



Lee County  
Southwest Florida

## Board of County Commissioners

Kevin Ruane  
District One

June 4, 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 32399-4120

**RE: Amendment to the Lee Plan  
Adoption Submission Package  
CPA2019-00007 Commerce Lakes Parcel Map Amendment**

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, please find attached the proposed Comprehensive Plan Amendment, known locally as CPA2019-00007 (Commerce Lakes Parcel Map Amendment). The amendment is as follows:

***CPA2019-00007, Commerce Lakes Parcel:***

Amend the Future Land Use Map (Map 1, Page 1) from Airport Lands and Wetlands to New Community and Wetlands, and update the Airport Noise Zone (Map 1, Page 5) on +22 acres. The amendment is needed to reflect changes to the airport boundaries (Adopting Ordinance 21-06).

The Lee County Board of County Commissioners held an adoption hearing to adopt the above identified ordinance for the plan amendment on June 2, 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.

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)

By copy of this letter and its amendments, 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 Michael Reustorf, 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 (TRANSMITTAL HEARING)  
The Lee County Board of County Commissioners will hold a public hearing

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

02/19/2021

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 19th of February 2021, by legal clerk who is personally known to me.

[Signature]  
Affiant

[Signature]  
Notary State of Wisconsin, County of Brown

5.15.23  
My commission expires

# of Affidavits 1

This is not an invoice

NANCY HEYRMAN  
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, March 3, 2020. 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.

CPA2019-00007 Commerce Lake Parcel: Amend the Future Land Use Map (Map 1, Page 1) from Airport Lands and Wetlands to New Community and Wetlands, and update the Airport Noise Zone (Map 1, Page 5) on ±22 acres located at both northern corners of the intersection of Commerce Lakes Drive and Daniels Parkway. The amendment is needed to reflect changes to the airport boundaries.

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.leegov.com/dcd/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#4595024

2/19/2021

RECEIVED  
MAR 01 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  
Nicholas Kustrom, 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 (ADOPTION HEARING) T  
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:

05/21/2021

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 21st of May 2021, by  
legal clerk who is personally known to me.

\_\_\_\_\_  
Affiant

Vicky Felty  
\_\_\_\_\_  
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  
(ADOPTION HEARING)

The Lee County Board of County Com-  
missioners will hold a public hearing to  
consider the adoption of proposed  
amendments to the Lee County Com-  
prehensive Land Use Plan (Lee Plan) on  
Wednesday, June 2, 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 ordi-  
nance amending the Lee Plan as fol-  
lows:

CPA2019-00007 Commerce Lake Parcel:  
Amend the Future Land Use Map (Map  
1, Page 1) from Airport Lands and Wet-  
lands to New Community and Wet-  
lands, and update the Airport Noise  
Zone (Map 1, Page 5) on ±22 acres lo-  
cated at both northern corners of the  
intersection of Commerce Lakes Drive  
and Daniels Parkway. The amendment  
is needed to reflect changes to the air-  
port boundaries.

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 call-  
ing 239-533-2328. The Minutes Office is  
located in the Courthouse Administra-  
tion Building, 2115 Second Street, Fort  
Myers, Florida. This meeting is open to  
the public. Interested parties may ap-  
pear at the meeting and be heard with  
respect to the proposed plan amend-  
ment. A verbatim record of the pro-  
ceeding 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 modifi-  
cations shall be incorporated into the  
final version.

Lee County will not discriminate  
against individuals on the basis of race,  
color, national origin, sex, age, disabili-  
ty, religion, income or family status. To  
request language interpretation, docu-  
ment translation or an ADA-qualified  
reasonable modification at no charge  
to the requestor, contact Joan  
LaGuardia, (239) 839-6038, Florida Re-  
lay Service 711, at least five business  
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brindará servicios de traducción sin car-  
go a personas con el idioma limitado  
del inglés.  
AD#4727008 5/21/2021

RECEIVED  
MAY 25 2021  
COMMUNITY DEVELOPMENT



**LEE COUNTY ORDINANCE NO. 21-06**

Commerce Lake Parcel  
CPA2019-00007

**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 COMMERCE LAKE PARCEL (CPA2019-00007) 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 January 25, 2021, and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on March 3, 2021. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Commerce Lake Parcel (CPA2019-00007) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the March 3, 2021 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on June 2, 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 "Commerce Lake Parcel Ordinance (CPA2019-00007)."**

## 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 Map (Map 1, Page 1) from Airport Lands and Wetlands to New Community and Wetlands, and update the Airport Noise Zone (Map 1, Page 5) on ±22 acres located at both northern corners of the intersection of Commerce Lakes Drive and Daniels Parkway. The amendment is needed to reflect changes to the airport boundaries. The ordinance is known as Commerce Lake Parcel (CPA2019-00007).

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 2<sup>nd</sup> day of June 2021.

ATTEST:  
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY: Joyce Townsend  
Deputy Clerk

BY: [Signature]  
Kevin Ruane, Chair



DATE: 06022021

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 (Map 1, Page 1) and Airport Noise Zone (Map 1, Page 5) (Adopted by BOCC June 2, 2021)

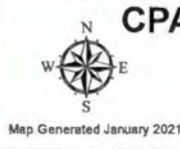
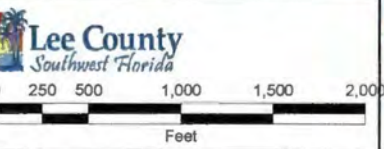


## EXHIBIT A

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



- CPA2019-00007
- Sub-Outlying Suburban
- Public Facilities
- New Community
- Tradeport
- Airport
- Density Reduction/Groundwater Resource
- Wetlands

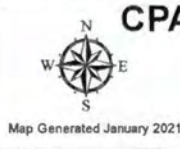
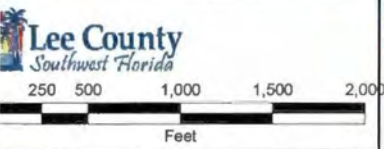


**CPA2019-00007 - Commerce Lake Parcel**  
**EXISTING LEE PLAN**  
**FUTURE LAND USE MAP**





- CPA2019-00007
- Sub-Outlying Suburban
- Public Facilities
- New Community
- Tradeport
- Airport
- Density Reduction/Groundwater Resource
- Wetlands

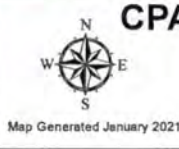
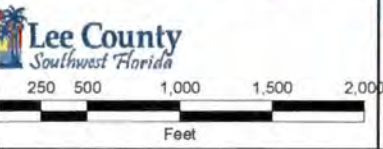


**CPA2019-00007 - Commerce Lake Parcel**  
**PROPOSED LEE PLAN**  
**FUTURE LAND USE MAP**





- CPA2019-00007
- Airport Noise Zone A
- Airport Noise Zone B
- Airport Noise Zone C







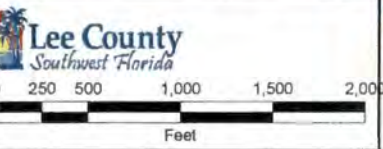
**CPA2019-00007 - Commerce Lake Parcel**  
**EXISTING LEE PLAN**  
**AIRPORT NOISE ZONE MAP**

Map Generated January 2021





-  CPA2019-0007
-  Airport Noise Zone A
-  Airport Noise Zone B
-  Airport Noise Zone C



Map Generated January 2021

**CPA2019-0007 - Commerce Lake Parcel**  
**PROPOSED LEE PLAN**  
**AIRPORT NOISE ZONE MAP**

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM  
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 21-06  
(e.g., 93-001)

PRIMARY KEYFIELD  
DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD  
DESCRIPTOR: Planning

OTHER KEYFIELD  
DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Commerce Lake Parcel  
(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: \_\_\_\_\_





**FLORIDA DEPARTMENT *of* STATE**

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

June 3, 2021

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

Attn: Joyce Townsend

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. 21-06, which was filed in this office on June 3, 2021.

Sincerely,

Anya Grosenbaugh  
Program Administrator

AG/lb

# STAFF REPORT FOR

## CPA2019-00007: Commerce Lakes Parcel

County Initiated Map Amendment to the Lee Plan



### Representative:

Department of  
Community Development

### Property Location:

Northeast of RSW, At the  
intersection of Commerce  
Lakes Drive and Daniels  
Parkway

### Property Size:

±22.14 acres

### Planning Community:

Gateway/Airport

### Commissioner District:

District #2

### Hearing Dates:

LPA: January 25, 2021

BoCC #1: March 3, 2021

BoCC #2: June 2, 2021

### REQUEST

Amend the Future Land Use Map (Map 1, Page 1) from Airport Lands and Wetlands to New Community and Wetlands, and update the Airport Noise Zone (Map 1, Page 5) on ±22 acres located at both northern corners of the intersection of Commerce Lakes Drive and Daniels Parkway. The amendment is needed to reflect changes to the airport boundaries.

### SUMMARY

The requested amendment will change the future land use category and airport noise zone for the "Commerce Lakes Parcel." The Commerce Lakes Parcel consists of two parcels that are separated from contiguous airport property by Daniels Parkway, a four-lane divided arterial, and was deemed surplus to Southwest International Airport's (RSW) future aviation operations or airport expansion by the Board of County Commissioners. As surplus, the Airport Lands future land use category is no longer the appropriate designation for these parcels; the proposed New Community future land use category will be consistent with the designations on adjacent properties located north of Daniels Parkway. Wetlands on these parcels will continue to be designated Wetlands on the future land use map.

The requested amendment will not change allowable intensity permitted on the parcels, but will allow for future development by non-Port Authority owners.



Figure 1: Aerial Location Map

### RECOMMENDATION

Staff recommends that the Board of County Commissioners **adopt** CPA2019-00007, based on the analysis and findings provided in this staff report.

**PART 1**  
**BACKGROUND**

The Commerce Lakes Parcel ("Parcel") was acquired by Lee County as part of the original airport land acquisition and has remained in the airport lands inventory since its acquisition, Port Authority staff determined it is not needed for aviation purposes and has been unsuccessful in leasing the property for a non-aviation use. On June 27, 2019 the Board authorized the sale of the approximately 22.14 acre Parcel as surplus property and directed the Department of Community Development to initiate the necessary Comprehensive Plan amendments to reflect the change in the airport boundaries.

There is also a concurrent rezoning for the subject property, DCI2020-00018, filed by 1227 Holdings, LLC who is under contract to purchase the property. 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 to provide concurrent review of the rezoning request.

Staff notes that even with the recommended adoption of the proposed map amendments, the applicant for the concurrent rezoning must demonstrate consistency with the Lee Plan in order to receive a favorable recommendation.

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

**Subject Property:**

The Parcel is located northeast of RSW, on the north side of Daniels Parkway, and on either side (east and west) of the intersection of Daniels Parkway and Commerce Lakes Drive. It is within the Gateway/Airport planning community and is currently zoned as an Airport Operations Planned Development (AOPD).

**Surrounding Properties:**

Lands located to the north, east, and west of the Parcel, on the north side of Daniels Road, contain a mix of light industrial, commercial, and residential uses. These properties are zoned as Planned Unit Development (PUD) and Mixed Use Planned Development (MPD). This area is commonly known as "Gateway," and is in the New Community future land use category.

South of the Parcel is Daniels Parkway, then land owned by the Lee County Port Authority, containing RSW. This property is zoned AOPD and is within the Airport Lands future land use category.



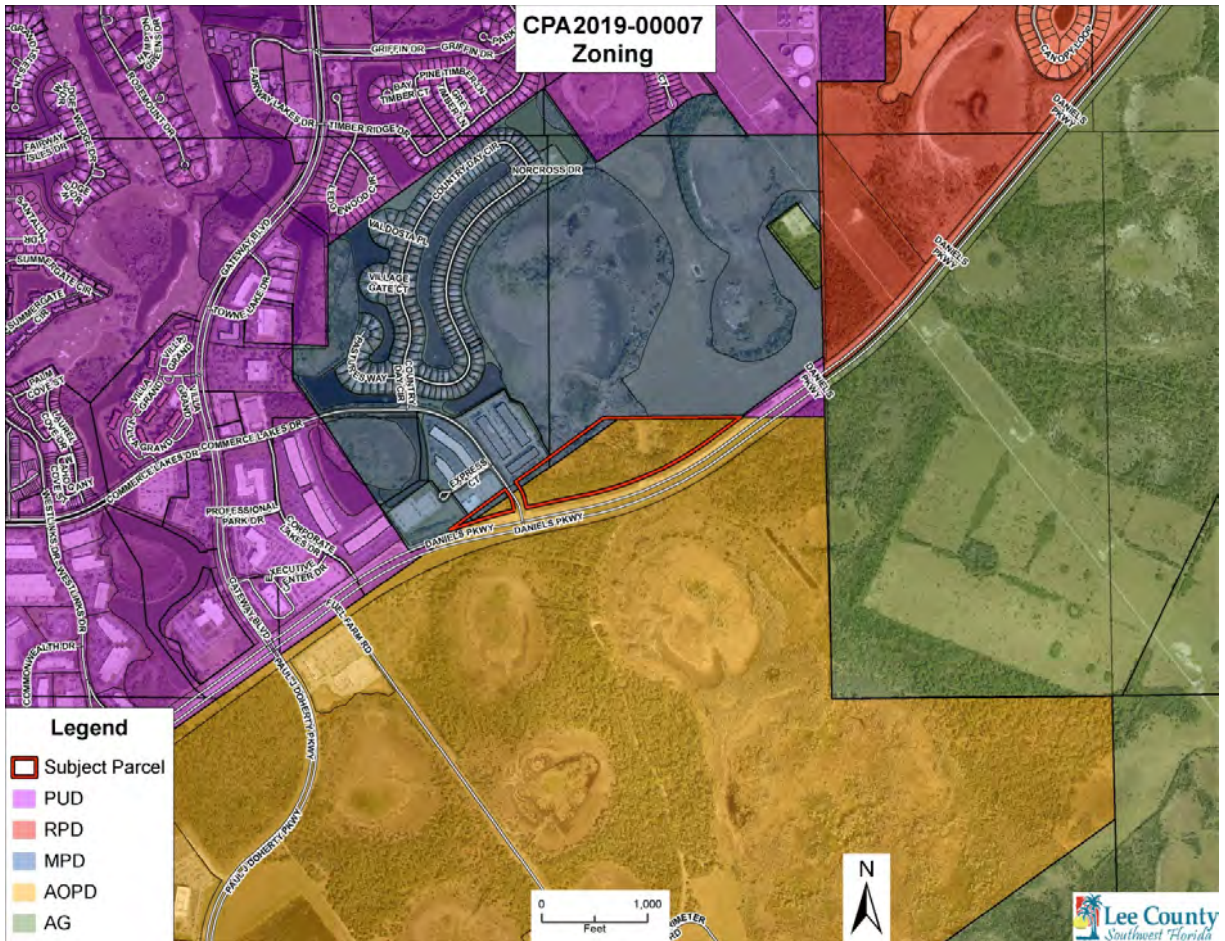


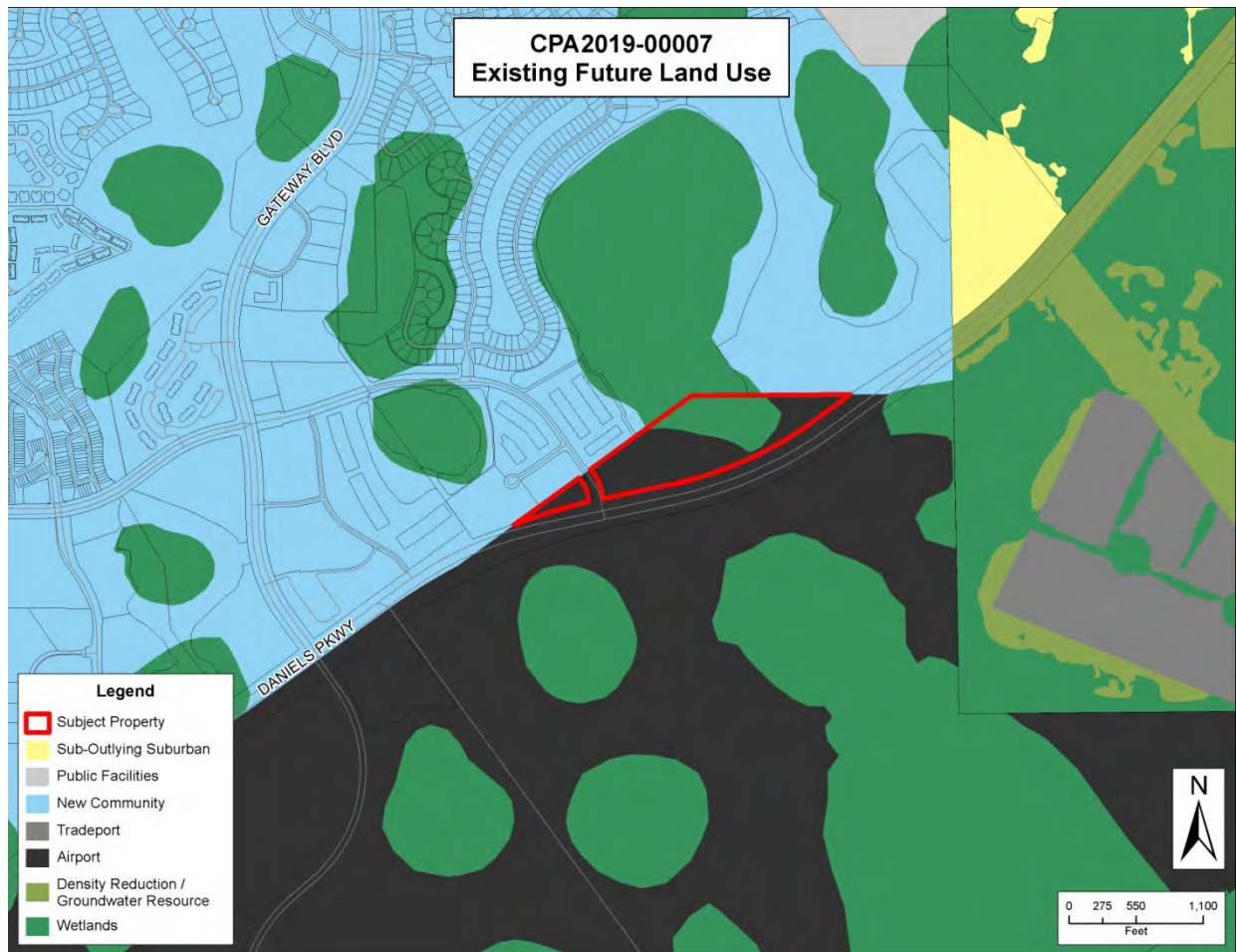
Figure 2: Surrounding Zoning

**Current Future Land Use Categories:**

The Parcel is currently designated as Airport Lands and Wetlands on the Future Land Use Map. These future land use categories are described in Policies 1.1.12 and 1.5.1.

Policy 1.1.12 provides that *“Allowable land uses and intensities within the Airport Lands future land use category are subject to the plans for the airport properties outlined in the Southwest Florida International Airport Master Plan Update...”* This land use category accommodates the Port Authority’s airports and projected need for growth in order to continue viable airport operations.

Policy 1.5.1 states that *“Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.”*



**Figure 3: Existing Future Land Use Map**

The Airport Lands future land use category describes land owned by the Port Authority and allows land uses and intensities consistent with the most recently adopted Airport Master Plan for each airport. Development in the Airport Lands future land use category requires approval through the AOPD zoning process. A change to the airport boundary, via the sale of surplus property, requires that the boundary of the Airport Lands future land use category also be amended to reflect the change in ownership and allow rezoning of the property to a non-AOPD zoning district.

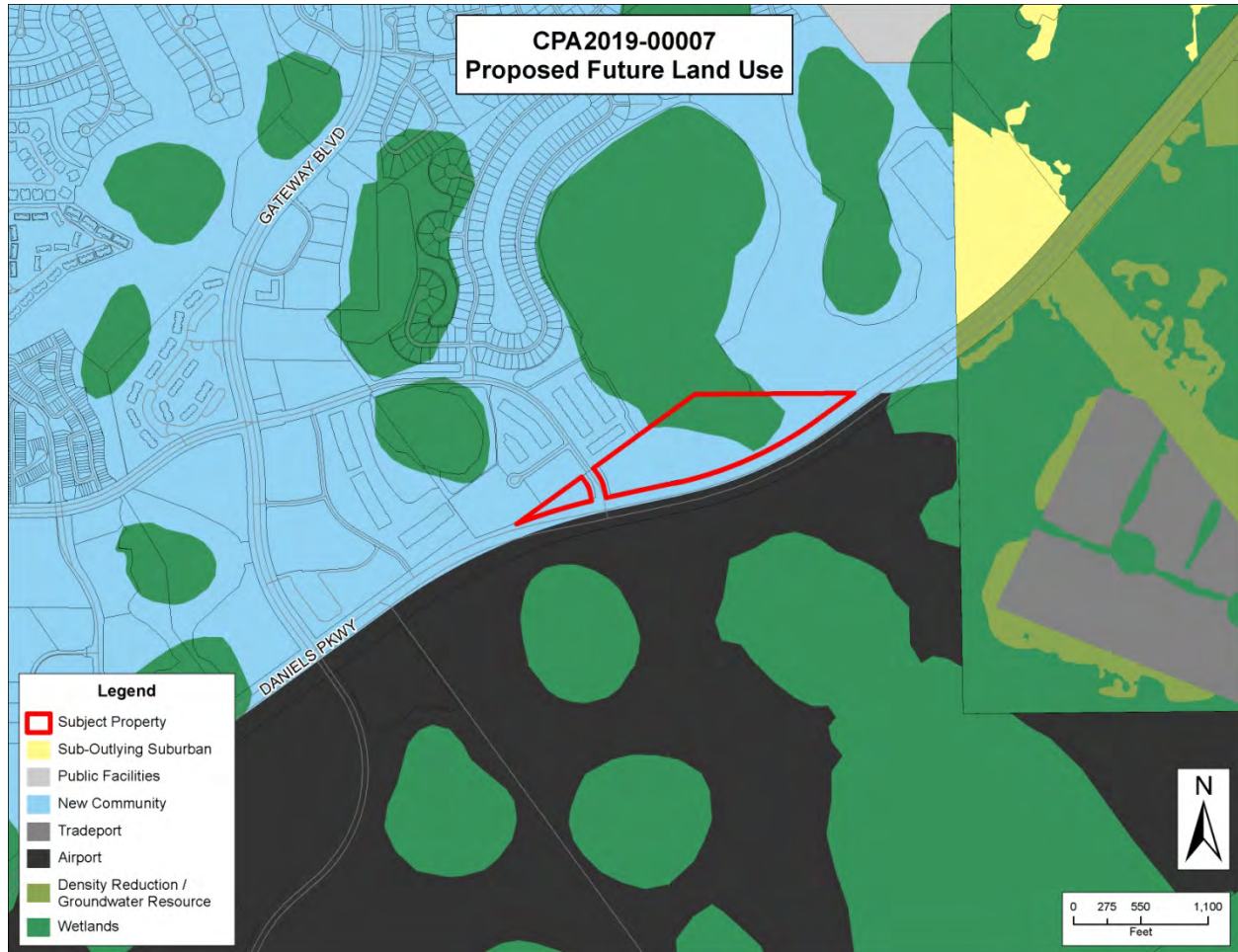
**Proposed Future Land Use Categories:**

Upland areas within the Parcel currently in the Airport Lands future land use category are proposed to be re-designated to the New Community future land use category described in Policy 1.6.1. Wetland areas within the Parcel will remain in the Wetlands future land category.

Development within the New Community future land use category must be, in part, *“capable of being planned and developed as a cohesive unit...land must be located such that the area is capable of being developed with a balance of residential and non-residential uses and that major impacts of the development are internalized and/or alleviated by infrastructure that is existing or will be funded privately.”*



The expansion of the New Community future land use boundary onto the Parcel will allow for the Parcel to be developed in a manner that is cohesive and compatible with the existing development on contiguous New Community properties. Policy 1.6.1 requires the minimum land area of a New Community development exceed 2,000 acres, to ensure an appropriate balance of land uses. The New Community future land use category in the Gateway area, if expanded to encompass the Parcel, will include approximately 2,524 acres, and is consistent with Policy 1.6.1.



**Figure 4: Proposed Future Land Use Map**

The primary difference in uses allowed in the New Community future land use category and the Airport Lands future land use category is that New Community allows for residential uses. Staff notes that the concurrent rezoning request does not include residential uses; therefore the proposed change will have no impacts based on allowable uses or intensities.

**Airport Noise Zones**

The Parcel is currently identified in Airport Noise Zone A on Map 1, Page 5 of the Lee Plan. Policy 1.7.1 provides that Noise Zone A is the designation given to Airport Property and that “Upon disposition of any Port Authority property, the land is then subject to the Noise Zone as applicable based on the most recent Composite Day-Night Average Noise Level (DNL) Noise Contours map for Southwest Florida International Airport approved by the Federal Aviation Administration.”



To maintain consistency with Policy 1.7.1, Lee Plan Map 1, Page 5 will be amended to reflect the appropriate Noise Zone on the Parcel based on the most recent DNL Noise Contours map on the Parcel (see Attachment 1).

**Growth Management/Compatibility:**

Goal 2 discusses the need for appropriate growth management. Objective 2.2 specifies that new growth should be directed to future urban areas where adequate public facilities exist, as well as areas where contiguous development patterns can be created. The Parcel is in an area with adequate facilities and substantial development on all sides. Expansion of the New Community designation onto the Parcel will allow for contiguous development patterns and is consistent with Goal 2 and Objective 2.2 of the Lee Plan.

Policy 6.1.4 also states that commercial development will be approved only when compatible with adjacent existing and proposed land uses, as well as with existing and proposed public services and facilities. The proposed land use is compatible with the currently existing commercial development, and is located in an area that currently has appropriate programmed public services. The proposed amendment is consistent with Policy 6.1.4.

**Public Service Availability:**

As previously stated, the proposed amendment to the Future Land Use Map will not change either the uses or the intensities of the subject property. The adequacy of the public facilities services will be reviewed as part of the zoning process, where the specific proposed uses and intensities can be evaluated.

Transit: The subject area is not within one-quarter mile of a fixed-route corridor. The area has not been identified as needing enhanced or additional transit services.

Utilities: There is sufficient capacity to provide potable water and sanitary sewer service to the Parcel. Service will be provided by Gateway Water Reclamation Facility.

Solid Waste: 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 Parcel will be served by the South Trail Fire Protection & Rescue Service District.

EMS: The primary ambulance for this location is located 4.3 miles from the property, with a secondary ambulance located 6.1 miles away.

Police: The Lee County Sheriff will provide law enforcement services primarily from the Central District sub-station in Fort Myers. The Sheriff indicated in a letter dated October 2, 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.

**PART 3  
CONCLUSIONS**

The Board of County Commissioners initiated this amendment to maintain consistency with the Lee Plan, since the existing Airport Lands future land use category and Airport Noise Zone A designations are only for lands owned by the Lee County Port Authority. The amendments will accommodate the sale of the surplus property to a private entity for development.

- The New Community future land use category and updated Airport Noise Zone will allow for privately developed commercial and/or light industrial uses on the subject property adjacent to a primarily light industrial area within the Gateway community.
- While New Community allows for residential uses and Airport Lands does not, there is no difference in the intensities of non-residential uses allowed in the existing and proposed future land use categories.
- A concurrent planned development rezoning application filed by the purchaser of the property is limited to commercial and light industrial uses; therefore the proposed future land use category will result in no increase in allowable densities or intensities.
- There is currently, and will continue to be, adequate public services to meet the demands of the New Community future land use category.

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

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

DATE OF PUBLIC HEARING: January 25, 2021

**A. LOCAL PLANNING AGENCY REVIEW:**

Staff provided a brief presentation for the proposed amendment, which included the purpose for the amendment, Lee Plan consistency, and a comparison between the current and requested future land use categories.

Following staff's presentation, members of the LPA asked for clarification on several aspects of the requested amendment. Points of clarification included whether the property was under one ownership group, and the need for a County-initiated amendment if the land is under one ownership.

Concern was expressed by LPA members over the update to the Airport Noise Zone. Staff stated that the Airport Noise Zone would not be removed, only re-designated based on new ownership. Further concern was expressed by an LPA member regarding possible future challenges posed by area residents. Staff stated that residents would receive notification regarding the Airport Noise Zone. The LPA member asked staff whether height restrictions would be modified or removed. Staff responded that they did not believe that height restrictions were based on the noise zones.

Another LPA member asked staff if the amendment could move forward without changing the noise zones. Staff responded that this would be inconsistent with Lee Plan policy 1.7.1.



An LPA member stated that the County was “heading in the wrong direction” in giving up airport noise zone territories, with which another LPA member agreed.

An LPA member referenced another case heard by the LPA several months ago, in which a piece of property involved had a noise zone on a portion of it. Height restrictions were addressed again by an LPA member, in regards to the changing noise zone. Staff again stated that they did not believe height restrictions were related to noise zones.

A staff member stated that policy 1.7.1 outlines descriptions of the noise zones, but there are no specifics regarding height restrictions, and that height is handled through the applicant’s “tall structure permitting,” which is reviewed by the Port Authority. Discussion continued regarding noise zones and a future rezoning amendment.

Questions pertaining to the property’s appraisal and sales contract were addressed by staff members.

There was no public comment concerning the proposed amendment.

**B. LOCAL PLANNING AGENCY RECOMMENDATION:**

A motion was made to recommend that the Board of County Commissioners **transmit** CPA2019-00007. The motion passed 6 to 0.

**C. VOTE:**

<b>RAYMOND BLACKSMITH</b>	<b><u>AYE</u></b>
<b>DUSTIN GARDNER</b>	<b><u>AYE</u></b>
<b>JAMES INK</b>	<b><u>AYE</u></b>
<b>ALICIA OLIVO</b>	<b><u>ABSENT</u></b>
<b>DON SCHROTENBOER</b>	<b><u>AYE</u></b>
<b>STAN STOUDE</b>	<b><u>AYE</u></b>
<b>HENRY ZUBA</b>	<b><u>AYE</u></b>

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

DATE OF PUBLIC HEARING: March 3, 2021

**A. BOARD REVIEW:**

Staff provided a brief presentation for the proposed amendment which included an overview of the proposed amendment and staff recommendation.

There was no public comment concerning the proposed amendment.

**B. BOARD MOTION:**

A motion was made to transmit CPA2020-00003 as recommended by staff and the LPA. The motion passed 5 to 0.

**C. VOTE:**

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



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

Comments from the State Reviewing Agencies were due to Lee County by April 14.

**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 (DOT),
- Florida Fish and Wildlife Conservation Commission (FWC),and
- South Florida Water Management District (SFWMD)

There were no objections concerning the proposed amendments; however, technical assistance comments were received from the Florida Department of Transportation.

**Florida Department of Transportation**

*Comment #1: 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.*

*Comment #2: 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:**

Staff is appreciative of FDOT's technical guidance comments and efforts regarding coordination of transportation development and multimodal options. A sidewalk will be required in accordance with Section 10-610, which provides guidelines for pedestrian walkways for commercial development.

**Florida Fish and Wildlife Conservation Commission**

*Advisory Comment: (FWC) staff reviewed the Lee County 21-02ESR 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 development project located north of the intersection of Commerce Lakes Drive and Daniels Parkway in Lee County.*

*FWC has received 99 reports of human-bear conflicts within roughly a five-mile radius of the project site since 2011. Florida black bears are frequent 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:**

Staff is appreciative of FWC's advisory comments and will take them into consideration during the upcoming 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.

**PART 7  
BOARD OF COUNTY COMMISSIONERS  
ADOPTION HEARING**

DATE OF PUBLIC HEARING: June 2, 2021

**A. BOARD REVIEW:**

Staff provided a brief presentation for the proposed amendment which included an overview of the proposed amendments; including Lee Plan consistency, State Reviewing Agency comments and staff recommendation.

There was no public comment concerning the proposed amendments.

**B. BOARD ACTION:**

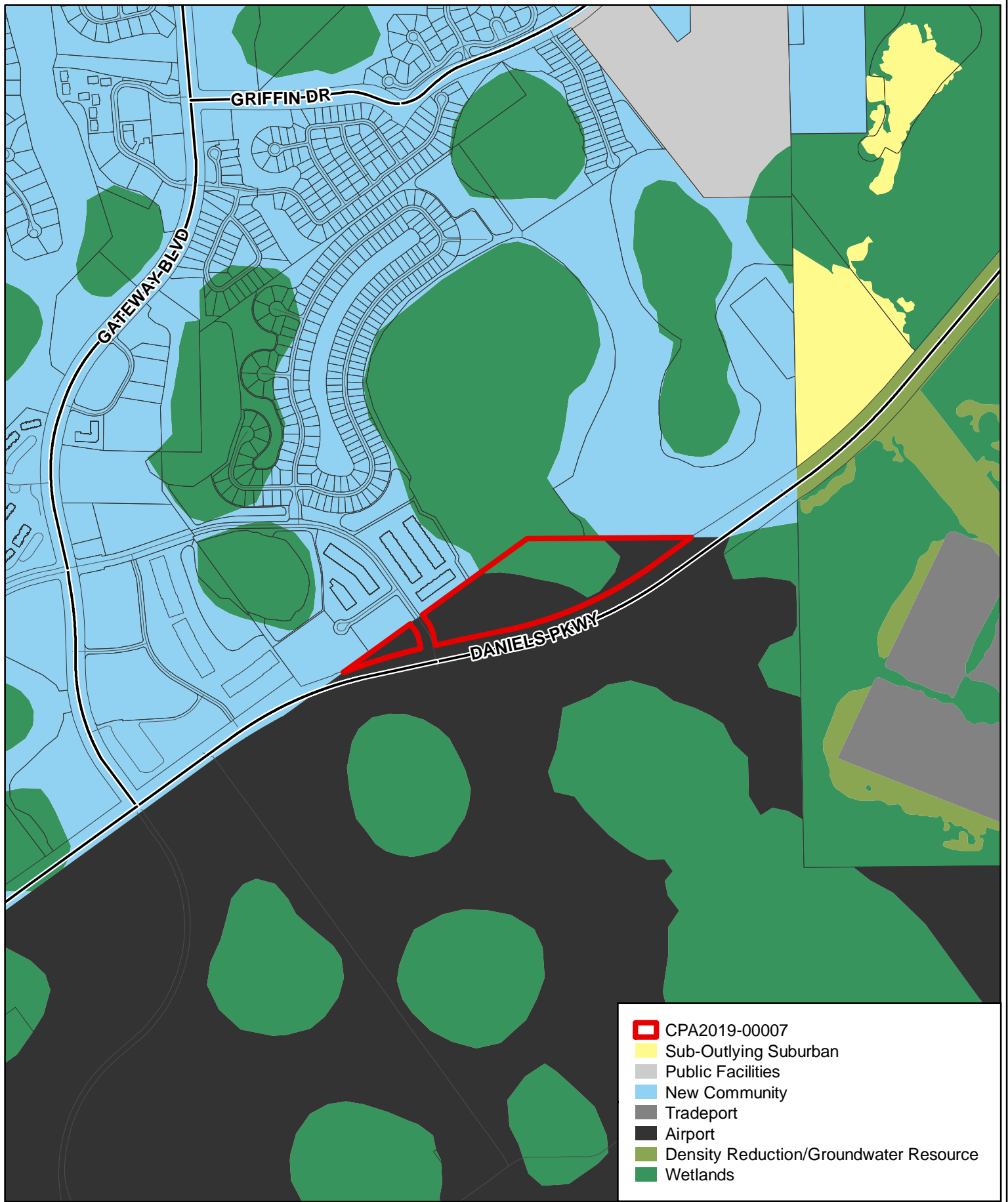
A motion was made to **adopt** CPA2019-00007 as transmitted recommended by staff. The motion was passed 5 to 0.

**VOTE:**

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

# **ATTACHMENT 1**





- CPA2019-00007
- Sub-Outlying Suburban
- Public Facilities
- New Community
- Tradeport
- Airport
- Density Reduction/Groundwater Resource
- Wetlands

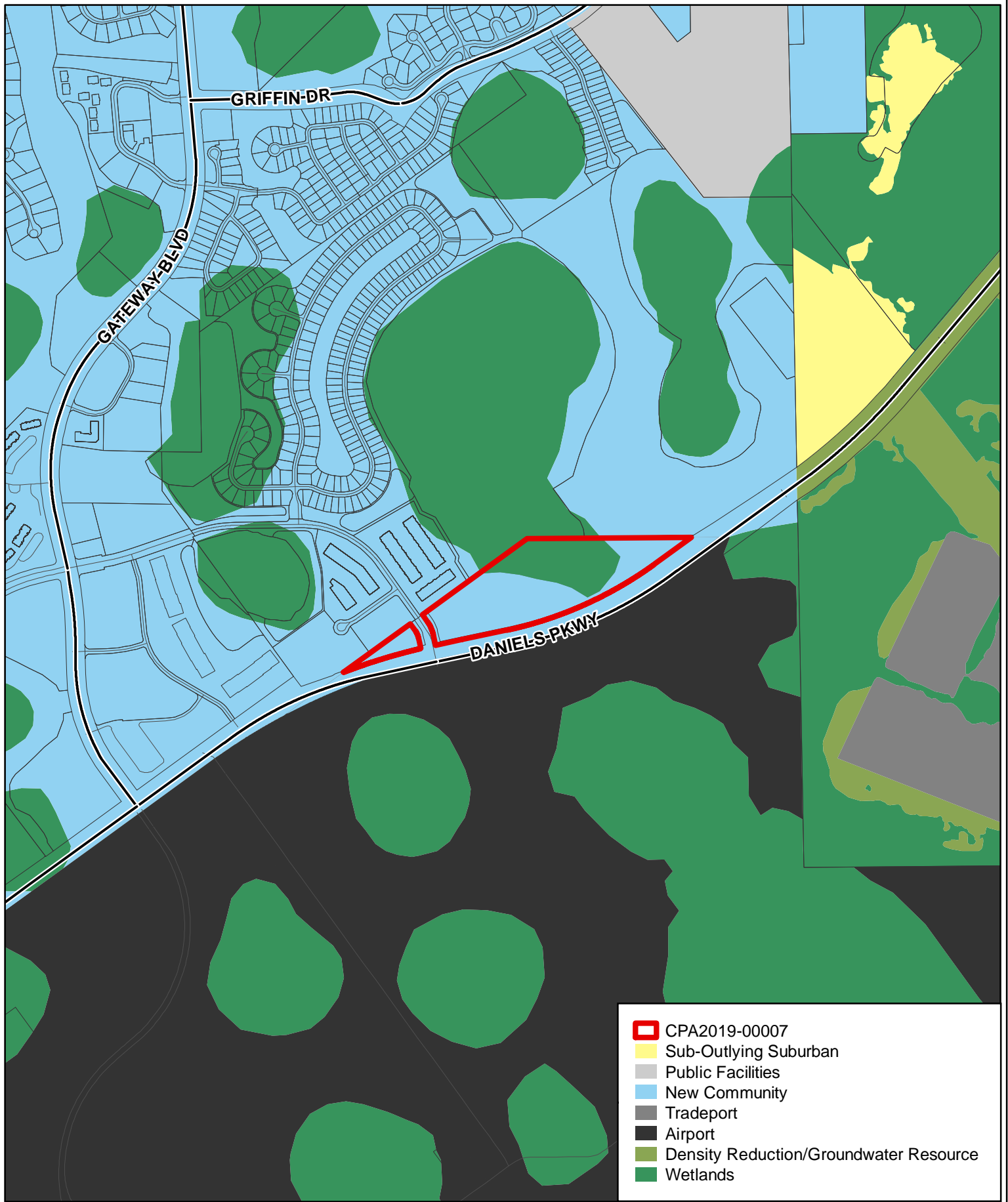
**Lee County**  
Southwest Florida

0 250 500 1,000 1,500 2,000  
Feet

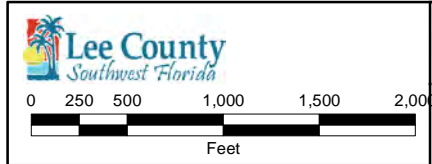


Map Generated January 2021

**CPA2019-00007 - Commerce Lake Parcel**  
**EXISTING LEE PLAN**  
**FUTURE LAND USE MAP**

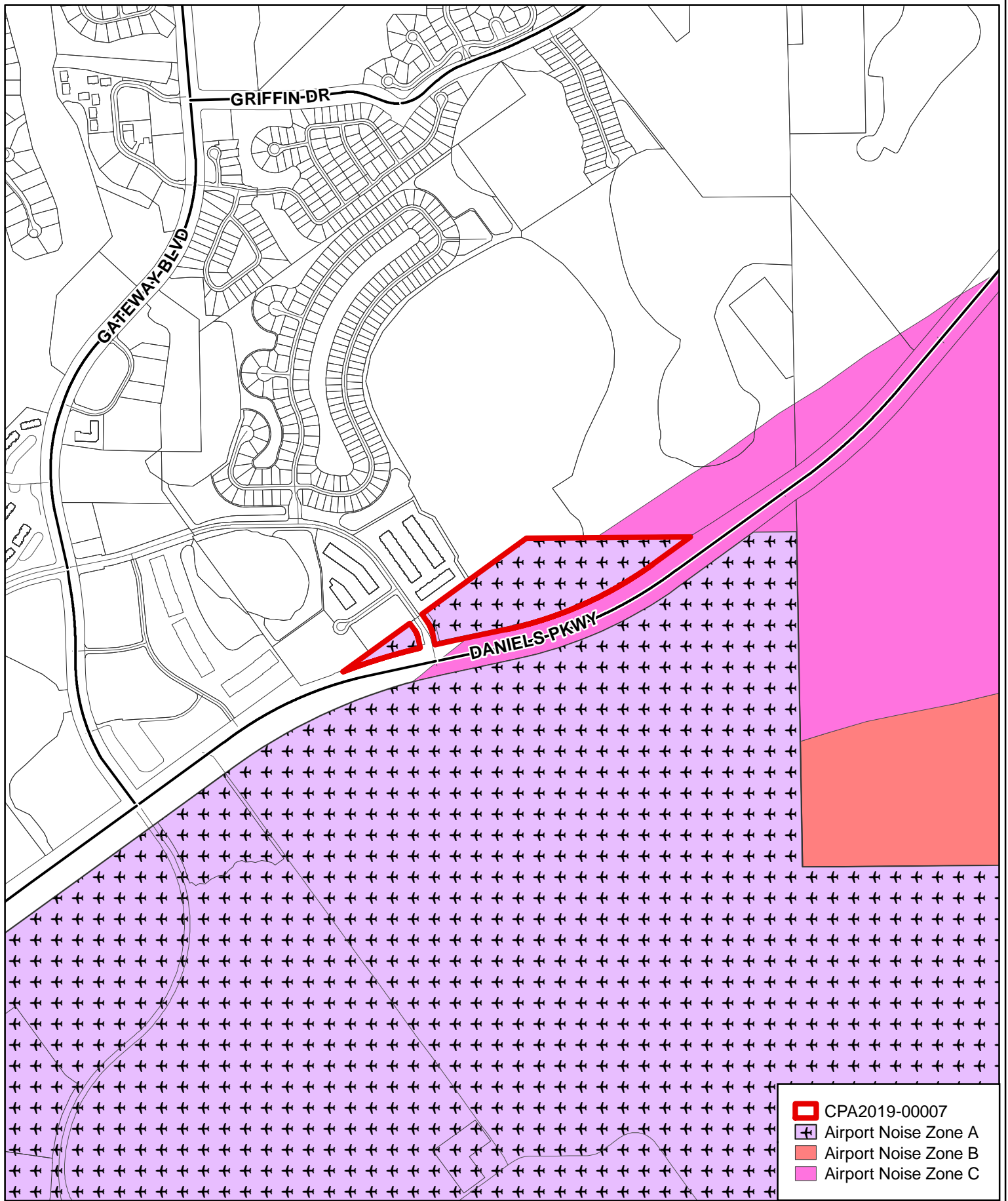


- CPA2019-00007
- Sub-Outlying Suburban
- Public Facilities
- New Community
- Tradeport
- Airport
- Density Reduction/Groundwater Resource
- Wetlands



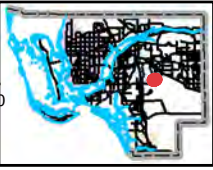
Map Generated January 2021

**CPA2019-00007 - Commerce Lake Parcel**  
**PROPOSED LEE PLAN**  
**FUTURE LAND USE MAP**



	CPA2019-00007
	Airport Noise Zone A
	Airport Noise Zone B
	Airport Noise Zone C

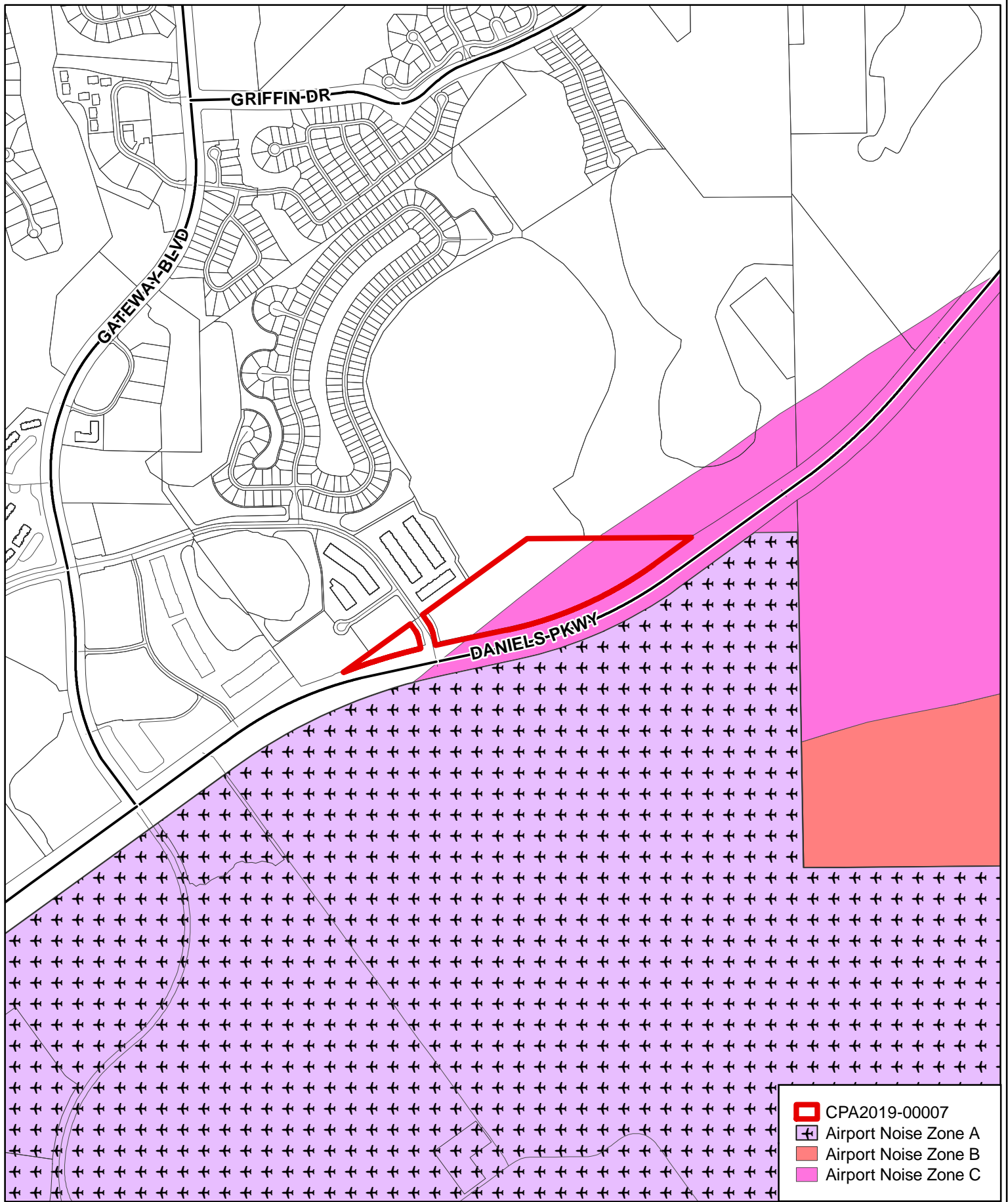
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




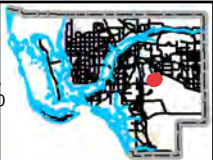
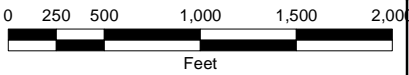
Map Generated January 2021

**CPA2019-00007 - Commerce Lake Parcel**  
**EXISTING LEE PLAN**  
**AIRPORT NOISE ZONE MAP**





-  CPA2019-00007
-  Airport Noise Zone A
-  Airport Noise Zone B
-  Airport Noise Zone C



Map Generated January 2021

**CPA2019-00007 - Commerce Lake Parcel**  
**PROPOSED LEE PLAN**  
**AIRPORT NOISE ZONE MAP**

# **AGENCY COMMENTS**

**Ron DeSantis**  
GOVERNOR



**Dane Eagle**  
EXECUTIVE DIRECTOR

April 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. 21-02ESR) received on March 15, 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](http://www.FloridaJobs.org)  
[www.twitter.com/FLDEO](https://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](https://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.



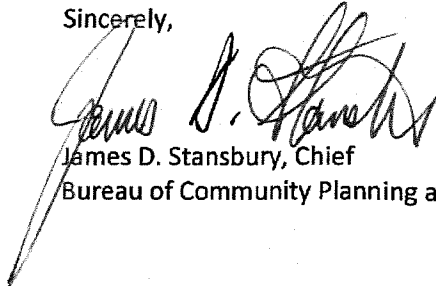
The Honorable Kevin Ruane, Chairman

April 12, 2021

Page 2 of 2

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

Sincerely,



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

JDS/sr

Enclosure(s): Procedures for Adoption

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

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS**

**FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit electronically using the Department's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**" (<https://floridajobs.secure.force.com/cp/>) or 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.



**Ron DeSantis**  
GOVERNOR



**Dane Eagle**  
EXECUTIVE DIRECTOR

**RECEIVED**  
MAR 18 2021

COMMUNITY DEVELOPMENT

March 15, 2021

Mr. Brandon Dunn, Principal Planner  
Lee County Planning Section  
Post Office Box 398  
Fort Myers, Florida 33902-0398

Dear Mr. Dunn:

Thank you for submitting Lee County's proposed comprehensive plan amendment submitted for our review pursuant to the Expedited State Review process. The reference number for this amendment package is **21-02ESR**.

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 April 14, 2021.

If you have any questions please contact Cristin Beshears, Plan Processor at (850) 717-8486 or Justin Stiell, Regional Planning Administrator, who will be overseeing the review of the amendments, at (850)717-8523.

Sincerely,

D. Ray Eubanks, Administrator  
Plan Review and Processing

DRE/cb

cc: External Agencies

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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March 8, 2021

Kevin Ruane  
*District One*

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  
*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  
Transmittal Submission Package  
CPA2019-00007, Commerce Lakes Parcel Map Amendment**

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, please find attached the proposed Comprehensive Plan Amendment, known locally as CPA2019-00007 (Commerce Lakes Parcel Map Amendment). The amendment is as follows:

***CPA2019-00007, Commerce Lakes Parcel:***

Amend the Future Land Use Map (Map 1, Page 1) from Airport Lands and Wetlands to New Community and Wetlands, and update the Airport Noise Zone (Map 1, Page 5) on ±22 acres. The amendment is needed to reflect changes to the airport boundaries.

The Local Planning Agency held a public hearing for the plan amendment on January 25, 2021. The Board of County Commissioners voted to transmit the amendment on March 3, 2021. 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)

RECEIVED

*Div. of Community Planning and Growth*

MAR 15 2021

Div. of Community Development  
Dept. Economic Opportunity

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

Vitor Suguri  
FDOT District One

Margaret Wuerstle  
Southwest Florida Regional Planning Council

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



**Miller, Janet**

---

**From:** Dunn, Brandon  
**Sent:** Monday, April 5, 2021 12:32 PM  
**To:** Miller, Janet  
**Cc:** Griffin, Tyler; Rozdolski, Mikki  
**Subject:** FW: Lee County 21-02ESR Proposed

Please see correspondence below. This is for Commerce Lakes Parcel.

Brandon

**From:** Plan\_Review <Plan.Review@dep.state.fl.us>  
**Sent:** Monday, April 5, 2021 12:02 PM  
**To:** Dunn, Brandon <BDunn@leegov.com>; dcpexternalagencycomments@deo.myflorida.com  
**Cc:** Plan\_Review <Plan.Review@dep.state.fl.us>  
**Subject:** Lee County 21-02ESR Proposed

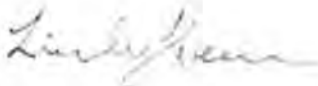
To: Mr. Brandon Dunn, Principal Planner

Re: Lee County 21-02ESR – 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.



**Miller, Janet**

---

**From:** Dunn, Brandon  
**Sent:** Thursday, May 6, 2021 3:10 PM  
**To:** Miller, Janet  
**Subject:** FW: FWC's comments on Lee County 21-02ESR (2019-00007)  
**Attachments:** Technical Assistance Regarding the Florida Black Bear - 2021.pdf

**From:** Cucinella, Josh <Josh.Cucinella@MyFWC.com>  
**Sent:** Wednesday, April 14, 2021 4:31 PM  
**To:** Dunn, Brandon <BDunn@leegov.com>  
**Cc:** DCPexternalagencycomments@deo.myflorida.com; Conservation Planning Services <conservationplanningservices@MyFWC.com>; Wagman, Jason <Jason.Wagman@MyFWC.com>  
**Subject:** [EXTERNAL] FWC's comments on Lee County 21-02ESR (2019-00007)

Dear Mr. Dunn:

Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the Lee County 21-02ESR 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 development project located north of the intersection of Commerce Lakes Drive and Daniels Parkway in Lee County.

FWC has received 99 reports of human-bear conflicts within roughly a five-mile radius of the project site since 2011. Florida black bears are frequent 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](mailto:Jason.Wagman@MyFWC.com). For all other inquiries, please contact our office by email at [ConservationPlanningServices@MyFWC.com](mailto:ConservationPlanningServices@MyFWC.com).

Sincerely,

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

Lee County 21-02ESR\_43951





## Florida Fish and Wildlife Conservation Commission

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*Managing fish and wildlife resources for their long-term well-being and the benefit of people.*

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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 barbeque 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](mailto:ConservationPlanningServices@myfwc.com) for technical assistance.

Sincerely,

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



**Miller, Janet**

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**From:** Dunn, Brandon  
**Sent:** Monday, April 19, 2021 7:44 AM  
**To:** Miller, Janet; Griffin, Tyler  
**Cc:** Rozdolski, Mikki  
**Subject:** FW: Proposed CPA 21-02 / Lee County / Expedited State Review / No Comment

Please see correspondence below.

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

**From:** Suguri, Vitor <Vitor.Suguri@dot.state.fl.us>  
**Sent:** Sunday, April 18, 2021 9:00 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>; Engala, Todd <Todd.Engala@dot.state.fl.us>; Ambikapathy, Babuji <BAmbikapathy@vhb.com>; jzaballero@vhb.com; Dunn, Brandon <BDunn@leegov.com>  
**Subject:** [EXTERNAL] Proposed CPA 21-02 / 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 the Lee County's Proposed Comprehensive Plan Amendment (CPA) package 21-02ESR.

The amendment proposes to amend the Future Land Use Map (Map 1, Page 1) from Airport Lands and Wetlands to New Community and Wetlands, and update the Airport Zone (Map 1, Page 5) on +/- 22 Acres located at both northern corners of the intersection of Commerce Lakes Drive and Daniels Parkway.

The requested amendment will not change allowable intensity permitted on the parcels, but will allow for future development by non-Port Authority owners.

**FDOT Review Comment:** FDOT determined the proposed amendment has no significant adverse impacts to transportation resources or facilities of state importance. The Department welcomes the opportunity for early coordination on projects impacting or near a state facility.

**FDOT Technical Assistance 1:** 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 2:** 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



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## Miller, Janet

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**From:** Dunn, Brandon  
**Sent:** Monday, April 5, 2021 12:33 PM  
**To:** Miller, Janet  
**Cc:** Griffin, Tyler; Rozdolski, Mikki  
**Subject:** FW: Lee County, DEO #21-2ESR Comments on Proposed Comprehensive Plan Amendment Package

FYI...for Commerce Lakes Parcel.

Brandon

**From:** Oblaczynski, Deborah <doblaczy@sfwmd.gov>  
**Sent:** Wednesday, March 24, 2021 2:47 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 #21-2ESR 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 22.14 acres from Airport Lands and Wetlands to New Community and Wetlands. 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](mailto:doblaczy@sfwmd.gov) or  
**Cell Phone:** 561-315-1474

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