

January 30, 2025

RESPONSE VIA EMAIL ONLY

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

RE: CPA 2023-00012 Bobcock Lee

Dear Mr. Dunn:

Thank you for submitting the adopted comprehensive plan amendment for **Lee County No. 24-05ESR**, adopted by **Ordinance No. 25-02 on January 22, 2025**. This amendment package will be reviewed pursuant to the Expedited State Review process. The adopted package was received by the State Land Planning Agency on **January 30, 2025**.

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 **January 30, 2025**, 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,



Donna Harris, Senior Plan Processor
Bureau of Community Planning and Growth

DH/

cc: External Agencies



Lee County

Southwest Florida

Board of County Commissioners

Kevin Ruane
District One

January 30, 2025

Cecil L Pendergrass
District Two

Donna Harris, Senior Plan Processor

David Mulicka
District Three

State Land Planning Agency
Caldwell Building

Brian Hamman
District Four

107 East Madison – MSC 160
Tallahassee, FL 32399-4120

Mike Greenwell
District Five

**Re: Amendment to the Lee Plan
Adoption Submission Package
Lee County 24-05ESR (CPA2023-00012)**

Dave Harner, II
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

Dear Ms. Harris,

In accordance with the provisions of F.S. Chapter 163.3184(3) for Expedited State Review, please find attached the proposed Comprehensive Plan Amendment, known locally as CPA2023-00012 (Babcock Lee). The amendment is as follows:

CPA2023-00012 – Babcock Lee:

Amend Lee Plan Policies 1.1.15, 29.9.1, and 29.9.2 relating to the New Community future land use category and Note 19 of Table 1(a), Summary of Residential Densities, to increase the residential density for the approximately 4,157-acre portion of Babcock Ranch in Lee County from 1 unit per 2.5 acres with a maximum of 1,630 units to 1 unit per 1.9 acres with a maximum of 2,078 units and reduce the nonresidential intensity from 600 hotel rooms to 250 hotel rooms. The subject site is generally located east of State Road 31 and north of North River Road.

The Lee County Board of County Commissioners **adopted Lee County Ordinance 25-02** for the Plan Amendment on **January 22, 2025**. As required by F.S. 163.3184(3)(c), the final action on this amendment was completed within the allowable time frame.

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:

Mrs. Katherine Woellner, AICP, Principal Planner
Lee County Department of Community Development, Planning Section
P.O. Box 398
Fort Myers, Florida 33902-0398

(239) 533-8585
Email: KWoellner@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.

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



Brandon Dunn
Manager, Planning Section

Cc 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

Office of Educational Facilities
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

Althea P. Jefferson, AICP
South Florida Water Management District

LEE COUNTY ORDINANCE NO. 25-02

(Babcock Lee)
(CPA2023-00012)

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 BABCOCK LEE (CPA2023-00012) 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 September 23, 2024; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on November 6, 2024. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Babcock Lee (CPA2023-00012) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the November 6, 2024 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on January 22, 2025, 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 "Babcock Lee Ordinance (CPA2023-00012)."**

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 Lee Plan Policies 1.1.15, 29.9.1, and 29.9.2 relating to the New Community Future Land Use Category and Note 19 of Table 1(a), Summary of Residential Densities, to increase the residential density for the approximately 4,157-acre portion of Babcock Ranch in Lee County from 1 unit per 2.5 acres with a maximum of 1,630 units to 1 unit per 1.9 acres with a maximum of 2,078 units and reduce the nonresidential intensity from 600 hotel rooms to 250 hotel rooms. The subject site is generally located east of State Road 31 and north of North River Road.

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 Hamman, who moved its adoption. The motion was seconded by Commissioner Greenwell. The vote was as follows:

Kevin Ruane	Absent
Cecil L Pendergrass	Aye
David Mulicka	Aye
Brian Hamman	Aye
Mike Greenwell	Aye

DONE AND ADOPTED this 22nd day of January 2025.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BY: [Signature]
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY FLORIDA

BY: [Signature]
vice Chair Commissioner Cecil L. Pendergrass, Chairman
Lee County Board of County Commissioners *vice*
District 2

DATE: 1-22-25



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

[Signature]
County Attorney's Office

Exhibit A (Adopted by BOCC January 22, 2025):
Adopted revisions to Text

2025 JAN 27 PM 4:18
RECEIVED
MINUTES OFFICE