to designate the subject property within the Destination Resort Mixed Use Water Dependent (DRMUWD) future land use category. If approved, 7.47 acres would be removed from the Industrial and Suburban future land use categories into the DRMUWD future land use category. Removing the subject property from the Industrial and Suburban future land use category to the DRMUWD category allows for a mix of uses, including industrial, which will support and strengthen the economic base of this area of Lee County.

In general, the County prefers to preserve land in the Industrial Development future land use category in order to reduce potential weakening of the County’s economic base. However, in this instance, removing the subject property from the Industrial Development category will support and strengthen the economic base of this area of Lee County as demonstrated by the following:

- The Master Concept Plan submitted with the concurrent zoning case demonstrates that the uses allowed under the Industrial Development future land use category will be retained on the subject site. The proposed development will add residential uses to the existing mix without removing commercial or industrial uses.
- The proposed DRMUWD future land use category allows for industrial uses in addition to commercial and residential uses. Future development will not be precluded from including industrial uses by being designated DRMUWD
- The subject property will remain in the Water-Dependent Overlay which supports and encourages development of uses that are allowable in both the Central Urban and the Industrial Development future land use categories.
- If the property was developed with only residential uses, its relatively small size will not have a substantial impact on the amount of industrial designated land within Lee County.

Staff recommends that the Board of County Commissioners amend the future land use map as proposed by the applicant.

## 2. Table 1(a)

The applicant is requesting to modify Table 1(a) to increase the allowable bonus density in the DRMUWD from 0 to 15 units and acre. **Staff supports this amendment providing the bonus units are limited to very low and/or low income housing units.**

## 3. Table 1(b)

**Staff supports the request to amend Table 1(b) to increase the population accommodation in the DRMUWD future land use category to 15 residential acres and to decrease the Central Urban future land use category by 7 residential acres within the McGregor Iona community.** The amendment is necessary to maintain the Board of County Commissioners adopted population allotted to each community through the year 2030.

## 4. Goal 12

Lee Plan Goal 12 DRMUWD was created in 2009 to assist with the redevelopment of areas along the waterfront that can support a blend of residential, resort, commercial and industrial land uses. The nine objectives and associated policies under Goal 12 provide development guidance to ensure aesthetically pleasing, quality projects that promote the character of the area and include transit, multi-modal transportation, open space, and consistency with growth management principals.

The applicant is proposing to amend Goal 12 as shown as underlined below:

*Goal 12: Destination Resort Mixed Use Water Dependent (DRMUWD). To establish a land-use category that considers the uniqueness of water dependant land, with existing antiquated zoning, and out-dated uses that will provide a mechanism to create an attractive, functioning mixed use destination resort or a mixed use development with affordable housing that can support destination resorts and contains civic-related components such as public parking, public spaces, access to waterfront, enhanced streetscape, etc. through well planned redevelopment.*

The proposed amendment would add an option of affordable housing mixed use developments with civic-related components. Staff does not support this amendment since it is unnecessary. Goal 12 as currently written allows mixed uses and does not preclude affordable housing or civic type uses on the land. **Staff recommends no changes to the Goal 12 text.**

## 5. Policy 12.1.1

The applicant is proposing to amend Policy 12.1.1 as shown in strike out and underline form below:

*Policy 12.1.1 ~~These areas can best be characterized by their proximity to the water and need for redevelopment due to changes in the market and outdated development patterns. By virtue of their proximity to navigable water and availability of public services, these locations are suited to accommodate a mixture of uses that range between residential, resort, commercial and industrial type activities that benefit from access to the water front. As Lee County moves toward being a larger metropolitan area and a world class destination, these types of developments can offer a diverse living, working and vacationing experience that benefit the entire area while being environmentally friendly and economically viable. The density ranges from 6 dwelling units per acre to 9.36 dwelling~~*

*units per acre, except that density may be increased to a maximum of 15 dwelling units per acre if the additional dwelling units are committed to affordable housing. Residential densities in developments that include commercial and residential uses in the same project or same building may utilize the total acreage of the development to calculate gross residential density. ~~be developed as provided for under the Glossary terms: "Mixed Use," "Mixed Use Building," and "Density."~~*

The amendment language in Policy 12.1.1 includes that commercial and residential uses in the same project may utilize the total acreage of the development to calculate gross residential acreage. Staff does not support this amendment since it is redundant. Similar language is located in Policy 12.6.1 and allows density and intensities to be based on both residential and commercial acreages (double-dipping).

The applicant is also requesting to delete the Policy 12.1.1 reference to the definition of mixed use, mixed use building, and density. Staff does not support this amendment. A mixture of uses and mixed use buildings are at the essence of a DRMUWD development. The DRMUWD allows for dense (9.36 units an acre) residential, commercial, and industrial waterfront development on 7 acre parcels to stimulate redevelopment. The benefit of allowing "double dipping" residential and commercial acreage is based on supporting the waterfront uses with commercial and residential to economically incentivize redevelopment. The intent is to have mixed uses vertically as well as horizontally on the property. Deleting the mixed use references would remove the requirement to blend the uses and could result in separate commercial and residential land forms typical of suburban developments. There is also no need to delete the term density from Policy 12.1.1, since it provides general guidelines on how to calculate density and does not impede the ability to double-dip per Policy 12.6.1.

The type of affordability is not identified within the proposed text. The applicant is requesting bonus density to increase the allowable density to 15 units an acre. The application indicates that the applicant would commit to workforce housing which is 140% of the area median income. As discussed in the Bonus Density section of this report below, data and analysis has not been provided to indicate the benefit of significantly increasing the density in DRMUWD in exchange for workforce housing. The need for very low and low income housing is critical in Lee County and in keeping with wage earners in the tourist industry. Please refer to the bonus density discussion below on page 11 of this Staff Report.

#### *Density and Intensity*

As provided in Table 4, existing residential neighborhoods in the surrounding area range in density from 4.59 units an acre to 25 units an acre. Many of the developments were built prior to the adoption of the Lee Plan (December 21, 1984) and exceed the current allowable density limits. The DRMUWD future land use category will allow a maximum of 9.36 units an acre (15 units an acre using Bonus Density) and is in keeping with the existing surrounding neighborhoods.

**TABLE 4  
SURROUNDING DENSITIES**

<b>RESIDENTIAL COMMUNITY</b>	<b>FLUM/ Maximum Density</b>	<b>ACRES</b>	<b>UNITS/LOTS</b>	<b>DENSITY</b>
Oak Street	Suburban (6 units/acre)	7.89	43	5.45
Nancy Lane <sup>2</sup>	Suburban (6 units/acre)	10.52	74	7.03 <sup>1</sup>
Emily Lane <sup>2</sup>	Suburban (6 units/acre)	8.47	88	10.39 <sup>1</sup>
Helen Lane <sup>2</sup>	Suburban (6 units/acre)	5.11	65	12.72 <sup>1</sup>
Canal Pointe MHPD <sup>2</sup>	Suburban (6 units/acre)	25.59	245	9.57 <sup>1</sup>
Oyster Bay Lane <sup>2</sup>	Suburban & DRMUWD (6 units/acre; 9.36 units/acre)	1.49	21	14.09 <sup>1</sup>
San Carlos Island Ebtide	DRMUWD (9.36 units/acre)	29.23	271	9.27
Port Carlos Cove	Suburban & Wetlands (6 units/acre; 1 unit/20 acres)	33.79	155	4.59
Sunnyland Trailer Court	Urban Community & Industrial (10 units/acre bonus density; 0 units/acre)	1.28	34	26.56 <sup>1</sup>
Gulf Cove Mobile Home Park	Urban Community (10 units/acre bonus density)	3.77	60	15.92 <sup>1</sup>
Bonair Trailer Park	Urban Community (10 units/acre bonus density)	0.92	23	25.00 <sup>1</sup>
San Carlos Lodge	Urban Community (10 units/acre bonus density)	1.88	28	14.89 <sup>1</sup>

<sup>1</sup>Exceeds current Lee Plan density regulations

<sup>2</sup>Canal Pointe MHPD includes Nancy, Emily, Helen and Oyster Bay Lanes

***Bonus Density***

The amendment request includes allowing bonus densities on lands located in the DRMUWD future land use category. As requested, allowing bonus density would increase the maximum density from 9.36 units per acre to 15 units per acre. The proposed 15 units an acre maximum would apply to existing and future DRMUWD designated lands. Bonus density for site-built affordable housing development may be considered within the Coastal High Hazard Area (Policy 101.3.7). The maximum number of units would be determined during the planned development rezoning where the project location in the Coastal High Hazard Area would be analyzed and conditioned accordingly.

Workforce income level housing is for families making 140% of the Area Median Income. The Lee County Area Median Income (AMI) for a four person household is \$57,900. Therefore, a family of four meeting

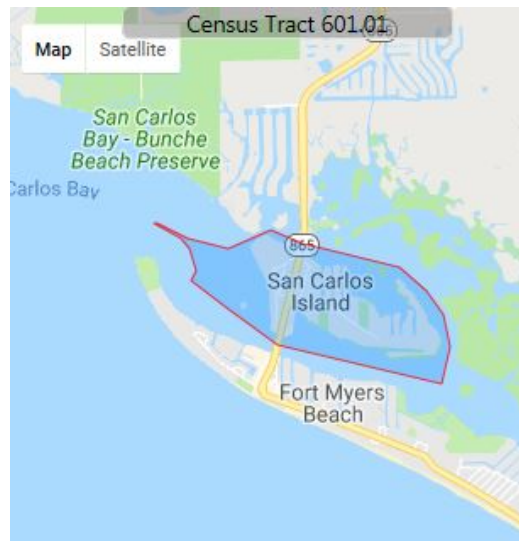
the workforce income standard would earn a minimum of \$81,060 annually and would be able to afford \$2,026.50 monthly mortgage payments (\$270,000 home).

The Lee Plan focuses on meeting needs for low-and moderate-income households. Low-Income households make less than 80% of the AMI and moderate-income households make 120% of the AMI. (Policy 5.1.8)

Based on a family of four, a very low income household would earn \$28,950 and be able to afford \$723.75 in monthly mortgage payments (\$95,000 home). a low income household would earn \$46,300 and be able to afford \$1,157.50 in monthly mortgage payments (\$150,000 home). A moderate income household would earn \$69,480 and be able to afford \$1,737 in monthly mortgage payments (\$270,000 home).

According to the US Census, the median household income on San Carlos Island in the last 12 months (Tract 601.01) was \$50,265 which is less than the \$81,060 annual household income that would be served by the proposed workforce bonus density units. Tract 601.01 encompasses San Carlos Island. See map below.

**Figure 6**  
**Census Tract 601.01**



As provided by the applicant, “The proposed residential and affordable housing component would provide housing opportunities to the employees to the existing facilities south of Main Street. Expert testimony was also provided demonstrating that average rent within a 5 mile radius of the subject property is \$2,053 per month.” The applicant has committed to 38 units that would be priced at \$2,026 which is approximately \$30 less than the average monthly rent of \$2,053 in the 5 mile radius.

The applicant provided that when they did their study, there were 45 properties available for lease with the average monthly rent of \$2,053. There was no data and analysis submitted to show if the jobs created onsite would yield households making \$81,060 annually or to show that that the supply of workforce housing in the range of \$270,000/\$2,026 monthly is critically underserved in the area to justify an increase in the DRMUWD 9.36 units per acre density standard to 15 units per acre. The benefit of providing housing in the \$2,026 rental range does not appear to outweigh the increase in density allowed in the DRMUWD future land use category.

However, the need for very low and low income housing has continued to increase as wages have remained static and market rate housing prices have risen. According to the Clarion Group Support Study dated 2007, the gap continues to widen at a rapid rate.

The staff recommended amendment for Policy 12.1.1 is consistent with Objective 135.4, Policies 135.1.2 and 135.1.4. Objective 135.4 sets a priority for increasing the supply of very low and low income housing units. Policy 135.1.2 promotes efforts to form public-private partnerships to meet affordable housing needs and Policy 135.1.4 allows for housing bonus density to incentivize the construction of affordable housing units. Allowing bonus density in the DRMUWD category will encourage housing for very low and low income households through a public-private partnership.

**Staff supports the following amendment language which is consistent with Objective 135.4, Policies 135.1.2 and 135.1.4:**

*Policy 12.1.1 These areas can best be characterized by their proximity to the water and need for redevelopment due to changes in the market and outdated development patterns. By virtue of their proximity to navigable water and availability of public services, these locations are suited to accommodate a mixture of uses that range between residential, resort, commercial and industrial type activities that benefit from access to the water front. As Lee County moves toward being a larger metropolitan area and a world class destination, these types of developments can offer a diverse living, working and vacationing experience that benefit the entire area while being environmentally friendly and economically viable. The density ranges from 6 dwelling units per acre to 9.36 dwelling units per acre, except that density may be increased to a maximum of 15 dwelling units per acre if the additional dwelling units are committed to very low and/or low income housing units. Residential densities in developments that include commercial and residential uses in the same project or same building may be developed as provided for under the Glossary terms: “Mixed Use,” “Mixed Use Building,” and “Density.”*

**6. Policy 12.1.2**

The applicant is proposing to amend Policy 12.1.2 as provided in strike out and underline form below.

*Policy 12.1.2: Destination Resort Mixed Use Water Dependent location criteria:*

- 1. Areas characterized by predominantly outdated RV type living facilities meant for temporary habitation without individual type land ownership or ~~and~~ depressed/underutilized water dependent waterfronts.*

The subject property does not contain nor does it have a history of RVs on site. Although not consistent as currently written, the proposed text amendment changing “and” to “or” would make it consistent since the site meets the underutilized water dependent waterfront criterion. The property previously contained the Compass Point marina and boatyard.

Staff supports this amendment. Approving this amendment will allow more properties to qualify for DRMUWD redevelopment. Both temporary habitation without individual type land ownership and underutilized water dependent waterfronts are significant issues spurring the need for revitalization.

- 2. Located in areas characterized as predominantly impacted by a declining water dependant industry like commercial fishing or other and with a minimum of 7 & 8 acres of contiguous lands under unified control.**

The subject property is located in an area characterized as predominantly impacted by a declining water dependent industry. The survey indicates the subject property is 7.47 acres and does not meet the 8 acre standard; however the proposed text amendment to 7 acres would make it consistent.

Reducing the acreage to 7 will allow more properties to qualify for DRMUWD redevelopment. Based on Table 4, only one other residential community would qualify that does not qualify under the current regulations (Oak Street). Other properties would need to aggregate in order to have a minimum of 7 acres.

**3. – 5. No changes are proposed.**

The subject property does not meet the locational requirements without the proposed text amendments. The request currently meets the locational criteria outlined in Policy 12.1.2 (3), (4), and (5). If the proposed text amendments are approved, the request will also be consistent with Policy 12.1.2 (1) and (2). **Staff supports the amendments to 12.1.2 (1) and (2) as it will encourage suitable properties to develop consistent with DRMUWD standards.**

**7. Policy 12.1.3**

The applicant is proposing to amend Policy 12.1.3 as shown in strike out and underline form below:

~~*Policy 12.1.3 Destination Resort Mixed Use Water Dependant land use category will only be allowed, subject to the other requirements of these Goals, and in the areas as defined by the location criteria.*~~

The applicant is requesting to delete Policy 12.1.3 stating that is unnecessary. **Staff agrees that that all DRMUWD developments are subject to Goal 12 and this policy is not necessary. Staff finds that Policy 12.1.3 is redundant and that locational requirements are covered under Policy 12.1.2.**

**8. Policy 12.2.3**

The applicant is proposing to amend Policy 12.2.3 as shown in strike out and underline form below:

~~*Policy 12.2.3 Adjacent contiguous pProperties on San Carlos Island may be added to the category with an amendment to the Future Land Use Map and text. All existing and new developments must be under unified control for common areas.*~~

The request includes a text amendment to Policy 12.2.3 which would remove the requirement that DRMUWD designated properties be adjacent and contiguous which has been interpreted to mean that new DRMUWD designated properties would be required to be adjacent to existing DRMUWD designated lands. **Staff supports this amendment as it allows this and future requests to be considered.**

**9. Policy 12.3.6**

The applicant is proposing to amend Policy 12.3.6 as shown in strike out and underline form below:



**Policy 12.3.6** The category must be developed with a mix of uses not to exceed:

1. Ebtide Parcel: 1711-2503 and 2020-2500 Main Street, San Carlos Island
  - Residential (Maximum of 271 dwelling units)
  - Lodging (Maximum of 450 hotel rooms)
  - Office (Maximum of 10,000 square feet)
  - Retail ( Maximum of 98,000 square feet)
  - Marina (Maximum of 850 wet or dry boat slips)
  - Civic (Maximum of 10,000 square feet)
2. Bay Harbour Parcel: 1195 Main Street, San Carlos Island
  - Residential (Maximum of 113 dwelling units)
  - Office-Retail-Mini-Storage (Maximum of 30,000 square feet)
  - Marina (Maximum of 29 wet and 286 dry boat slips)
  - Civic (Minimum of 4,000 square feet and 200 publicly accessible parking spaces)

This amendment accommodates the proposed development the applicant has requested as part of the concurrent MPD zoning request. The maximum allowable development must be determined as part of the MPD where the site plan and conditions for potential impacts can be analyzed. The BoCC directed Staff to remove language from the Lee Plan that belongs in the Land Development Code. Since the original adoption of the DRMUWD category, Florida Statutes have been amended to allow concurrent zoning and these development parameters are not needed in the Lee Plan.

As such, **Staff recommends deleting Policy 12.3.6.**

~~**Policy 12.3.6** The category must be developed with a mix of uses not to exceed:~~

- ~~• Residential (Maximum of 271 dwelling units)~~
- ~~• Lodging (Maximum of 450 hotel rooms)~~
- ~~• Office (Maximum of 10,000 square feet)~~
- ~~• Retail ( Maximum of 98,000 square feet)~~
- ~~• Marina (Maximum of 850 wet or dry boat slips)~~
- ~~• Civic (Maximum of 10,000 square feet)~~

## **10. Policy 12.6.1**

The applicant is proposing to amend Policy 12.6.1 as shown in strike out and underline form below:

**Policy 12.6.1:** Mixed-use developments, as defined in the Lee Land Development Code containing both commercial and residential uses within the same development will provide for an interconnection of commercial with residential uses with pedestrian linkages. Mixed-use developments will be limited to an overall density of 9.36 dwelling units per acre at these locations, except that density may be increased to a maximum of 15 dwelling units per acre if the additional dwelling units are committed to affordable housing. Mixed-use developments that include commercial and residential uses within the same development will be allowed to use the entire site for density calculation.

**Staff recommends deleting the existing density provision and not adding the bonus density to Policy 12.6.1 since it is duplicative of Policy 12.1.1:**

*~~Policy 12.6.1:~~ Mixed-use developments, as defined in the Lee Land Development Code containing both commercial and residential uses within the same development will provide for an interconnection of commercial with residential uses with pedestrian linkages. ~~Mixed-use~~*

~~developments will be limited to an overall density of 9.36 dwelling units per acre at these locations; Mixed-use developments that include commercial and residential uses within the same development will be allowed to use the entire site for density calculation.~~

### **11. Policy 12.7.2**

The applicant is proposing to amend Policy 12.7.2 as shown in strike out and underline form below:

**Policy 12.7.2:** Each destination resort style development will establish or participate in an airport shuttle service to and from the Southwest Florida International Airport and the development. The shuttle services hours of operation will be determined based on market conditions and can be a fixed route shuttle or a point of demand service type or combination of both.

**Staff does not support the request to add the term “destination resort style” to Policy 12.7.2.** “Destination resort style” is an undefined term and should not be added without an accompanying definition. Undefined, the term would be difficult to apply and subject to different interpretations. The additional language is not necessary to accommodate the subject project.

### **12. Policy 12.10.1**

The applicant is proposing to amend Policy 12.10.1 as shown in strike out and underline form below:

**Policy 12.10.1:** An agreement must be executed between the County and the property owner to mitigate the project’s hurricane sheltering and evacuation impacts. The agreement will include provisions, at the County’s option, either provide a fee in lieu pursuant to the Lee County requirements or to construct on site shelter to withstand Category 5 hurricane force winds and storm surge to accommodate residents in compliance with the following requirements:

1. On-site shelters and all required equipment and supplies for these facilities must comply with the following standards:
  - a. Elevation to the anticipated storm surge from a land falling Category 5 storm.
  - b. Construction to withstand winds of 200 mph in accordance with the Florida Building Code.
  - c. Construction with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code.
  - d. Equipped with emergency power and potable water supplies to last up to five days.
  - e. Protected with adequate ventilation, sanitary facilities, and first aid medical equipment.
2. Developer/operator must conduct annual training of the on-site shelter managers. The training is to be conducted by the Red Cross and approved by Lee County Emergency Management.
3. Developer/operator must submit a post storm recovery plan including post storm evacuation plan for review and approval by Lee County Emergency Management.

**Staff supports the amendment to Policy 12.10.1 which provides, at the County’s option, to allow a fee in lieu of payment instead of constructing an onsite shelter.** The amendment would allow the County to support the best option(s) available at the time of Development Order. Payment in lieu of is an option allowed to other developments per Land Development Code 2-485 and the Lee County Public Safety supports this text amendment.

### *Water Dependent Overlay*

The Lee Plan amendments proposed by the applicant do not inhibit the location of water-dependant uses on the subject site. The DRMUWD future land use category allows for a wide variety of uses that integrate water dependent land uses such as wet and dry boat storage and limited light industrial uses with residential and commercial uses (Goal 12). Marina and boat related uses are consistent with the

intent of the Water-Dependent Overlay. Because the proposed Lee Plan amendments will not inhibit (and will potentially enhance the ability to continue) water-dependant uses on the subject property, the amendments do not conflict with Lee Plan Objective 128.1 and Policies 1.7.5 and 128.4.2.

### *Transportation*

The subject property is located on Main Street which is a collector road. Main Street connects to Sand Carlos Boulevard. San Carlos Boulevard (State Road 865) is a 100 foot-wide state maintained arterial roadway that is the primary road to San Carlos Island and Fort Myers Beach. Estero Boulevard, located on Fort Myers Beach, is a constrained arterial roadway.

The five year analysis and the long range analysis (2040) indicate that San Carlos Boulevard from Estero Boulevard to Main Street, from Summerlin Road to Kelly Road and Estero Boulevard from Voohis Street to Center Street are projected to operate at LOS "F" with and without the project in Year 2022 and Year 2040.

The LOS "F" is inconsistent with Policy 37.1.1. However, several roadway segments in the study area are shown to operate at LOS "F" before the project trips are added to the network and therefore considered as pre-existing deficiencies not caused by the change in land use. As provided in Florida Statutes Section 163.3180, transportation concurrency is not required.

Traffic is expected to remain an issue with or without development on the subject property. Transportation concurrency is not required per Florida Statutes Section 163.3180. Therefore, the request is consistent with Objectives 2.1, 2.2 and Policy 39.2.1 that supports mixed use and infill development. FDOT, District One, has recently completed an Operational Analysis to indentify a series of mobility improvements to San Carlos Boulevard. The analysis is on the segment of San Carlos Boulevard from South of Estero Boulevard to Summerlin Road (CR 869). The State is currently holding a series of workshops to present potential improvements for public input in order to move forward to the next phase of development. The potential improvements are anticipated to help ease some of the traffic concerns.

### *Service Availability*

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

Mass Transit: Consistent with Objective 12.7, residents and workers on the subject property will have access to mass transit. The closest bus route is Route 400. Route 400 traverses San Carlos Boulevard between Summerlin Square and to Lovers Key State Park located on Estero Boulevard. The closest southbound stop location is 700 feet west of the site along Main Street. The closest northbound stop location is 660 feet west of the site on San Carlos Boulevard. The subject property is within the 1/4 mile service area of a fixed route service and within the ¾ mile ADA service area. Development on the property would require consistency with LDC Sec. 10-442 with regards to the required transit facilities.

Utilities: Consistent with Policies 2.2 and 12.1.1, the subject property has access to water and sewer services. It is within the Lee County Utilities future services area. Potable water and sanitary sewer lines are in operation adjacent to the property. Potable water is available from the Green Meadows Water Treatment Plant. Sanitary sewer service is available from the Lee County Fort Myers Beach Wastewater Treatment Plant.

Solid Waste: Consistent with Policies 2.2 and 12.1.1, the subject property has access to solid waste services. Solid waste collection services will be provided by Lee County using the Lee County Resources Recovery Facility and the Lee-Hendry Regional Landfill. Garbage and recycling collections will require the owner/or the Management Company to secure a service agreement for the collection and an agreement for the lease of waste containers from the County's MSW and Recycling Collection Franchise Hauler.

Fire/EMS: The subject property has access to fire and EMS services and is consistent with Policies 2.2 and 12.1.1. Fire and EMS service will be provided by the Fort Myers Beach Fire Control District and at this time the physical infrastructure of stations is adequate. However, as provided in the service availability letter dated July 14, 2017, potential impacts include:

“1.) Life Safety Division through increased number of required annual inspections, and construction related inspections 2.) EMS service deliver model 3.) Water rescue and marine firefighting capabilities are limited to shoreline operations only and this project will most certainly increase the number of vessels in our inland waterways. 4.) Aerial capabilities of our Ladder Truck will not be sufficient based on total of height of structures beyond (5) Stories in height.”

These items will be addressed as part of the planned development rezoning and will be conditioned as necessary to mitigate for potential impacts.

Police: The subject property has access to police services which is consistent with Policies 2.2 and 12.1.1. The Lee County Sheriff will provide law enforcement services primarily from the West District office in Fort Myers. The Sheriff indicated in a letter dated June 27, 2017 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 and middle school seat capacity to serve the subject property and the project's generation of high school students can be served by the contiguous Concurrency Service area.

### **PART 3 CONCLUSIONS**

The DRMUWD future land use category on the subject property will promote mixed use waterfront redevelopment on the site. Redevelopment would create a variety jobs and would help spur redevelopment on the island. The majority of the subject property is located in a Coastal High Hazard Area. Density, design and mitigation are guided by Lee Plan policies that will be enforced by the planned development rezoning.

The DRMUWD future land use category allows for a maximum of 9.36 units an acre and, if approved, up to 15 units an acre bonus density. The 15 units an acre is in keeping with the existing densities in the area that range from 4.59 units an acre to 25 units an acre. If approved and as recommended by staff, the bonus density units would serve very low and low income household earning under \$69,479 annually providing much needed housing opportunities to the tourism related service industry employees.

The property has access to water, sewer, solid waste, fire, EMS, schools and transit and there are adequate services available to serve the property to accommodate the additional density and intensities allowed under the DRMUWD future land use category. Transportation is an issue with or without the redevelopment of the subject property. FDOT is working on improvements to San Carlos Boulevard to help with the traffic issues.

The DRMUWD future land use classification on the subject property is consistent with the Lee Plan providing Lee Plan Policies 12.1.2 (1) and 12.1.2 (2) are amended as provided in Attachment 1.

For the reasons discussed in this staff report, Staff recommends that the Board of County Commissioners **transmit** the amendments to designate the subject property to DRMUWD, amend Tables 1(a) and 1(b), and amend the text as proposed by staff as provided in Attachment 1.

**PART 4  
LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: March 26, 2018

**A. LOCAL PLANNING AGENCY REVIEW:**

The Applicant presented an overview of their text and map amendment request and consistency with the Lee Plan.

Staff provided a brief presentation for the proposed amendment which covered consistency with the Lee Plan and the staff recommendation. Affordable housing bonus density that would be limited to onsite units for very low and low income households was discussed.

Fourteen members of the public spoke against the request raising concerns about increasing the density, development character, amount of development on the site, location in a Coastal High Hazard Area, traffic concerns, canal width insufficient for increased boat traffic, and inconsistency with the Lee Plan.

Five members of the public spoke in favor of the request based on the need to redevelop the blighted area, would stimulate jobs and housing, and would improve property values.

Members of the LPA asked questions about housing income levels and bonus density. They also clarified that project details would be addressed at the time of zoning. Two motions failed before the third motion carried 5 to 1. Stan Stouder opposed the motion due to concerns with consistency between the Coastal High Hazard Area and the proposed increased density and height.

**B. LOCAL PLANNING AGENCY RECOMMENDATION:**

A motion to find the request, as modified by staff that would allow bonus density with only very low and low affordable housing, consistent with the Lee Plan and to recommend that the Board of County Commissioners transmit CPA2017-00005 as proposed by Staff. The motion was passed 5 to 1 with one member abstaining.

**VOTE:**

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

**PART 5  
BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

**DATE OF TRANSMITTAL HEARING: May 2, 2018**

**A. BOARD REVIEW:**

The Applicant gave a brief presentation outlining the text and map request. The Applicant and Staff were in agreement with the text amendments provided in the revised Attachment 1.

Ten members of the public spoke against the request raising concerns about increasing the density, development character, amount of development on the site, location in a Coastal High Hazard Area, flooding, traffic concerns, Emergency management’s ability to serve residents, changes to the location requirements, and inconsistency with the Lee Plan.

Five members of the public spoke in favor of the request based on the need to redevelop the blighted area, would stimulate jobs and housing, and would be an asset to the community.

Staff gave a brief presentation and made a recommendation that the BOCC transmit the proposed amendment as provided in the revised Attachment 1 which included moderate income housing as a bonus density option.

The Board discussed the need for affordable housing, the density and intensity of the proposed project, potential for stimulating the economy with jobs, improving a blighted area, and the potential of improving the community’s quality of life. Additional information would need to be provided at the time the concurrent zoning is presented. This would include infrastructure impacts, project size and scale.

**B. BOARD ACTION:**

**A motion was made that the BOCC *transmit* CPA2017-05 as recommended by staff and including the revised Attachment 1. The motion was called and passed 3-1.**

**VOTE:**

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

**PART 6**  
**STATE REVIEWING AGENCIES'**  
**OBJECTIONS, RECOMMENDATIONS, AND COMMENTS**

Comments from the State Reviewing Agencies were due to Lee County by June 13, 2018.

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

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

- Florida Department of Transportation (FDOT),
- South Florida Water Management District (SFWMD),
- Florida Fish and Wildlife Conservation Commission (FWC),
- Florida Department of Environmental Protection (DEP),
- Florida Department of Economic Opportunity.

There were **no objections** to the proposed amendments; however technical assistance comments were received from the Florida Department of Transportation as discussed below.

**FDOT Technical Assistance Comment #1:**

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

**Response:**

San Carlos Boulevard is on the State Highway improvements under FDOT jurisdiction. Lee Plan Policy 36.1.1 incorporates by reference the most recent MPO Long Range Transportation Plan and the FDOT Plan and Work Program. Please also refer to the response to comments 1 through 5 below.

**FDOT Technical Assistance Comment #2:**

*The new trips associated with proposed Bay Harbour Marina Village are expected to serve residential and non-residential uses. FDOT notes that land uses/development patterns drive the development of transportation systems along with their safe and efficient operation. In an effort to decrease overall passenger vehicle trips on the roadway network, FDOT supports the planning and development of well-planned, connected communities that promote the use of multimodal alternatives that aid in mitigating potential transportation impacts on local and State transportation facilities. This can be achieved by encouraging compact and dense developments that provide multimodal connectivity between existing and future development areas. This context sensitive approach promotes healthy, safe, and economically viable communities that encourages quality of life, incorporating all modes of transportation. FDOT offers several initiatives to assist the County in creating quality developments while protecting future mobility on the regional roadway network, including "Complete Streets" <sup>1</sup>, modern roundabouts <sup>2</sup>, and a commitment to bicycle and pedestrian safety <sup>3</sup>, FDOT welcomes the*



*opportunity to partner with, and provide technical assistance to Lee County, to create multimodal transportation facilities to serve all users.*

**Response:**

Lee Plan Policy 39.2.1 promotes multi-modal connectivity in future urban areas. The DRMUWD future land use category is defined in the Lee Plan Glossary as a future urban area. Policy 39.3.2 includes improving bicycle and pedestrian safety. Please also refer to the response to comments 1 through 5 below.

**FDOT Technical Assistance Comment #3:**

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

**Response:**

Lee Plan Policy 12.7.4 includes upgrades of Main Street for bicycle/pedestrian safety and bus access. A bus stop will be located on Main Street. Please also refer to the response to comments 1 through 5 below.

**FDOT Technical Assistance Comment #4:**

*The subject property is located within the Lee County Coastal High Hazard Area (CHHA). Per revised Policy 12.10.1, an agreement must be executed between the County and the property owner to mitigate the project's hurricane sheltering and evacuation impacts. The agreement will include provisions, at the County's option, either provide a fee in lieu pursuant to the Lee County requirements or to construct on site shelter to withstand Category 5 hurricane force winds and storm surge to accommodate residents. FDOT encourages continued coordination between the applicant and County to address potential impacts to evacuation times and shelter resulting from the proposed development.*

**Response:**

Please refer to the response to comments 1 through 5 below.

**FDOT Technical Assistance Comment #5:**

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

**Response:**

Please refer to the response to comments 1 through 5 below.

**Staff Response to Comments 1 through 5:**

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 along Main Street to provide transit alternatives. Coordination between the applicant and County will also continue during the regulatory approval process to address potential impacts to evacuation times and shelter resulting from the proposed development. The Planned Development rezoning (DCI2015-00015) is being reviewed concurrently with this plan amendment.

**B. STAFF RECOMMENDATION**

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

**PART 7**  
**BOARD OF COUNTY COMMISSIONERS**  
**ADOPTION HEARING FOR PROPOSED AMENDMENT**

DATE OF PUBLIC HEARING: October 23, 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. The Applicant gave a brief presentation outlining the text and map requests. The Applicant and Staff were in agreement with the text amendments provided in the revised Attachment 1.

Ten members of the public spoke against the request raising concerns about increasing the density, development character, amount of development proposed on the site, location in a Coastal High Hazard Area, flooding, traffic concerns, Emergency management's ability to serve residents, and inconsistency with the Lee Plan.

Six members of the public spoke in favor of the request based on the need to redevelop the blighted area, would stimulate jobs and housing, and would be an asset to the community.

The Board discussed the density and intensity of the proposed project and the inconsistency with the community character.

**B. BOARD ACTION:**

A motion was made to **deny** CPA2017-00005. The motion was passed 4 to 1.

**VOTE:**

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

## **PART 8 ATTACHMENTS**

### **Attachment 1:**

- Existing Future Land Use Map
- Proposed Future Land Use Map
- Proposed Changes to Table 1 (a)
- Proposed Changes to Table 1 (b)
- Proposed Revised Staff Text Amendments

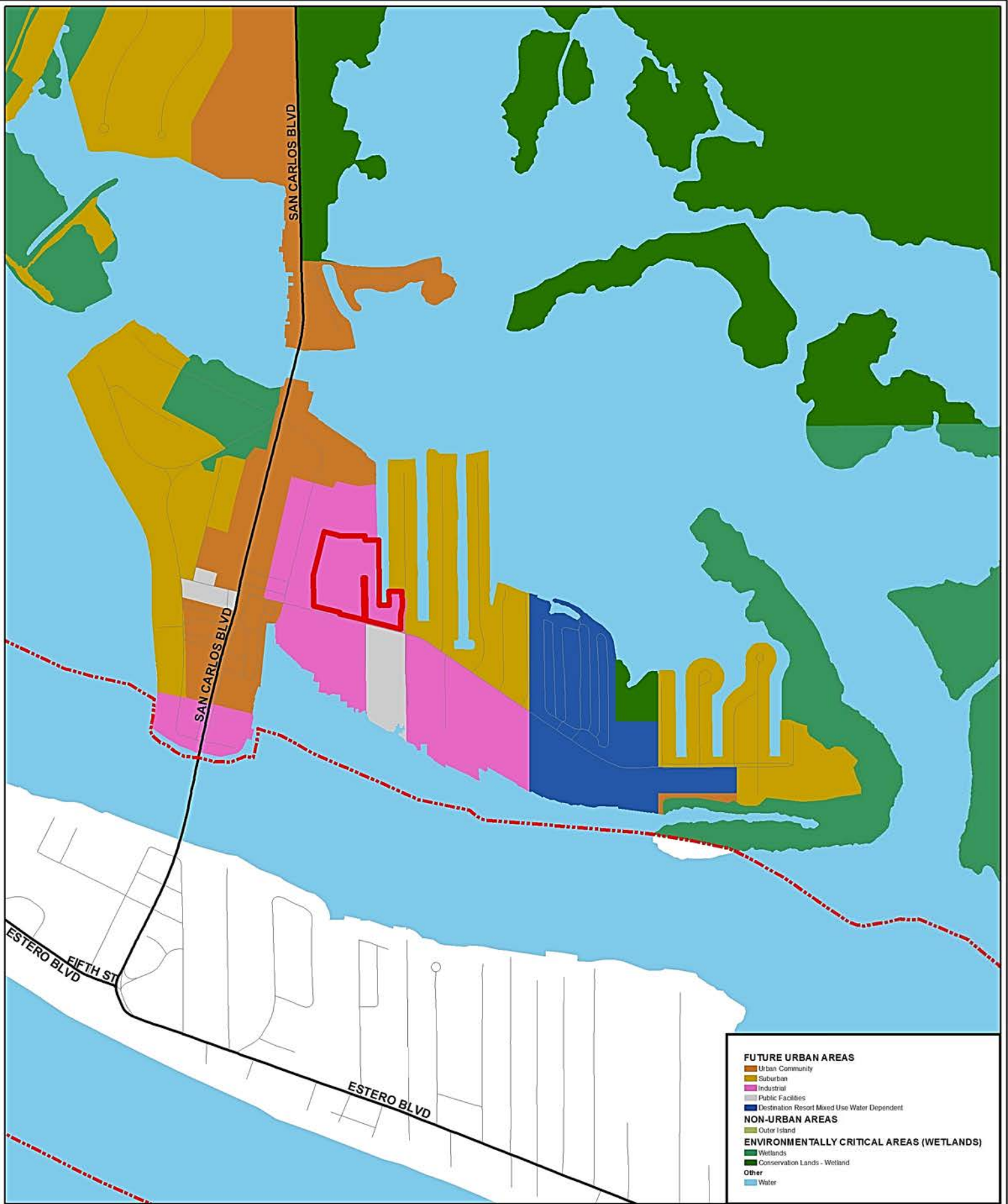
### **Attachment 2:**

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

**Electronic File:** <https://www.leegov.com/dcd/planning/cpa/compplansearch?case=CPA2017-00005>

**ATTACHMENT 1:**

**Existing Future Land Use Map  
Proposed Future Land Use Map  
Proposed Changes to Table 1 (a)  
Proposed Changes to Table 1 (b)  
Proposed Text Amendments**



**FUTURE URBAN AREAS**

- Urban Community
- Suburban
- Industrial
- Public Facilities
- Destination Resort Mixed Use Water Dependent

**NON-URBAN AREAS**

- Outer Island

**ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)**

- Wetlands
- Conservation Lands - Wetland
- Other
- Water

**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Miles

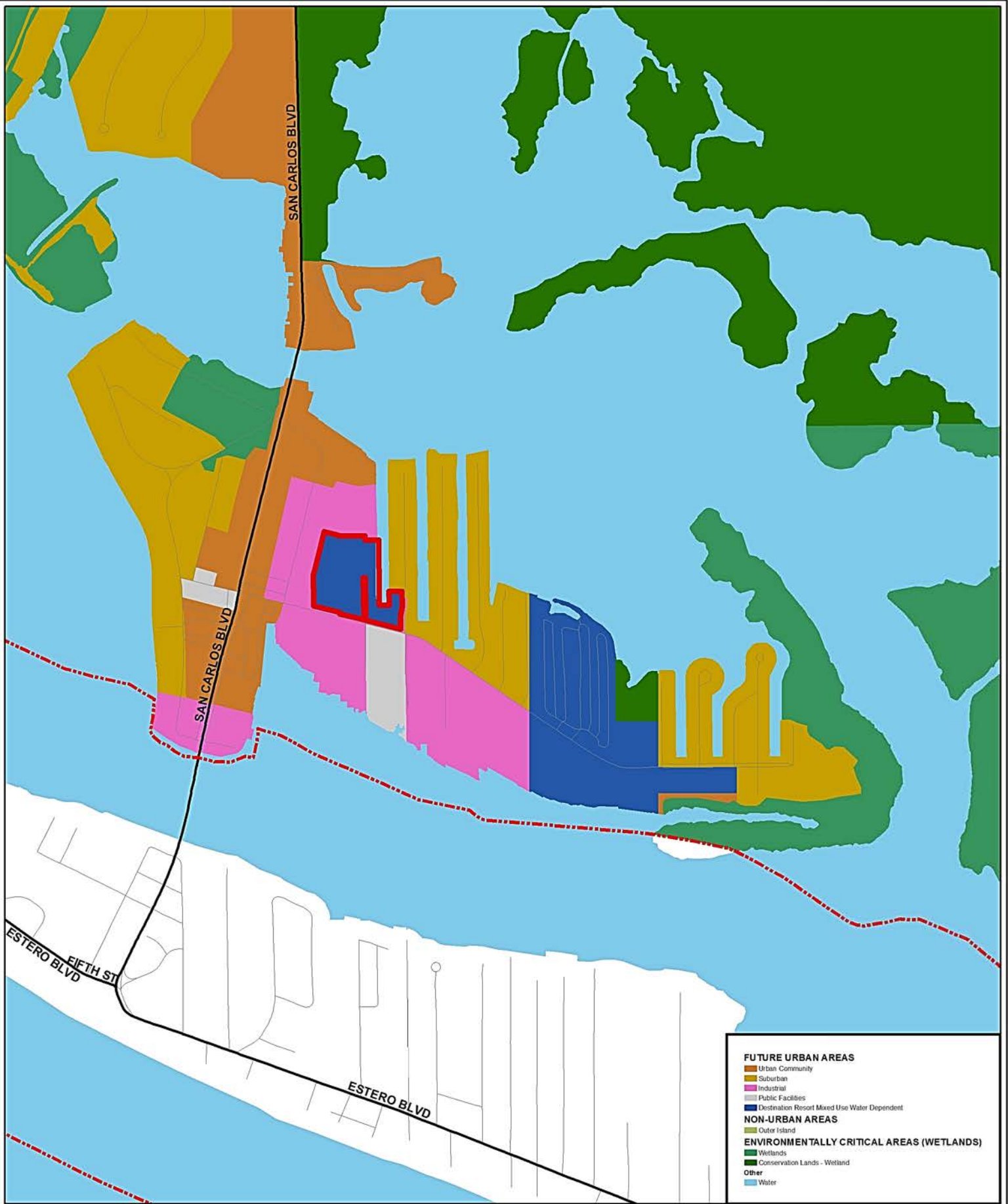
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**CPA2017-00005 - Bay Harbour Marina DRMUWD**

**EXISTING LEE PLAN**

**FUTURE LAND USE MAP**



**FUTURE URBAN AREAS**

- Urban Community
- Suburban
- Industrial
- Public Facilities
- Destination Resort Mixed Use Water Dependent

**NON-URBAN AREAS**

- Outer Island

**ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)**

- Wetlands
- Conservation Lands - Wetland
- Other
- Water

**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Miles

Map Generated September 2017



**CPA2017-00005 - Bay Harbour Marina DRMUWD**

**PROPOSED LEE PLAN**

**FUTURE LAND USE MAP**

**TABLE 1(a)**  
**SUMMARY OF RESIDENTIAL DENSITIES<sup>1</sup>**

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM <sup>2</sup> (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY <sup>3</sup> (Dwelling Units per Gross Acre)
Intensive Development <sup>14</sup>	8	14	22
General Interchange <sup>2</sup>	8	14	22
Central Urban <sup>15</sup>	4	10	15
Urban Community <sup>4,5,16</sup>	1	6	10
Suburban <sup>17</sup>	1	6	No Bonus
Outlying Suburban	1	3	No Bonus
Sub-Outlying Suburban	1	2	No Bonus
Rural <sup>10</sup>	No Minimum	1	No Bonus
Outer Islands	No Minimum	1	No Bonus
Rural Community Preserve <sup>6</sup>	No Minimum	1	No Bonus
Open Lands <sup>7</sup>	No Minimum	1 du/5 acres	No Bonus
Density Reduction/Groundwater Resource <sup>13</sup>	No Minimum	1 du/10 acres	No Bonus
Wetlands <sup>8</sup>	No Minimum	1 du/20 acres	No Bonus
New Community <sup>19</sup>	No Minimum	6	No Bonus
University Community <sup>9</sup>	1	2.5	No Bonus
Destination Resort Mixed Use Water Dependent <sup>11</sup>	6	9.36	<del>No Bonus</del> <u>15</u>
Burnt Store Marina Village <sup>12</sup>	No Minimum	160 Dwelling Units; 145 Hotel Units	No Bonus
Coastal Rural <sup>18</sup>	No Minimum	1 du/2.7 acres	No Bonus



## CLARIFICATIONS AND EXCEPTIONS

- <sup>1</sup>See the glossary in Chapter XII for the full definition of “density”.
- <sup>2</sup>Except in the General Interchange future land use category adherence to minimum densities is not mandatory but is recommended to promote compact development.
- <sup>3</sup>These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Bonus Density Program identified in chapter 2 of the Land Development Code.
- <sup>4</sup>Within the Future Urban Areas of Pine Island Center, rezonings that will allow in excess of 3 dwelling units per gross acre must “acquire” the density above 3 dwelling units per gross acre utilizing TDUs that were created from Greater Pine Island (see Objective 14.6), or transfer dwelling units in accordance with Policy 14.3.4.
- <sup>5</sup>In all cases on Gasparilla Island, the maximum density must not exceed 3 du/acre.
- <sup>6</sup>Within the Buckingham area, new residential lots must have a minimum of 43,560 square feet.
- <sup>7</sup>The maximum density of 1 unit per 5 acres can only be approved through the planned development process (see Policy 1.4.4), except in the approximately 135 acres of land lying east of US41 and north of Alico Road in the northwest corner of Section 5, Township 46, Range 25.
- <sup>8</sup>Higher densities may be allowed under the following circumstances where wetlands are preserved on the subject site:
- (a) If the dwelling units are relocated off-site through the provision of Transfer of Development Rights Ordinance (86-18, as amended or replaced); or
  - (b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, Outlying Suburban, Sub-Outlying Suburban, and New Community from preserved freshwater wetlands at the same underlying density as permitted for those uplands. Impacted wetlands will be calculated at the standard Wetlands density of 1 dwelling units per 20 acres. Planned Developments or Development Orders approved prior to October 20, 2010 are permitted the density approved prior to the adoption of CPA2008-18.
- <sup>9</sup>Overall average density for the University Village sub-district must not exceed 2.5 du/acre.
- <sup>10</sup>In the Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1 du/2.25 acres.
- <sup>11</sup>Overall number of residential dwelling units is limited to ~~271~~ 384 units in the Destination Resort Mixed Use Water Dependent district.
- <sup>12</sup>The residential dwelling units and hotel development portions of this redevelopment project must be located outside of the designated Coastal High Hazard Area in accordance with Lee Plan, Map 5.
- <sup>13</sup>See Policies 33.3.2, 33.3.3, and 33.3.4 for potential density adjustments resulting from concentration or transfer of development rights.
- <sup>14</sup>The maximum total density may be increased to 30 du/acre utilizing Greater Pine Island TDUs.
- <sup>15</sup>The maximum total density may be increased to 20 du/acre utilizing Greater Pine Island TDUs.
- <sup>16</sup>The maximum total density may be increased to 15 du/acre utilizing Greater Pine Island TDUs.
- <sup>17</sup>The maximum total density may be up to 8 du/acre when utilizing Greater Pine Island TDUs.
- <sup>18</sup>The standard maximum density is 1 du/2.7 acres unless the “Adjusted Maximum Density” of 1 du/acre is achieved in accordance with requirements of Policy 1.4.7 and Chapter 33 of the Land Development Code.
- <sup>19</sup>Maximum density in the New Community future land use category is limited to 1 du/2.5 acres in the North Olga Community Plan area in accordance with Policy 1.6.1.

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	
Residential By Future Land Use Category	Intensive Development	1,361				5		27		250				
	Central Urban	14,766				225				230				
	Urban Community	17,021	520	485		637						250		
	Suburban	16,623				1,810				85				
	Outlying Suburban	3,843	30			40	20	2	500				1,438	
	Sub-Outlying Suburban	1,955				547						227		
	Commercial													
	Industrial	79								39		20		
	Public Facilities	1							1					
	University Community	850												
	Destination Resort Mixed Use Water Dependent	158												
	Burnt Store Marina Village	4					4							
	Industrial Interchange													
	General Interchange	151										11	58	
	General Commercial Interchange													
	Industrial Commercial Interchange													
	University Village Interchange													
	Mixed Use Interchange													
	New Community	2,100	1,200									900		
	Airport													
	Tradeport	9										9		
	Rural	8,313	1,948			1,400	636							1,500
	Rural Community Preserve	3,100												
	Coastal Rural	1,300												
	Outer Island	202	5			1			150					
	Open Lands	2,805	250				590							120
	Density Reduction/ Groundwater Resource	6,905	711									94		
Conservation Lands Upland														
Wetlands														
Conservation Lands Wetland														
Unincorporated County Total Residential		81,396	4,664	485		4,665	1,250	29	651	604		1,511	3,116	
Commercial		12,793	177	52		400	50	17	125	150		1,100	440	
Industrial		<del>13,801</del> 13,794	26	3		400	5	26		300		3,100	10	
<b>Non Regulatory Allocations</b>														
Public		82,565	7,100	421		2,000	7,000	20	1,961	350		7,752	2,477	
Active AG		17,027	5,100			550	150						20	
Passive AG		43,786	12,229			2,500	109					1,241	20	
Conservation		81,933	2,214	611		1,142	3,236	133	1,603	748		2,947	1,733	
Vacant		23,874	1,953			61	931	34		45		300	151	
Total		357,176	33,463	1,572		11,718	12,731	259	4,340	2,197		17,951	7,967	
Population Distribution (unincorporated Lee County)		495,000	9,266	1,531		30,861	3,270	225	530	5,744		18,333	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	
Residential By Future Land Use Category	Intensive Development				660	3	42		365		9		
	Central Urban	368 375	17		3,140		8,179		2,600				
	Urban Community	850	1,000		860	500	11,359			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	15 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		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	4,015	10,753	3,326	3,254	6,230	
Commercial		1,100	1,944		2,100	226	1,300	68	1,687	18	1,700	139	
Industrial		313 329	450		900	64	300	7,246	554	5	87	5	
<b>Non Regulatory Allocations</b>													
Public		3,550	3,059		3,500	2,100	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	31,210	1,317	336	5,068	864	
Vacant		975	594		309	3,781	9,880	470	2,060	1,000	800	530	
Total		19,355	12,978		12,867	27,466	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	1,270	71,001	6,117	25,577	8,760	

**CPA2017-00005**  
**Proposed Text Amendments**  
**As Transmitted to DEO**

**Policy 12.1.1** These areas can best be characterized by their proximity to the water and need for redevelopment due to changes in the market and outdated development patterns. By virtue of their proximity to navigable water and availability of public services, these locations are suited to accommodate a mixture of uses that range between residential, resort, commercial and industrial type activities that benefit from access to the water front. As Lee County moves toward being a larger metropolitan area and a world class destination, these types of developments can offer a diverse living, working and vacationing experience that benefit the entire area while being environmentally friendly and economically viable. The density ranges from 6 dwelling units per acre to 9.36 dwelling units per acre, except that density may be increased to a maximum of 15 dwelling units per acre if the additional dwelling units are committed to very low, low and/or moderate income housing units. Residential densities in developments that include commercial and residential uses in the same project or same building may be developed as provided for under the Glossary terms: “Mixed Use,” “Mixed Use Building,” and “Density.”

**Policy 12.1.2: Destination Resort Mixed Use Water Dependent location criteria:**

1. Areas characterized by predominantly outdated RV type living facilities meant for temporary habitation without individual type land ownership ~~and~~ or depressed/underutilized water dependent waterfronts.
2. Located in Areas characterized as predominantly impacted by a declining water dependant industry like commercial fishing or other and with a minimum of ~~8~~ 7 acres of contiguous lands under unified control.
3. Areas within coastal wind zones depicted as 100 Year Flood Plains, as illustrated on Map 9 of the Lee Plan.
4. Areas with direct access to existing roadways and navigable bodies of water.
5. Areas with multiple zoning districts that may not be compatible with each other.

**Policy 12.2.3** ~~Adjacent contiguous p~~Properties on San Carlos Island may be added to the category with an amendment to the Future Land Use Map and text. All existing and new developments must be under unified control for common areas.

~~**Policy 12.1.3:** Destination Resort Mixed Use Water Dependant land use category will only be allowed, subject to the other requirements of these Goals, and in the areas as defined by the location criteria.~~

~~**Policy 12.3.6** The category must be developed with a mix of uses not to exceed:~~

- ~~• Residential (Maximum of 271 dwelling units)~~
- ~~• Lodging (Maximum of 450 hotel rooms)~~
- ~~• Office (Maximum of 10,000 square feet)~~
- ~~• Retail ( Maximum of 98,000 square feet)~~
- ~~• Marina (Maximum of 850 wet or dry boat slips)~~
- ~~• Civic (Maximum of 10,000 square feet)~~

**12.3.76** (Renumber)

**Policy 12.6.1:** Mixed-use developments, as defined in the Lee Land Development Code containing both commercial and residential uses within the same development will provide for an interconnection of commercial with residential uses with pedestrian linkages. Mixed-use developments will be limited to an overall density of 9.36 dwelling units per acre at these locations, except that density may be increased to a maximum of 15 dwelling units per acre if the additional dwelling units are committed to very low, low and/or moderate income housing units. Mixed-use developments that include commercial and residential uses within the same development will be allowed to use the entire site for density calculation.

**Policy 12.10.1:** An agreement must be executed between the County and the property owner to mitigate the project's hurricane sheltering and evacuation impacts. The agreement will include provisions, at the County's option, either provide a fee in lieu pursuant to the Lee County requirements or to construct on site shelter to withstand Category 5 hurricane force winds and storm surge to accommodate residents in compliance with the following requirements:

1. On-site shelters and all required equipment and supplies for these facilities must comply with the following standards:
  - a. Elevation to the anticipated storm surge from a land falling Category 5 storm.
  - b. Construction to withstand winds of 200 mph in accordance with the Florida Building Code.
  - c. Construction with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code.
  - d. Equipped with emergency power and potable water supplies to last up to five days.
  - e. Protected with adequate ventilation, sanitary facilities, and first aid medical equipment.
2. Developer/operator must conduct annual training of the on-site shelter managers. The training is to be conducted by the Red Cross and approved by Lee County Emergency Management.
3. Developer/operator must submit a post storm recovery plan including post storm evacuation plan for review and approval by Lee County Emergency Management.

**ATTACHMENT 2:**

**Florida Department of Transportation (FDOT)**  
**South Florida Water Management District (SFWMD)**  
**Florida Fish and Wildlife Conservation Commission (FWC)**  
**Florida Department of Environmental Protection (DEP)**  
**Florida Department of Economic Opportunity (DEO)**  
**Florida Department of Economic Opportunity (DEO) Extension Letters**



## *Florida Department of Transportation*

RICK SCOTT  
GOVERNOR

10041 Daniels Parkway  
Fort Myers, FL 33913

MIKE DEW  
SECRETARY

May 25, 2018

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

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

Dear Mr. Dunn:

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

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

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



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

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

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

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

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



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

**FDOT Technical Assistance Comment #1:**

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

**FDOT Technical Assistance Comment #2:**

The new trips associated with proposed Bay Harbour Marina Village are expected to serve residential and non-residential uses. FDOT notes that land uses/development patterns drive the development of transportation systems along with their safe and efficient operation. In an effort to decrease overall passenger vehicle trips on the roadway network, FDOT supports the planning and development of well-planned, connected communities that promote the use of multimodal alternatives that aid in mitigating potential transportation impacts on local and State transportation facilities. This can be achieved by encouraging compact and dense developments that provide multimodal connectivity between existing and future development areas. This context sensitive approach promotes healthy, safe, and economically viable communities that encourages quality of life, incorporating all modes of transportation. *FDOT offers several initiatives to assist the County in creating quality developments while protecting future mobility on the regional roadway network, including “Complete Streets”<sup>1</sup>, modern roundabouts<sup>2</sup>, and a commitment to bicycle and pedestrian safety<sup>3</sup>. FDOT welcomes the opportunity to partner with, and provide technical assistance to Lee County, to create multimodal transportation facilities to serve all users.*

**FDOT Technical Assistance Comment #3:**

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

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

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

<sup>3</sup> <http://www.alerttodayflorida.com/>

**FDOT Technical Assistance Comment #4:**

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

**FDOT Technical Assistance Comment #5:**

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

Thank you for providing FDOT with the opportunity to review and comment on the proposed amendments. If you have any questions or need to discuss these comments further, please contact me at (239) 225-1981 or [sarah.catala@dot.state.fl.us](mailto:sarah.catala@dot.state.fl.us).

Sincerely,



Sarah Catala  
SIS/Growth Management Coordinator  
FDOT District One

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

## COMPREHENSIVE PLAN AMENDMENT TECHNICAL ANALYSIS

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

**Figure 1: Location Map**



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

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

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

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

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

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

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

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

**TABLE 2: YEAR 2016 EXISTING ROADWAY CONDITIONS**

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

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

**TABLE 3: YEAR 2022 SHORT-TERM HORIZON ROADWAY CONDITIONS**

Roadway	From	To	2022 Daily Conditions (E+C)								
			No. of Lanes <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 865	Estero Blvd	Main St	2	D	15,540	25,000	35.0%	887	25,887	F	No
SR 865	Main St	CR 869 (Summerlin Rd)	4	D	41,790	25,000	65.0%	1,648	26,648	C	Yes
SR 865	CR 869 (Summerlin Rd)	CR 867/Old McGregor Blvd	2	D	19,514	20,500	15.0%	380	20,880	F	No

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

**TABLE 4: YEAR 2040 LONG-TERM HORIZON ROADWAY CONDITIONS**

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

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

**Miller, Janet**

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

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

---

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

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Dear Ms. Rozdolski:

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

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

Sincerely,

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

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

**Miller, Janet**

---

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

Please see correspondence from FWC for CPA2017-05.

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

---

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

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

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Dear Mr. Dunn:

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

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

Thank you,

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

Lee County 18-4ESR\_36292

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

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Please see correspondence from DEP for CPA2017-00005.

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

---

**From:** Plan\_Review [mailto:Plan.Review@dep.state.fl.us]  
**Sent:** Wednesday, June 13, 2018 9:10 AM  
**To:** Dunn, Brandon; DCPexternalagencycomments  
**Cc:** Plan\_Review  
**Subject:** [EXTERNAL] Lee County 18-4ESR Proposed

To: Brandon Dunn, Principal Planner

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

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

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

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

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



*Suzanne E. Ray*



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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.

**Rick Scott**  
GOVERNOR



**Cissy Proctor**  
EXECUTIVE DIRECTOR

June 13, 2018

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

Dear Chairman Pendergrass:

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

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

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

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.floridajobs.org](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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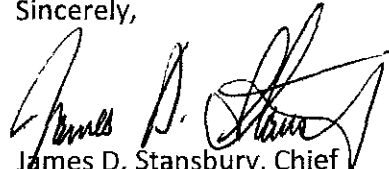
The Honorable Cecil Pendergrass, Chairman

June 13, 2018

Page 2 of 2

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

Sincerely,



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

JDS/sr

Enclosure: Procedures for Adoption

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

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS**

**FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

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

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

\_\_\_\_\_ State Land Planning Agency identification number for adopted amendment package;

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

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

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

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

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

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

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

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

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

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

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

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

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

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective. "

\_\_\_\_\_ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

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

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

**Ron DeSantis**  
GOVERNOR



May 20, 2019

**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**  
SOUTH WEST 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:

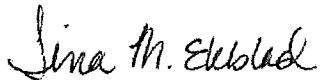
Please allow this letter to serve as notice on behalf of the applicant, Southern Comfort Storage, LLC, to allow an additional time extension for the adoption of the Comprehensive Plan Amendment No. 18-4ESR ("CPA") until October 6, 2019 pursuant to Section 163.3184(3)(c)1., Florida Statutes.

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 that reads "Tina M. Ekblad".

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

**Rick Scott**  
GOVERNOR



**Cissy Proctor**  
EXECUTIVE DIRECTOR

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 November 14, 2018, notifying of an 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 extension notification. The new extended adoption date is June 8, 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 Mr. James D. Stansbury at (850) 717-8512, or myself, at (850) 717-8483.

Sincerely,

D. Ray Eubanks  
Plan Processing Administrator

DRE/me



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

John E. Manning  
*District One*

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*District Four*

Frank Mann  
*District Five*

Roger Desjarlais  
*County Manager*

Richard Wm. Wesch  
*County Attorney*

Donna Marie Collins  
*Hearing Examiner*

November 15, 2018

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, 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 BoCC is 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 will be deemed withdrawn, unless an agreement to extend the deadline is approved and notice is provided to the Florida Department of Economic Opportunity ("DEO") and any affected person that provided comments on the CPA.

On November 13, 2018, the applicant requested to extend the second public hearing on the CPA until June 8, 2019. A copy of this letter is attached. The concurrent planned development rezoning is in process and the Hearing Examiner Report is pending. The extension is necessary in order to coordinate the CPA and planned development rezoning requests so that both applications may be heard concurrently by the BoCC.

The County agrees to this time extension and respectfully requests that DEO issue a letter recognizing the extension from December 10, 2018 to June 8, 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.

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,

**Department of Community Development  
Planning Section**



Mikki Rozdolski

Manager, Community Development Operations

cc: Comprehensive Plan Review  
Department of Agriculture and Consumer Services

Tracy D. Suber  
Department of Education

Plan Review  
Department of Environmental Protection

Deena Woodward  
Florida Department of State

Scott Sanders  
Florida Fish and Wildlife Conservation Commission

Sarah Catala  
FDOT District One

Margaret Wuerstle  
Southwest Florida Regional Planning Council

Terry Manning, A.I.C.P., Senior Planner, Intergovernmental Coordination Section  
South Florida Water Management District

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

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

November 13, 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**

Dear Ms. Rozdolski:

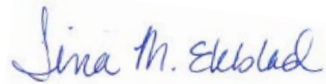
Please allow this letter to serve as notice on behalf of the applicant, Southern Comfort Storage, LLC, agrees to an additional time extension for the adoption of the Comprehensive Plan Amendment No. 18-4ESR ("CPA") until June 8, 2019 pursuant to Section 163.3184(3)(c)1., Florida Statutes.

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.

Per the recommendation, the second public hearing on the CPA must be held by December 10, 2018 (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 June 8, 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 blue ink that reads "Tina M. Ekblad". The signature is written in a cursive style and is positioned above the typed name.

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

To view the Bay Harbour Marina Village  
DRMUWD application materials, please  
click on the link below:

[Click Here](#)