



LEE COUNTY BOARD OF COUNTY COMMISSIONERS
COMPREHENSIVE PLAN AMENDMENT
and
ZONING HEARING
AGENDA

Wednesday, November 20, 2019

9:30AM

CPA2019-00005

CAM40 - ADOPTION

DCI2018-10019
Z-19-022

GLADIOLUS STORAGE FACILITY

REZ2018-10010, SEZ2018-10007, VAR2018-10019
Z-19-025

BAYSIDE ESTATES HOMEOWNER'S
ASSOCIATION STORAGE AREA

DRI2019-00003
Z-19-033

PORTOFINO VINEYARDS

**Summary Sheet
CAM40
CPA2019-00005**

Request:

Add approximately 40 acres to the Environmental Enhancement and Preservation Communities Overlay (EEPCO) on Lee Plan Map 17, the Southeast DR/GR Residential Overlay.

Public Comments:

No members of the public spoke at the LPA or BoCC Transmittal hearings.

Board Action:

A motion was made to transmit CPA2019-00005 as recommended by staff. The motion was passed 5 to 0.

VOTE:

BRIAN HAMMAN	AYE _____
FRANK MANN	AYE _____
JOHN MANNING	AYE _____
CECIL L. PENDERGRASS	AYE _____
RAY SANDELLI	AYE _____

Agency Comments:

The State Agencies had no objections to the amendments.

Staff Recommendation:

Staff recommends the Board of County Commissioners **Adopt** CPA2019-00005 as provided in Attachment 1.

LEE COUNTY ORDINANCE NO. _____
CAM40
(CPA2019-00005)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO CAM40 (CPA2019-00005) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP; LEGAL EFFECT OF “THE LEE PLAN”; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan (“Lee Plan”) and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners (“Board”); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (“LPA”) held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on August 26, 2019; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on September 18, 2019. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to CAM40 (CPA2019-00005) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the September 18, 2019 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies’ written comments; and,

WHEREAS, on November 20, 2019, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "CAM40 Ordinance (CPA2019-00005)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends Map 17, the Southeast DR/GR Residential Overlay to add the subject 40 acre parcel to the Environmental Enhancement and Preservation Communities Overlay (EPCO) known as CAM40 (CPA2019-00005).

The corresponding Staff Reports and Analysis, along with all attachments and application submittals for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION FIVE: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SEVEN: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION EIGHT: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

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

John Manning	_____
Cecil Pendergrass	_____
Raymond Sandelli	_____
Brian Hamman	_____
Frank Mann	_____

DONE AND ADOPTED this 20th day of November 2019.

ATTEST:
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

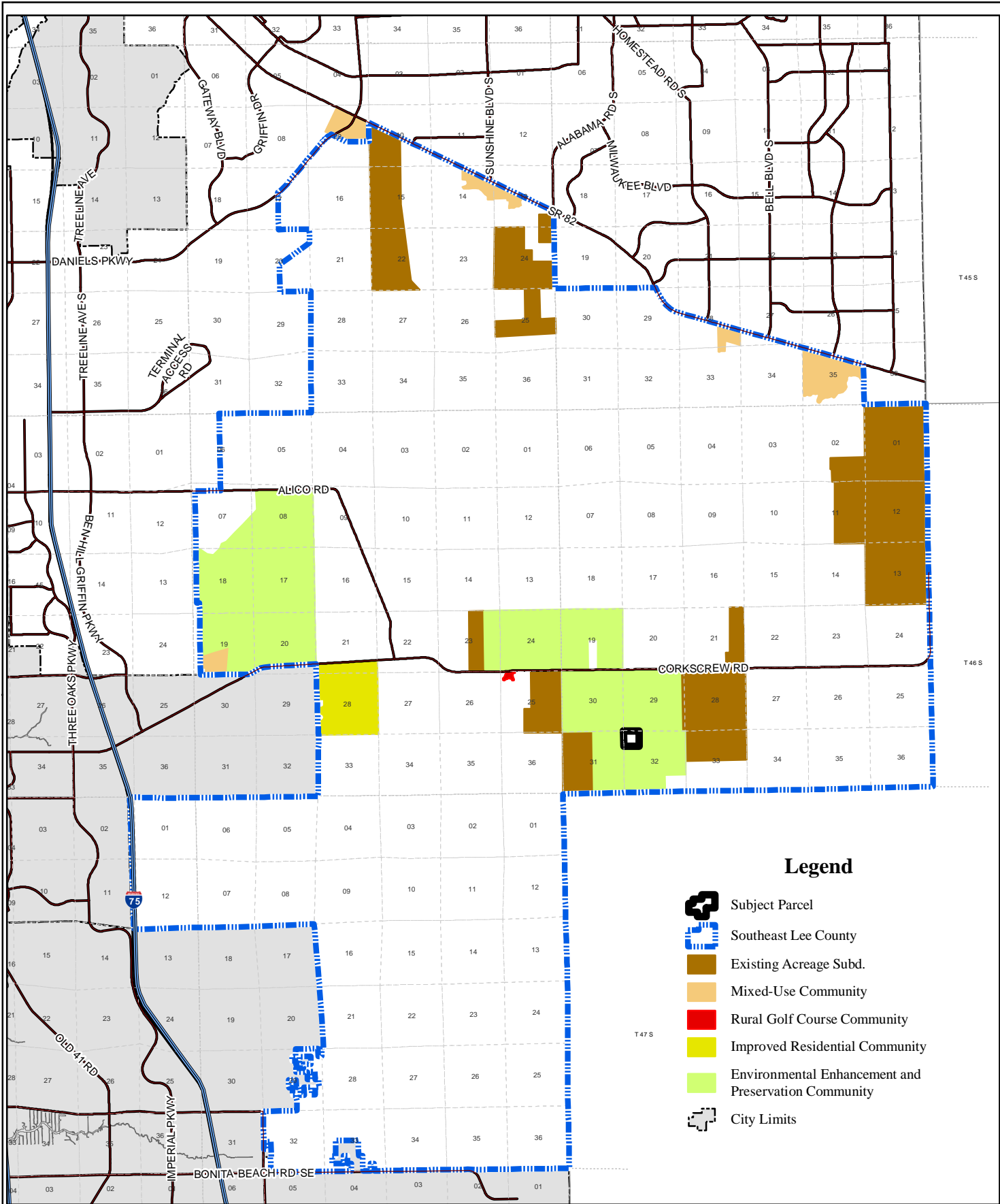
BY: _____
_____, Chair

DATE: _____









APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

County Attorney's Office

Exhibit A: Adopted revisions to Map 17 (Adopted by BOCC 11/20/19)



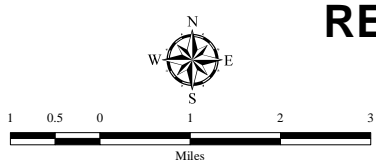
Legend

-  Subject Parcel
-  Southeast Lee County
-  Existing Acreage Subd.
-  Mixed-Use Community
-  Rural Golf Course Community
-  Improved Residential Community
-  Environmental Enhancement and Preservation Community
-  City Limits

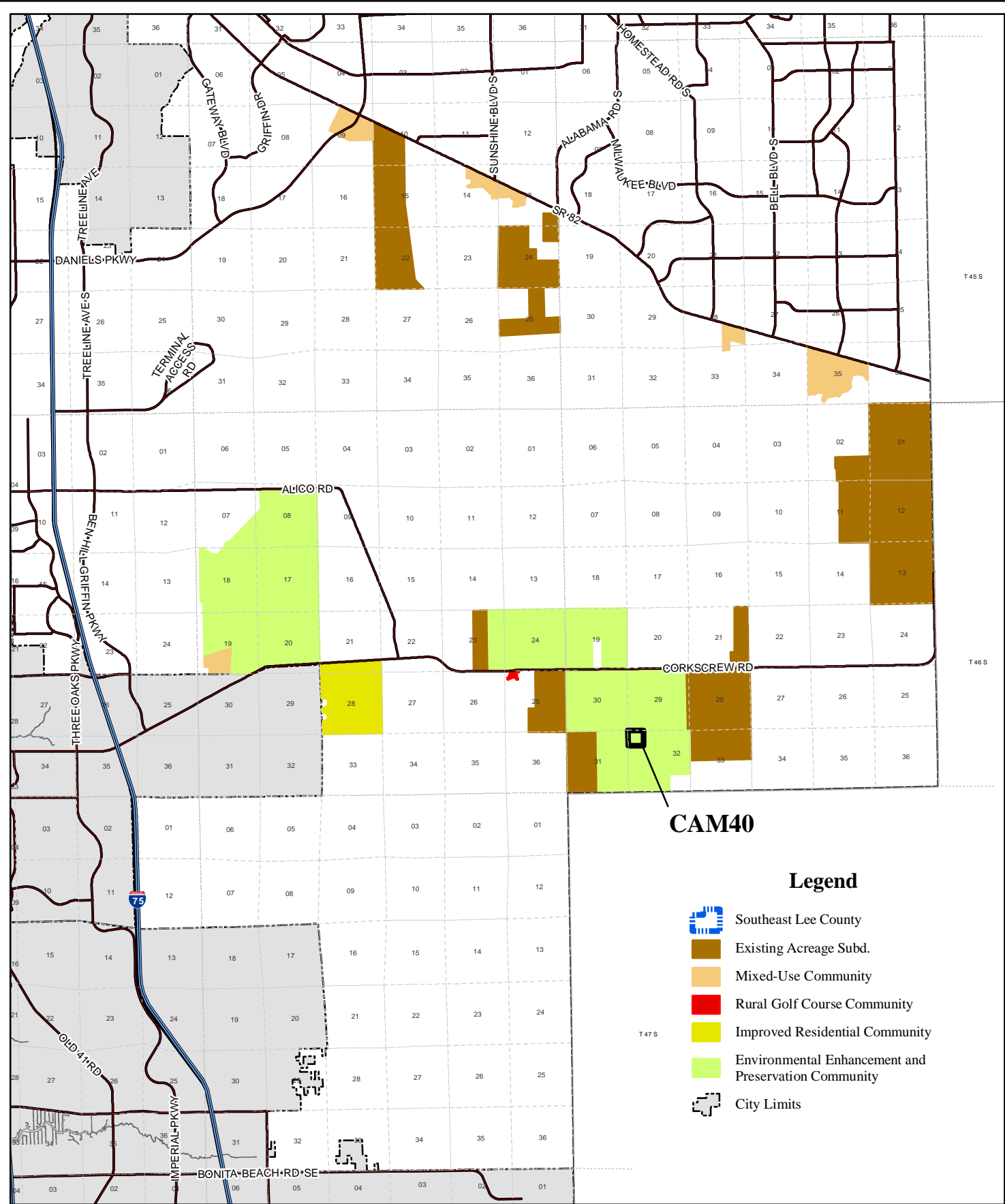


EXISTING SOUTHEAST DR/GR RESIDENTIAL OVERLAY

Map Generated: August 2019
 City Limits current to date of map generation










Lee Plan Map 17



CAM40

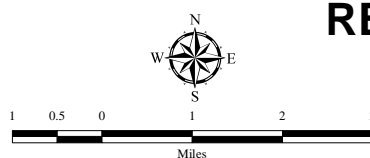
Legend

-  Southeast Lee County
-  Existing Acreage Subd.
-  Mixed-Use Community
-  Rural Golf Course Community
-  Improved Residential Community
-  Environmental Enhancement and Preservation Community
-  City Limits



**PROPOSED SOUTHEAST DR/GR
RESIDENTIAL OVERLAY**

Map Generated: July 2019
City Limits current to date of map generation



Lee Plan Map 17

**STAFF REPORT FOR
CPA2019-00005: CAM40**

Privately Initiated Map Amendment to the Lee Plan



Applicant:

V-Land-Sub LLC

Representative:

Tina Ekblad, AICP
Morris-Depew Assoc., Inc.

Property Location:

1 ± mile South of Corkscrew Road, 1 ± mile east of Six Ls Farm Road

Size:

± 40 acres

Planning Community:

Southeast Lee

Commissioner District:

District #3

Attachments:

Existing Map 17
Proposed Map 17

Hearing Dates:

LPA: 8/26/2019
BOCC: 9/18/2019
BoCC: 11/20/2019

REQUEST

Request to add the subject property to the Environmental Enhancement and Preservation Communities Overlay (EEPCO) on Lee Plan Map 17, the Southeast DR/GR Residential Overlay.

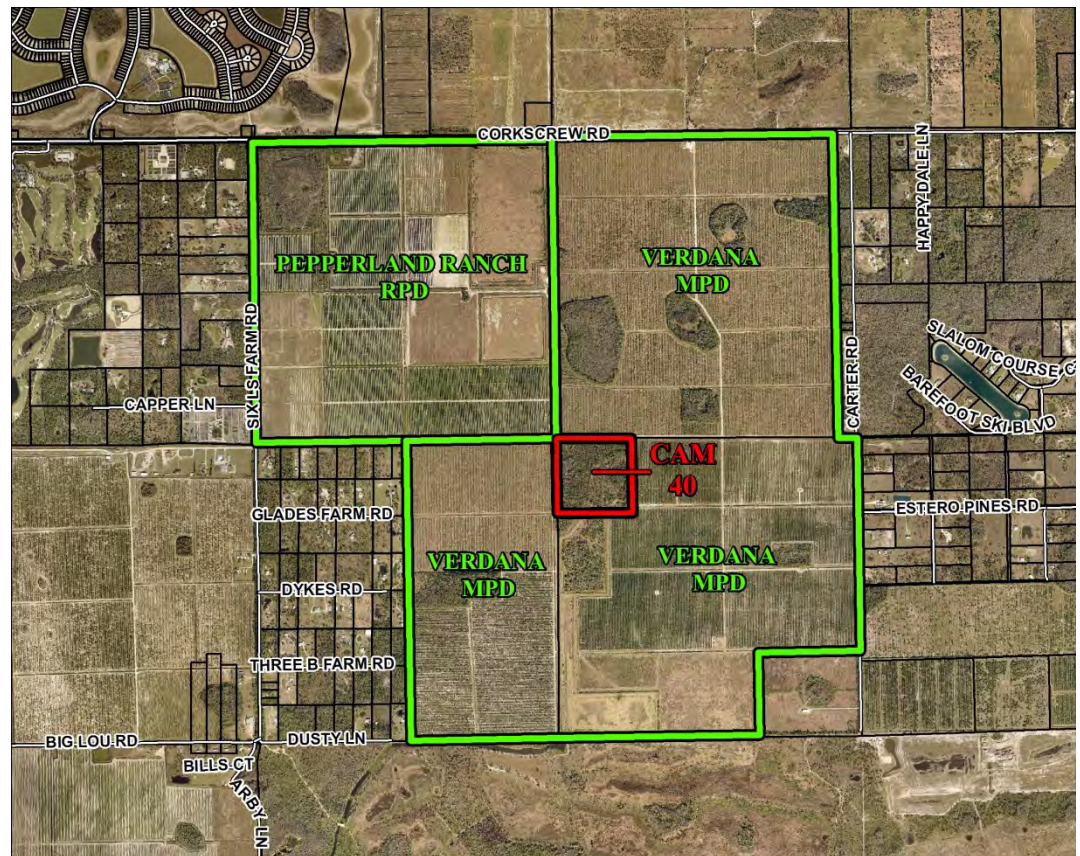
SUMMARY

The requested amendment would add the subject 40 acre parcel to the EEPCO. Adding the subject property into the EEPCO will allow an increased density of one unit per acre if regional hydrological and wildlife habitat enhancements are provided. A concurrent zoning (DCI2019-00018) includes this property as part of a larger 2,138 +/- acre EEPCO residential development.

PROJECT LOCATION

The subject property is located approximately one mile south of Corkscrew Road and approximately one mile east of Six Ls Farm Road.

FIGURE A: AERIAL LOCATION MAP



RECOMMENDATION

Staff recommends that the Board of County Commissioners **adopt** the requested amendment based on the analysis and findings provided in this staff report.

PART 1
CONCURRENT APPLICATION REVIEW

The applicant has filed a companion rezoning application (DCI2019-00018) that is being reviewed concurrently with this plan amendment application. The applicant is seeking to rezone 2,138 +/- acres, including the subject property, to Verdana Village Mixed Use Planned Development (MPD) for development of a residential community with significant hydrological and wildlife habitat enhancements.

PART 2
PROPERTY INFORMATION

Subject Property

The subject property is located approximately one mile south of Corkscrew Road, and one mile east of Six Ls Farm Road. It is currently zoned AG-2 and contains approximately 40 acres. It is located in the Southeast Lee Planning community and designated as Density Reduction/Groundwater Resource DR/GR and Wetlands on the Future Land Use Map.

Southeast Lee County Community Plan Area

The Southeast Lee County Community Plan area, which is typically identified as south of SR 82 and east of the Southwest Florida International Airport, Florida Gulf Coast University and municipalities of Estero and Bonita Springs. The Southeast Lee County Community Plan area contains property within the DR/GR, Wetlands, Conservation Lands (uplands and wetlands), and Public Facilities future land use categories. The Community Plan area is anticipated to develop at relatively low densities and intensities. Development within the Southeast Lee Community Plan area is guided, in part, by Goal 33 of the Lee Plan.

DR/GR and Wetlands Future Land Use Categories

The subject property has been designated as DR/GR and Wetlands on the Future Land Use Map since 1990. DR/GR lands provide recharge to aquifers as provided in Policy 1.4.5, and residential land uses are limited to one unit per ten acres. Development in Wetlands future land use category is limited to low density residential, limited recreation, open space and conservation. Both properties will remain within the DR/GR and Wetlands future land use categories.

***POLICY 1.5.1:** Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan. (Ordinance No. 94-30, 18-28)*

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

- 1. New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels (except as provided in Policies 33.1.3 and 33.3.5) utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this*

compatibility. Evidence as to historic levels may be submitted during the rezoning or development review processes.

2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). See Policies 33.3.2, 33.3.3, 33.3.4, 33.3.5 and 33.3.6 for potential density adjustments resulting from concentration or transfer of development rights.
 - a) For residential development, also see Objective 33.3 and following policies. Commercial and civic uses can be incorporated into Mixed-Use Communities to the extent specifically provided in those policies.
 - b) Individual residential parcels may contain up to two acres of Wetlands without losing the right to have a dwelling unit, provided that no alterations are made to those wetland areas.
 - c) The Future Limerock Mining overlay (Map 14) identifies sufficient land near the traditional Alico Road industrial corridor for continued limerock mining to meet regional demands through the Lee Plan's planning horizon (currently 2030). See Objective 33.1 and following policies

Environmental Enhancement and Preservation Community Overlay (EPCO)

The request is to add the subject 40 acre parcel into the EPCO on Map 17 which will allow for increased density in return for regional environmental benefits. The units will not be constructed on the subject 40 acre parcel as proposed in the companion rezoning. Water and sewer service lines will not be extended to the subject property.

POLICY 1.7.13: *The Southeast Density Reduction/Groundwater Resource overlay (Map 17) is described in Policies 33.3.1 through 33.3.5. This overlay affects only Southeast Lee County and identifies five types of land:*

5. *“Environmental Enhancement and Preservation Communities:” Properties adjacent to Corkscrew and Alico Roads that have the potential to improve and restore important regional hydrological and wildlife connections.
(Ordinance No. 10-19, 12-24, 14-10, 15-13)*

Tier One Priority Restoration Overlay

The subject property is located in a Tier 1 DR/GR Priority Restoration land identified on Lee Plan Map 1, Page 4. Tier 1 properties are lands which have top priority for restoration, including historic surface and groundwater levels, and connection of existing corridors or conservation areas to serve as wildlife habitat (Policy 33.2.2). These lands would provide critical connections to other conservation lands that serve as the backbone for water resource management and wildlife movement (Policy 33.2.3).

Connection to Public Water and Sewer Service

The subject property will be maintained as open space for purposes of restoration of historic flowway and wildlife habitat as demonstrated in the concurrent planned development rezoning. The subject property will not be added to Lee Plan Map 6 - Lee County Utilities Future Water Service Areas or Map 7 - Lee County Utilities Future Sewer Service Areas. No units are proposed to be constructed on the subject 40 acre property and the 40 units from this property will be distributed into a larger 2,138 +/- acre development on adjacent properties with shared ownership. Therefore, the extension of public utilities to the subject property is not necessary.

Surrounding Properties

The surrounding properties to the north, northwest, east and west are within the Density Reduction/Groundwater Resource (DR/GR) and Wetlands future land use categories. These properties are zoned for mixed and residential planned developments. The Verdana Mixed Use Planned

Development (MPD), and Pepperland Ranch Residential Planned Development (RPD) are within the EEPCO and are also within the Tier 1 Priority Restoration Land identified on Lee Plan Map 1, page 4. The concurrent zoning, Verdana Village MPD (DCI2019-00018), combines the subject property, Pepperland Ranch RPD and the Verdana MPD.

More detailed information on the surrounding properties is provided below in Table 1 and locations are shown on Figure A.

TABLE 1: SURROUNDING PROPERTIES INFORMATION

	Future Land Use	Zoning	Existing Use
North	DR/GR; Wetlands EEPCO	Verdana MPD approved for 1,460 units and 30,000 SF of accessory commercial uses on 1,460 acres. (Z-18-010)	Undeveloped; Groves
Northwest	DR/GR; Wetlands EEPCO	Pepperland Ranch RPD approved for 700 units on 637.5 acres. (Z-17-013)	Undeveloped; Cropland
South	DR/GR; Wetlands EEPCO	Verdana MPD	Undeveloped; Groves
East	DR/GR; Wetlands EEPCO	Verdana MPD	Undeveloped; Groves
West	DR/GR; Wetlands EEPCO	Verdana MPD	Undeveloped; Groves

PART 3

STAFF DISCUSSION AND ANALYSIS OF PROPOSED AMENDMENTS

The applicant is requesting to add the subject 40 acre parcel to the Environmental Enhancement and Preservation Communities Overlay by amending Map 17, Southeast DR/GR Residential Overlay.

Lee Plan Consistency

The subject 40 acre parcel would be combined with the Pepperland Ranch RPD and Verdana MPD which surrounds the property on all sides. Pepperland Ranch RPD and Verdana MPD are currently within the EEPCO and adding the subject parcel would fill in the “hole in the donut,” and provide for ecological preservation and flowway continuity. Adding the subject property to the EEPCO will provide restoration of historic flowways and connection to surrounding conservation lands. This is consistent with Objective 33.2 Water, Habitat and other Natural Resources, for protection and restoration of critical lands in southeast Lee County.

When the subject property is combined with the proposed Verdana Village MPD, the request is consistent with the locational standards in Policy 33.3.4. The combined property is west of the Imperial Marsh Preserve and has frontage on Corkscrew Road.

The subject 40 acre parcel contains significant wetlands and is immediately adjacent to the Verdana MPD preserve areas on four sides and adjacent to indigenous wetland restoration/conservation

easement on the Pepperland Ranch RPD site. Including the subject 40 acre parcel into the EEPCO will join the Verdana MPD preserve area located to the northeast of the site to the Verdana MPD southwest preserve via a wetland flowway.

The properties are within a Tier 1 Priority Restoration Area. Lands designated as a Tier 1 Priority Restoration Area may extend an additional mile south to include contiguous Tier 1 properties where the extension will result in a regional environmental benefit.

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

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

Service Availability

The proposed amendment would expand the number of allowable residential units from 2 units to 40 units. There are adequate potable water, sanitary sewers, solid waste, police, fire, schools and transportation services to accommodate the additional units in the area. It should be noted that the subject property is not within the County’s water and sewer franchise area, however, the units are proposed to be placed on the adjacent lands which are located in the Lee County Utilities franchise areas and are already in the EEPCO. EMS has indicated that service is not projected to meet the existing service standards as required by County Ordinance 08-16. See EMS below for additional discussion. Also, there are no mass transit routes close to the subject property.

Transportation: The subject property is located one mile south of Corkscrew Road, east of Alico Road and 6 Ls Farm Road. Corkscrew Road is a 150 foot wide, two-lane, paved arterial roadway maintained by the County. The CPA application is required to provide the information of a short range (5 years) and long range (20+ years) level of service (LOS) analysis. Since the project is not anticipated to be developed within 5 years, there is no traffic impact analysis provided for a short range (5 years) traffic analysis. The Long Range 2040 Horizon LOS analysis indicates that in the three mile study area all the roadway segments are anticipated to operate at or better than the adopted LOS standard in year 2040.

Mass Transit: The closest bus route is Route 60 along Alico Road, approximately 8 miles from the subject property. The property is not within ¼ mile of a fixed route corridor of any route nor does the 2016 Transit Development Plan have any routes or service extensions planned near the subject property.

Utilities: The subject property is not currently within LCU future potable water and sanitary sewer service areas. The nearest potable water main is located at the east entrance of The Place subdivision on Corkscrew Road and the nearest force main is located at the west entrance of The Place. Developer funded enhancements, such as line extensions, will be required. Potable water is currently available from the Corkscrew Water Treatment Plant. Wastewater service is available from the Three Oaks Wastewater Treatment Plant. While the subject property will not have water and sewer lines extending to the property, the overall development plan which includes this land will connect to water and sewer services.

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

Fire: The Estero Fire Rescue District indicated they are capable of providing fire protection. In a letter dated March 25, 2019 the Fire District states the subject property is over 5 miles from Station #44 (21300 Firehouse Lane). A new fire station is planned for this general area in the next 3 to 5 years.

EMS: The Lee County Emergency Medical Services is the primary EMS transport agency responsible for the subject property. In a letter dated March 22, 2019, Lee County Emergency Medical Services indicated that the ambulance for this location is Medic 21, located 10 miles west of the property. EMS service is not projected to meet the existing service standards as required by County Ordinance 08-16. The applicant will be required to address this deficiency as part of the concurrent DCI case as required by Policy 33.3.4(2)(m).

Police: The Lee County Sheriff will provide law enforcement services primarily from the South District office in Bonita Springs. The Sheriff indicated in a letter dated March 22, 2019 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 school seat capacity to serve the subject property.

PART 4 CONCLUSIONS

The subject 40 acre parcel is located in between the Pepperland Ranch RPD and Verdana MPD that are currently within the EEPKO and Tier 1 Priority Restoration Area. Consolidating the Pepperland Ranch RPD, Verdana MPD and the subject parcel would fill the "hole in the donut" and provide a regional environmental benefit through habitat restoration. This 40 acre site will allow for protection of habitat, connection to surrounding conservation lands and restoration of historic flowways.

For the reasons discussed in this staff report, staff recommends that the Board of County Commissioners *transmit* the proposed amendments.

PART 5
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION
DATE OF PUBLIC HEARING: August 26, 2019

A. LOCAL PLANNING AGENCY REVIEW:

The Applicant presented an overview of the proposed map amendment and consistency with the Lee Plan. Staff provided a brief presentation for the amendment which covered consistency with the Lee Plan and staff recommendation. No members of the public addressed the LPA concerning this case.

Members of the LPA asked questions about the restoration of the subject property, location of potential residential units, and ensuring any units constructed would be contingent on restoration on the subject property.

B. LOCAL PLANNING AGENCY RECOMMENDATION:

A motion was made to find the map amendment request consistent with the Lee Plan and to recommend that the Board of County Commissioners ***transmit*** CPA2019-00005 with the condition that any change in ownership would still require the restoration of the subject property. The motion passed 6 to 0 with one abstention.

VOTE:

RAYMOND BLACKSMITH	ABSTAINED
RHONDA BREWER	AYE
JAMES INK	AYE
DON SCHROTENBOER	AYE
KRISTINE SMALE	AYE
STAN STOUDE	AYE
HENRY ZUBA	AYE

PART 6
BOARD OF COUNTY COMMISSIONERS
TRANSMITTAL HEARING FOR PROPOSED AMENDMENT

DATE OF PUBLIC HEARING: September 18, 2019

A. BOARD REVIEW:

Staff provided a brief presentation for the proposed amendment which covered consistency with the Lee Plan and the LPA and staff recommendation. No members from the public spoke. The Board confirmed no units would be constructed on the 40 acre subject parcel.

B. BOARD ACTION:

A motion was made to transmit CPA2019-00005 as recommended by staff. The motion was passed 5 to 0.

VOTE:

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

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

Comments from the State Reviewing Agencies were due to Lee County by October 30, 2019.

A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

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

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

There were **no objections** concerning the proposed amendments.

B. STAFF RECOMMENDATION

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

**PART 8
ATTACHMENTS**

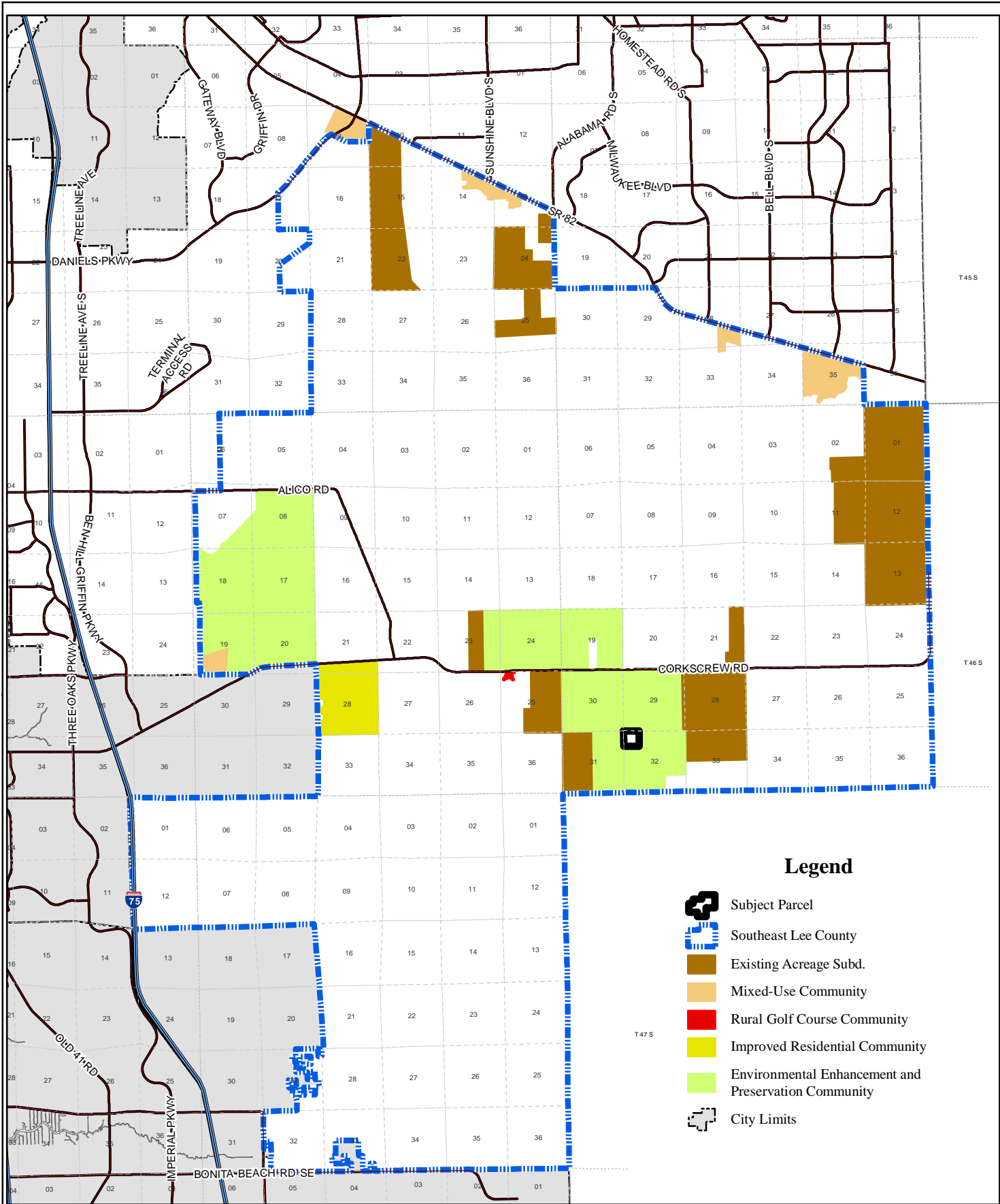
Attachment 1:

- Existing Map 17
- Proposed Map 17









Electronic Files:

<https://www.leegov.com/dcd/planning/cpa/complplansearch?case=CPA2019-00005>

ATTACHMENT 1



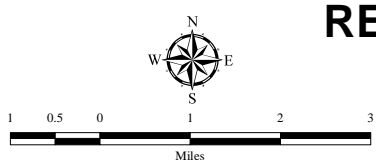
Legend

-  Subject Parcel
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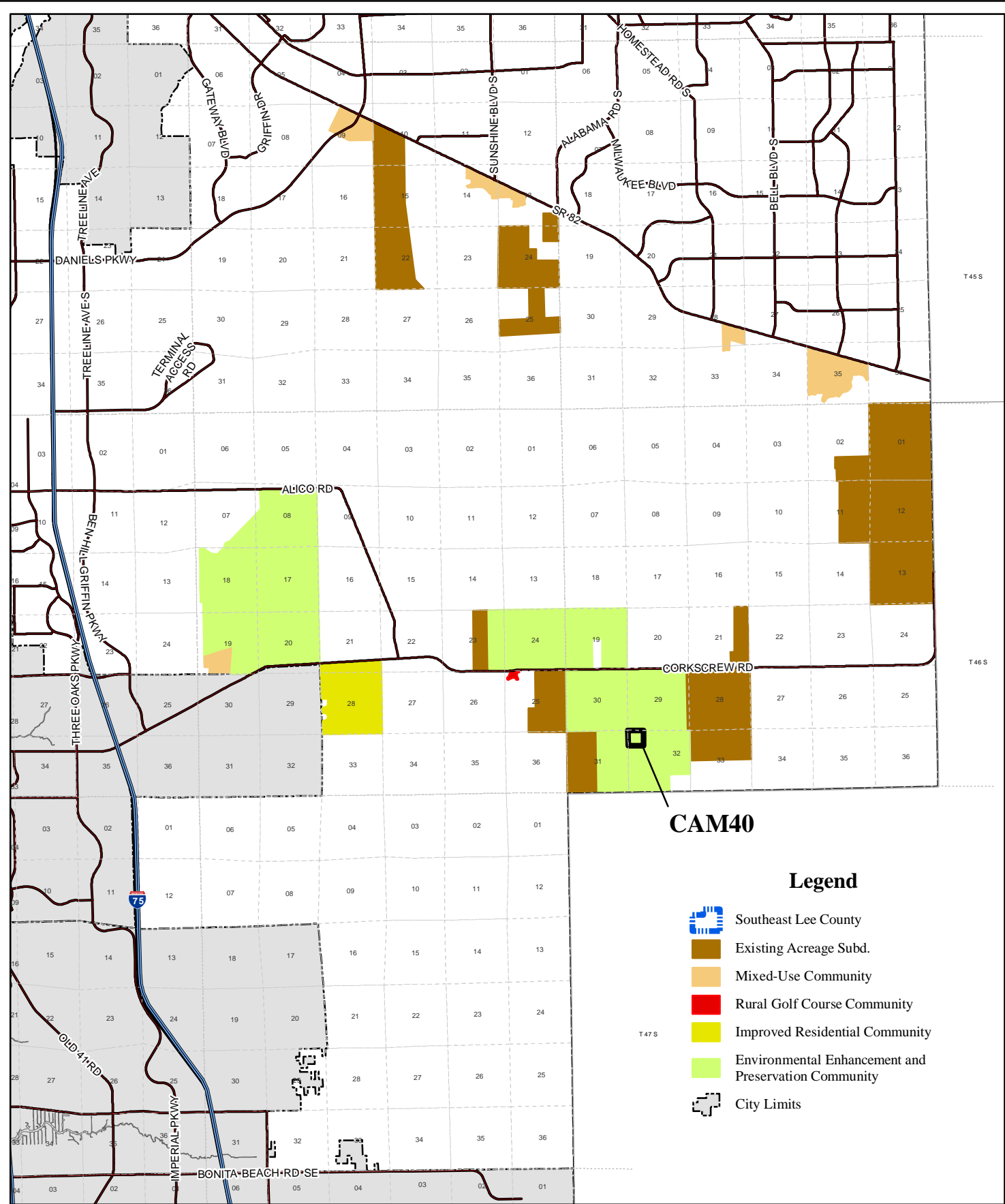


**EXISTING SOUTHEAST DR/GR
RESIDENTIAL OVERLAY**

Map Generated: August 2019
City Limits current to date of map generation










Lee Plan Map 17



CAM40

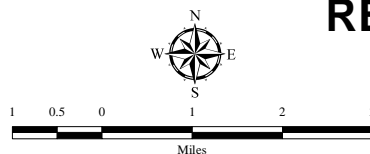
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-  Southeast Lee County
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-  Environmental Enhancement and Preservation Community
-  City Limits



**PROPOSED SOUTHEAST DR/GR
RESIDENTIAL OVERLAY**

Map Generated: July 2019
City Limits current to date of map generation



Lee Plan Map 17

ATTACHMENT 2:

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

Ron DeSantis
GOVERNOR



Ken Lawson
EXECUTIVE DIRECTOR

October 16, 2019

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

Dear Chairman Kiker:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for Lee County (Amendment No. 19-07ESR) received on September 30, 2019. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the County is reminded that:

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

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

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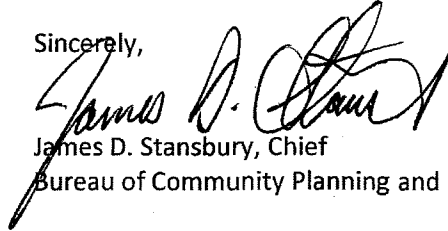
The Honorable Larry Kiker, Chairman

October 16, 2019

Page 2 of 2

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

Sincerely,



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

JDS/sr

Enclosure(s): Procedures for Adoption

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

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

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

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

_____ State Land Planning Agency identification number for adopted amendment package;

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

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

_____ Ordinance number and adoption date;

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

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

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

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

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

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

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

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

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

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

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

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

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

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

Jenkins-Owen, Sharon

Subject: FW: Lee County 19-07ESR (CPA2019-00005 (CAM 40))

From: Hoehn, Ted [<mailto:ted.hoehn@MyFWC.com>]

Sent: Thursday, October 10, 2019 9:28 AM

To: Dunn, Brandon; DCPexternalagencycomments@deo.myflorida.com; Wallace, Traci; Greene, Sean

Subject: [EXTERNAL] Lee County 19-07ESR (CPA2019-00005 (CAM 40))

Dear Mr. Dunn:

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

If you need any further assistance, please do not hesitate to contact our office by email at ConservationPlanningServices@MyFWC.com. If you have specific technical questions, please contact Sean Greene at (386) 406-0814 or by email at Sean.Greene@MyFWC.com

Sincerely,

Ted Hoehn
Florida Fish and Wildlife Conservation Commission
Division of Habitat and Species Conservation
Office of Conservation Planning Services
620 S. Meridian Street, MS 5B5
Tallahassee, FL 32399-1600
(850) 488-8792; Cell 850-519-3106
Fax (850) 922-5679

Lee County 19-17ESR_40406_101019

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

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

OFFICE OF THE COMMISSIONER
(850) 617-7700



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

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

October 16, 2019

VIA EMAIL (bdunn@leegov.com)

Mr. Brandon Dunn
Lee county Planning Section
P.O. Box 398
Fort Myers, Florida 33902-0398

Re: DACS Docket # -- 20190926-130
Lee County CPA 2019-00005
Submission dated September 25, 2019

Dear Mr. Dunn:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on September 26, 2019 and has reviewed it pursuant to the provisions of Chapter 163, Florida Statutes, to address any potential adverse impacts to important state resources or facilities related to agricultural, aquacultural, or forestry resources in Florida if the proposed amendment(s) are adopted. Based on our review of your county's submission, the Department has no comment on the proposal.

If we may be of further assistance, please do not hesitate to contact me at 850-410-2282.

Sincerely,

Thomas Poucher
Budget Director
Office of Policy and Budget

cc: Florida Department of Economic Opportunity
(SLPA #: Lee County 19-07 ESR)

Jenkins-Owen, Sharon

From: Dunn, Brandon
Sent: Monday, October 21, 2019 1:55 PM
To: Miller, Janet; Jenkins-Owen, Sharon
Cc: Rozdolski, Mikki
Subject: FW: Lee County, DEO #19-6ESR Comments on Proposed Comprehensive Plan Amendment Package

Please see correspondence below for CAM40.

From: Oblaczynski, Deborah [<mailto:doblaczy@sfwmd.gov>]
Sent: Monday, October 21, 2019 1:40 PM
To: Rozdolski, Mikki
Cc: Dunn, Brandon; Eubanks, Ray; Barbara Powell (barbara.powell@deo.myflorida.com); ext-Wuerstle, Margaret (swfrpc.org); DCPexternalagencycomments@deo.myflorida.com
Subject: Lee County, DEO #19-6ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Ms. Rozdolski:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Lee County (County). The package includes two amendments addressing a 33.95-acre property changing the land use designation from Industrial Commercial Interchange to General Interchange and adjusting the 2030 population allocation table. The proposed changes do not appear to adversely impact the water resources within the 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 email: doblaczy@sfwmd.gov

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

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Jenkins-Owen, Sharon

From: Dunn, Brandon
Sent: Friday, October 25, 2019 7:54 AM
To: Miller, Janet; Jenkins-Owen, Sharon
Cc: Rozdolski, Mikki
Subject: FW: Lee County 19-7ESR Proposed

Please see correspondence for CAM40

From: Plan_Review [<mailto:Plan.Review@dep.state.fl.us>]
Sent: Thursday, October 24, 2019 4:38 PM
To: Dunn, Brandon; DCPexternalagencycomments@deo.myflorida.com
Cc: Plan_Review
Subject: Lee County 19-7ESR Proposed

To: Mr. Brandon Dunn, Principal Planner

Re: Lee County 19-7ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

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

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

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



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TO VIEW APPLICANT MATERIALS,
CLICK THE LINK BELOW:

[Click Here](#)