

Ron DeSantis  
GOVERNOR



January 7, 2020

Ken Lawson  
EXECUTIVE DIRECTOR



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

Dear Ms. Rozdolski:

Subject: Notification of Proposed Comprehensive Plan Amendment Package Withdrawal

The 2011 Florida Legislature amended Section 163.3184, Florida Statutes, to establish a 180 day time frame for the adoption of comprehensive plan amendments.

Section 163.3184, Florida Statutes, states a proposed amendment shall be deemed withdrawn if the local government fails to hold the second public hearing (the adoption hearing) within 180 days after receipt of the state land planning agency's report, unless extended by agreement with notice to the Department and to any affected person that provided comments on the amendment.

According to our records **Lee County** has an outstanding proposed comprehensive plan amendment package that appears not to be adopted and submitted within the 180 day timeframe, and the notice of an agreement to extend appears to have expired on December 5, 2019. **Therefore pursuant to Section 163.3184, Florida Statutes the amendment is deemed withdrawn.**

The package is numbered **DEO# 18-04ESR** and was transmitted to the Department on **May 4, 2018**. The Agency's report was mailed on **June 13, 2018**. Attached is a copy of the original transmittal letter in order to help facilitate your records.

If the proposed amendment package was adopted and not transmitted to the Department for compliance review, please contact the Department and submit the adopted amendment pursuant to Section 163.3184, F.S.

All information should be addressed to the Department of Economic Opportunity, and sent to the attention of: Ray Eubanks, Plan Processing Administrator.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.FloridaJobs.org](http://www.FloridaJobs.org)  
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Ms. Mikki Rozdolski, Planning Manager

January 7, 2020

Page 2 of 2

If you have any questions concerning this request, please contact Ray Eubanks at (850) 717-8483.

Sincerely,



D. Ray Eubanks  
Plan Processing Administrator

DRE/me

Enclosure: Transmittal Letter



May 4, 2018

John 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

Ray Eubanks, Plan Processing Administrator  
State Land Planning Agency  
Caldwell Building  
107 East Madison – MSC 160  
Tallahassee, FL 32399-0800

**Re: CPA2017-05 Bay Harbour Marina Village DRMUWD  
Amendment to the Lee Plan  
Transmittal Submission Package  
May 2, 2018 Transmittal Hearing**

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, please find attached the proposed Comprehensive Plan Amendments, known locally as **CPA2017-05 (Bay Harbour Marina Village DRMUWD)**. The proposed amendments are being submitted through the expedited state review process as described in Chapter 163.3184. The amendments are as follows:

*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 (DRWUMD) 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.*

The Local Planning Agency held a public hearing for this plan amendment on March 26, 2018. The Board of County Commissioners transmittal hearing was held on May 2, 2018. At the transmittal hearing, the Board of County Commissioners voted to transmit the attached Lee Plan amendment. The proposed amendment is not applicable to an area of critical state concern. The Board of County Commissioners has stated its intent to hold an adoption hearing following the receipt of the review agencies' comments.

The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendment is as follows:

Mr. Brandon Dunn, Principal Planner  
Lee County Planning Section  
P.O. Box 398  
Fort Myers, Florida 33902-0398  
(239) 533-8809  
bdunn@leegov.com

RECEIVED  
Div. of Community Planning and Growth

MAY 14 2018

Div. of Community Development  
Dept. Economic Opportunity

**Ron DeSantis**  
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**Ken Lawson**  
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 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  
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**LEE COUNTY**  
SOUTHWEST FLORIDA  
BOARD OF COUNTY COMMISSIONERS

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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

*Act. of Commission*

MAY 20 2019

Div. of Comm. Development  
Dept. of 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

**MORRIS**

2891 Center Pointe Drive Unit 100 | Fort Myers, Florida 33916

**DEPEW**

Phone (239) 337-3993 | Toll Free (866) 337-7341

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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.

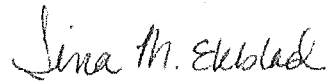
The Lee County Board of County Commissioners ("Board") voted to approve transmittal of the CPA on May 2, 2018, and subsequently transmitted the CPA to the reviewing agencies on May 14, 2018. The County received no comments from the reviewing agencies on the transmitted CPA application. Pursuant to Section 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