

M E M O R A N D U M

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

DATE: June 12, 2023

SUBJECT: COMMENTS FOR ADOPTED EXPEDITED STATE REVIEW PLAN AMENDMENT

LOCAL GOVERNMENT/ STATE LAND PLANNING AGENCY AMENDMENT #:

**LEE COUNTY 23-01ESR
CPA 2022-00006 & CPA 2022-00007 Grand Bay**

STATE LAND PLANNING AGENCY CONTACT PERSON/PHONE NUMBER: [Scott Rogers/\(850\)717-8510](mailto:Scott.Rogers@FLDCA.com)

The referenced adopted comprehensive plan amendment is being reviewed pursuant the Expedited State Review Process according to the provisions of Section 163.3184(3), Florida Statutes.

Please note that your comments must be sent directly to the above referenced local government and a copy of any comments shall also be sent to the State Land Planning Agency to the attention of Barbara Powell, Administrator, Plan Review and Processing at the Department E-mail address:

DCPexternalagencycomments@DEO.myflorida.com

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

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

Ron DeSantis
GOVERNOR



Meredith Ivey
ACTING SECRETARY

June 12, 2023

RESPONSE VIA EMAIL ONLY

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

RE: CPA 2022-00006 & CPA 2022-00007

Dear Mr. Dunn:

Thank you for submitting the **Lee County's Plan Amendment No. 23-01ESR**, adopted by **Ordinance No. 23-12 on June 7, 2023**, for our review pursuant to the Expedited State Review process. The adopted package was received by the State Land Planning Agency on **June 12, 2023**.

We have conducted a preliminary inventory of the plan amendment package to verify the inclusion of all required materials. The submission package was determined to be complete on **June 12, 2023**, and your adopted plan amendment will be reviewed pursuant to the process set forth in Chapter 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.

If you have any questions, please contact Scott Rogers, Regional Planning Administrator, who will be overseeing the review of the amendments, at (850)717-8510.

Sincerely,

Barbara Powell
Bureau of Community Planning and Growth

BP/ds

cc: External Agencies

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.



Lee County

Southwest Florida

Board of County Commissioners

Kevin Ruane
District One

June 12, 2023

Cecil L Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Mike Greenwell
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

Barbara Powell, 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 for
Lee County ESR 23-01 (CPA2022-00006 and CPA2022-00007)**

Dear Ms. Powell:

In accordance with the provisions of F.S. Chapter 163.3184(3) for Expedited State Review, please find attached the proposed Comprehensive Plan Amendments, known locally as CPA2022-00006 and CPA2022-00007 (Grand Bay). The amendments are as follows:

CPA2022-00006 (Map):

Amend Map 1-C to extend the boundary of the Mixed Use Overlay to the west side of S. Tamiami Trail, across from the intersection with San Carlos Boulevard, to include 15.64± acres.

CPA2022-00007 (Text):

Amend Lee Plan Policy 5.1.10 to align how density is calculated with how it is defined in the Glossary and with existing processes.

Both amendments were adopted by Lee County Ordinance 23-12.

The Lee County Board of County Commissioners held an adoption hearing to adopt the above identified ordinance for the plan amendment on June 7, 2023. As required by F.S. 163.3184(3)(c), 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

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



Rebecca Sweigert, Interim Planning Manager

Cc Brandon Dunn, Planner, Principal
Case File

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

Morgan Runion, AICP
Department of Education

Plan Review
Department of Environmental Protection

Alissa S. Lotane
Florida Department of State

Scott Sanders
Florida Fish and Wildlife Conservation Commission

Vitor Suguri
FDOT District One

Ms. Margaret Wuerstle
Southwest Florida Regional Planning Council

Terry Manning, AICP
South Florida Water Management District

LEE COUNTY ORDINANCE NO. 23-12
Grand Bay
(CPA2022-00006 Map and CPA2022-00007 Text)

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 GRAND BAY (CPA2022-00006 AND CPA2022-00007) 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 December 12, 2022; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on January 18, 2023. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Grand Bay (CPA2022-00006 and CPA2022-00007) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the January 18, 2023 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on June 7, 2023, 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 "Grand Bay Ordinance (CPA2022-00006 Map and CPA2022-00007 Text)."**

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:

CPA2022-00006 (Map): Amends Map 1-C to extend the boundary of the Mixed Use Overlay to the west side of S. Tamiami Trail, across from the intersection with San Carlos Boulevard, to include 15.64± acres, and

CPA2022-00007 (Text): Amends Lee Plan Policy 5.1.10 to align how density is calculated with how it is defined in the Glossary and with existing processes.

The Ordinance is known as Grand Bay (CPA2022-00006 Map and CPA2022-00007 Text).

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

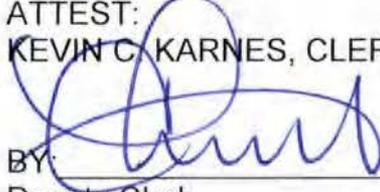
The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters 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 Greenwell. The vote was as follows:

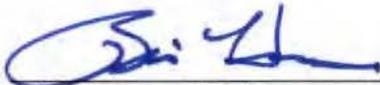
Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Mike Greenwell	Aye

DONE AND ADOPTED this 7th day of June 2023.

ATTEST:
KEVIN C. KARNES, CLERK

BY: 
Deputy Clerk

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: 
Brian Hamman, Chair



DATE: 6/8/23

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


County Attorney's Office

Exhibit A (Adopted by BOCC June 7, 2023):
Adopted existing Future Land Use Map 1-C
Adopted revisions to Proposed Future Land Use Map 1-C
Adopted revisions to Text

PLAN AMENDMENTS FOR **EXPEDITED STATE REVIEW**

TO: Scott Rogers
From: David Samuel

DATE: June 12, 2023

SUBJ: Distribution of Adopted Plan Amendment to Review Team

Please find enclosed adopted comprehensive plan amendment documents from the following local government:

LEE CO 23-01ESR

CPA 2022-00006 & CPA 2022-00007

TEAM NOTE:

This adopted amendment is being processed pursuant to Section 163.3184(3), F.S.

Completeness Determination Date: 6/12/2023

The staff evaluation memo for the Department's petition with the Division of Administrative Hearings must be prepared before the decision date below for the challenge to be timely filed with DOAH.

Challenge Decision Date: 7/5/2023

Mail Out Date: 7/11/2023

The cover letter transmitting the challenge filing with DOAH (if challenged) and to the local government chief elected official is to be prepared and **RECEIVED** by the local government and Division of Administrative Hearings no later than **(30 days from determination of complete package)** to request a formal hearing.

Challenge Filing Date: 7/12/2023

Should you have any procedural questions on this matter, please contact Barbara Powell, Administrator, Plan Review/DRI Team, at 717-8504.

ESTIMATED MEETING DATES TO BE DETERMINED BY RPA:

DUE TO REGIONAL PLANNING ADMINISTRATOR _____

DUE TO BUREAU CHIEF _____