



Lee County
Southwest Florida

Board of County Commissioners

Kevin Ruane
District One

April 15, 2021

Cecil L Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

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

**Re: Amendment to the Lee Plan
Adoption Submission Package
CPA2020-00001 and CPA2021-00002, Lee County Homes Text and Map
Amendments**

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, please find attached the proposed Comprehensive Plan Amendments, known locally as CPA2020-00001 and CPA2020-00002 (Lee County Homes Text and Map Amendment). The amendments are as follows:

CPA2020-00001, Lee County Homes (Text):

CPA2020-00001: Amend Table 1(b) 2030 Population Allocation to provide additional residential development in the Outlying Suburban Future Land Use category within the Fort Myers Shores planning community. (Adopted by Lee County Ordinance #21-03)

CPA2021-00002, Lee County Homes (Map):

Amend the Future Land Use Map designation from Sub-Outlying Suburban to Outlying Suburban on 345+/- acres located on the east side of Buckingham Road about 1¼ miles south of SR 80. (Adopted by Lee County Ordinance #21-03)


The Lee County Board of County Commissioners held an adoption hearing to adopt the above identified ordinance for the plan amendments on April 7, 2021. As required by F.S. 163.3184(4), the final action on this amendment was completed within 180 days of the receipt of the state land planning agency's report. No additional changes were made to the adopted amendment that the State Reviewing Agencies did not previously review.

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

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

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



Mikki Rozdolski
Manager, Community Development Operations

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

Comprehensive Plan Review
Department of Agriculture and Consumer Services

Mark Weigly
Department of Education

Plan Review
Department of Environmental Protection

Jason Aldridge
Florida Department of State

Scott Sanders
Florida Fish and Wildlife Conservation Commission

Community Planning Services
FDOT District One

Margaret Wuerstle
Southwest Florida Regional Planning Council

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

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

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

NOTICE OF PROPOSED AMENDMENT TO THE LEE COU
COMPREHENSIVE LAND USE PLAN (TRANSMITTAL HEARING)
The Lee County Board of County Commissioners will hold a publi

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

01/08/2021

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

Sworn to and Subscribed before me this 8th of January 2021,
by legal clerk who is personally known to me.

Affiant

[Handwritten signature]
[Handwritten signature]

Notary State of Wisconsin, County of Brown

My commission expires

of Affidavits 1

This is not an invoice

VICKY FELTY
Notary Public
State of Wisconsin

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

The Lee County Board of County Commissioners will hold a public hearing to consider proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, January 20, 2021. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers, 2120 Main Street in Downtown Fort Myers. At the hearing, the Board will consider the proposed amendments for transmittal to the Florida Department of Economic Opportunity:

CPA2020-00001 & CPA2020-00002 Lee County Homes (Text and Map Amendment): Amend the future land use designation from Sub-Outlying Suburban to Outlying Suburban on 345+ acres located on the east side of Buckingham Road south of Palm Beach Boulevard and amend the Lee Plan Table 1(b) to correspond with the future land use change. The amendments would allow development of up to 1,035 dwelling units.

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

Documentation for the Proposed Comprehensive Plan Amendment is available at <https://www.lee.gov.com/cd/planning/cpa> or at the Department of Community Development located at 1500 Monroe Street, Fort Myers, Florida. This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

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

Lee County will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income or family status. To request language interpretation, document translation or an ADA-qualified reasonable modification at no charge to the requestor, contact Joan LaGuardia, (239) 839-6038, Florida Relay Service 711, at least five business days in advance. El Condado de Lee brindará servicios de traducción sin cargo a personas con el idioma limitado del inglés.
AD # 4531768 Jan. 8, 2021

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JAN 14 2021

COMMUNITY DEVELOPMENT

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

STATE OF FLORIDA COUNTY OF LEE:

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

NOTICE OF PROPOSED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN (ADOPTION HEARING) The Lee County Board of County Commissioners will hold a public h

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

03/26/2021

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

Sworn to and Subscribed before me this 26th of March 2021, by legal clerk who is personally known to me.

Affiant

Notary State of Wisconsin, County of Brown
1-7-25

My commission expires

of Affidavits: 1

This is not an invoice

KATHLEEN ALLEN
Notary Public
State of Wisconsin

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

The Lee County Board of County Commissioners will hold a public hearing to consider the adoption of proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, April 7, 2021. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers, 2120 Main Street in Downtown Fort Myers.

The Board proposes to adopt an ordinance amending the Lee Plan as follows:

CPA2020-00001 & CPA2020-00002 Lee County Homes (Text and Map Amendment): Amend the future land use designation from Sub-Outlying Suburban to Outlying Suburban on 345+ acres located on the east side of Buckingham Road south of Palm Beach Boulevard and amend the Lee Plan Table 1(b) to correspond with the future land use change. The amendments would allow development of up to 1,035 dwelling units.

Copies of this Notice and the proposed ordinance are available for inspection or copying during regular business hours at the Minutes Office of the Clerk of Courts of Lee County, by calling 239-533-2328. The Minutes Office is located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

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

Lee County will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income or family status. To request language interpretation, document translation or an ADA-qualified reasonable modification at no charge to the requestor, contact Joan LaGuardia, (239) 839-6038, Florida Relay Service 711, at least five business days in advance. El Condado de Lee brindará servicios de traducción sin cargo a personas con el idioma limitado del inglés.
AD#4646209 3/26/2021

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APR 01 2021
COMMUNITY DEVELOPMENT

LEE COUNTY ORDINANCE NO. 21-03

Lee County Homes
CPA2020-00001 & CPA2020-00002

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 LEE COUNTY HOMES TEXT AND MAP AMENDMENTS (CPA2020-00001 & CPA2020-00002) 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 7, 2020; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on January 20, 2021. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Lee County Homes Text and Map Amendments (CPA2020-00001 & CPA2020-00002) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the January 20, 2021 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on April 7, 2021 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 "Lee County Homes Text and Map Amendments Ordinance (CPA2020-00001 & CPA2020-00002)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends the future land use designation from Sub-Outlying Suburban to Outlying Suburban on 345+ acres located on the east side of Buckingham Road south of Palm Beach Boulevard and amend the Lee Plan Table 1(b) to correspond with the future land use change. The amendments would allow development of up to 1,035 dwelling units known as Lee County Homes Text and Map Amendments Ordinance (CPA2020-00001 & CPA2020-00002).

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

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

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

SECTION FOUR: MODIFICATION

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

SECTION FIVE: GEOGRAPHIC APPLICABILITY

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

SECTION SIX: SEVERABILITY

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

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

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

SECTION EIGHT: EFFECTIVE DATE

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

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

Kevin Ruane	Aye
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DONE AND ADOPTED this 7th day of April 2021.

ATTEST:
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: Missy Flint
Deputy Clerk

BY: [Signature]
Kevin Ruane, Chair



DATE: 04/2/2021

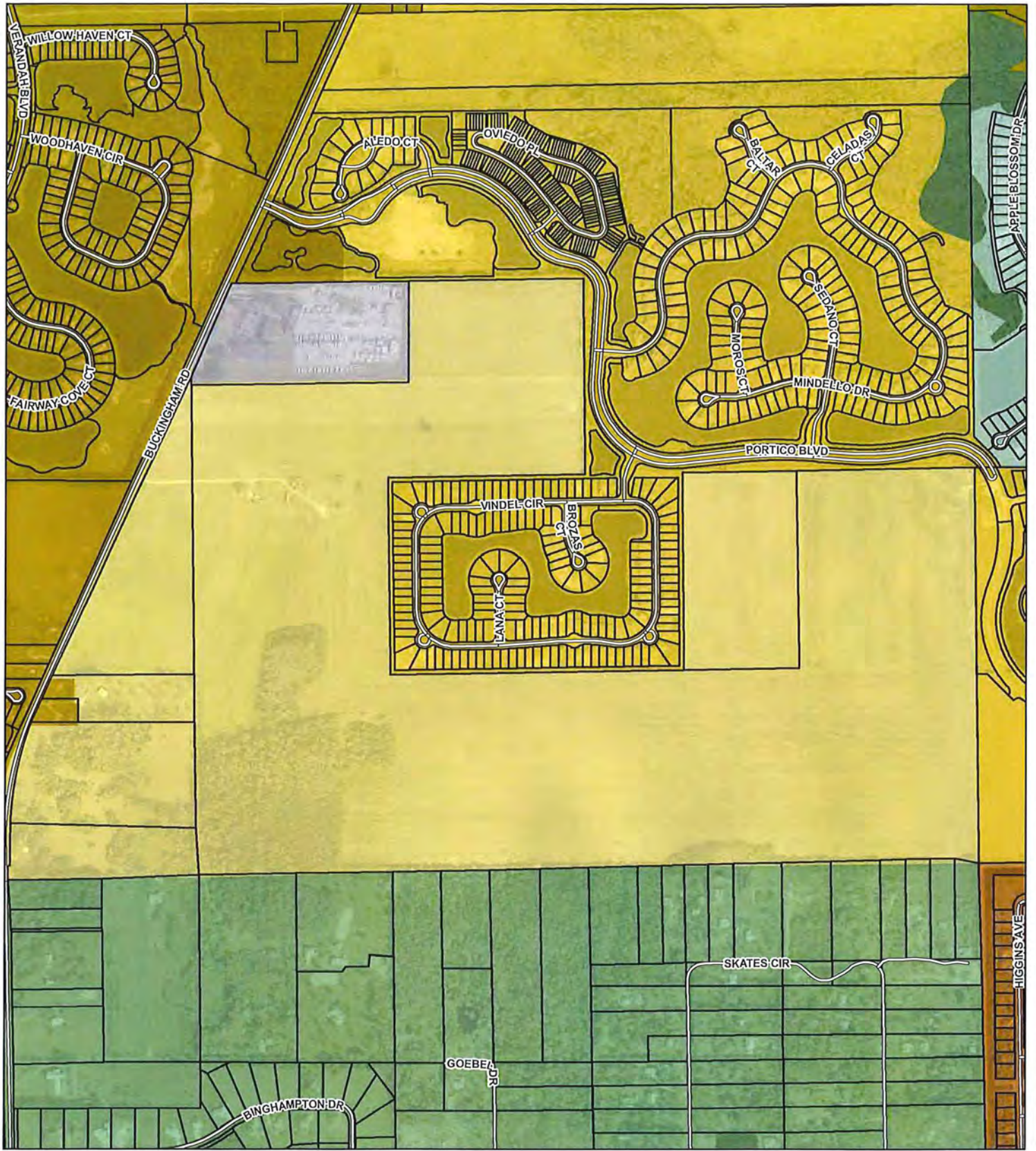
APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

[Signature]
County Attorney's Office

Exhibit A: Adopted revisions to Future Land Use Map, Table 1B (Adopted by BOCC April 7, 2021)




EXHIBIT A

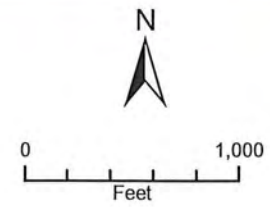
Note: Text depicted with underline represents additions to the Lee Plan.
Strike-through text represents deletions from the Lee Plan.

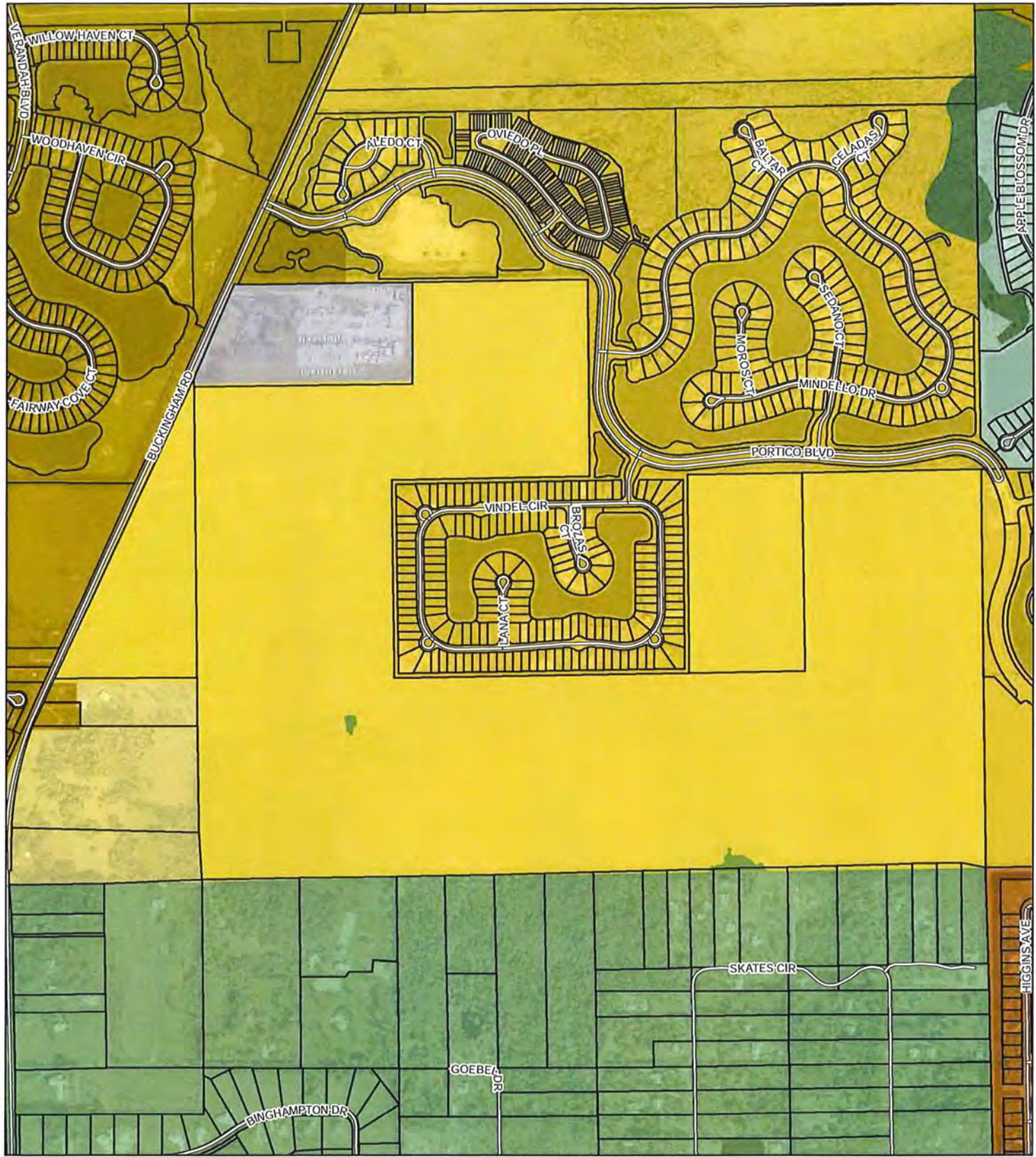


**CPA2020-00001 and
CPA2020-00002
Lee County Homes
Existing Future Land Use**



- | | | | |
|---|-----------------------|---|--------------------------|
|  | Urban Community |  | Rural |
|  | Suburban |  | Rural Community Preserve |
|  | Outlying Suburban |  | Wetlands |
|  | Sub-Outlying Suburban | | |
|  | Public Facilities | | |





CPA2020-00001 and
 CPA2020-00002
 Lee County Homes
 Proposed Future Land Use

- | | | | |
|---|-----------------------|---|--------------------------|
|  | Urban Community |  | Rural |
|  | Suburban |  | Rural Community Preserve |
|  | Outlying Suburban |  | Wetlands |
|  | Sub-Outlying Suburban | | |
|  | Public Facilities | | |

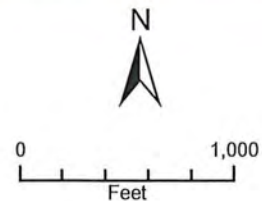


TABLE 1(b) Year 2030 Allocation

Future Land Use Category	Lee County Totals	Northeast Lee County	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/Airport	Daniels Parkway
Intensive Development	1,361				5		27		250			
Central Urban	14,766				225				230			
Urban Community	17,021 16,902	520	485		637						250	
Suburban	16,623				1,810				85			
Outlying Suburban	2,842 4,031	30			40	20	2	500				1,438
Sub-Outlying Suburban	1,955 1,762				547 354						227	
Commercial												
Industrial	79								39		20	
Public Facilities	1							1				
University Community	850											
Destination Resort Mixed Use Water Dependent	8											
Burnt Store Marina Village	4					4						
Industrial Interchange												
General Interchange	151										11	58
General Commercial Interchange												
Industrial Commercial Interchange												
University Village Interchange												
Mixed Use Interchange												
New Community	2,100	1,200									900	
Airport												
Tradeport	9										9	
Rural	8,313	1,948			1,400	636						1,500
Rural Community Preserve	3,100											
Coastal Rural	1,300											
Outer Island	202	5			1			150				
Open Lands	2,805	250				590						120
Density Reduction/ Groundwater Resource	6,905	711									94	
Conservation Lands Upland												
Wetlands												
Conservation Lands Wetland												
Unincorporated County Total Residential	81,396 81,727	4,664	485		4,665 4,660	1,250	29	651	604		1,511	3,416 3,416
Commercial	12,793	177	52		400	50	17	125	150		1,100	440
Industrial	13,801	26	3		400	5	26		300		3,100	10
Non Regulatory Allocations												
Public	82,565 82,570	7,100	421		2,000 2,005	7,000	20	1,961	350		7,752	2,477 2,477
Active AG	17,027	5,100			550	150						20
Passive AG	43,786	12,229			2,500	109					1,241	20
Conservation	81,933	2,214	611		1,142	3,236	133	1,603	748		2,947	1,733
Vacant	23,874 23,993	1,953			61	931	34		45		300	151

CPA2020-00001

Residential By Future Land Use Category

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MAR 04 2020

TABLE 1(b) Year 2030 Allocation

Total	357,176	33,463	1,572		11,718	12,731	259	4,340	2,197		17,951	7,967
Population Distribution (unincorporated Lee County)	495,000	9,266	1,531		30,861	3,270	225	530	5,744		18,333	16,375

TABLE 1(b) Year 2030 Allocation

Future Land Use Category	Iona/McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres	Southeast Lee County	North Fort Myers	Buckingham	Estero	Bayshore
Intensive Development				660	3	42		365		9	
Central Urban	375	17		3,140		8,179		2,600			
Urban Community	850	1,000		860	500	11,359 11,240			110	450	
Suburban	2,488	1,975		1,200	675			6,690		1,700	
Outlying Suburban	377				600			382		454	
Sub-Outlying Suburban		25						140	66		950
Commercial											
Industrial	5	5		10							
Public Facilities											
University Community		850									
Destination Resort Mixed Use Water Dependent	8										
Burnt Store Marina Village											
Industrial Interchange											
General Interchange							15	31		6	30
General Commercial Interchange											
Industrial Commercial Interchange											
University Village Interchange											
Mixed Use Interchange											
New Community											
Airport											
Tradeport											
Rural		90			190	14		500	50	635	1,350
Rural Community Preserve									3,100		
Coastal Rural					1,300						
Outer Island	1				45						
Open Lands								45			1,800
Density Reduction/ Groundwater Resource							4,000				2,100
Conservation Lands Upland											
Wetlands											
Conservation Lands Wetland											
Unincorporated County Total Residential	4,104	3,962		5,870	3,313	19,594 19,475	4,015	10,753	3,326	3,254	6,230
Commercial	1,100	1,944		2,100	226	1,300	68	1,687	18	1,700	139
Industrial	320	450		900	64	300	7,246	554	5	87	5
Non Regulatory Allocations											
Public	3,550	3,059		3,500	2,100	15,289	12,000	4,000	1,486	7,000	1,500
Active AG					2,400		7,171	200	411	125	900
Passive AG					815		17,521	1,532	3,619	200	4,000
Conservation	9,306	2,969		188	14,767	1,541	31,210	1,317	336	5,068	864
Vacant	975	594		309	3,781	9,880 9,999	470	2,060	1,000	800	530
Total	19,355	12,978		12,867	27,466	47,904	79,701	22,103	10,201	18,234	14,168
Population Distribution (unincorporated Lee County)	34,538	36,963		58,363	13,265	153,011	1,270	71,001	6,117	25,577	8,760

(Amended by Ordinance No. 02-02, 03-19, 05-19, 07-13, 09-15, 09-16, 10-15, 10-16, 10-40, 10-43, 14-14, 15-10, 16-02, 16-17, 17-12, 17-23, 18-08)
Printed 4/19/2018



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

April 12, 2021

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

Attn: Missy Flint

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lee County Ordinance No. 21-03, which was filed in this office on April 12, 2021.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 21-03
(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD

DESCRIPTOR: Planning

OTHER KEYFIELD

DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Lee County Homes Amendment
(25 Characters Maximum Including Spaces)

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

AMENDMENT #1: 89-02 AMENDMENT #2: _____

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

REPEAL #1: _____ ; REPEAL #3: _____
REPEAL #2: _____ ; REPEAL #4: _____

(Others Repealed: List All That Apply): _____

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: _____

KEYFIELD 1 CODE: _____ KEYFIELD 2 CODE: _____

KEYFIELD 3 CODE: _____

**STAFF REPORT FOR
CPA2020-0001 and CPA2020-00002:
Lee County Homes**
Privately Initiated Map and Text Amendments to the Lee Plan



Applicant:

Lee County Homes Associates I
LLLP

Representative:

Tina M. Ekblad, AICP
Morris-Depew Associates, Inc.

Property Location:

East side of Buckingham Road
about 1¼ miles south of SR 80

Size:

± 345 acres

Planning Community:

Fort Myers Shores;
Caloosahatchee Shores
Community Planning Area

Commissioner District:

District #5

Attachments:

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

Hearing Dates:

LPA: 12/07/2020
BoCC: 01/20/2021
BoCC: 04/07/2021

REQUEST

- CPA2020-00002: Amend the Future Land Use Map designation from Sub-Outlying Suburban to Outlying Suburban on 345+/- acres located on the east side of Buckingham Road about 1¼ miles south of SR 80.
- CPA2020-00001: Amend Table 1(b) 2030 Population Allocation to provide additional residential development in the Outlying Suburban Future Land Use category within the Fort Myers Shores planning community.

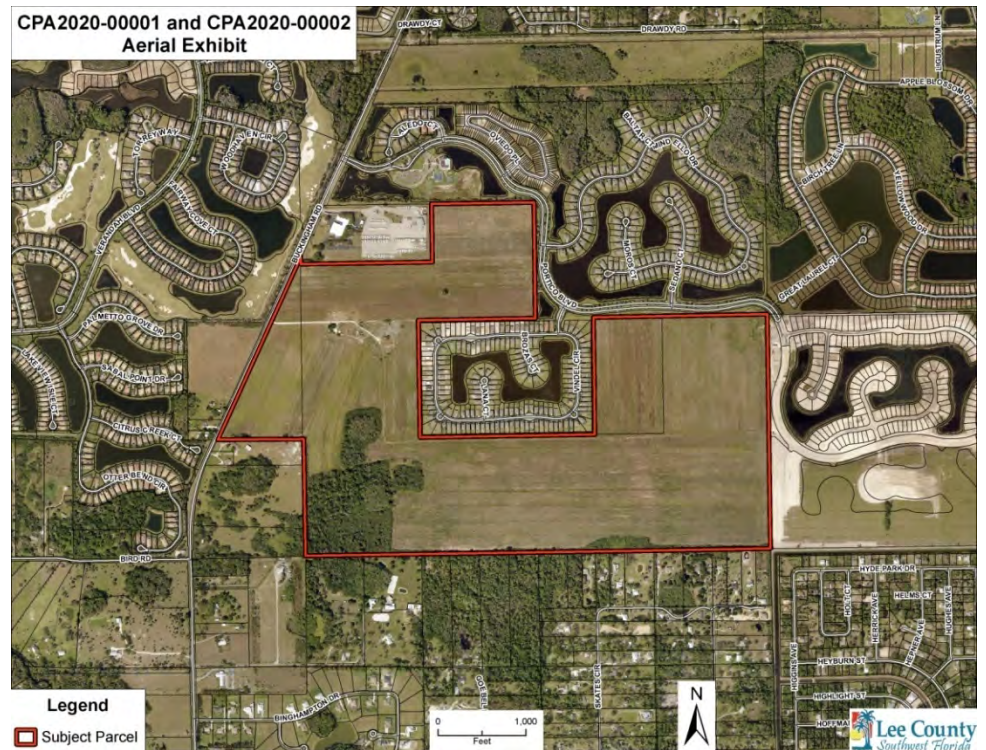
SUMMARY

Under the current Future Land Use Map designation, a maximum of 690 dwelling units could be built at two dwelling units per acre. Amending the Future Land Use Map will allow up to 1035 dwelling units on the subject property at three units an acre. This equates to a potential increase of 345 dwelling units on the subject property.

PROJECT LOCATION

The subject property is located on the east side of Buckingham Road, about 1¼ miles south of Palm Beach Boulevard (State Road 80).

FIGURE A: AERIAL LOCATION MAP



RECOMMENDATION

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

**PART 1
CONCURRENT APPLICATION REVIEW**

The applicant has filed a companion rezoning application (DCI2020-00010) that is being reviewed concurrently with this plan amendment application. The applicant is seeking to amend the existing Buckingham 345 RPD to permit a maximum of 1,035 dwelling units.

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

Staff notes that even with the recommended transmittal of the proposed map and text amendments, the applicant must demonstrate consistency with the Lee Plan, including the proposed amendments, in order for the companion rezoning to receive a favorable recommendation. Staff recommends that consistency with Policy 20.1.6 be demonstrated by the concurrent rezoning, on the MCP and/or as conditions, prior to proposed map and text amendments being adopted.

**PART 2
PROPERTY INFORMATION**

Subject Property

The subject property contains 345+/- acres and is currently known as the Buckingham 345 Residential Planned Development (RPD). The Buckingham 325 RPD (Case #DCI99-10-090.03Z 01.01, Zoning Ordinance Z-00-029) was originally approved for 640 residential units on 325 acres. In 2005, twenty acres were added, the project name changed to Buckingham 345 RPD, and an additional fifty units were approved to the overall RPD (DCI2004-00090, Z-05-074).

The subject property is located on the east side of Buckingham Road, about a 1 ¼ miles south of Palm Beach Boulevard (State Road 80). The subject property is located in the Fort Myers Shores Planning Community and is in the Sub-Outlying Suburban future land use category.

Fort Myers Shores Vision Statement:

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

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

Current Future Land Use Category - Sub-Outlying Suburban:

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

***POLICY 1.1.11:** The Sub-Outlying Suburban future land use category is characterized by low density residential areas. Generally the infrastructure needed for higher density development is not planned or in place. This future land use category will be placed in areas where higher densities would be incompatible or where there is a desire to retain a low-density community character. Industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to two dwelling units per acre (2 du/acre). Bonus densities are not allowed.*

Surrounding Properties

The surrounding properties are within the Outlying Suburban, Suburban, Urban Community, Rural Community Preserves, Rural, Wetlands, and Public Facilities future land use categories and are zoned Residential Planned Development (RPD), Mixed Use Planned Development (MPD), Residential RS-1 and Agriculture (AG-2). Table 1 provides detailed information on the surrounding properties.

TABLE 1: SURROUNDING PROPERTIES INFORMATION

	Future Land Use	Zoning	Existing Use
North	Public Facilities; Outlying Suburban-3 units/acre	AG-2; Portico RPD approved for 1,600 units on 589± acres	Buckingham Exceptional School; Residential (under construction)
Northeast	Rural -1 unit/acre	River Hall RPD/CPD approved for 2,695 units & 45,000 sf of commercial on 1,978± acres	Residential (under construction)
South	Rural Community Preserves -1 unit/acre	AG-2	Residential, vacant, & agricultural
Southeast	Urban Community - 6 units/acre	RS-1	100 foot canal; vacant
East	Outlying Suburban- 3 units/acre	Portico RPD approved for 1,600 units on 589± acres	Residential (under construction)
West	Suburban - 6 units/acre	Verandah MPD approved for 1,765 units, 230,000 sf of commercial & 12,000 sf of community facilities on 1,455± acres; OakView RPD approved for 60 units on 16± acres; AG-2	Buckingham Road; Residential & vacant

PART 3
STAFF DISCUSSION AND ANALYSIS OF PROPOSED AMENDMENTS

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

The Outlying Suburban future land use designation is described in Policy 1.1.6:

***POLICY 1.1.6:** The Outlying Suburban future land use category is characterized by its peripheral location in relation to established urban areas. In general, this category is rural in nature or contains existing low-density development. Some of the requisite infrastructure needed for higher density development is planned or in place. Industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. (Ordinance No. 91-19, 03-20, 03-02, 17-13)*

The primary difference between the existing Sub-Outlying Suburban future land use designation of the property and the proposed Outlying Suburban designation is the permissible residential density. Under the current designation, a maximum of 690 dwelling units could be built. Amending the future land use map will allow up to 1,035 dwelling units on the subject property. This equates to an increase of 345 dwelling units on the subject property. The allowable commercial uses and the prohibition of industrial uses are the same under both categories and, therefore, will not change by the proposed amendments.

The subject property is surrounded by property designated as Outlying Suburban, Suburban, Urban Community, Rural Community Preserve, Rural, Wetlands, and Public Facilities on the Future Land Use Map. As provided in Lee Plan Table 1(a), the surrounding densities range from a maximum of one unit per twenty acres (Wetlands) to a maximum standard density of six units an acre (Urban Community and Suburban). The proposed amendment will allow development of the property within the range of densities currently allowed on surrounding properties.

Lee Plan Consistency

The proposed amendment is consistent with Lee Plan Goal 2: Growth Management; the proposed amendment would support development with an increased density of one unit an acre in an area where infrastructure and services are available (see discussion below in Service Availability). The Lee Plan provides that in the Sub-Outlying Suburban future land use category “the infrastructure needed for higher density development is not planned or in place,” whereas in the Outlying Suburban future land use category “some of the requisite infrastructure needed for higher density development is planned or in place.”

The request is also consistent with Policy 5.1.5 which is to “protect residential areas from any encroachment of uses that would be destructive to the character and integrity of the area.” The proposed residential use in an existing residential area is not an encroachment of use. The applicant will be required to demonstrate through the concurrent planned development that the proposed density is compatible with, and not destructive to, the surrounding land uses.

Consistent with Policies 17.3.2, 17.3.3 and 17.3.4, the applicant conducted a public information meeting within the Caloosahatchee Shores Community Plan area on July 6, 2020. The attendees asked about

density and zoning related questions. The applicant also conducted a public information meeting within the Buckingham Community Planning area on July 7, 2020. The attendees asked primarily zoning related questions.

The proposed Outlying Suburban future land use designation would increase the density allowed adjacent to the Rural Community Preserve which requires consideration of Policy 20.1.6 of the Buckingham Community Plan Goal as provided below.

***POLICY 20.1.6:** When possible, residential development adjacent to the Rural Community Preserve future land use category should make appropriate transitions to the Community Plan area with a graduated increase in density as development moves away from the Rural Community Preserve future land use category boundary. Appropriate buffers will be established for projects adjacent to the Rural Community Preserve future land use category boundary during the rezoning process.*

The requested three units an acre is the same allowable density on the property immediately north of the subject property and will continue to provide an appropriate transition between the Rural Community Preserves future land use category density of one unit an acre, located south of the property, and lands to the north, near the intersection of Palm Beach Boulevard, located within the Suburban future land use category with a maximum density of six units an acre. In addition, the applicants have committed, through the concurrent rezoning, to transition the lot size within the development, locating larger lots closer to the property's southern boundary (adjacent to property within the Rural Community Preserves future land use category)

Policy 20.1.6 also provides that "appropriate buffers be established for projects adjacent to the Rural Community Preserve future land use category during the rezoning process." This will be reviewed for consistency as part of the concurrent rezoning.

The request is consistent with Goal 21, the Caloosahatchee Shores Community Plan. Goal 21, in part, is to protect the existing character, natural resources and quality of life in Caloosahatchee Shores Community Plan area, while promoting new development, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75. The Lee Plan provides that "In general, this category [Outlying Suburban] is rural in nature or contains existing low-density development." The Outlying Suburban future land use category is consistent with Lee Plan's goal of maintaining a more rural identity while promoting new development in Caloosahatchee Shores.

The request is also consistent with Policy 21.1.3 which requires that amendments to the Future Land Use Map that increase density or intensity be accompanied with a concurrent planned development rezoning. As previously stated the concurrent planned development rezoning is DCI2020-00010.

Table 1(b)

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

Transportation:

Access to the property is from Buckingham Road which is a paved, county-maintained, two-lane arterial roadway that intersects with Palm Beach Boulevard/SR 80 to the north. SR 80 is a state-maintained, four-lane median divided arterial roadway that accesses I-75. I-75 is a six-lane median divided freeway maintained by the State. Buckingham Road also links to Cemetery Road and Orange River Boulevard. Both are paved two lane collector roadways maintained by the county. SR 31 is located off of SR 80. SR 31 is an arterial roadway maintained by FDOT.

The 5 year analysis indicates that Buckingham Road from SR 80 to Orange River Blvd is projected to operate at LOS "F" with and without the project in Year 2025. SR 80 from Buckingham Road to SR 31 is projected to operate at LOS "D" without the project and LOS "E" with the project which is below the State adopted LOS standard for the Year 2025.

The Long Range 2040 Horizon LOS analysis indicates that Buckingham Road from Gunnery Road to SR 80, Orange River Blvd from SR 80 to Buckingham Road, SR 80 from Buckingham Road to SR 31, and SR 31 from SR 80 to SR 78 are projected to operate at LOS "F" with and without the project in Year 2040.

Transportation concurrency is not required per Florida Statutes Section 163.3180.

Service Availability

Consistent with Objective 2.2, there are adequate potable water, sanitary sewers, solid waste, police, fire/EMS, schools and mass transit services to accommodate the proposed amendment.

Mass Transit: The closest bus route is Route 100 along Palm Beach Boulevard located approximately 1 ¼ miles north of the subject property. The property is not within ¼ mile of a fixed route corridor.

Utilities: The subject property has access to water and sewer services. It is within the Lee County Utilities future services area. Potable water is available from the Olga Water Treatment Plant. Wastewater service will be provided by the City of Fort Myers North Water Reclamation Facilities.

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

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

EMS: The subject property has access to EMS services. In a letter dated January 16, 2020, Lee County Emergency Medical Services indicates they will be able to serve the property from Medic 11 located 5.6 miles west of the property, and a second EMS facility located 8 miles from the property.

Police: The Lee County Sheriff will provide law enforcement services primarily from the Central District office in Fort Myers. The Sheriff indicated in a letter dated January 7, 2020 that the development of the subject property will not affect the ability of the Lee County Sheriff's Office to provide core services at this time.

Schools: There is adequate school seat capacity to serve the subject property and the project's generation of elementary, middle and high school students.

**PART 4
CONCLUSIONS**

The Outlying Suburban future land use category on the subject property will allow residential densities comparable with those allowed in the surrounding area and will maintain the standards for commercial and industrial uses since they are the same in both the Sub-Outlying Suburban and Outlying Suburban future land use categories. The area will remain designated as a future suburban area without increasing the allowable commercial and industrial intensities.

Density, design and mitigation are guided by Lee Plan policies that will be enforced through the planned development rezoning. Prior to adoption of the proposed map and text amendments, staff recommends that consistency with Policy 20.1.6 be demonstrated in the concurrent rezoning.

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

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

**PART 5
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION
DATE OF PUBLIC HEARING: December 7, 2020**

A. LOCAL PLANNING AGENCY REVIEW:

The Applicant presented a detailed presentation of the proposed map and text amendments. The presentation addressed background/history of property entitlements, surrounding properties, availability of public services, the concurrent rezoning request, community meetings, transportation, and consistency with the Lee Plan.

Staff provided a brief presentation for the amendment which covered consistency with the Lee Plan and staff recommendation. No members of the public were present to address the LPA concerning this case.

Members of the LPA asked questions about the Level of Service on Buckingham Road and the concurrent planned development rezoning.

The LPA also discussed that, even with the recommended transmittal of the proposed amendments, the applicant must demonstrate consistency with the Lee Plan, including the proposed amendments, in order for the companion rezoning to receive a favorable recommendation. They also agreed with staff's recommendation that consistency with Policy 20.1.6 be demonstrated by the concurrent rezoning, on the MCP and/or as conditions, prior to proposed map and text amendments being adopted.

B. LOCAL PLANNING AGENCY RECOMMENDATION:

A motion was made to find the map and text amendments consistent with the Lee Plan and to recommend that the Board of County Commissioners **transmit** CPA2020-00001 and CPA2020-00002. The motion passed 7 to 0.

VOTE:

RAYMOND BLACKSMITH	AYE
DUSTIN GARDNER	AYE
JAMES INK	AYE
ALI OLIVO	AYE
DON SCHROTENBOER	AYE
STAN STOUWER	AYE
HENRY ZUBA	AYE

PART 6
BOARD OF COUNTY COMMISSIONERS
TRANSMITTAL HEARING FOR PROPOSED AMENDMENT
DATE OF PUBLIC HEARING: January 20, 2021

A. BOARD REVIEW:

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

The Applicant presented an overview of the proposed map and text amendments. The presentation addressed background/history of property entitlements, surrounding properties, availability of public services, the concurrent rezoning request, community meetings, transportation, and consistency with the Lee Plan.

Following staff and applicant presentations Commissioners asked about traffic and the level of service on Buckingham road, planned roadway improvements, impact fees, density, and the regulatory process including the concurrent planned development that will be reviewed at the adoption hearing after the planned development is heard before the Hearing Examiner.

No members of the public addressed the Board of County Commissioners concerning the proposed amendments.

B. BOARD ACTION:

A motion was made to transmit CPA2020-00001 and CPA2020-00002 as recommended by staff and the LPA. The motion was passed 5 to 0.

VOTE:

BRIAN HAMMAN	AYE
FRANK MANN	AYE
CECIL L. PENDERGRASS	AYE
KEVIN RUANE	AYE
RAY SANDELLI	AYE

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

Comments from the State Reviewing Agencies were due to Lee County by February 28, 2021.

A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

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

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

There were **no objections** concerning the proposed amendments; however, a technical assistance comment was received by the Florida Fish and Wildlife Conservation Commission, and three technical assistance comments from FDOT.

FWC:

The Florida Fish and Wildlife Conservation Commission has received 111 reports of human-bear conflicts within roughly a five-mile radius of the project site since 2009. Florida black bears are common in this area which is within the South Bear Management Unit identified in the 2019 Bear Management Plan. Please review the attached document for important information related to potential measures that can be taken to avoid or minimize negative wildlife interactions during the planning, construction, and operation phases of this project.

Response:

Lee County staff appreciates the technical guidance provided by Florida Fish and Wildlife Conservation Commission. Coordination between the applicant and County will continue during the regulatory approval process to address human-bear conflicts. The Planned Development rezoning (DCI2020-00010) is being reviewed concurrently with this plan amendment.

FDOT:

FDOT Technical Assistance 1: FDOT recommends the County to coordinate with FDOT on the impacts to SR 80, as it is noted in the Staff Report that the LOS is projected to operate at LOS E with the project, which is below the State adopted LOS standard for Year 2025 (Page 6 of 9).

Response to FDOT Statement #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 (DCI2020-00010). Coordination between the applicant and County will also continue during the regulatory approval process to address potential impacts resulting from the proposed development.

FDOT Technical Assistance 2: FDOT encourages the 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 encourages quality of life, and incorporates all modes of transportation.

Response to FDOT Statement #2:

Lee County will continue to coordinate with the MPO to assess the financial feasibility of roadway improvement projects and with Lee Tran to assess the need for additional transit connections to provide transit alternatives. Currently, LeeTran Route 100 travels along Palm Beach Boulevard and is located approximately 1 ¼ miles north of the subject property. Coordination between the applicant and County will continue during the regulatory approval process to address potential impacts resulting from the proposed development.

FDOT Technical Assistance 3: The Department recommends that sidewalks and/or bicycle lanes be included as part of any future development plans. This will encourage connectivity from/to the development and provide safe access to the surrounding communities.

Response to FDOT Statement #3:

The subject property is undergoing planned development rezoning concurrently with this plan amendment request (DCI2020-00010). Sidewalks and/or bicycle lanes will be included in the project design and reviewed during the development order process, subject to approval of the Director of Development Services.

B. STAFF RECOMMENDATION

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

**PART 8
BOARD OF COUNTY COMMISSIONERS
ADOPTION HEARING**

DATE OF PUBLIC HEARING: April 7, 2021

A. BOARD REVIEW:

Staff provided a brief presentation for the proposed amendment which included an overview of the amendment, State Review, concurrent rezoning and staff recommendation.

The applicant's representatives were available for questions and one Commissioner asked for clarification about how the project transitioned density so that it gradually increased from south to north. The applicant provided an explanation using the site plan to address the question.

There was no public comment concerning the proposed amendment.

B. BOARD ACTION:

A motion was made to adopt CPA2020-00001 and CPA2020-00002 as recommended by staff. The motion passed 5 to 0.

VOTE:

BRIAN HAMMAN	<u>AYE</u>
FRANK MANN	<u>AYE</u>
CECIL L. PENDERGRASS	<u>AYE</u>
KEVIN RUANE	<u>AYE</u>
RAY SANDELLI	<u>AYE</u>

**PART 9
ATTACHMENTS**

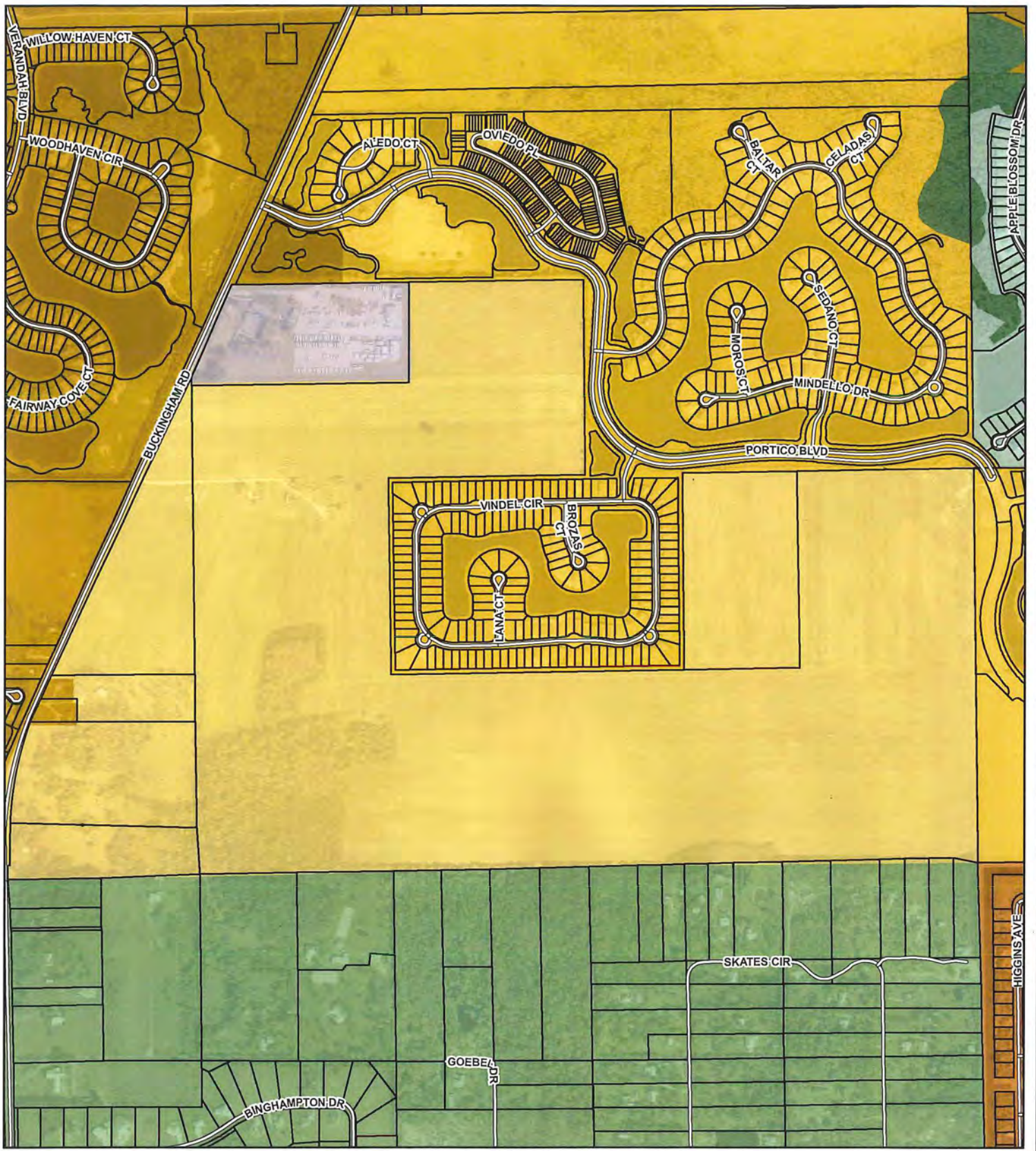
Attachments:

- Attachment 1:
 - Proposed Future Land Use Map
 - Proposed Table 1(b)
- Existing Future Land Use Map
- Agency and Staff Comments

Electronic Files:

<https://www.leegov.com/dcd/planning/cpa/compplansearch?case=CPA2020-00001> and
<https://www.leegov.com/dcd/planning/cpa/compplansearch?case=CPA2020-00002>

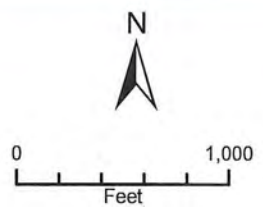
ATTACHMENT 1

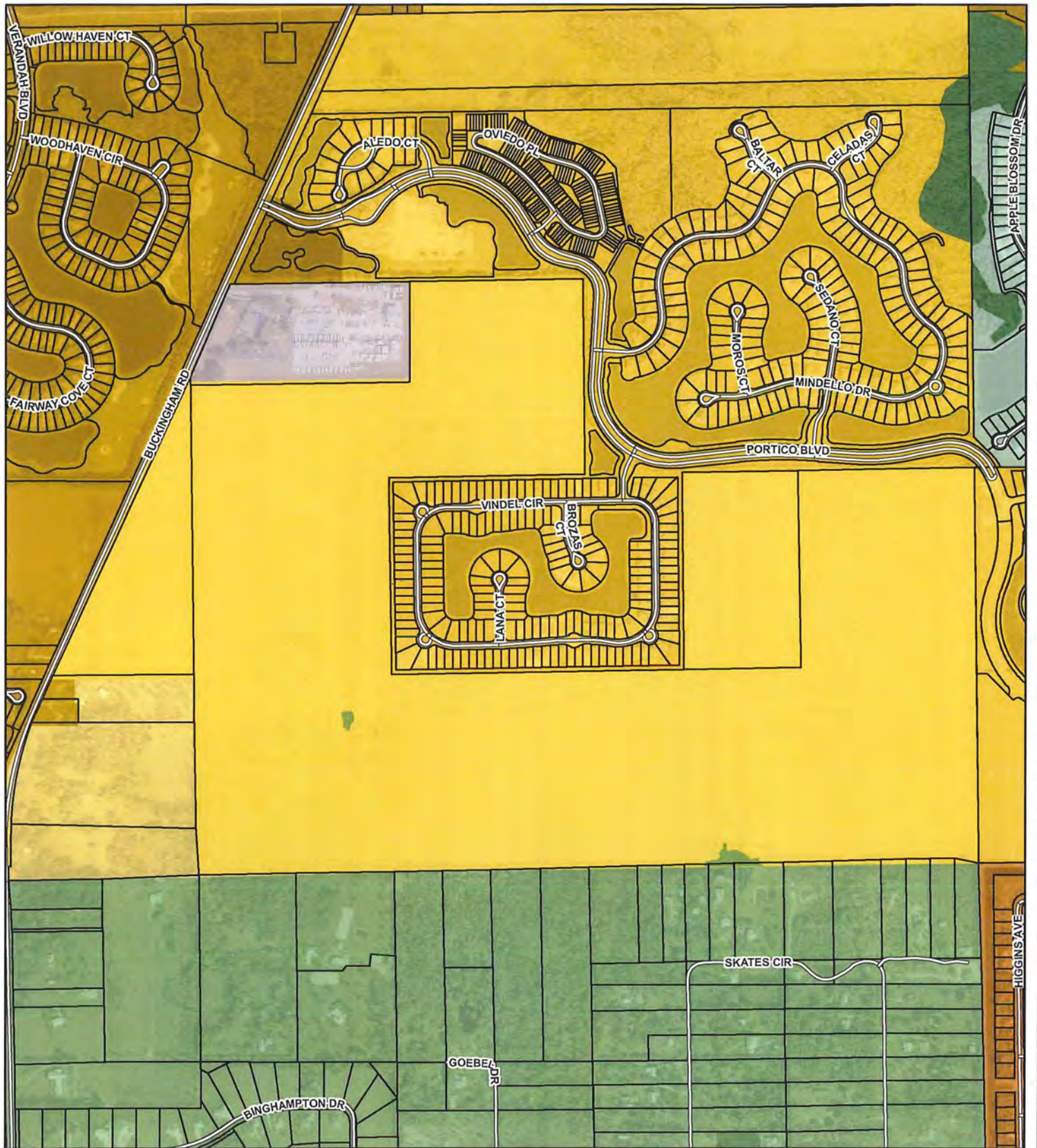


**CPA2020-00001 and
CPA2020-00002
Lee County Homes
Existing Future Land Use**



- Urban Community
- Suburban
- Outlying Suburban
- Sub-Outlying Suburban
- Public Facilities
- Rural
- Rural Community Preserve
- Wetlands





**CPA2020-00001 and
CPA2020-00002
Lee County Homes
Proposed Future Land Use**



- | | |
|--|---|
| Urban Community | Rural |
| Suburban | Rural Community Preserve |
| Outlying Suburban | Wetlands |
| Sub-Outlying Suburban | |
| Public Facilities | |

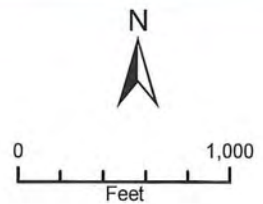


TABLE 1(b) Year 2030 Allocation

Future Land Use Category	Lee County Totals	Northeast Lee County	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/Airport	Daniels Parkway
Intensive Development	1,361				5		27		250			
Central Urban	14,766				225				230			
Urban Community	17,021 16,902	520	485		637						250	
Suburban	16,623				1,810				85			
Outlying Suburban	3,843 4,031	30			40	20	2	500				1,438
Sub-Outlying Suburban	1,955 1,762				547 354						227	
Commercial												
Industrial	79								39		20	
Public Facilities	1							1				
University Community	850											
Destination Resort Mixed Use Water Dependent	8											
Burnt Store Marina Village	4					4						
Industrial Interchange												
General Interchange	151										11	58
General Commercial Interchange												
Industrial Commercial Interchange												
University Village Interchange												
Mixed Use Interchange												
New Community	2,100	1,200									900	
Airport												
Tradeport	9										9	
Rural	8,313	1,948			1,400	636						1,500
Rural Community Preserve	3,100											
Coastal Rural	1,300											
Outer Island	202	5			1			150				
Open Lands	2,805	250				590						120
Density Reduction/ Groundwater Resource	6,905	711									94	
Conservation Lands Upland												
Wetlands												
Conservation Lands Wetland												
Unincorporated County Total Residential	81,396 81,727	4,664	485		4,665 4,660	1,250	29	651	604		1,511	3,116
Commercial	12,793	177	52		400	50	17	125	150		1,100	440
Industrial	13,801	26	3		400	5	26		300		3,100	10
Non Regulatory Allocations												
Public	82,565 82,570	7,100	421		2,000 2,005	7,000	20	1,961	350		7,752	2,477
Active AG	17,027	5,100			550	150						20
Passive AG	43,786	12,229			2,500	109					1,241	20
Conservation	81,933	2,214	611		1,142	3,236	133	1,603	748		2,947	1,733
Vacant	23,874 23,993	1,953			61	931	34		45		300	151

CPA2020-00001

Residential By Future Land Use Category

RECEIVED
MAR 04 2020
COMMUNITY DEVELOPMENT

TABLE 1(b) Year 2030 Allocation

Total	357,176	33,463	1,572		11,718	12,731	259	4,340	2,197		17,951	7,967
Population Distribution (unincorporated Lee County)	495,000	9,266	1,531		30,861	3,270	225	530	5,744		18,333	16,375

TABLE 1(b) Year 2030 Allocation

Future Land Use Category	Iona/McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres	Southeast Lee County	North Fort Myers	Buckingham	Estero	Bayshore
Intensive Development				660	3	42		365		9	
Central Urban	375	17		3,140		8,179		2,600			
Urban Community	850	1,000		860	500	11,359 11,240			110	450	
Suburban	2,488	1,975		1,200	675			6,690		1,700	
Outlying Suburban	377				600			382		454	
Sub-Outlying Suburban		25						140	66		950
Commercial											
Industrial	5	5		10							
Public Facilities											
University Community		850									
Destination Resort Mixed Use Water Dependent	8										
Burnt Store Marina Village											
Industrial Interchange											
General Interchange							15	31		6	30
General Commercial Interchange											
Industrial Commercial Interchange											
University Village Interchange											
Mixed Use Interchange											
New Community											
Airport											
Tradeport											
Rural		90			190	14		500	50	635	1,350
Rural Community Preserve									3,100		
Coastal Rural					1,300						
Outer Island	1				45						
Open Lands								45			1,800
Density Reduction/ Groundwater Resource							4,000				2,100
Conservation Lands Upland											
Wetlands											
Conservation Lands Wetland											
Unincorporated County Total Residential	4,104	3,962		5,870	3,313	19,594 19,475	4,015	10,753	3,326	3,254	6,230
Commercial	1,100	1,944		2,100	226	1,300	68	1,687	18	1,700	139
Industrial	320	450		900	64	300	7,246	554	5	87	5
Non Regulatory Allocations											
Public	3,550	3,059		3,500	2,100	15,289	12,000	4,000	1,486	7,000	1,500
Active AG					2,400		7,171	200	411	125	900
Passive AG					815		17,521	1,532	3,619	200	4,000
Conservation	9,306	2,969		188	14,767	1,541	31,210	1,317	336	5,068	864
Vacant	975	594		309	3,781	9,889 9,999	470	2,060	1,000	800	530
Total	19,355	12,978		12,867	27,466	47,904	79,701	22,103	10,201	18,234	14,168
Population Distribution (unincorporated Lee County)	34,538	36,963		58,363	13,265	153,011	1,270	71,001	6,117	25,577	8,760

(Amended by Ordinance No. 02-02, 03-19, 05-19, 07-13, 09-15, 09-16, 10-15, 10-16, 10-40, 10-43, 14-14, 15-10, 16-02, 16-17, 17-12, 17-23, 18-06)
Printed 4/19/2018

TABLE 1(b) Year 2030 Allocation

**AGENCY
COMMENTS**

**CPA2020-00001 &
CPA2020-00002**

**LEE COUNTY
HOMES**

Ron DeSantis
GOVERNOR



Dane Eagle
EXECUTIVE DIRECTOR

February 12, 2021

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

Dear Chairman Ruane:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for Lee County (Amendment No. 21-01ESR) received on January 29, 2021. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

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

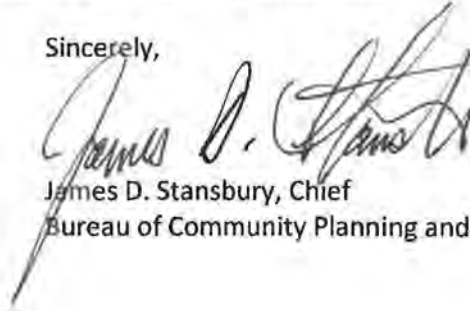
- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the County. **If the County receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**,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

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

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

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

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is fluid and cursive, with a long, sweeping underline that extends to the left and then curves back under the name.

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.

From: Oblaczynski, Deborah <doblaczy@sfwmd.gov>
Sent: Tuesday, February 2, 2021 3:55 PM
To: Rozdolski, Mikki <MRozdolski@leegov.com>
Cc: Dunn, Brandon <BDunn@leegov.com>; Ray Eubanks (ray.eubanks@deo.myflorida.com) <ray.eubanks@deo.myflorida.com>; Barbara Powell (barbara.powell@deo.myflorida.com) <barbara.powell@deo.myflorida.com>; ext-Wuerstle, Margaret (swfrpc.org) <mwuerstle@swfrpc.org>; DEO Planning Group Email (DCPexternalagencycomments@deo.myflorida.com) <DCPexternalagencycomments@deo.myflorida.com>
Subject: Lee County, DEO #21-1ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Ms. Rozdolski:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Lee County (County). The amendment package changes the land use designation on 345 acres from Sub-Outlying Suburban to Outlying Suburban. The proposed changes do not appear to adversely impact the water resources within the District; therefore, the District has no comments on the proposed amendment package.

The District requests that the County forward a copy of the adopted amendments to the District. Please contact me if you have any questions or need additional information.

Sincerely,

Deb Oblaczynski
Policy & Planning Analyst
Water Supply Implementation Unit

Please be advised I am working from home until further notice. I can be contacted at:
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406
Email: doblaczy@sfwmd.gov or
Cell Phone: 561-315-1474

Receive updates from Lee County Government by [subscribing to our newsletter](#)

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

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

From: [Rozdolski, Mikki](#)
To: [Dunn, Brandon](#); [Jenkins-Owen, Sharon](#); [Miller, Janet](#)
Subject: FW: Proposed CPA 21-01 / Lee County / Expedited State Review / No Comment
Date: Monday, February 22, 2021 11:26:19 AM

Lee County Homes CPA's.

Mikki Rozdolski
Manager, Planning Section
Lee County DCD
mrozdolski@leegov.com
239-533-8309

From: Suguri, Vitor <Vitor.Suguri@dot.state.fl.us>
Sent: Monday, February 22, 2021 11:20 AM
To: Rozdolski, Mikki <MRozdolski@leegov.com>
Cc: DEO - CPA Comments (DCPexternalagencycomments@deo.myflorida.com) <DCPexternalagencycomments@deo.myflorida.com>; Reina, Bessie <Bessie.Reina@dot.state.fl.us>; Ambikapathy, Babuji <BAmbikapathy@VHB.com>; jzaballero@vhb.com; Engala, Todd <Todd.Engala@dot.state.fl.us>
Subject: [EXTERNAL] Proposed CPA 21-01 / Lee County / Expedited State Review / No Comment

Ms. Rozdolski,

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 Lee County's Proposed Comprehensive Plan Amendment (CPA) package 21-01ESR (CPA2020-00001 and CPA2020-00002).

The amendment requests the amendment of the Future Land Use Map designation from Sub-Outlying Suburban to Outlying Suburban on 345+/- acres located on the east side of Buckingham Road, about 1¼ miles south of SR 80 (CPA2020-00002). The amendment also seeks to amend Table 1(b) 2030 Population Allocation to provide additional residential development in the Outlying Suburban Future Land Use category within Fort Myers Shores planning community. The change would allow up to 1035 dwelling units on the subject property at three units per acre, instead of 2 units per acre, a potential increase of 345 dwelling units.

Based on the ITE 10th Edition Trip Generation Manual, the proposed land use change will add 2,780 daily trips to the adjacent facility (Buckingham Road).

FDOT Review Comment: FDOT determined the proposed amendment has no significant adverse impacts to transportation resources or facilities of state importance.

FDOT Technical Assistance 1: FDOT recommends the County to coordinate with FDOT on the impacts to SR 80, as it is noted in the Staff Report that the LOS is projected to

operate at LOS E with the project, which is below the State adopted LOS standard for Year 2025 (Page 6 of 9).

FDOT Technical Assistance 2: FDOT encourages the 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 encourages quality of life, and incorporates all modes of transportation.

FDOT Technical Assistance 3: The Department recommends that sidewalks and/or bicycle lanes be included as part of any future development plans. This will encourage connectivity from/to the development and provide safe access to the surrounding communities.

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

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



From: [Dunn, Brandon](#)
To: [Miller, Janet](#)
Cc: [Rozdolski, Mikki](#); [Jenkins-Owen, Sharon](#)
Subject: FW: Lee County 21-01ESR Proposed
Date: Wednesday, February 24, 2021 2:49:28 PM
Attachments: [image001.png](#)

FYI...Lee County Homes.

From: Plan_Review <Plan.Review@dep.state.fl.us>
Sent: Wednesday, February 24, 2021 2:45 PM
To: Dunn, Brandon <BDunn@leegov.com>; DCPexternalagencycomments@deo.myflorida.com
Cc: Plan_Review <Plan.Review@dep.state.fl.us>
Subject: Lee County 21-01ESR Proposed

To: Mr. Brandon Dunn, Principal Planner

Re: Lee County 21-01ESR – 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. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.



From: [Dunn, Brandon](#)
To: [Miller, Janet](#)
Cc: [Jenkins-Owen, Sharon](#); [Rozdolski, Mikki](#)
Subject: FW: FWC's Comments on Lee County 21-01ESR (Lee County CPA 2020-00001 and CPA 2020-00002)
Date: Wednesday, February 24, 2021 1:14:19 PM
Attachments: [Technical Assistance Regarding the Florida Black Bear - 2021.pdf](#)

FYI.

From: Hight, Jason <Jason.Hight@MyFWC.com>
Sent: Wednesday, February 24, 2021 1:07 PM
To: kevin.ratterree@glhomes.com
Cc: DCPexternalagencycomments@deo.myflorida.com; Dunn, Brandon <BDunn@leegov.com>; hurwiller@m-da.com; chasesc@passarella.net; Conservation Planning Services <conservationplanningservices@MyFWC.com>
Subject: [EXTERNAL] FWC's Comments on Lee County 21-01ESR (Lee County CPA 2020-00001 and CPA 2020-00002)

Dear Mr. Ratterree:

Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the Lee County 21-01ESR comprehensive plan amendment package in accordance with our authorities under Chapter 163.3184(3), Florida Statutes. At this time, our comments are limited to advisory information and recommendations for reducing potential conflicts with Florida black bears (*Ursus americanus floridanus*) at the proposed residential development project located east of Buckingham Road, about 1.2 miles south of Palm Beach Boulevard in Lee County.

FWC has received 111 reports of human-bear conflicts within roughly a five-mile radius of the project site since 2009. Florida black bears are common in this area which is within the South Bear Management Unit identified in the 2019 Bear Management Plan. Please review the attached document for important information related to potential measures that can be taken to avoid or minimize negative wildlife interactions during the planning, construction, and operation phases of this project.

If you have specific technical questions, please contact Jason Wagman at (863) 209-2688 or by email at Jason.Wagman@MyFWC.com. For all other inquiries, please contact our office by email at ConservationPlanningServices@MyFWC.com.

Sincerely,

Jason Hight
Land Use Planning Program Administrator
Florida Fish and Wildlife
Conservation Commission
620 S. Meridian Street, MS5B5
Tallahassee, FL 32399
850-413-6966



Florida Fish and Wildlife Conservation Commission

Commissioners

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Michael W. Sole
Vice Chairman
Tequesta

Steven Hudson
Fort Lauderdale

Gary Lester
Oxford

Gary Nicklaus
Jupiter

Sonya Rood
St. Augustine

Robert A. Spottwood
Key West

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Eric Sutton
Executive Director

Thomas H. Eason, Ph.D.
Assistant Executive Director

Jennifer Fitzwater
Chief of Staff

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850-921-5786 FAX

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620 South Meridian Street
Tallahassee, Florida
32399-1600
Voice: 850-488-4676

Hearing/speech-impaired:
800-955-8771 (T)
800 955-8770 (V)

MyFWC.com

Technical Assistance Regarding the Florida Black Bear - 2021

Dear Applicant, Property Owner, and Interested Parties:

According to Florida Fish and Wildlife Conservation Commission (FWC) data, there is the potential for Florida black bears (*Ursus americanus floridanus*) to occur in the project area. The FWC received a sufficient number of reports of human-bear conflicts, evidence of bears collected by researchers, reports of bears killed by vehicles surrounding the project, or other data to recommend measures that may prevent or reduce conflicts with bears.

While Florida black bears tend to shy away from people, they are adaptable and will take advantage of human-provided food sources. This includes sources that are currently available near this site or sources available after construction, including unsecured garbage, pet food, and bird seed. Once bears become accustomed to finding food around people, their natural wariness is reduced to the point that there can be an increased risk to private property and public safety.

During the construction phase, construction sites should be kept clean, with refuse that might attract bears kept separate from construction debris and stored securely in bear-resistant containers or removed daily from the construction site before dark. Refuse that might attract bears includes all food and drink-related materials, as well as any items with strong scents like cleaning agents. If a homeowners' association or community covenants are planned, by-laws that would require residents to take measures to prevent attracting bears into the neighborhood are recommended. By-law language used by other Florida communities is available at (<http://myfwc.com/wildlifehabitats/managed/bear/living/community-group/bylaw/>). Once construction activities are complete, residents should be provided with bear-resistant garbage cans as part of their regular waste service and any larger waste storage containers should also be bear-resistant. Providing residents with information on how to avoid human-bear conflicts is also recommended. This information can include:

- Options for keeping garbage secure which can include using bear-resistant garbage containers, modifying regular cans to be bear-resistant, or keeping cans secure in a garage or sturdy shed and then placing garbage on the curb the morning of pick-up rather than the night before (<http://myfwc.com/wildlifehabitats/managed/bear/living/attractants/>);
- Removing bird and wildlife feeders, or modifying them to exclude bears (<http://myfwc.com/wildlifehabitats/managed/bear/wildlife-feeders/>);
- Using electric fencing to secure outdoor attractants like fruiting trees/shrubs, gardens, compost, and small livestock (<https://myfwc.com/media/1886/ElectricFence.pdf>);
- Proper composting in bear range (<https://myfwc.com/media/1888/howtocompostinbearcountry.pdf>);
- Keeping pets safe (<https://myfwc.com/media/1892/protect-your-pet.pdf>); and
- Cleaning and securing barbecue grills.

Information should also include guidelines for how residents should respond to bears in the area, such as:

- What to do if they encounter a bear, whether from a distance or at close range (<https://myfwc.com/wildlifehabitats/wildlife/bear/living/encounter/>), and
- When and how to contact the FWC regarding a bear issue (<https://myfwc.com/wildlifehabitats/wildlife/bear/nuisance-contact/>).

FWC can always assist with residential planning to incorporate the above recommendations and reduce the potential for unwanted interactions between bears and humans. Please feel free to contact our office at ConservationPlanningServices@myfwc.com for technical assistance.

Sincerely,

Jason Hight
Land Use Planning Program Administrator
Office of Conservation Planning Services

From: [Dunn, Brandon](#)
To: [Miller, Janet](#)
Cc: [Jenkins-Owen, Sharon](#); [Rozdolski, Mikki](#)
Subject: FW: FWC's comments on Lee County 21-01ESR (CPA 2020-00001 and CPA 2020-00002)
Date: Monday, March 01, 2021 1:27:32 PM
Attachments: [Technical Assistance Regarding the Florida Black Bear - 2021.pdf](#)

FYI, this is for Lee County Homes.

From: Cucinella, Josh <Josh.Cucinella@MyFWC.com>
Sent: Monday, March 1, 2021 12:46 PM
To: kevin.ratterree@glhomes.com
Cc: DCPexternalagencycomments@deo.myflorida.com; Dunn, Brandon <BDunn@leegov.com>; hurwiller@m-da.com; chasesc@passarella.net; Conservation Planning Services <conservationplanningservices@MyFWC.com>; Wagman, Jason <Jason.Wagman@MyFWC.com>
Subject: [EXTERNAL] FWC's comments on Lee County 21-01ESR (CPA 2020-00001 and CPA 2020-00002)

Dear Mr. Ratterree:

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Sincerely,

Josh Cucinella
Biological Administrator II
Office of Conservation Planning Services
Florida Fish and Wildlife Conservation Commission
1239 SW 10th Street
Ocala, Florida 34471
(352) 620-7330



Florida Fish and Wildlife Conservation Commission

Commissioners

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Gary Lester
Oxford

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Eric Sutton
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- Using electric fencing to secure outdoor attractants like fruiting trees/shrubs, gardens, compost, and small livestock (<https://myfwc.com/media/1886/ElectricFence.pdf>);
- Proper composting in bear range (<https://myfwc.com/media/1888/howtocompostinbearcountry.pdf>);
- Keeping pets safe (<https://myfwc.com/media/1892/protect-your-pet.pdf>); and
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Sincerely,

Jason Hight
Land Use Planning Program Administrator
Office of Conservation Planning Services