



LEE COUNTY BOARD OF COUNTY COMMISSIONERS

COMPREHENSIVE PLAN AMENDMENT  
and  
ZONING HEARING  
AGENDA

Wednesday, May 6, 2020

9:30AM

CPA2019-00006

CONSERVATION LANDS UPDATE - ADOPTION

CPA2018-10012 &  
CPA2018-10013

VINTAGE COMMERCE CENTER - ADOPTION

DCI2018-10022  
Z-19-035

VINTAGE COMMERCE CENTER CPD

CPA2019-00008

EPCO TEXT AMENDMENT - ADOPTION

DCI2019-00018  
Z-20-006

VERDANA VILLAGE MPD

**CPA2019-00008**

**EEPCO TEXT  
AMENDMENT**

**Summary Sheet**  
**EEPCO Text Amendments**  
**CPA2019-00008**

**Summary**

The requested amendments, specific to Southeast Lee County, will:

- Increase the number of dwelling units allowed within Environmental Enhancement and Preservation Communities (EEPCs) by 15% when enhanced regional environmental benefits are provided;
- Allow up to 100,000 square feet of neighborhood commercial development within EEPCs that have a minimum area of 2,000 acres;
- Clarify the timing for cessation of agricultural uses and recording of conservation easements for EEPC developments; and
- Limit the amount of commercial development in Southeast Lee County to a cumulative total of 300,000 square feet.

**Transmittal Hearing**

A motion was made to transmit CPA2019-00008 as recommended by staff and the LPA. The motion was passed 5 to 0.

**Public Comments**

One member of the public addressed the Board of County Commissioners concerning the proposed amendments. The concern was about allowing commercial development in this area of Southeast Lee County.

**State Reviewing Agency Objections, Recommendations and Comments**

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

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

There were **no objections** concerning the proposed amendments. Letters from the agencies are attached to the staff report.

**Recommendation**

Staff recommends that the Board of County Commissioners ***adopt*** the proposed amendments, as provided in Attachment 1 of the staff report.

**LEE COUNTY ORDINANCE NO. \_\_\_\_\_**  
EEPCO Text Amendment  
(CPA2019-00008)

**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 THE EEPCO TEXT AMENDMENT (CPA2019-00008) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF “THE LEE PLAN”; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.**

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

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

WHEREAS, the Lee County Local Planning Agency (“LPA”) held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on December 9, 2019; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on January 22, 2020. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to EEPCO Text Amendment (CPA2019-00008) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the January 22, 2020 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies’ written comments; and,

WHEREAS, on \_\_\_\_\_, 2020, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

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

## SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "EEPCO Text Amendment Ordinance (CPA2019-00008)."**

## 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 language in Lee Plan Goals 1, 6, and 33 to establish provisions for allowing limited commercial uses and increased residential density and to clarify timing of agricultural use cessation and recording of conservation easements for certain residential and mixed-used developments located in Southeast Lee County, known as EEPCO Text Amendment Ordinance (CPA2019-00008).

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 \_\_\_\_\_ day of \_\_\_\_\_ 2020.

ATTEST:  
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Brian Hamman, Chair

DATE: \_\_\_\_\_

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

\_\_\_\_\_  
County Attorney's Office

Exhibit A: Adopted revisions to Lee Plan Goals 1, 6, and 33  
(Adopted by BOCC \_\_\_\_\_)

## EXHIBIT A

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



**II. Future Land Use**

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**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.

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, and 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, Environmental Enhancement and Preservation Communities, and Rural Golf Course Communities that are depicted on Map 17 to the extent specifically provided in those policies.

(Ordinance No. 91-19, 94-30, 99-16, 02-02, 10-20, 12-24, 15-13, 18-18)

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**POLICY 6.1.2:** Commercial development in non-urban future land use categories is limited to Minor Commercial except that:

- Neighborhood Commercial uses serving the Lee County Civic Center are permitted within one quarter mile of SR31 between North River Road and the Caloosahatchee River in the North Olga Community Planning Area and may be expanded to Community Commercial when approved as part of a planned development that is located at the intersection of two arterial roadways and has direct access to, or the ability to extend, existing water and sanitary sewer utilities.
- Neighborhood Commercial uses are permitted in the Southeast Lee County Planning Community as provided for in Objectives 13.3 and 33.3.

Minor Commercial development may include limited commercial uses serving rural areas and agricultural needs, and commercial marinas. Minor Commercial development must be located so that the retail use, including buildings and outdoor sales area, is located at the intersection (within 330 feet of the adjoining rights-of-way of the intersecting roads) of arterial and collector roads or two collector roads with direct access to both intersecting roads. Direct access may be achieved with an internal access road to either intersecting roads. On islands, without an intersecting network of collector and arterial

roads, commercial development may be located at the intersection of local and collector, or local and arterial, or collector and collector roads.  
(Ordinance No. 93-25, 94-30, 98-09, 99-15, 99-18, 00- 22, 02-02, 07-09, 10-05, 10-16, 10-19, 10-40, 11-18, 16-07, 17-13)

\*\*\*\*\*

**POLICY 33.3.2:** Map 17 identifies future locations for Mixed-Use Communities where development rights can be concentrated from large Southeast Lee County tracts into Traditional Neighborhood Developments. The preferred pattern for residential development is to cluster density within Mixed-Use Communities along existing roads and away from Future Limerock Mining areas.

1. Southeast Lee County Mixed-Use Communities must be concentrated from contiguous property owned under single ownership or control. Residential density is calculated from the upland and wetland acreage of the entire contiguous Southeast Lee County property. Increases in residential densities may be approved through incentives as specified in the LDC for permanent protection of indigenous native uplands on the contiguous tract (up to one extra dwelling unit allowed for each five acres of preserved or restored indigenous native uplands) and through the acquisition of TDUs from TDR sending areas within Southeast Lee County as provided in Objective 33.4.

~~e. Additional intensity created using TDUs may not exceed 300,000 square feet of non-residential floor area for the entire Mixed Use Community.~~

4. Commercial uses developed as part of a Mixed-Use Community will be consistent with Policy 33.3.5 and will not exceed the allowable total square footage for commercial uses in Southeast Lee County.

(Ordinance No. 10-43, 12-24, 17-13)

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**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~~ may be granted if the project is found consistent with and demonstrates through a planned development rezoning the following:

2. The property is rezoned to a planned development that meets the following:

- e. Record a Conservation Easement for a minimum of 55 percent of the planned development, not including previously mined lakes, to be dedicated to the appropriate maintenance entity that provides Lee County, or some other public agency acceptable to Lee County, with third party enforcement rights. All Conservation Easements required as part of the planned development must be recorded within 5 years from first development order approval.
- i. ~~Elimination of any agricultural uses, including the use of irrigation and fertilizers (or other chemicals) for agricultural purposes~~ must be entirely eliminated at time of first development order approval for row crops and no later than 5 years from first development order approval for citrus groves. If cessation of citrus groves is to be phased, a phasing plan provided at the time of zoning must demonstrate regional environmental benefits, including but not limited to regional or historic surface water and wildlife connections, occurring with the first phase of development.

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3. In recognition of the preservation, enhancement, and protection of regional flowways and natural habitat corridors, the interconnection with existing off-site conservation areas, and the significant enhancement, preservation and protection of these lands, additional density may be approved through planned developments meeting the criteria and requirements outlined above as follows:

- e. Additional dwelling units may be approved in the planned development by using any combination of the following: ~~meeting the requirements in subsection 2 of this Policy if transferred~~
  - 1) Utilize the Southeast Lee County TDR program to transfer dwelling units from other Southeast Lee County lands located outside of the planned development pursuant to Policy 33.4.2. at the standard density of 1 unit per 10 acres for DR/GR lands and 1 unit per 20 acres for Wetlands future land use category if density rights are extinguished through an instrument acceptable to the County Attorney's Office. Dwelling units transferred from other Southeast Lee County lands will be counted against the 2,000 dwelling unit limitation for Southeast Lee County receiving parcels identified in the Southeast Lee County TDR program.
  - 2) Provide all of the following as part of the planned development for a density increase of up to 15 percent:
    - i. A minimum of 65 percent open space, not including previously mined lakes; and
    - ii. Significant regional hydrological connections that further Lee County's flood mitigation and flowway restoration efforts by providing:

- a. Physical surface water connections to allow surface water to flow to and from adjacent properties and off-site flowways (to be considered site-related improvements); and
  - b. Enhanced on-site surface water storage and flood attenuation.
- 4. Commercial uses may be approved as part of a mixed use planned development if the project is found consistent with all of the following:
  - a. The project is a minimum of 2,000 acres;
  - b. The project consists of both residential and commercial development and meets the minimum requirements of this policy;
  - c. Wetlands may not be impacted by the commercial development area;
  - d. The project will be consistent with Policy 33.3.5 and will not exceed the allowable total square footage for commercial uses in Southeast Lee County;
  - e. Commercial uses and maximum floor area is limited to Neighborhood Commercial, as defined, and must not include any of the following uses: auto parts stores, lawn and garden supply stores, fuel pump stations, drycleaners (on-site), or any other use that is not compatible with protecting Southeast Lee County's environment.
  - f. Commercial development within the 6-month, 1-year, 5-year, or 10-year travel zones of the Wellfield Protection Ordinance must provide a total of 1.5" of treatment, ½ -inch of which must be completed via dry pretreatment, at a minimum. The entire commercial portion of the project will be considered to be within the most restrictive wellfield protection zone as provided in the Wellfield Protection Ordinance. Ground water quality monitoring well(s) for the Surficial Aquifer System must be provided and located between Lee County's nearest production well(s) and the commercial development.
  - g. The human wildlife coexistence plan required by subsection 2.f. of this policy must include a commercial component that at a minimum provides for bear-proof refuse containers, below ground grease traps, and prevents light spillage onto adjacent preserve areas.  
(Ordinance No. 15-13, 15-14, 17-13, 17-24, 19-13)

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**POLICY 33.3.5:** Commercial uses may only be permitted if incorporated into a Mixed-Use Community, Environmental Enhancement and Preservation Community, or Rural Golf Course Community depicted on Map 17. The maximum commercial floor area that may be approved within the Southeast Lee County community plan area may not exceed 300,000 square feet.

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**POLICY 33.4.2:** The Southeast Lee County TDR program will have the following characteristics:

2. Receiving area density and intensity equivalents of Southeast Lee County TDUs.
  - d. In Environmental Enhancement and Preservation Communities identified on Map 17, each Southeast Lee County TDU credit may be redeemed for a maximum of one (1) dwelling unit per 10 acres using credits from DR/GR sending areas and a maximum of one (1) dwelling unit per 20 acres using credits from wetland sending areas.
  - e. No more than 2,000 dwelling units may be placed on receiving parcels identified in subsections a. through de. above using the Southeast Lee County TDR program.

*Accordingly, subsection e. is re-lettered to f.*

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## **XII. Glossary**

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**Future Non-Urban Areas** – Those categories on the Future Land Use Map that are designated primarily for single use development with a density equal to or less than 1 unit per acres unless otherwise allowed within a special treatment area identified in Objective 1.7: Rural, Rural Community Preserve, Coastal Rural, Outer Island, Open Lands, Wetlands, Conservation Lands (upland and wetland), New Community within the North Olga Planning Community and Density Reduction/Groundwater Resource.

STAFF REPORT FOR  
CPA2019-08: EEPKO Text Amendment  
Privately Initiated Text Amendments to the Lee Plan



**Applicant:**  
Verdana Land Investments, LLC

**Representative:**  
Tina M. Ekblad, AICP

**Amended Elements:**  
Future Land Use Glossary

**Attachments:**  
Text amendments

**Hearing Dates:**  
LPA: 12/9/2019

BOCC - Transmittal:  
1/22/2020

BOCC - Adoption:  
5/6/2020

**REQUEST**

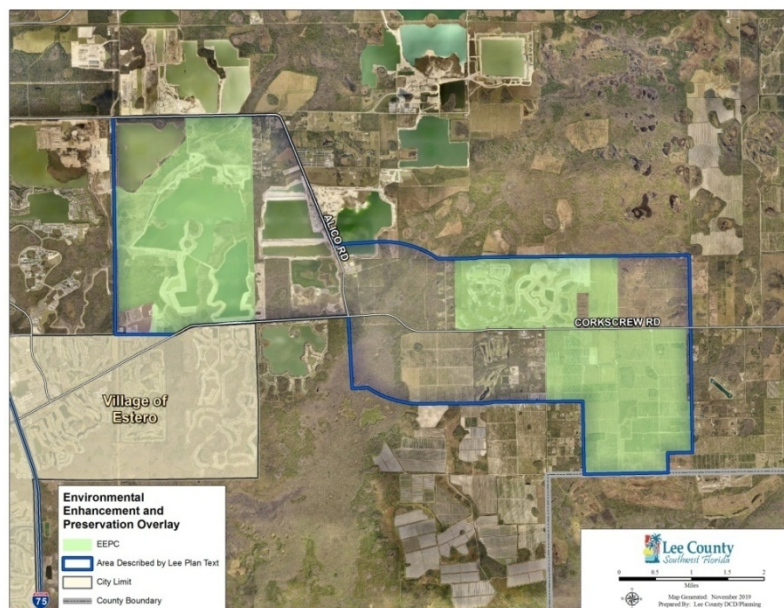
Amend language in Lee Plan Goals 1, 6, and 33 to establish provisions for allowing neighborhood commercial uses, increased residential density, and to clarify timing of agricultural use cessation and recording of conservation easements for certain residential and mixed-used developments located in Southeast Lee County.

**SUMMARY OF AMENDMENTS**

- Allow development of neighborhood commercial uses which are consistent with wellfield protection within Environmental Enhancement and Preservation Communities (EEPCs) that have a minimum area of 2,000 acres;
- Allow up to an additional 15% residential units within EEPCs when enhanced regional benefits are provided through a planned development rezoning;
- Clarify timing of agricultural use cessation and recording of conservation easements for EEPCs; and
- Provide a threshold of 300,000 square feet for commercial development in Southeast Lee County limited to EEPCs, Mixed-Use Communities, and Rural Golf Course Communities depicted on Map 17.

**LOCATION**

The text amendments related to residential development are specific to properties in the EEPC Overlay, shown below. The text amendments related to commercial development apply to all properties within Southeast Lee County in order to address commercial development/needs in Southeast Lee County cumulatively and to maintain internal consistency within the Lee Plan.



**RECOMMENDATION**

Staff recommends the Board of County Commissioners **adopt** the amendments provided in Attachment 1 based on the analysis and findings of this staff report.



**PART 1  
CONCURRENT APPLICATION REVIEW**

Concurrent Application Review: The applicant has filed a companion rezoning application (DCI2019-00018) that is being reviewed concurrently with this plan amendment application. Chapter 163.3184(12), F.S. 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.

The rezoning application is to rezone approximately 2,138 acres within the EEPC Overlay from Residential Planned Development, Mixed Use Planned Development and Agricultural to a unified Mixed Use Planned Development to allow a maximum of 2,400 residential dwelling units and 100,000 square feet of commercial uses.

If the Board of County Commissioners amends the Lee Plan to incorporate the proposed changes discussed in this report, the applicant MUST demonstrate consistency with the Lee Plan, as amended, prior to rezoning approval.

**PART 2  
REQUEST**

The requested amendments will allow an increase to the number of dwelling units allowed within EEPCs when enhanced regional environmental benefits are provided as part of an approved planned development rezoning and development of up to 100,000 square feet of neighborhood commercial uses within EEPCs that have an area of 2,000 acres or more. In addition, amendments are proposed to clarify the timing of the cessation of agricultural uses and recording of conservation easements for EEPCs and to limit the total amount of commercial development allowed in Southeast Lee County to a maximum of 300,000 square feet.

**PART 3  
DISCUSSION & ANALYSIS**

The proposed amendments are specific to properties located within the Southeast Lee County Community Plan area and subject to the provisions of Lee Plan Goal 33. Goal 33 describes the importance of water resources and wildlife habitat in the southeast portion of the county (Objective 33.2) and supports clustered and concentrated development patterns in order to incorporate protection and enhancement of these important water resources and wildlife habitat into development design (Objectives 33.3 and 33.4).

Within the Southeast Lee County Community Plan area are the Density Reduction/Groundwater Resource and Wetlands future land use categories, as described below.

**Density Reduction/Groundwater Resource (DR/GR):** The DR/GR future land use category was originally incorporated into the Lee Plan as part of the implementation of the 1990 Stipulated Settlement Agreement between Lee County and the Florida Department of Community Affairs (DCA). The DR/GR future land use category is described in Policy 1.4.5 provided, in part, below:

**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.

The underlying objectives for the DR/GR future land use category are to protect the County's shallow aquifers and to reduce the population accommodation of the Future Land Use Map in the Lee Plan.

Prior to the adoption of the 1990 Stipulated Settlement Agreement, Lee County proposed to protect the shallow aquifers, in part, with an amendment to the Future Land Use Map. The original proposal was for the creation of a new future land use category for the southeast area of the county called "Groundwater Resource." The amendment proposed a reduction in density from one dwelling unit per acre to one dwelling unit per five acres.

The DCA was concerned with the population accommodation of the Future Land Use Map in relation to the Planning Horizon of the Lee Plan. Therefore, as part of the 1990 Stipulated Settlement Agreement, allowable density was further reduced to one dwelling unit per ten acres and the words "Density Reduction" were added to the name of the category.

**Wetlands:** All wetlands are within the Wetlands future land use category, which is described in Objective 1.5 and Policy 1.5.1 of the Lee Plan as follows:

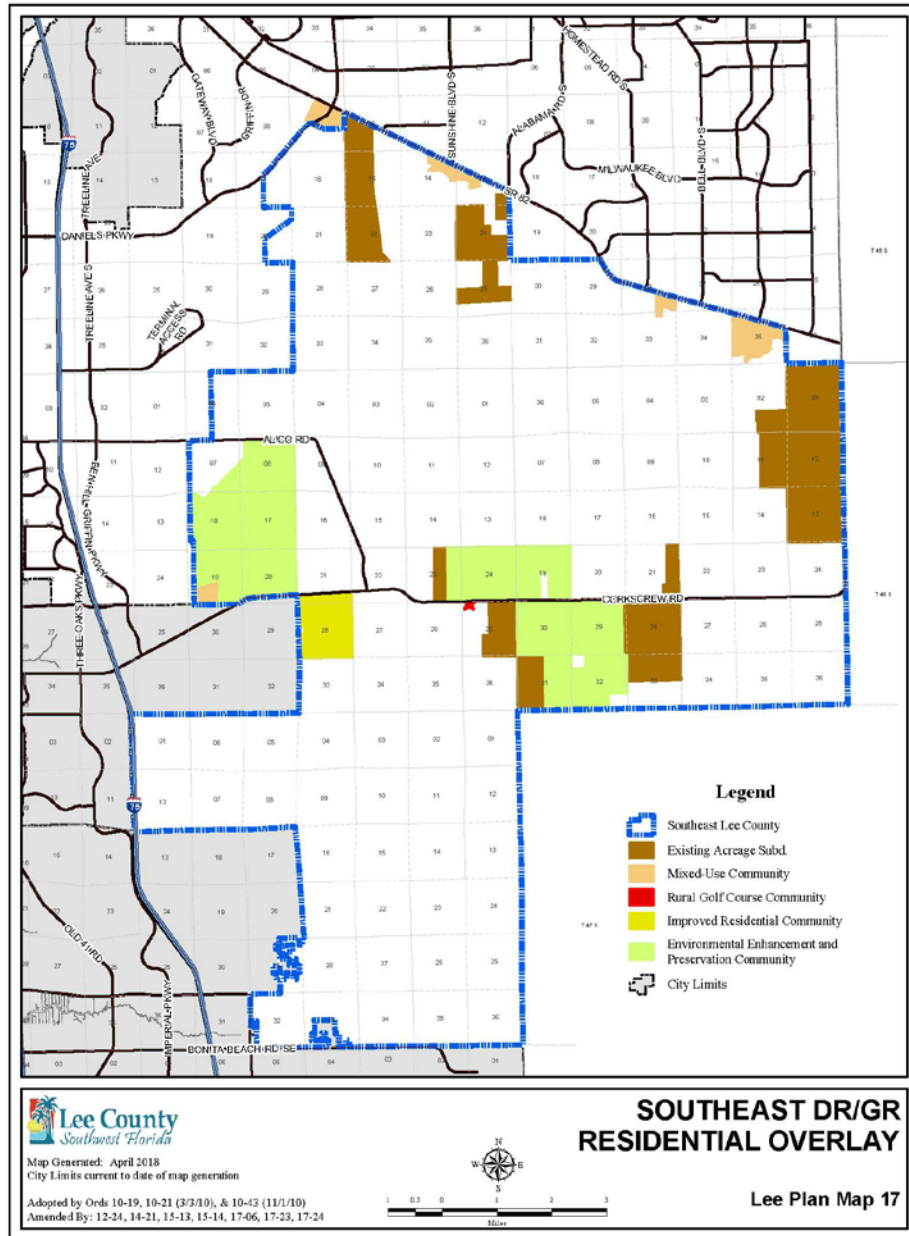
**OBJECTIVE 1.5: WETLANDS.** Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended in F.S. 373.4211. (Ordinance No. 94-30)

**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 114 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)



Southeast DR/GR Residential Overlay (Lee Plan Map 17)

There are five types of Southeast Lee County residential communities described by Lee Plan Policy 1.7.13 and depicted on the Southeast DR/GR Residential Overlay, Map 17: Existing Acreage Subdivisions; Rural Golf Course Communities; Mixed-Use Communities; Improved Residential Communities; and EEPCs.



Although the focus of the proposed amendments is related to EEPCs, the Rural Golf Course Communities and Mixed-Use Communities are pertinent, since commercial development allowed in these communities must be considered in the analysis of this request. Increased

densities and commercial intensity are permitted within Mixed-Use Communities by clustering development rights into mixed-use development nodes. Rural Golf Course Communities also allows concentration of residential uses using transferred development rights. The potential of Neighborhood Commercial uses being allowed within Rural Golf Course Communities zoned Private Recreation Facility Planned Development (PRFPD) was adopted by the Board on December 18, 2019 by Ordinance 19-25.

### EEPC Overlay

The EEPC Overlay was incorporated into the Lee Plan by Ordinance 15-13 and continues to be consistent with Lee Plan Objective 123.1, Policy 123.1.1, Policy 123.2.8 and Policy 123.11.4.

There are three general objectives of the EEPC Overlay:

1. Target strategic areas that can provide critical connections to other conservation lands that serve as the backbone for water resource management and wildlife movement within Southeast Lee County, consistent with Policy 33.2.3 of the Lee Plan;
2. Require development to be designed with the land, consistent with numerous Goals, Objectives, and Policies of the Lee Plan; and,
3. Provide a predictable way to assign appropriate increases in density as an incentive to offset the cost of the improvements needed to achieve the longstanding environmental goals of the Southeast DR/GR.

The first objective of the EEPC Overlay is to include lands that can provide strategic regional benefits while minimizing new and adverse impacts that would be inconsistent with the following conservation goals of Southeast Lee County:

1. Maintaining and enhancing the surface and groundwater resources;
2. Avoiding further loss of wetlands, and requiring any loss of wetlands within the DR/GR to be mitigated within the DR/GR;
3. Expanding the existing shallow and sandstone aquifer monitoring well system to be used as a resource management tool;
4. Restoring historic flow-ways;
5. Providing connectivity between larger, regionally significant preserves for mammal and herpefaunal movement;
6. Planning for public potable water well withdrawals to insure natural systems are not harmed;
7. Restoration of historic ecosystems;
8. Maintaining and enhancing woodstork foraging areas; and
9. Maintaining and enhancing agricultural operations.

The boundary of the EEPC Overlay is described in Policy 33.3.4 below:

**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.

The EEPC Overlay boundary is not being revised by these amendments.

#### Lee Plan Amendments

Attachment 1 to this staff report provides two versions of the proposed text amendments. The first identifies amendments to the Lee Plan as it is currently in effect and the second identifies amendments to the Lee Plan as it will become effective under pending Lee County Ordinance 19-13. Many of the provisions proposed to be amended by this application were modified by Ordinance 19-13. The analysis in the staff report is based on the current effective version of the Lee Plan; however, the analysis is applicable to both sets of proposed text amendments.

**Increased Residential Density:** The applicant is requesting the ability to increase the residential density in EEPCs by 15 percent. In order to justify the increase, the applicant is proposing that EEPCs provide an additional 5 percent open space for the entire project, increase surface water

storage and flood attenuation to assist with the implementation of Lee County's regional flood mitigation efforts, and provide surface water connections to adjacent flowways.

To implement this request, **Policy 33.3.4, subsection 3.e.** will be amended to allow a density increase of up to 15 percent if all of the following are provided as part of the planned development:

- i. A minimum of 65 percent open space, not including previously mined lakes;
- ii. Significant regional hydrological connections that further Lee County's flood mitigation and flowway restoration efforts by providing:
  - a. Physical surface water connections to allow surface water to flow to and from adjacent properties and off-site flowways (to be considered site-related improvements); and
  - b. Enhanced on-site surface water storage and flood attenuation.

The amendments will allow for an increased number of dwelling units to be approved through the rezoning process; however, the development footprint will not increase, additional open space will be required, and wildlife habitat area will not decrease. Applicants seeking the additional 15 percent density will also have to specifically demonstrate they are furthering flood mitigation and flowway restoration efforts of Lee County. The goal of Lee County's flood mitigation project is to reduce flooding at a regional scale. The proposed amendments would allow Lee County to work with private partners on a case-by-case basis to implement regional flood mitigation projects based on existing and historic flowways in exchange for an increase in density.

Currently, the only undeveloped property within the EEPC Overlay that could benefit from these amendments is Verdana Village, which is undergoing a concurrent rezoning review. Verdana Village is approximately 2,138 acres and could be approved for 2,138 dwelling units utilizing the current development incentives of the EEPC Overlay. If the proposed amendments are adopted, Verdana Village could be approved for up to 2,459 dwelling units, an increase of 321 dwelling units. The concurrent rezoning for Verdana Village, DCI2019-00018, requests a maximum of 2,400 dwelling units, an increase of 262 dwelling units.

The EEPC Overlay was initially adopted on September 5, 2015. In August and September of 2017, southwest Florida experienced two major rain events, Invest 92L and Hurricane Irma. These events resulted in significant flooding across Lee County. After immediate clean-up and removal of drainage obstructions, Lee County made observations, collected data, and created models to understand how the natural and manmade drainage features responded, with the goal being to reduce flooding on a larger regional scale. This effort is known as the Lee County Flood Mitigation Study.

Lee County has identified 1,820 cubic feet per second (CFS) of surface water moving from north to south in the Corkscrew Road East portion of the Lee County Flood Mitigation Study (from

Burgundy Farms Road to the eastern boarder of Lee County). To demonstrate consistency with the revised Policy 33.3.4, subsection 3.e., the applicant is proposing in their concurrent zoning for Verdana Village to restore two historic flowways that traverse the Verdana Village property and accommodate acceptance of 650 CFS of surface water (and provide additional storage), while maintaining the projects' permitted discharge rate to the south. The 650 CFS with additional flow represents approximately 1/3 of the flow of surface water identified in the Lee County Flood Mitigation Study.

The proposed amendments to **Policy 33.3.4, subsection 3.e.** promotes reestablishment of historic flow patterns and provides significant opportunity to mitigate flooding at a regional scale. Therefore this will provide enhanced regional hydrological benefits, consistent with the goal of Policy 33.3.4.

**Commercial Development:** In addition to the increased density, the applicant is requesting that commercial development, limited to Neighborhood Commercial uses, be allowed in EEPs. To accomplish the request, a new **subsection 4 to Lee Plan Policy 33.3.4** is proposed as provided below:

4. Commercial uses may be approved as part of a mixed use planned development if the project is found consistent with all of the following:
  - a. The project is a minimum of 2,000 acres;
  - b. The project consists of both residential and commercial development and meets the minimum requirements of this policy;
  - c. Wetlands may not be impacted by the commercial development area;
  - d. The project will be consistent with Policy 33.3.5 and will not exceed the allowable total square footage for commercial uses in Southeast Lee County;
  - e. Commercial uses and maximum floor area is limited to Neighborhood Commercial, as defined, and must not include any of the following uses: auto parts stores, lawn and garden supply stores, fuel pump stations, drycleaners (on-site), or any other use that is not compatible with protecting Southeast Lee County's environment.
  - f. Commercial development within the 6-month, 1-year, 5-year, or 10-year travel zones of the Wellfield Protection Ordinance must provide a total of 1.5" of treatment, ½ -inch of which must be completed via dry pretreatment, at a minimum. The entire commercial portion of the project will be considered to be within the most restrictive wellfield protection zone as provided in the Wellfield Protection Ordinance. Ground water quality monitoring well(s) for the Surficial Aquifer System

must be provided and located between Lee County's nearest production well(s) and the commercial development.

- g. The human wildlife coexistence plan required by subsection 2.f. of this policy must include a commercial component that at a minimum provides for bear-proof refuse containers, below ground grease traps, and prevents light spillage onto adjacent preserve areas.

As proposed, commercial development would only be allowed in planned developments containing at least 2,000 acres. In addition, no planned development would be able to have more than 100,000 square feet of commercial development. Design requirements specific to commercial development areas within EEPs are also proposed to ensure protection of Southeast Lee County's environment and Lee County's wellfield. The following must be demonstrated through the planned development rezoning: the uses do not impact wetlands; the uses will not impact wildlife (through additional requirements in the wildlife coexistence plan); additional surface water treatment is provided; and, groundwater monitoring will occur between the commercial uses and Lee County's wellfield. These requirements are in addition to the existing development requirements for EEPs, in whole, including: 60 percent of the project be open space; restoration of 55 percent of the property into wetland and upland preserves including exotic removal, re-grading of agricultural fields and replanting of native habitat; improvement of critical wildlife connections to adjacent public conservation lands; preservation of water resources through reductions in water use allocation and the use of native plants to reduce irrigation; elimination of irrigation for agricultural uses; restoration of historic flowways and connections to off-site flowways; and, required connection to sewer and water instead of use of well and septic.

As shown on the map of the Environmental Enhancement and Preservation Overlay (see next page), there are only two projects that meet the minimum size requirements for commercial uses – WildBlue and Verdana Village. WildBlue is approximately 2,960 acres and Verdana Village, currently under review, is 2,138 acres.

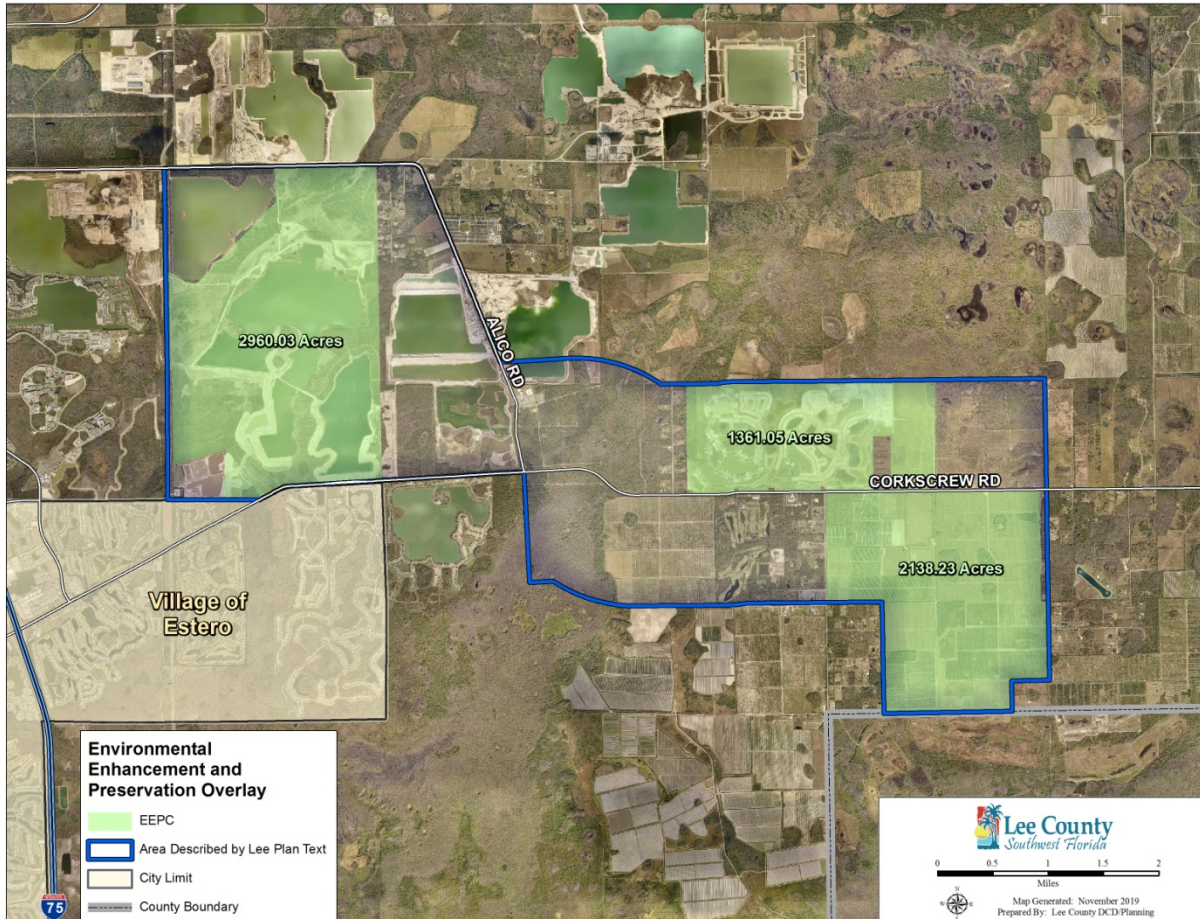
The cumulative amount of commercial uses in the Southeast Lee County community plan area will be limited to a maximum of 300,000 square feet as proposed in **Policy 33.3.5**:

**Policy 33.3.5: Commercial uses may only be permitted if incorporated into a Mixed-Use Community, Environmental Enhancement and Preservation Community, or Rural Golf Course Community depicted on Map 17. The maximum commercial floor area that may be approved within the Southeast Lee County community plan area may not exceed 300,000 square feet.**

The 300,000 square feet of commercial development is currently identified in Policy 33.3.2, specific to Mixed-Use Communities. The 300,000 square foot threshold is proposed to be removed from Policy 33.3.2, as shown in Attachment 1; this allows for the appropriate amount



of commercial development for the Southeast Lee County Community Plan area to be established in a single policy, Policy 33.3.5, and to be distributed between Mixed-Use Communities, Rural Golf Course Communities and EEPs depicted on Lee Plan Map 17. The combined amendments to Policy 33.3.2 and 33.3.5 result in no increase to the amount of commercial development currently allowed within Southeast Lee County.



Currently there are approximately 41,000 square feet of commercial uses approved or built within the Southeast Lee County Community Plan area: Wildblue, as previously stated, is about 2,960 acres, and has been approved for 40,000 square feet of commercial uses; and the Corkscrew Country Store, located at the southwest intersection of Corkscrew and Carter Roads, has approximately 1,000 square feet of commercial uses. An additional 100,000 square feet of commercial development has been requested in conjunction with the Old Corkscrew Golf Club, a Rural Golf Course Community depicted on Map 17. Mixed-Use Communities (Policy 33.3.2) have been designated on Map 17 since 2010 and are allowed commercial uses; however, it is important to note that there is not adequate water and sewer infrastructure to serve the Mixed-Use Communities located along S.R. 82 and none have been developed. Lee County

Utilities is able to provide water and sewer services to the approved developments along Corkscrew Road.

The proposed amendments to Policy 33.3.4 subsection 4 will protect public water resources through the planned development rezoning process. No significant impacts to present or future water resources are expected as a result of the proposed amendments which could allow commercial uses in proximity to Lee County's wellfield; the amendments are consistent with Lee Plan Policies 2.4.2 and 2.4.3.

**Cessation of Agricultural Uses:** Revisions to **Policy 33.3.4 subsections 2e and 2i** are proposed to clarify the timing of agricultural use cessation and recording of conservation easements.

- e. Record a Conservation Easement for a minimum of 55 percent of the planned development, not including previously mined lakes, to be dedicated to the appropriate maintenance entity that provides Lee County, or some other public agency acceptable to Lee County, with third party enforcement rights. All Conservation Easements required as part of the planned development must be recorded within 5 years from first development order approval.
- i. ~~Elimination of any agricultural uses, including the use of I-rrigation and fertilizers (or other chemicals) for agricultural purposes,~~ must be entirely eliminated at time of first development order approval for row crops and no later than 5 years from first development order approval for citrus groves. If cessation of citrus groves is to be phased, a phasing plan provided at the time of zoning must demonstrate regional environmental benefits, including but not limited to regional or historic surface water and wildlife connections, occurring with the first phase of development.

The amendment clarifies that agricultural uses will cease at the time of first DO or within 5 years if a phasing plan is provided .Upon the cessation of the agricultural uses, the conservation easement for the restoration areas will be recorded.

#### **PART 4 INFRASTRUCTURE AND SERVICES**

Transportation/Traffic Circulation Impacts: The applicant's consultant, David Plummer & Associates (DPA), provided a traffic analysis dated September 12, 2019 in conjunction with this request. The submittal analyzed a total residential density of 2,520 residential units and 100,000 square feet of commercial along the south side of Corkscrew Road. The area of the subject application includes three prior plan amendments also known as CAM40 (40 residential units in concurrent CPA2019-00005), Pepperland Ranch (700 residential units in approved CPA2016-00003), and Verdana (1,460 residential units in approved CPA2016-00009).



The applicant has indicated that no dwelling units or commercial development are planned to be completed and occupied within five years. As a result the applicant did not submit a five year analysis. Given the likely time frame to remove existing orange groves, design and permit the site, and construct site infrastructure, this is acceptable to staff. Table 18 of the 2019 Public Facilities Level of Service Inventory and Concurrency Report indicates that Corkscrew Road is anticipated to operate at an acceptable level of service in the year 2023.

The 2018 and forecast 2023 level of service on Corkscrew Road within the three mile study area from the report are summarized in Table 1. The 2023 forecast includes approved development orders for buildout of The Place at Corkscrew.

**Table 1: Five Year Level of Service Analysis**

| Roadway        | From            | To                  | 2018 Existing Level of Service | 2023 Forecast Level of Service |
|----------------|-----------------|---------------------|--------------------------------|--------------------------------|
| Corkscrew Road | Alico Road      | Six L's Farm Rd     | B                              | C                              |
| Corkscrew Road | Six L's Farm Rd | Collier County line | B                              | C                              |

The applicant's traffic study focused on the potential transportation impacts with (Exhibit 3 of the September 12, 2019 DPA analysis) and without (Exhibit 2 of the September 12, 2019 DPA analysis) the development in 2040. The study accounted for existing and approved area development along Corkscrew Road. This included the EEPKO projects WildBlue, The Place at Corkscrew, CAM40, Pepperland Ranch, and Verdana, as well as projects along Corkscrew Road west of Alico Road.

Both Exhibit 2 and 3 indicate that all roadway segments of Corkscrew Road within the three mile study area will operate at or better than the acceptable level of service standard in Lee Plan Policy 95.1.3. Staff agrees with the applicant's level of service determination and summarizes the Exhibit 2 and 3 level of service findings below in Table 2.

**Table 2: Twenty Year (2040) Level of Service Analysis**

| Roadway        | From             | To                  | Level of Service Without Text Amendment | Level of Service With Text Amendment |
|----------------|------------------|---------------------|---|--------------------------------------|
| Corkscrew Road | Alico Road       | Six L's Farm Rd     | D                                       | D                                    |
| Corkscrew Road | Six L's Farm Rd  | Project entrance    | C                                       | C                                    |
| Corkscrew Road | Project entrance | TPI Rd              | B                                       | B                                    |
| Corkscrew Road | TPI Rd           | Collier County line | A                                       | B                                    |

School Impacts: The School District of Lee County reviewed the potential increase in residential dwelling units and found that capacity is not an issue within the Concurrency Service Areas.

Solid Waste Collection Service: Lee County Solid Waste will be capable of serving the proposed additional development with adequate solid waste collection services.

Mass Transit Service: Currently, the EEPC Overlay is outside of LeeTran's ¼ mile fixed route buffer and the ¾ mile ADA Service Corridor. The current Transit Development Plan (TDP) does not identify expansion of LeeTran's transit service in this area as a need within the 10-year horizon of the document.

Emergency Medical Services (EMS): Lee County EMS has identified concerns with not being able to accommodate the proposed additional development. There are two EMS stations within proximity (approximately 7 miles): Station 21 and Station 25. An evaluation of current response times along Corkscrew Road in that vicinity, as well as drive time modeling, suggests that existing service standards as required in County Ordinance 08-16 will not be met. The applicant will be required to address this deficiency as part of the concurrent zoning case as required by Policy 33.3.4.2.m.

Police Service: The proposed amendments do not affect the ability of the Lee County Sheriff's Office to provide core services as this time. Service to the general area of the EEPC Overlay will be provided primarily from the South District Office in Bonita Springs with supplemental support from City of Bonita Springs contract deputies.

Fire Protection Service: The Estero Fire Rescue Service District is able to serve the proposed additional development with fire protection and non-transport emergency medical services. An additional fire station is planned for the general area of the EEPC Overlay in 3 – 5 years.

Utilities Service: Lee County Utilities will be able to serve the proposed additional development with adequate potable water and sanitary sewer services.

## **PART 5 CONCLUSIONS**

Staff is recommending amendments to Goals 1, 6, and 33 of the Lee Plan that would: Allow development of neighborhood commercial uses which are consistent with wellfield protection within EEPCs that have a minimum area of 2,000 acres; allow up to 15 percent more residential units within EEPCs when enhanced regional benefits are provided; clarify timing of agricultural use cessation and recording of conservation easements for EEPCs; and provide a threshold of 300,000 square feet for commercial development in Southeast Lee County.

As discussed in this staff report, the proposed amendments:

- Will not cause the development footprints to increase, additional open space will be required, and wildlife habit area will not decrease;

- Promote the reestablishment of historic flow patterns and provides significant opportunity to mitigate flooding at a regional scale;
- Will not increase to the amount of commercial development currently allowed within the Southeast Lee County Community Plan area;
- Are consistent with Lee Plan Policies 2.4.2 and 2.4.3, and will protect public water resources through the planned development rezoning process; and
- Result in no significant impacts on present or future water resources.

**Recommendation:** Staff recommends that the Board of County Commissioners *transmit* the proposed amendments, as identified in Attachment 1.

**PART 6**  
**LOCAL PLANNING AGENCY**  
**REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: December 9, 2019

**A. LOCAL PLANNING AGENCY REVIEW:**

Prior to the start of the Public Hearing one member of the LPA stated that they had a conflict of interest and would abstain from voting on the proposed amendment.

The applicant's representatives provided a detailed presentation of the proposed amendments including existing conditions, the concurrent rezoning application, an overview of the EEPKO, changing development patterns, environmental impacts, water resources, wellfield protection, commercial needs analysis, transportation impacts, enhanced regional environmental benefits, restoration strategy, and Lee Plan consistency.

Following the applicant's presentation, staff provided a brief overview of the amendment including staff's conclusions and recommendation.

Members of the LPA requested clarification about hydrologic connections across Corkscrew Road, benefits to water resources, enhancements to surface water management systems; impacts to traffic; and how the amendments would apply to future EEPKO's.

One member of the public addressed the LPA and expressed concerns regarding the proposed amount of commercial, legitimacy of increased regional enhancements, status of the transportation study, and impacts to panther movement.

**B. LOCAL PLANNING AGENCY RECOMMENDATION:**

A motion was made to recommend the Board of County Commissioners *transmit* CPA2019-00008 for state review. The motion included a request to ensure that the phasing of the restoration is tied to the phasing of the development. The motion passed 6 to 0.

**VOTE:**

|                           |                |
|---------------------------|----------------|
| <b>RAYMOND BLACKSMITH</b> | <b>ABSTAIN</b> |
| <b>RHONDA BREWER</b>      | <b>AYE</b>     |
| <b>JAMES INK</b>          | <b>AYE</b>     |
| <b>DON SCHROTENBOER</b>   | <b>AYE</b>     |
| <b>KRISTINE SMALE</b>     | <b>AYE</b>     |
| <b>STAN STOUWER</b>       | <b>AYE</b>     |
| <b>HENRY ZUBA</b>         | <b>AYE</b>     |

**C. STAFF RESPONSE AND RECOMMENDATION:**

In response to the LPA’s request regarding phasing, the phasing schedules for restoration and development will be determined as part of the concurrent planned development and implemented through the development order process.

Staff continues to recommend that the Board of County Commissioners *transmit* the proposed amendments, as identified in Attachment 1.

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

DATE OF PUBLIC HEARING: January 22, 2020

**A. BOARD REVIEW:**

Staff provided a brief presentation for the proposed amendments which provided a summary of the proposed amendments, and the LPA and staff recommendations.

The applicant provided a detailed presentation that included an overview of the proposed amendments, an analysis of the need for commercial uses, hydrological benefits, flowway restoration, stormwater retention, trip capture, and Lee Plan consistency.

One member of the public addressed the Board of County Commissioners concerning the proposed amendments. She was concerned about allowing commercial development in this area of Southeast Lee County.

**B. BOARD ACTION:**

A motion was made to transmit CPA2019-00008 as recommended by staff and the LPA. The motion was passed 5 to 0.

**VOTE:**

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

**PART 8  
STATE REVIEWING AGENCIES'  
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS**

Comments from the State Reviewing Agencies were due to Lee County by February 28, 2020.

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

There were no objections concerning the proposed amendments. A technical assistance comment was received from the Florida Department of Transportation as discussed below.

**FDOT:**

**Technical Assistance Statement #1:**

- *Bicycle and Pedestrian - Consistent with Lee Plan Transportation Element Policies 39.6.1-4, the Department recommends that sidewalks be included as part of the subject development plan to encourage connectivity to the development and provide safe access to the surrounding community. The Department also recommends that the County coordinate with the applicant and the neighboring development owners to construct a robust interconnected multimodal transportation network (bicycle and pedestrian facilities) along the local roads to encourage connectivity to the development.*

- *Schools - As the CPA proposes an increase in residential units, it is recommended the subject site include and provide pedestrian and bicycle connections to the multimodal network, internally and along the property boundaries, to provide connections to the local schools.*
- *Multimodal - FDOT encourages the Lee County to promote the use of multimodal alternatives within the planning and development of communities that aid in mitigating potential transportation impacts, promote safety and economic development, and improve quality of life for all communities in the County. These development types help to decrease overall passenger vehicle trips on the roadway network 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 encourage quality of life, and incorporates all modes of transportation.*
- *Transit - Consistent with Lee Plan Transportation Element Policies 43.1.1-4, the Department recommends that the applicant to partner with the County, LeeTran and other neighboring property owners regarding either the potential expansion of the existing route (Route 60) or adding a new transit route with bus stops along the nearby roadways to service the residents of the subject development and surrounding area, as they help with the reduction of automobile dependency on the local and regional roadway network.*

#### **Response to FDOT Statements #1**

Lee County staff appreciates the technical guidance provided by Florida Department of Transportation. The subject property is undergoing planned development rezoning concurrently with this plan amendment request (DCI2019-00018). The planned development will provide internal sidewalks for pedestrian and bicycle. Other comments will be reviewed and considered through the rezoning and local development order processes.

#### **B. STAFF RECOMMENDATION**

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

**The following amendments are based on the current Lee Plan (as of April 22, 2020)**

**II. Future Land Use**

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**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.

- 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, and 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, Environmental Enhancement and Preservation Communities, and Rural Golf Course Communities that are depicted on Map 17 to the extent specifically provided in those policies.

(Ordinance No. 91-19, 94-30, 99-16, 02-02, 10-20, 12-24, 15-13, 18-18)

- Remove out-of-date cross-references
- Add references to EEPCs and Rural Golf Course Communities that will be able to have commercial uses in addition to Mixed-Use Communities identified on Map 17

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**POLICY 6.1.2:** Commercial development in non-urban future land use categories is limited to Minor Commercial except that;

- Neighborhood Commercial uses serving the Lee County Civic Center are permitted within one quarter mile of SR31 between North River Road and the Caloosahatchee River in the North Olga Community Planning Area and may be expanded to Community Commercial when approved as part of a planned development that is located at the intersection of two arterial roadways and has direct access to, or the ability to extend, existing water and sanitary sewer utilities.
- Neighborhood Commercial uses are permitted in the Southeast Lee County Planning Community as provided for in Objectives 13.3 and 33.3.

Minor Commercial development may include limited commercial uses serving rural areas and agricultural needs, and commercial marinas. Minor Commercial development must be located so that the retail use, including buildings and outdoor sales area, is located at the intersection (within 330 feet of the adjoining rights-of-way of the intersecting roads) of arterial and collector roads or two collector roads with direct access to both intersecting roads. Direct access may be achieved with an internal access road to either intersecting roads. On islands, without an intersecting network of collector and arterial roads, commercial development may be located at the intersection of local and collector, or local and arterial, or collector and collector roads.

(Ordinance No. 93-25, 94-30, 98-09, 99-15, 99-18, 00- 22, 02-02, 07-09, 10-05, 10-16, 10-19, 10-40, 11-18, 16-07, 17-13)

- Add cross reference for Lee Plan internal consistency

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**POLICY 33.3.2:** Map 17 identifies future locations for Mixed-Use Communities where development rights can be concentrated from large Southeast Lee County tracts into Traditional Neighborhood Developments. The preferred pattern for residential development is to cluster density within Mixed-Use Communities along existing roads and away from Future Limerock Mining areas.

1. Southeast Lee County Mixed-Use Communities must be concentrated from contiguous property owned under single ownership or control. Residential density is calculated from the upland and wetland acreage of the entire contiguous Southeast Lee County property. Increases in residential densities may be approved through incentives as specified in the LDC for permanent protection of indigenous native uplands on the contiguous tract (up to one extra dwelling unit allowed for each five acres of preserved or restored indigenous native uplands) and through the acquisition of TDUs from TDR sending areas within Southeast Lee County as provided in Objective 33.4.

~~e. Additional intensity created using TDUs may not exceed 300,000 square feet of non-residential floor area for the entire Mixed Use Community.~~

4. Commercial uses developed as part of a Mixed-Use Community will be consistent with Policy 33.3.5 and will not exceed the allowable total square footage for commercial uses in Southeast Lee County.

(Ordinance No. 10-43, 12-24, 17-13)

- Update for Lee Plan internal consistency
- Commercial development for all of Southeast Lee County Community Plan area is limited to 300,000 square feet by new Policy 33.3.5

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**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~~may be granted if the project is found consistent with and demonstrates through a planned development rezoning the following:

2. The property is rezoned to a planned development that meets the following:

- e. Record a Conservation Easement for a minimum of 55 percent of the planned development, not including previously mined lakes, to be dedicated to the appropriate maintenance entity that provides Lee County, or some other public agency acceptable to Lee County, with third party enforcement rights. All Conservation Easements required as part of the planned development must be recorded within 5 years from first development order approval.
- i. ~~Elimination of any agricultural uses, including the use of irrigation and fertilizers (or other chemicals) for agricultural purposes~~ must be entirely eliminated at time of first development order approval for row crops and no later than 5 years from first development order approval for citrus groves. If cessation of citrus groves is to be phased, a phasing plan provided at the time of zoning must demonstrate regional environmental benefits, including but not limited to regional or historic surface water and wildlife connections, occurring with the first phase of development.

- Clarify timing of agricultural use cessation and recording of conservation easements for EEPCs

\*\*\*\*\*

3. In recognition of the preservation, enhancement, and protection of regional flowways and natural habitat corridors, the interconnection with existing off-site conservation areas, and the significant enhancement, preservation and protection of these lands, additional density may be approved through planned developments meeting the criteria and requirements outlined above as follows:

- e. Additional dwelling units may be approved in the planned development by using any combination of the following: ~~meeting the requirements in subsection 2 of this Policy if transferred~~

- 1) Utilize the Southeast Lee County TDR program to transfer dwelling units from other Southeast Lee County lands located outside of the planned development pursuant to Policy 33.4.2. at the standard density of 1 unit per 10 acres for DR/GR lands and 1 unit per 20 acres for Wetlands future land use category if density rights are extinguished through an instrument acceptable to the County Attorney's Office. Dwelling units transferred from other Southeast Lee County lands will be counted against the 2,000 dwelling unit limitation for Southeast Lee County receiving parcels identified in the Southeast Lee County TDR program.
  - 2) Provide all of the following as part of the planned development for a density increase of up to 15 percent:
    - i. A minimum of 65 percent open space, not including previously mined lakes; and
    - ii. Significant regional hydrological connections that further Lee County's flood mitigation and flowway restoration efforts by providing:
      - a. Physical surface water connections to allow surface water to flow to and from adjacent properties and off-site flowways (to be considered site-related improvements); and
      - b. Enhanced on-site surface water storage and flood attenuation.
- **Allow up to an additional 15% residential units within EEPs when enhanced regional benefits are provided through a planned development rezoning**
4. Commercial uses may be approved as part of a mixed use planned development if the project is found consistent with all of the following:
    - a. The project is a minimum of 2,000 acres;
    - b. The project consists of both residential and commercial development and meets the minimum requirements of this policy;
    - c. Wetlands may not be impacted by the commercial development area;
    - d. The project will be consistent with Policy 33.3.5 and will not exceed the allowable total square footage for commercial uses in Southeast Lee County;
    - e. Commercial uses and maximum floor area is limited to Neighborhood Commercial, as defined, and must not include any of the following uses: auto parts stores, lawn and garden supply stores, fuel pump stations, drycleaners (on-

site), or any other use that is not compatible with protecting Southeast Lee County's environment.

- f. Commercial development within the 6-month, 1-year, 5-year, or 10-year travel zones of the Wellfield Protection Ordinance must provide a total of 1.5" of treatment, 1/2 -inch of which must be completed via dry pretreatment, at a minimum. The entire commercial portion of the project will be considered to be within the most restrictive wellfield protection zone as provided in the Wellfield Protection Ordinance. Ground water quality monitoring well(s) for the Surficial Aquifer System must be provided and located between Lee County's nearest production well(s) and the commercial development.
- g. The human wildlife coexistence plan required by subsection 2.f. of this policy must include a commercial component that at a minimum provides for bear-proof refuse containers, below ground grease traps, and prevents light spillage onto adjacent preserve areas.  
(Ordinance No. 15-13, 15-14, 17-13, 17-24, 19-13)

- Allow development of neighborhood commercial uses which are consistent with wellfield protection within EEPs that have a minimum area of 2,000 acres.

\*\*\*\*\*

**POLICY 33.3.5:** Commercial uses may only be permitted if incorporated into a Mixed-Use Community, Environmental Enhancement and Preservation Community, or Rural Golf Course Community depicted on Map 17. The maximum commercial floor area that may be approved within the Southeast Lee County community plan area may not exceed 300,000 square feet.

- Add policy within Goal 33: Southeast Lee County which limits commercial uses to 300,000 square feet within the Southeast Lee County community plan area.

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**POLICY 33.4.2:** The Southeast Lee County TDR program will have the following characteristics:

2. Receiving area density and intensity equivalents of Southeast Lee County TDUs.

- d. In Environmental Enhancement and Preservation Communities identified on Map 17, each Southeast Lee County TDU credit may be redeemed for a maximum of one (1) dwelling unit per 10 acres using credits from DR/GR sending areas and a

maximum of one (1) dwelling unit per 20 acres using credits from wetland sending areas.

e. No more than 2,000 dwelling units may be placed on receiving parcels identified in subsections a. through de. above using the Southeast Lee County TDR program.

*Accordingly, subsection e. is re-lettered to f.*

- Relocates the ability to transfer density from Southeast Lee County using the Southeast Lee County TDR program to Objective 33.4: Southeast Lee County Transfer of Development Rights (TDR) Program.
- Does **not** change transfer rate or sending/receiving areas

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## **XII. Glossary**

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**Future Non-Urban Areas** – Those categories on the Future Land Use Map that are designated primarily for single use development with a density equal to or less than 1 unit per acres unless otherwise allowed within a special treatment area identified in Objective 1.7: Rural, Rural Community Preserve, Coastal Rural, Outer Island, Open Lands, Wetlands, Conservation Lands (upland and wetland), New Community within the North Olga Planning Community and Density Reduction/Groundwater Resource.

- Clarifies that incentives provided as part of a special treatment area will not impact its classification as Future Non-Urban.

**AGENCY  
COMMENTS**

**CPA2019-00008**

**EEPCO**

**Ron DeSantis**  
GOVERNOR



**Ken Lawson**  
EXECUTIVE DIRECTOR

January 29, 2020



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

Dear Ms. Rozdolski:

Thank you for submitting Lee County's proposed comprehensive plan amendments submitted for our review pursuant to the Expedited State Review process. The reference number for this amendment package is **Lee County 20-01ESR**.

The proposed submission package will be reviewed pursuant to Section 163.3184(3), Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. You will receive the Department's Comment Letter no later than **February 28, 2020**.

If you have any questions please contact Anita Franklin, Plan Processor at (850) 717-8486 or Barbara Powell, Regional Planning Administrator, whom will be overseeing the review of the amendments, at (850) 717-8504.

Sincerely,

D. Ray Eubanks, Administrator  
Plan Review and Processing

DRE/af

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.FloridaJobs.org](http://www.FloridaJobs.org)  
[www.twitter.com/FLDEO](https://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](https://www.facebook.com/FLDEO)

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**Ron DeSantis**  
GOVERNOR



**Ken Lawson**  
EXECUTIVE DIRECTOR

**MEMORANDUM**

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

**DATE:** January 29, 2020

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

**LOCAL GOVERNMENT/ STATE LAND PLANNING AGENCY AMENDMENT #: LEE CO 20-01ESR**

**STATE LAND PLANNING AGENCY CONTACT PERSON/PHONE NUMBER: Barbara Powell/(850)717-8504**

The referenced proposed comprehensive plan amendment is being reviewed pursuant to the Expedited State Review Process according to the provisions of Section 163.3184(3), Florida Statutes. Please review the proposed documents for consistency with applicable provisions of Chapter 163, Florida Statutes.

Please note that your comments must be sent directly to and received by the above referenced local government within 30 days of receipt of the proposed amendment package. A copy of any comments shall be sent directly to the local government and to the State Land Planning Agency to the attention of Ray Eubanks, Administrator, Plan Review and Processing at the Department E-mail address: [DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)

Please use the above referenced State Land Planning Agency AMENDMENT NUMBER on all correspondence related to this amendment.

Note: Review Agencies - The local government has indicated that they have mailed the proposed amendment *directly to your agency*. See attached transmittal letter. *Be sure to contact the local government if you have not received the amendment*. Also, letter to the local government from State Land Planning Agency acknowledging receipt of amendment is attached.

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John E. Manning  
District One

Cecil L. Pendergrass  
District Two

Ray Sandelli  
District Three

Brian Hamman  
District Four

Frank Mann  
District Five

Roger Desjarlais  
County Manager

Richard Wesch  
County Attorney

Donna Marie Collins  
County Hearing  
Examiner

January 24, 2020

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

**Re: Amendment to the Lee Plan  
Transmittal Submission Package  
CPA2019-00008, EEPKO Text Amendment**

RECEIVED

*Div. of Community Planning and Growth*

JAN 29 2020

Div. of Community Development  
Dept. Economic Opportunity

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, please find attached the proposed Comprehensive Plan Amendment, known locally as CPA2019-00008 (EEPKO Text Amendments). The proposed amendment is being submitted through the expedited state review process as described in Chapter 163.3184. The amendment is as follows:

**CPA2019-00008, EEPKO Text Amendments:**

Amend language in Lee Plan Goals 1, 6, and 33 to establish provisions for allowing neighborhood commercial uses, increased residential density, and to clarify timing of agricultural use cessation and recording of conservation easements for certain residential and mixed-used developments located in Southeast Lee County.

The Local Planning Agency held a public hearing for the plan amendment on December 9, 2019. The Board of County Commissioners voted to transmit the amendment on January 22, 2020. The proposed amendments are not applicable to an area of critical state concern. The Board of County Commissioners stated their intent to hold an adoption hearing following the receipt of the review agencies' comments.

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

Mr. Brandon Dunn, Principal Planner  
Lee County Planning Section  
P.O. Box 398  
Fort Myers, Florida 33902-0398  
(239) 533-8585  
Email: [bdunn@leegov.com](mailto:bdunn@leegov.com)

P.O. Box 398, Fort Myers, Florida 33902-0398 Phone: (239) 533-2111

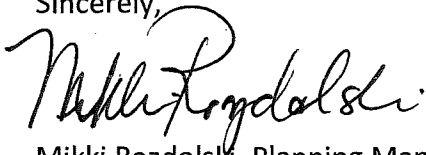
[www.leegov.com](http://www.leegov.com)

AN EQUAL OPPORTUNITY EMPLOYER



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

Sincerely,



Mikki Rozdolski, Planning Manager

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

All documents and reports attendant to this transmittal are also being sent by copy of this cover in an electronic format to:

Comprehensive Plan Review  
Department of Agriculture and Consumer Services

Mark Weigly  
Department of Education

Plan Review  
Department of Environmental Protection

Deena Woodward  
Florida Department of State

Scott Sanders  
Florida Fish and Wildlife Conservation Commission

Sarah Catala  
FDOT District One

Margaret Wuerstle  
Southwest Florida Regional Planning Council

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

**Ron DeSantis**  
GOVERNOR



**Ken Lawson**  
EXECUTIVE DIRECTOR

February 26, 2020

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

Dear Chairman Brian Hamman:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for Lee County (Amendment No. 20-01ESR) received on January 29, 2020. 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:

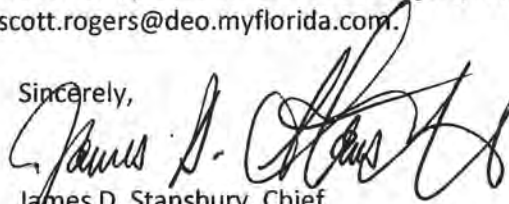
- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the County. **If the County receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, 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.

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

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is fluid and cursive, with a long horizontal stroke at the end.

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.

## Miller, Janet

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**From:** Dunn, Brandon  
**Sent:** Thursday, February 06, 2020 9:18 AM  
**To:** Rozdolski, Mikki; Miller, Janet  
**Subject:** FW: Lee County 20-01ESR (CPA2019-00008, EEPKO Text Amendment)

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**From:** Hoehn, Ted [<mailto:ted.hoehn@MyFWC.com>]  
**Sent:** Thursday, February 06, 2020 8:42 AM  
**To:** Dunn, Brandon; [DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com); Ganey, Jessica; Keltner, James  
**Subject:** [EXTERNAL] Lee County 20-01ESR (CPA2019-00008, EEPKO Text Amendment)

Dear Mr. Dunn:

Florida Fish and Wildlife Conservation Commission (FWC) staff 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. 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).

Sincerely,

Ted Hoehn  
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) 488-8792

Lee County 20-1ESR\_41070\_02062020

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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, February 14, 2020 7:53 AM  
**To:** Miller, Janet  
**Cc:** Rozdolski, Mikki; Beals, Nathan  
**Subject:** FW: Lee County, DEO #20-1ESR Comments on Proposed Comprehensive Plan Amendment Package

FYI...

---

**From:** Oblaczynski, Deborah [<mailto:doblaczy@sfwmd.gov>]  
**Sent:** Friday, February 14, 2020 7:28 AM  
**To:** Rozdolski, Mikki  
**Cc:** Dunn, Brandon; Eubanks, Ray; Barbara Powell ([barbara.powell@deo.myflorida.com](mailto:barbara.powell@deo.myflorida.com)); ext-Wuerstle, Margaret (swfrpc.org); 'Ray Eubanks'  
**Subject:** Lee County, DEO #20-1ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Ms. Rozdolski:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Lee County (County). The text amendments revise the Lee Plan Goals 1, 6, and 33 for residential and commercial development within the Southeast Lee County Community Area. The proposed changes do not appear to adversely impact the water resources within the District; however, the District has the following comment on Regional Water Supply Planning:

- The County is located within the boundaries of the Lower West Coast (LWC) Planning Area. On December 11, 2017, the Governing Board of the South Florida Water Management District (District) approved the 2017 Lower West Coast Water Supply Plan Update (LWC Plan). Pursuant to Section 163.3177(6)(c)3, Florida Statutes the County was required to update their Water Supply Facilities Work Plan (Work Plan) by **June 14, 2019** (within 18 months after approval of the updated supply plan). The County was reminded by the District of this requirement to update the Work Plan on **September 6, 2018, September 27, 2018, and March 4, 2019**. The District also provided informal review comments on a draft Work Plan on June 11, 2019. The District has not yet received the proposed Work Plan amendment for review.

The County's update of the Work Plan will need to include updated water demand projections for the identified planning period. The Work Plan must cover at least a 10-year planning period and identify alternative and traditional water supply projects, and conservation and reuse activities needed to meet the projected future demands. Planning tools are available on the District's website for your use and District Staff are available to provide technical assistance to update the Work Plan, including reviewing draft Work Plans prior to formal plan amendment submittal. The planning tools are located at this link:

<https://www.sfwmd.gov/doing-business-with-us/work-plans>

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

Sincerely,

Deb Oblaczynski  
Policy & Planning Analyst  
Water Supply Implementation Unit

South Florida Water Management District  
3301 Gun Club Road  
West Palm Beach, FL 33406  
(561) 682-2544 or email: [doblaczy@sfwmd.gov](mailto:doblaczy@sfwmd.gov)

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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, February 14, 2020 9:40 AM  
**To:** Miller, Janet  
**Cc:** Rozdolski, Mikki  
**Subject:** FW: Proposed CPA 20-01ESR / Lee County / Expedited State Review / No Comment  
**Attachments:** Proposed\_20-01ESR\_Lee County\_CPA\_FDOT Review Letter.pdf

FYI...

---

**From:** Suguri, Vitor [<mailto:Vitor.Suguri@dot.state.fl.us>]  
**Sent:** Friday, February 14, 2020 9:37 AM  
**To:** Dunn, Brandon  
**Cc:** DEO - CPA Comments ([DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)); ext-Wuerstle, Margaret (swfrpc.org); Ambikapathy, Babuji; Zaballero, Joedel; Engala, Todd; Reina, Bessie  
**Subject:** [EXTERNAL] Proposed CPA 20-01ESR / Lee County / Expedited State Review / No Comment

Mr. Dunn,

FDOT reviewed Lee County's proposed Comprehensive Plan Amendment (CPA) package 20-01ESR, determining that the proposed amendment has no significant adverse impacts on transportation resources or facilities of state importance.

**FDOT Review Comment:** FDOT, District One does **NOT** provide comments that challenge CPA 20-01ESR. However, technical assistance statements are provided and should be considered.

FDOT appreciates your commitment to intergovernmental coordination and the opportunity to review and comment on the proposed amendment.

Enclosed in this email is the formal review letter.

Thank you,

**Vitor Suguri, Ph.D.**  
Community Planner  
Florida Department of Transportation - District One  
10041 Daniels Parkway  
Fort Myers, FL 33913  
(239) 225-1959 - Desk  
(863) 221-1707 - Cell





## Florida Department of Transportation

RON DESANTIS  
GOVERNOR

10041 Daniels Parkway  
Fort Myers, FL 33913

KEVIN J. THIBAUT, P.E.  
SECRETARY

February 14, 2020

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

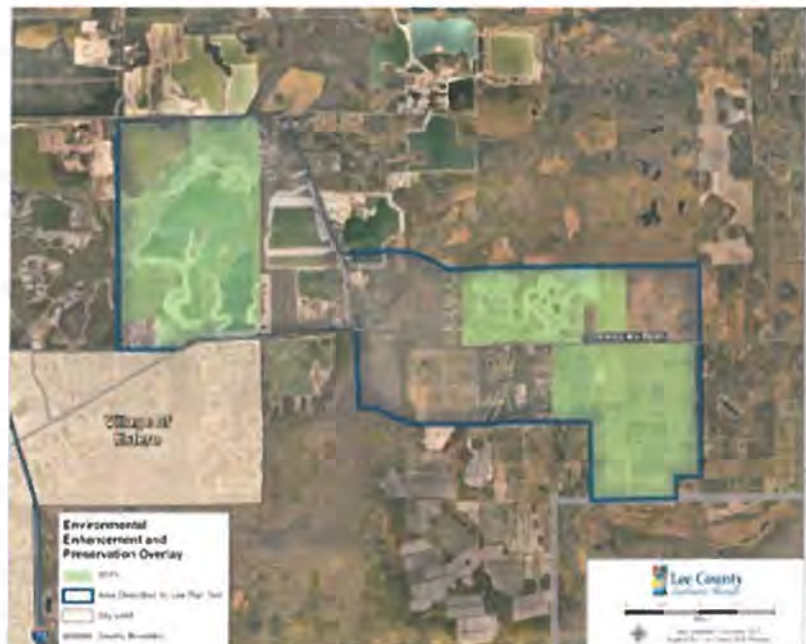
**Subject: Lee County 20-01ESR  
Proposed Comprehensive Plan Amendment  
Expedited State Review Process – FDOT Review Letter**

Dear Mr. Dunn:

Pursuant to Section 163.3184(3), Florida Statutes (F.S.), in its role as a reviewing agency as identified in Section 163.3184(1)(c), F.S., the Florida Department of Transportation (FDOT) reviewed proposed amendment Lee County 20-01ESR.

### AMENDMENT BACKGROUND INFORMATION:

The privately initiated text amendment locally known as CPA2019-0008 (Environmental Enhancement and Preservation Communities Overlay (EECPO) Text Amendments) includes changes to Lee County's Comprehensive Plan (Lee Plan) Future Land Use Element (FLUE) and proposes to amend language in Lee Plan Goal 1, 6 and 33 to establish provisions for allowing neighborhood commercial use, increased residential density, and to clarify timing of agriculture use cessation and recording of



conservation easement for certain residential and mixed-use developments located in Southeast Lee County.

The text amendments related to residential development are specific to properties in the EEPC Overlay, shown in the attached map. The text amendments related to commercial development apply to all properties within Southeast Lee County to address commercial development/needs in Southeast Lee County cumulatively and to maintain internal consistency within the Lee Plan.

The applicant has filed a companion rezoning application (DCI2019-00018) that is being reviewed concurrently with this plan amendment application. The rezoning application is to rezone approximately 2,138 acres within the EEPC Overlay from Residential Planned Development, Mixed-Use Planned Development, and Agricultural to a unified Mixed Use Planned Development to allow a maximum of 2,400 residential dwelling units and 100,000 square feet of commercial uses.

The requested amendments will allow an increase to the number of dwelling units allowed within EEPCs when enhanced regional environmental benefits are provided as part of an approved planned development rezoning and development of up to 100,000 square feet of neighborhood commercial uses within EEPCs that have an area of 2,000 acres or more. Also, amendments are proposed to clarify the timing of the cessation of agricultural uses and the recording of conservation easements for EEPCs and to limit the total amount of commercial development allowed in Southeast Lee County to a maximum of 300,000 square feet.

The following is a summary of the proposed changes to Lee Plan with applicable review comments.

- *Future Land Use*

Amends Policy 1.4.5 of the FLUE to remove out-of-date cross-references and add references to EEPCs and Rural Golf Course Communities that will be able to have commercial uses in addition to Mixed-Use Communities identified on Map 17.

Amends Policy 6.1.2 of the FLUE to add cross-reference for Lee Plan internal consistency.

Amends 33.3.2 to update Lee Plan internal consistency and to limit commercial development for all of the Southeast Lee County Community Plan area is limited to 300,000 square feet by new Policy 33.3.5.

Amends Policy 33.3.4.2 to clarify the timing of agricultural use cessation and recording of conservation easements for EEPCs.

Amends Policy 33.3.4.3e to allow up to an additional 15% residential units within EEPCs when enhanced regional benefits are provided through a planned development rezoning.



Adds a new subsection to policy 33.3.4.4 to allow the development of neighborhood commercial uses, which are consistent with wellfield protection within EEPs that have a minimum area of 2,000 acres.

Adds new Policy 33.3.5 within Goal 33: Southeast Lee County, which limits commercial uses to 300,000 square feet within the Southeast Lee County community plan area.

Amends Policy 33.4.2.2 by adding a new subsection. This amendment relocates the ability to transfer density from Southeast Lee County using the Southeast Lee County TDR program to Objective 33.4: Southeast Lee County Transfer of Development Rights (TDR) Program. The amendment does not change the transfer rate or sending/receiving areas.

- *Glossary*

Amends the Glossary Section to clarify that incentives provided as part of a special treatment area will not impact its classification as Future Non-Urban Areas.

A total of 6,459.31 acres are within the EEP Overlay. Currently, the only undeveloped property within the EEP Overlay that could benefit from these amendments is Verdana Village, which is approximately 2,138.35 acres. Both the Wild Blue Property, which consists of 2,960.3 acres and The Place development, which consists of approximately 1,361.05 acres, is currently under construction.

**TRIP GENERATION:**

The total acreage for the EEP is 6,459± acres. The planning-level trip generation analysis evaluates the maximum development allowable on the 6459± acre property. According to the adopted FLU designation, the maximum development that could be developed on the 6459± acre property is 2,138 single family Dwelling Units (D.U.s) (1 D.U./Acre) in Verdana, 2,960 single family D.U.s in Wild Blue and 1,361 single-family D.U.s in The Place and a total of 300,000 square feet of commercial. This results in approximately 60,364 net new daily trips or 6,524 net new p.m. peak hour trips assuming an internal capture of 6% and pass by of 10% of adjacent street traffic.

According to the proposed FLU designation, the maximum development that could be developed on the 2,138± acre property 2,459 single family DUs (1.15 DUs/Acre) while the properties under construction are assumed at 2,960 single-family dwelling units in Wild Blue and 1,361 single-family dwelling unit in The Place development and a total of 300,000 square feet of commercial within southeast Lee County. The proposed amendment would result in approximately 62,608 net new daily trips or 6,783 net new p.m. peak hour trips assuming an internal capture of 6% and pass by of 10% of adjacent street traffic. As a result, the proposed amendment would result in an increase of 2,244 net new daily trips or 259 net new p.m. peak hour trips.

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

**TRIP GENERATION BASED ON MAXIMUM DEVELOPMENT POTENTIAL FOR  
 LEE COUNTY 20-01ESR**

| 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                        | RES                                      | 1.0 DUs/Acre                        | 210           | 2,960.03            | 2,960 DU            | 23,471                   | 2,626                           |              |
|                                | RES                                      | 1.0 DUs/Acre                        | 210           | 2,138.23            | 2,138 DU            | 17,402                   | 1,922                           |              |
|                                | RES                                      | 1.0 DUs/Acre                        | 210           | 1,361.05            | 1,361 DU            | 11,484                   | 1,246                           |              |
|                                | COM                                      | 300,000 SF                          | 820           | n/a                 | 300,000 SF          | 12,690                   | 1,225                           |              |
|                                | <b>Subtotal</b>                          |                                     |               |                     |                     |                          | <b>65,047</b>                   | <b>7,019</b> |
|                                | Internal Capture (6%)                    |                                     |               |                     |                     |                          | 3,903                           | 421          |
|                                | Pass By (10% of Adjacent Street Traffic) |                                     |               |                     |                     |                          | 780                             | 74           |
|                                | <b>Net New Trips Total</b>               |                                     |               |                     |                     |                          | <b>60,364</b>                   | <b>6,524</b> |
| Proposed                       | RES                                      | 1.0 DUs/Acre                        | 210           | 2,960.03            | 2,960 DU            | 23,471                   | 2,626                           |              |
|                                | RES                                      | 1.15 DUs/Acre                       | 210           | 2,138.23            | 2,459 DU            | 19,789                   | 2,198                           |              |
|                                | RES                                      | 1.0 DUs/Acre                        | 210           | 1,361.05            | 1,361 DU            | 11,484                   | 1,246                           |              |
|                                | COM                                      | 300,000 SF                          | 820           | n/a                 | 300,000 SF          | 12,690                   | 1,225                           |              |
|                                | <b>Subtotal</b>                          |                                     |               |                     |                     |                          | <b>67,434</b>                   | <b>7,295</b> |
|                                | Internal Capture (6%)                    |                                     |               |                     |                     |                          | 4,046                           | 438          |
|                                | Pass By (10% of Adjacent Street Traffic) |                                     |               |                     |                     |                          | 780                             | 74           |
|                                | <b>Net New Trips Total</b>               |                                     |               |                     |                     |                          | <b>62,608</b>                   | <b>6,783</b> |
| <b>Net New Change in Trips</b> |  |                                     |               |                     |                     | <b>+2,244</b>            | <b>+259</b>                     |              |

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

The Department notes that the Verdana property is located approximately seven (7) miles away from the nearest State and/or Strategic Intermodal System facilities (i.e., S.R. 82 and I-75). Based on the trip distribution provide in the recently adopted Lee County 19-04ESR CPA package traffic analysis, approximately 15% of the proposed traffic (an increase of 336 net new daily trips or 38 net new pm peak hour trips) is projected along Corkscrew Road just west of Cypress Shadow Boulevard (approximately 3 miles east of I-75 which is approximately seven (7) miles west of the subject property.

**TRANSIT CONNECTIVITY:**

There are currently no transit routes that operate within proximity to the subject property. The closest bus route is Route 60 (San Carlos Park/Gulf Coast Town Center). Route 60 is approximately six (6) miles (west) of the subject property and connects San Carlos Park (U.S. 41 at Constitution Boulevard intersection) and the Gulf Coast Town Center (Ben Hill Griffin Parkway at Gulf Center Drive intersection). Route 60 operates Monday through Saturday with headways varying from 45 minutes to 85 minutes between 6:20 a.m. and 9:45 p.m. The LeeTran 2016 Transit Development

Plan does not identify any new routes or service extension along Corkscrew Road to the subject property.

**PEDESTRIAN CONNECTIVITY:**

Neither sidewalks nor marked bike lanes are present adjacent to the subject property boundary, except for a one-mile section between Cypress Shadows Boulevard and Alico Road.

**SCHOOLS:**

The following schools are the closest public schools to the subject property:

Elementary Schools:

- Three Oaks Elementary School
- Pinewoods Elementary School

Middle School:

- Three Oaks Middle School

High Schools:

- Estero High School

**FDOT REVIEW COMMENT:**

Based on the planning level analysis, as noted above, the amendment will increase 2,244 net new daily trips or 259 net new p.m. peak hour trips. The Department notes that the subject property is located approximately seven (7) miles away from the nearest State and/or Strategic Intermodal System facilities (i.e. S.R. 82 and I-75). The increase in trips from the subject property is projected to be less than 336 net new daily trips or 36 net new pm peak hour trips on the nearest state facility (I-75 at Corkscrew Road). As a result, FDOT determined the proposed amendment has no significant adverse impacts on Transportation resources or facilities of state importance.

**FDOT TECHNICAL ASSISTANCE COMMENT:**

FDOT welcomes the opportunity to partner with and provide technical assistance to Lee County to create multimodal transportation facilities to serve all users. In addition to the comment above, FDOT is providing a technical assistance comment consistent with Section 163.3168(3), Florida Statutes. The technical assistance comment can strengthen the local government's comprehensive plan to foster a vibrant, healthy community or is technical and designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S. The technical assistance comment will not form the basis of a challenge.

**Technical Assistance Comment #1**

- Bicycle and Pedestrian - Consistent with Lee Plan Transportation Element Policies 39.6.1-4, the Department recommends that sidewalks be included as part of the subject development plan to encourage connectivity to the development and provide safe access to the surrounding community. The Department also recommends that the County coordinate with the applicant and the neighboring development owners to construct a robust interconnected multimodal transportation network (bicycle and

pedestrian facilities) along the local roads to encourage connectivity to the development.

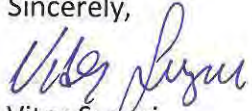
- Schools - As the CPA proposes an increase in residential units, it is recommended the subject site include and provide pedestrian and bicycle connections to the multimodal network, internally and along the property boundaries, to provide connections to the local schools.
- Multimodal - FDOT encourages the Lee County to promote the use of multimodal alternatives within the planning and development of communities that aid in mitigating potential transportation impacts, promote safety and economic development, and improve quality of life for all communities in the County. These development types help to decrease overall passenger vehicle trips on the roadway network 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 encourage quality of life, and incorporates all modes of transportation.
- Transit - Consistent with Lee Plan Transportation Element Policies 43.1.1-4, the Department recommends that the applicant to partner with the County, LeeTran and other neighboring property owners regarding either the potential expansion of the existing route (Route 60) or adding a new transit route with bus stops along the nearby roadways to service the residents of the subject development and surrounding area, as they help with the reduction of automobile dependency on the local and regional roadway network.

The Department respectfully requests a copy of the adopted plan along with the supporting data and analysis. Please provide the adopted plans within two weeks of adoption, in order to assist in facilitating review within the required 30-day time frame from adoption, as required by Statutes (Expedited State Review Amendment Process Section 163.3184(3) and (5), Florida Statutes).



Thank you for providing FDOT with the opportunity to review and comment on the proposed amendment. If you have any questions or need to discuss this letter further, please contact me at (239) 225-1959 or [vitor.suguri@dot.state.fl.us](mailto:vitor.suguri@dot.state.fl.us).

Sincerely,



Vitor Suguri

Community Planner

FDOT District One

cc: D. Ray Eubanks, Florida Department of Economic Opportunity  
Margaret A. Wuerstle, Southwest Florida Regional Planning Council



**Miller, Janet**

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**From:** Dunn, Brandon  
**Sent:** Monday, February 24, 2020 7:36 AM  
**To:** Miller, Janet; Rozdolski, Mikki  
**Subject:** FW: Lee County 20-01ESR Proposed

FYI...

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**From:** Plan\_Review [[mailto:Plan\\_Review@dep.state.fl.us](mailto:Plan_Review@dep.state.fl.us)]  
**Sent:** Friday, February 21, 2020 4:54 PM  
**To:** Dunn, Brandon; [DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)  
**Cc:** Plan\_Review  
**Subject:** Lee County 20-01ESR Proposed

To: Mr. Brandon Dunn, Principal Planner

Re: Lee County 20-01ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

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

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

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



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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.

TO VIEW APPLICANT MATERIALS,  
CLICK THE LINK BELOW:

[Click Here](#)