



Consolidated Review Comments

Record Number: [CPA2025-00011](#)

Click the record number to open it in the eConnect/ACA portal.

Department of Community Development
 Planning
 P.O. Box 398
 Fort Myers, FL 33902

Report Date: 12/04/2025

Record Type: Comprehensive Plan Amendment

Address: 17700 STATE ROAD 82, FORT MYERS, FL 33913

Project Name: SR82 Freeman CPA

Record Description: Comprehensive Plan map amendments to add the property to the Tradeport future land use category, amend Maps 4-A and 4-B to designate the Property in the Lee County Utilities (LCU) services area to connect to centralized potable water and sanitary sewer services, and amend Table 1(b) to allocate acreage to the Tradeport future land use category in Southeast Lee County Planning Community. The CPA will be accompanied by a request to rezone the 186.5 +/- acres from AG-2 to Mixed-Use Planned Development (MPD) to allow for 1,750,000 sf of commercial, office, hotel, and light industrial uses.

Staff has reviewed the application submittal for the Lee Plan Amendment, CPA2025-00011, originally received 2025-10-28 00:00:00. Planning Staff finds that the application materials are insufficient and further information is needed. A public hearing date will not be scheduled until a complete application is submitted. If you do not provide the requested supplements of corrections within 90 days of this letter, this application will be considered withdrawn. Please feel free to contact Planning at (239) 533-8585 if you have any questions.

GENERAL COMMENTS:

The information below is an advisory summary of any significant issues identified for the project.

<u>Corrections</u>	<u>Review Comments</u>	<u>Reviewer</u>	<u>Status</u>	<u>Comment ID</u>
<u>DOT Review</u>				
Yes	<p>TIS:</p> <ol style="list-style-type: none"> TIS Page 3: Add Willowbrook Lane as a non-County maintained ingress/egress easement which connects at the SW corner of proposed development. (Note: There is no need to change traffic distribution to include the roadway at this time). Table 1A - Please revise all SR 82 segments to C3R context classification. The future context classification has not yet been determined and may not support C3C classification. Visit: Link for FDOT's preliminary context classification determinations on State roads. Note: Changing to C3R will revise the calculated capacity for these segments on the subsequent table. Table 2A - Adjust traffic impact analyses to match C3R capacity for segments revised on Table 1A. It is requested to show the V/C ratio on this table for each segment consistent with those demonstrated on Table 4A. Table 3A - Please revise all SR 82 segments to C3R context classification. The future context classification has not yet been determined and may not support C3C classification. Visit: Link for FDOT's preliminary context classification determinations on State roads. Note: Changing to C3R will revise the calculated capacity for these segments on the subsequent table. Table 4A - Growth Rates: Demonstrate the base year and number of years calculated for the growth rates on SR 82 and Sunshine Blvd. (The remainder of segments are understood to have insufficient traffic count data and a minimum 2% annual growth rate is accepted). Table 4A - Adjust traffic impact analyses to match C3R capacity for segments revised on Table 3A. 	John Podczerwinsky	Open	2

<u>Corrections</u>	<u>Review Comments</u>	<u>Reviewer</u>	<u>Status</u>	<u>Comment ID</u>
Yes	<p>DOT:</p> <p>1. Correct the statement in Narrative Section IV, second bullet. Access is taken from SR 82, a State maintained arterial roadway.</p> <p>2. Informational Comment: Access Management (LDC Sec. 10-285 & 10-294): The Master Concept Plan should consider provisions (e.g., cross-access easements/stub-outs) for connecting to adjacent non-County-maintained roadways, specifically Willowbrook Ln and potentially Sleepy Hollow Rd. Providing this allowance will support future compliance with LDC Sec. 10-285 and may ensure the maintenance of sufficient emergency access capability, thereby mitigating the future need to request a potential deviation from the 'two-access point' requirement of LDC Sec. 10-294. The applicant is encouraged to open dialogue with County staff to discuss the possibility of access provisions to non-State roadways prior to submittal of the zoning application.</p> <p>3. Informational Comment: Access to Adjacent Projects: Access to adjacent projects (e.g., School property) is not guaranteed by any finding of sufficiency for this project or the concept master plan included. Execution of one or more cross-access agreement(s) may be necessary to secure and formalize required connectivity.</p>	John Podczerwinsky	Open	3
<u>Environmental Review</u>				
Yes	Please provide a topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).	Nicholas DeFilippo	Open	26
Yes	Please provide a map delineating the property boundaries on the most recent Flood Insurance Rate Map.	Nicholas DeFilippo	Open	27
Yes	Please provide a table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).	Nicholas DeFilippo	Open	28
Yes	The applicant is proposing to amend the Wetlands FLU category. Please provide an approved Formal Jurisdictional Determination from the applicable State agency to support request.	Nicholas DeFilippo	Open	29
Yes	Please provide an analysis of Objectives 123.3 and 123.4 discussing how the requested Map amendments are consistent with these objectives as it relates to endangered and threatened species.	Nicholas DeFilippo	Open	30
Yes	Please provide analysis of Lee Plan policies 33.1.1, 33.1.4, 33.1.7, 33.2.1, 33.2.5, 60.1.1, 60.1.2, 61.1.6, 123.1.5, 123.2.4, 126.1.1 and 126.1.4.	Nicholas DeFilippo	Open	31
Yes	The subject property contains several wetlands that are mapped as Historic Flowways. The site seems to have the potential to provide wetland interconnectivity restoring historic hydroperiods, consistent with Lee Plan Map 2-E, and re-establish the historic flowway in accordance with Lee Plan policies 60.1.3 and 60.4.3. Please provide analysis demonstrating how the proposed Map Amendment is consistent with these Lee Plan policies.	Nicholas DeFilippo	Open	32
Yes	Please provide a map of aquifer recharge areas. The applicant only provided a map identifying habitat types.	Nicholas DeFilippo	Open	34
<u>Legal Review</u>				
Yes	<p>Sketch and Legal Description</p> <p>The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other</p>	Richard Burris	Open	13

<u>Corrections</u>	<u>Review Comments</u>	<u>Reviewer</u>	<u>Status</u>	<u>Comment ID</u>
	<p>an opposing corner. If the subject property contains wetlands or the proposed amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.</p> <p>The metes and bounds legal description does not close. The seventh line on the sketch is missing from the description.</p> <p>The legal description sketch provided does not include a state plan coordinate at the POB and one at an opposing corner.</p> <p>A formal jurisdictional wetland determination has not been included in the submittal. A Jurisdictional Determination approved by SFWMD or Florida DEP must be submitted to modify the existing depiction of wetlands.</p>			
<u>Natural Resources Review</u>				
Yes	The applicant is requesting to amend the DR/GR FLU category. Please provide an Integrated Surface and Groundwater to support the analysis of Lee Plan policies 2.3.1 and 2.3.2. Staff cannot make a formal finding without this additional information.	Nicholas DeFilippo	Open	24
Yes	The application indicates that the Sandstone aquifer is the intended irrigation source. Staff has concerns that use of this aquifer may impact the domestic water source in the region. Many of the single-family homes in the area utilize the Sandstone aquifer as a domestic water source. Please utilize an alternative aquifer or blend multiple sources to reduce potential impacts.	Nicholas DeFilippo	Open	25
Yes	Please provide a comprehensive analysis of Lee Plan policies 2.3.1 and 2.3.2. Please provide data demonstrating that the proposed land use will not cause significant impact on present or future water resources. Please revise the analysis to address each component of 2.3.2.	Nicholas DeFilippo	Open	33
<u>Planning Review</u>				
Yes	No analysis was provided on how the proposed map amendment is consistent with the SE Lee Community Plan Area. Add analyses on the applicable portions of Goal 33 as they relate to this request. This analysis must include an analysis of how the application will overcome the commercial threshold in Policy 33.2.5.	Katherine Burgess	Open	15
Yes	The application materials appear to be missing a Letter of Availability for EMS. Contact Public Safety to request a letter, and include a copy with the resubmittal.	Katherine Burgess	Open	21
Yes	Note: Some comments and markups are only available in DigEPlan. Check DigEPlan and make sure there are responses to all comments and markups in the response letter.	Katherine Burgess	Open	35
Yes	The subject property is within the Southeast Lee Community Plan Area. Staff cannot find the application sufficient until the Public Input meeting has been completed and the documentation required in Policy 17.3.4 is included with the application materials.	Katherine Burgess	Open	36
Yes	Note: Some comments and markups are only available in DigEPlan. The response letter must address all comments and markups. Check DigEPlan in the Accela portal to verify that all comments and markups have been addressed.	Katherine Burgess	Open	37
<u>Zoning Review</u>				
Yes	<p>HISTORIC: Please provide a map of the Archaeological Sensitivity Zones on the subject property.</p> <p>Please provide an amended Historic Resources Impact Analysis that describes what effect the proposed plan amendment will have on the state-designated historic resources.</p>	Peter Blackwell	Open	1

<u>Corrections</u>	<u>Review Comments</u>	<u>Reviewer</u>	<u>Status</u>	<u>Comment ID</u>
Yes	Informational Comment: Companion rezoning required and filed under DCI2025-00023 (pending intake).	Anthony R. Rodriguez, AICP, CPM	Open	9

CORRECTIONS NEEDED:

Items marked Yes must be resolved before the plan review can be approved. Items marks "No" may be deferred to subsequent submittals and are not required to be addressed prior to approval of plans and documents.

Document: Exhibit M10 - Affidavit of Authorization - Brian Freeman.pdf

<u>Corrections</u>	<u>Page Ref</u>	<u>Review Comments</u>	<u>Reviewer</u>	<u>Status</u>	<u>Comment ID</u>
<u>Planning Review</u>					
Yes	1	Exhibit M10 -- Affidavit of Authorization appears to be unsigned and not notarized. Provide a signed and notarized version per the application requirements. If this is a duplicate of Exhibit M3, remove it from the application materials.	Katherine Burgess	Open	7

Document: Exhibit M12 - Lee Plan Analysis.pdf

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<u>Planning Review</u>					
Yes	2	The application mentions the wetlands being placed in a conservation easement according to EEPKO policies; however, the application materials do not request to be added to the EEPKO. Clarify the intent of this language or remove if necessary.	Katherine Burgess	Open	10
Yes	4	The analysis of Policy 1.4.5 states that the map amendment is intended to support the companion rezone application. This is not analysis of this policy or justification for this request. Additionally, only one of the three subsections of this policy was included. Provide an analysis, potentially using data from the hydrology report, of how the property and the requested FLUM amendment is or is not consistent with all portions of the DR/GR policy.	Katherine Burgess	Open	11
Yes	5	This analysis correctly states that Tradeport includes environmental protections with industrial and commercial use allowances; however it does not provide any commentary on how the subject property is consistent with the Tradeport description. Use data and details on the existing conditions to provide an analysis of how the subject property is consistent with the Tradeport Future Land Use Category.	Katherine Burgess	Open	14
Yes	5	The subject property is currently designated as a Future Non-Urban Area and the proposed amendment would designate it as a Future Suburban Area. Provide an analysis of existing Future Urban Areas and why they are not suitable for this project as it applies to Objectives 2.1 and 2.2.	Katherine Burgess	Open	16
Yes	7	The analysis for Policy 2.3.1 states that the project will utilize on-site well and septic systems until LCU service becomes available on site. This appears to conflict with the response for Objective 4.1. Clarify when well and septic will be utilized.	Katherine Burgess	Open	17
Yes	7	The preservation of wetlands and stormwater management are characteristics of the rezone and a comprehensive plan amendment cannot be conditioned to match a potential rezone. Provide an analysis using data from the hydrology report/environmental study to demonstrate how the proposed future land use map amendment complies and is consistent with Policy 2.3.1.	Katherine Burgess	Open	18

<u>Corrections</u>	<u>Page Ref</u>	<u>Review Comments</u>	<u>Reviewer</u>	<u>Status</u>	<u>Comment ID</u>
Yes	8	The response to Policy 2.3.2 states that the proposed amendment is supported by data but does not explain what that data is. Provide data and analysis to this response.	Katherine Burgess	Open	19
Yes	8	This sentence appears to state that it is not the applicant's intent to connect to a public system nor to provide it's own system. Revise the sentence to provide clarification on the intent.	Katherine Burgess	Open	20

Document: Exhibit M1 - CPA Application.pdf

<u>Corrections</u>	<u>Page Ref</u>	<u>Review Comments</u>	<u>Reviewer</u>	<u>Status</u>	<u>Comment ID</u>
<u>Planning Review</u>					
Yes	1	This application should be indicated as an Expedited State Review.	Katherine Burgess	Open	4
Yes	1	Provide a table/list of all the consultants working on this application with contact information and affiliations.	Katherine Burgess	Open	5
Yes	5	The CPA application affidavit appears to be unsigned and not notarized. Provide a signed and notarized version, per the application requirements.	Katherine Burgess	Open	6

Document: Exhibit M11 - Proposed FLU Map 1-A Amendment.pdf

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<u>Planning Review</u>					
Yes	1	Note: The requested FLU map amendment will only apply to the uplands portion of the property. Per Objective 1.5, all state-identified wetlands are considered part of the "Wetlands" FLUC.	Katherine Burgess	Open	8

Document: Exhibit M19 - Justification of Proposed Amendment.pdf

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<u>Planning Review</u>					
Yes	1	This percentage appears to be significantly lower than the references to preserve area in the rest of the application materials; specifically, the response to Policy 54.1.2 states that 68.83 acres of the 78.67 acres of wetlands, approximately 87%, on site will be preserved. Clarify or revise.	Katherine Burgess	Open	22
Yes	1	This is not justification for a Future Land Use Map amendment. Use data and analysis of the existing conditions, the proposed change, and how the change will be beneficial to the surrounding community. It may be helpful to use data from the Lehigh Commercial Study, conduct an independent commercial study for SE Lee, and policies and objectives from the Economic Development element of the comprehensive plan.	Katherine Burgess	Open	23

REVIEWER CONTACT INFORMATION:

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