



STAFF REPORT
VILLAGE OF ESTERO COMPREHENSIVE PLAN

VILLAGE COUNCIL
Adoption Public Hearing

June 13, 2018

INTRODUCTION AND PURPOSE

The Village of Estero has prepared its first Comprehensive Plan with the assistance of LaRue Planning and Management, and sub-consultants Johnson Engineering and Metro Forecasting Models. The staff has been very involved in all facets of the preparation of this Plan, along with the Village's land use counsel. The Plan has been in process for well over a year and included more than 20 public meetings and workshops. The Planning and Zoning Board and the public have provided valuable input at ongoing meetings held over the past year, beginning with a "Kick-off" meeting in December, 2016. The Planning and Zoning Board recommended transmittal of the document at its meeting on December 19, 2017.

The Comprehensive Plan's purpose is to help guide future development to achieve the Village's vision and identity as a community with a high quality of life, strong neighborhoods, vibrant economic centers, unique natural environments and excellence in architecture, landscaping and design.

STATUS UPDATE

The Village Council held a public hearing on January 10, 2018 and voted to "transmit" the Plan to the State and other review agencies. The State has 60 days once the Plan is received to provide objections, recommendations and comments. The State Department of Economic Opportunity provided a letter to the Village on March 16th. The letter also included other agency comments (see attached).

Subsequent to receipt of the letter, the Village consultants, land use counsel and staff have coordinated with the State and prepared revisions to the Plan based on comments. The revised Comprehensive Plan is attached with changes shown in strike-through/underline format. The Data and Analysis document has also been modified in a similar format.

STAFF RECOMMENDATION

Staff recommends that the Council adopt the Plan with the proposed revisions.

MODIFICATIONS TO THE PLAN

The Comprehensive Plan includes the following required elements:

- **Future Land Use**
- **Transportation**
- **Recreation and Open Space**
- **Conservation and Coastal Management**
- **Housing**
- **Infrastructure**
- **Intergovernmental Coordination**
- **Public School Facilities**
- **Capital Improvements**

The changes proposed by staff are numerous and affect nearly every element. Highlights of the changes are identified below; however, please refer to the strike-through/underline version for all changes.

Future Land Use –

- Addition of floor area ratios for non-residential uses to address issue of “intensity” of uses
- Addition of maps
- Addition of language for bonus density and clarification of incentives
- Minor map change to reflect correct land use category for Trailside subdivision
- Add definition of Floor Area Ratio to Definitions section
- Move floodplain map from Data and Analysis to Future Land Use element

Transportation –

- Addition of transportation maps for short-term and long-term timeframes
- Clarification of several policies including concurrency
- Revision of policy addressing how concurrency level of service is determined
- Revise policies to clarify location of DR/GR area in Lee County

Recreation and Open Space –

- No changes

Conservation and Coastal Management –

- Clarification regarding heritage and other trees
- Addition of Florida friendly landscaping in lieu of xeriscape
- Addition of policy for strategies to increase public water access
- Addition of policies addressing development in coastal high hazard areas
- Revisions and new policies addressing wildlife habitat and wetlands as suggested by State
- Addition of policy addressing Comprehensive Plan amendments in coastal high hazard areas
- Revision of policies to reduce flood risk in coastal areas and along waterways

Housing –

- Revisions to housing data and analysis to reflect population and housing estimates for short-term and long-term planning periods
- Minor change to policy relating to coordination among public and private housing providers

Infrastructure –

- Removal of reference to Village Stormwater Master Plan which is not yet completed

Intergovernmental Coordination –

- Addition of policy addressing coordination with adjacent jurisdictions regarding joint planning areas
- Addition of policy relating to coordination with Lee County Port Authority regarding airport zoning regulations

Public School Facilities –

- Revision to policy to clarify coordination with School Board on school concurrency

Capital Improvements –

- Revision to update capital improvements for the required 5-year time period
- Revision to concurrency policy as suggested by State
- Revision of policy to add coordination with MPO

Data and Analysis –

- Addition of floor area ratios
- Changes to population numbers to reflect short and long-term planning horizons

ATTACHMENTS

1. List of Public Meetings
2. Minutes of January 10, 2018 Council Transmittal Public hearing
3. Letter from Department of Economic Opportunity dated March 16, 2018



ATTACHMENT 1

COMPREHENSIVE PLAN

List of Public Meetings

Public meetings and workshops have been held on the dates below to discuss and review the comprehensive planning effort:

December 13, 2016	Comprehensive Plan Initial Kick-off Meeting
January 11, 2017	Public Input Meeting (Legacy Church)
January 17, 2017	Plan Update Meeting
February 23, 2017	Vision Statement and Formulation of Policy Issues
March 21, 2017	Land Use and Transportation Policy Issues
April 6, 2017	Land Use and Transportation Policy Discussion
April 26, 2017	Parks, Recreation & Open Space Policy Discussion
May 16, 2017	Conservation & Coastal Management, Infrastructure and Housing Policy Discussion
June 1, 2017	Intergovernmental Coordination, Capital Improvements & Public Schools Facilities
July 25, 2017	Public Schools, Conservation & Coastal Management, Infrastructure, Intergovernmental Coordination and Capital Improvements Policy and Element Review
August 29, 2017	Parks, Recreation & Open Space, Housing, Transportation
September 19, 2017	Review of Elements by Consultant
October 17, 2017	Future Land Use
October 18, 2017	Workshop – Status Update/Proposed Meeting Calendar
October 25, 2017	Workshop – Overview of Population Trends and Other Data
November 1, 2017	Workshop – Recreation & Open Space, Public School Facilities
November 15, 2017	Workshop – Conservation & Coastal Management Element, Capital Improvements, Intergovernmental Coordination
November 29, 2017	Workshop – Housing, Infrastructure
December 6, 2017	Workshop – Land Use, Transportation
December 19, 2017	Public Hearing – Planning and Zoning Board
January 10, 2018	Public Hearing – Village Council Transmittal

ATTACHMENT 2

This Final Action Agenda/Minutes is supplemented by electronic recordings of the meeting, which may be reviewed upon request to the Village Clerk. Village Council meetings from June 8, 2016 forward can be viewed online at <http://estero-fl.gov/council/watch-meetings-online/>. Staff reports, resolutions, ordinances, and other documents related to this meeting are available at <https://estero-fl.gov/agendas/> at the corresponding agenda date.

**APPROVED BY COUNCIL
FEBRUARY 7, 2018**

FINAL ACTION AGENDA/MINUTES

Village Council Meeting

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928
January 10, 2018 9:30 a.m.**

- 1. OPENING EXERCISES:** (Includes call to order, roll call, pledge of allegiance, announcements, proclamations, and ceremonial presentations)

Call to Order: 9:32 a.m.

Pledge of Allegiance: Led by Mayor Boesch.

Invocation: Pastor Nolen Rollins from Legacy Church.

Roll Call: Present: Mayor Jim Boesch - District 5, Vice Mayor Bill Ribble - District 1, Councilmember Howard Levitan - District 2, Councilmember Jon McLain - District 3, Councilmember Katy Errington - District 4, Councilmember Nick Batos - District 6, and Councilmember Jim Wilson - District 7.

Also present: Village Manager Steve Sarkozy, Village Land Use Attorney Nancy Stroud, Community Development Director Mary Gibbs, Assistant to Village Manager Kyle Coleman, and Village Clerk Kathy Hall.

- 2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS:**

Motion: Move to approve the agenda.

Motion by: Councilmember Batos

Seconded by: Vice Mayor Ribble

Action: Approved the agenda.

Vote:

Aye: Unanimous

Nay:

Abstentions:

3. **PUBLIC COMMENT ON NON-AGENDA ITEMS:** None.
4. **FIRST READING OF ORDINANCE NO. 2018-01 AND COMPREHENSIVE PLAN PUBLIC HEARING:**

Ordinance No. 2018-01 An Ordinance of the Village Council of the Village of Estero, Florida, Adopting the Village of Estero Comprehensive Plan as Provided on Attachment "A" Made a Part Hereof; Providing for Repeal of the Village Transitional Comprehensive Plan; Providing for Transmittal of the Comprehensive Plan to the State of Florida and Other Reviewing Agencies as Required by Statute; Providing for Severability; Providing for Conflicts; and Providing an Effective Date

Mayor Boesch introduced the hearing; the title of Ordinance No. 2018-01 was read by Village Clerk Hall; in response to an inquiry regarding whether the ordinance had been properly advertised, Village Clerk Hall responded affirmatively.

Community Development Director Gibbs reviewed the background of the process and explained that the Comprehensive Plan included all elements required by the state along with a Community Design sub-element developed particularly for the Village. She also reviewed the information in the packet, which included data and analysis, and explained that the ordinance would be provided to the state along with several other agencies. Community Development Director Gibbs noted that the Planning and Zoning Board recommended transmittal along with a few revisions that have been incorporated into the document: a policy that the Village evaluate the maintenance code to help with property upkeep; and periodic review of roadway conditions in the Transportation Element. Ms. Gibbs spoke briefly regarding the items that were incorporated into the Comprehensive Plan and noted that the definitions would probably have some revisions, in an effort to maintain consistency with the Village Center amendment. In response to Council questions at the previous meeting regarding redevelopment and annexation, Ms. Gibbs pointed out the Plan elements and policies that include redevelopment along with the Intergovernmental Coordination Element that addresses annexation.

Presentation/Information by:

Laura DeJohn, Johnson Engineering, entered the 3-page supplemental items sheet for the record and provided an explanation of the document that included revisions to: Vision; Future Land Use Element; Transportation Element; Housing Element; Conservation & Coastal Management Element; Intergovernmental Coordination Element; Monitoring, Evaluation, and Appraisal of Implementation; and Map Series.

Questions or Comments: Councilmembers Batos and Levitan. Discussion involved the term "sustainability" in the Vision statement as it related to landscaping. Councilmember Levitan noted that the record includes all prior hearings, all of the correspondence from the public and attorneys for developers, along with responses from the Village. He hoped that testimony would not rehash old comments; new things that have come up would be appropriate. Councilmember Errington noted that she and Community Development Director Gibbs received a message late yesterday regarding recreation that would be made part of the record.

Public Comment:

Wayne Arnold, Bonita Springs, representing Templeton Family Trust, owner of Monte Cristo RPD, reiterated concerns regarding density standards.

William Savage, The Island Club, conveyed appreciation to the Village going forward with the Comprehensive Plan and spoke to the value of strong, stable neighborhoods; programs to enhance neighborhood safety; hoped that any new development approvals would take the existing neighborhoods into serious consideration. He also addressed concern regarding new developments and traffic.

Andy Solis, representing Village Partners, LLC, owner of the Estero On The River MPD, summarized what he had addressed at previous hearings regarding creation of "Old Estero" district or area, concern that there are ambiguous terms and CCM-1.5.1 and 1.5.2 relating to wetland jurisdictions and removal of exotics.

Greg Toth, Naples, stated that the purpose of a Comprehensive Plan was to look at the future. He said that the town center concept would not fly; did not believe that the studies that have been done justify the need for additional commercial; Estero does need affordable housing. Mr. Toth addressed concern regarding the Council meeting time and did not believe that meetings at 9:30 a.m. allow for proper public input.

Motion: Move to pass Ordinance No. 2018-01 for first reading and transmittal to the state, with one modification: definitions to be updated prior to transmittal to do two things, (1) make them consistent with what has already been passed in the Village Center amendments last year and (2) to delete any unnecessary definitions.

Motion by: Councilmember Levitan

Seconded by: Councilmember Batos

Questions or Comments: Mayor Boesch addressed the amount of time put into the Comprehensive Plan process including the amount of time put in by Councilmember Levitan. He also complimented staff for their time and believed that the Village had a document worthy of turning into the state. Councilmember Levitan conveyed appreciation to staff for their tireless efforts, as well as appreciation to LaRue Planning, Laura DeJohn, and Land Use Attorney Nancy Stroud. He added that the Plan gave the Village guidance; will be a living document; and was pleased with the results.

Action: Passed Ordinance No. 2018-01 for first reading and transmittal to the state, with one modification: definitions to be updated prior to transmittal to do two things, (1) make them consistent with what has already been passed in the Village Center amendments last year and (2) to delete any unnecessary definitions.

Vote:

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

5. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS:

Councilmember Batos: Distributed a status update related to the Lee Health Coconut Point construction; they are on schedule and plan to open by November. He reported that he will be going to a SUN Trail meeting this afternoon in Tallahassee; the hope is to get the CSX trail as a priority.

Councilmember Wilson: Conveyed a special thankyou to resident Donald Corbett for taking time to make the mine manager aware of resident concerns regarding the blasting issues.

Mayor Boesch: Reported that February 2, 2018 was the tentative joint meeting date with Bonita Springs City Council.

6. VILLAGE ATTORNEY'S REPORT:

Conveyed appreciation to the Council for repeated attention to the Comprehensive Plan process. He also agreed with previous comments that the staff and consultants worked very hard.

7. VILLAGE MANAGER'S REPORT: None.

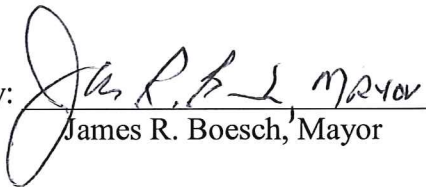
A motion to adjourn was made and duly passed.

8. ADJOURNMENT: 10:16 a.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: 
Kathy Hall, MMC, Village Clerk

By: 
James R. Boesch, Mayor

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

March 16, 2018

The Honorable Jim Boesch
Mayor, Village of Estero
9401 Corkscrew Palms Circle
Estero, Florida 33928

Dear Mayor Boesch:

The Department of Economic Opportunity ("Department") has completed its review of the proposed comprehensive plan amendment for Village of Estero (Amendment No. 18PLAN), which was received and determined complete on January 18, 2018. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S.

The attached Objections, Recommendations, and Comments Report outlines our findings concerning the amendment. We have identified nine objections and have included recommendations regarding measures that can be taken to address the objections. We are also providing twelve comments. The comments are offered to assist the local government but will not form the basis for a determination of whether the amendment, if adopted, is "in compliance" as defined in Section 163.3184(1)(b), F.S. Copies of comments received by the Department from reviewing agencies, if any, are also enclosed.

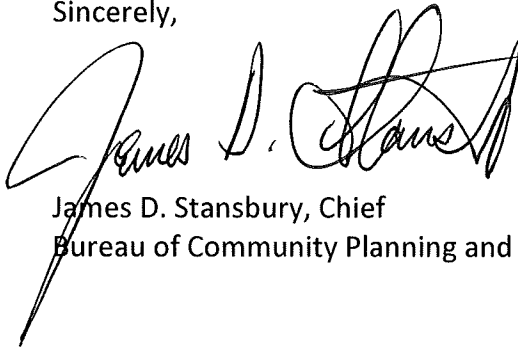
The Village should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment. Also, please note that Section 163.3184(4)(e)1., F.S., provides that if the second public hearing is not held within 180 days of your receipt of the Department's attached report, 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.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
[www.twitter.com/FLDEO](https://twitter.com/FLDEO) | www.facebook.com/FLDEO

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

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

Sincerely,

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

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

JDS/sr

Enclosures: Objections, Recommendations, and Comments Report
 Reviewing Agency Comments
 Procedures for Adoption

cc: Mary Gibbs, Director of Community Development, Village of Estero
 Margaret Wuerstle, Executive Director, Southwest Florida Regional Planning Council

FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY
OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
FOR
VILLAGE OF ESTERO
PROPOSED AMENDMENT 18PLAN

March 16, 2018
Division of Community Development
Bureau of Community Planning and Growth

**OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
FOR
VILLAGE OF ESTERO
AMENDMENT 18PLAN**

I. CONSISTENCY WITH CHAPTER 163, PART II, F.S.

Proposed Amendment 18PLAN includes a new Comprehensive Plan for the Village of Estero.

A. The Department raises the following objections and comments to proposed Amendment 18PLAN:

1. Objection (Planning Timeframe): Amendment 18PLAN does not establish at least two planning periods (one covering at least the first 5-year period occurring after the plan's adoption and one covering at least a 10-year period) in the adopted portion of the Comprehensive Plan.

The amendment is inconsistent with the following requirement: Section 163.3177(5)(a), F.S.

Recommendation: Revise the adopted portion of the Comprehensive Plan to establish at least two planning periods consistent with the requirements of Section 163.3177(5)(a), F.S. Revise the data and analysis of public facilities to address and support the 5-year and long-term planning timeframes. Revise the Five-Year Schedule of Capital Improvements to include at least five years after adoption of the Comprehensive Plan.

2. Objection (Future Land Use Categories): The proposed Future Land Use Element does not include meaningful and predictable standards establishing maximum intensity of use for the following: (1) active recreation and community centers allowed in the "Public Parks and Recreation" future land use category; (2) nonresidential uses (except schools) allowed in the "Public Facilities" and "Village Center" future land use categories; and (3) churches, public and quasi-public uses allowed in the future land use categories of Village Neighborhood 1, Village Neighborhood 2, Urban Commercial, Transitional Mixed Use, and Village Center. The proposed Future Land Use Element allows bonus density for the Transitional Mixed Use future land use category (Objective FLU-1.4 and Policies FLU-1.2.1, 1.2.8 and 1.4.1) and density incentive for the Village Center future land use category (Policies FLU-1.2.1 and 1.2.10). However, the Objective and Policies do not include meaningful and predictable guidelines and standards defining the basis upon which the bonus density and density incentive will be determined in order to implement the bonus and incentive provisions.

The amendment is inconsistent with the following requirements: Sections 163.3177(1); and 163.3177(6)(a)1, F.S.

Recommendation: Revise the Future Land Use Element to include meaningful and predictable standards establishing maximum intensity of use for the following: (1) active recreation and community centers allowed in the ‘Public Parks and Recreation’ future land use category; (2) nonresidential uses (except schools) allowed in the ‘Public Facilities’ and ‘Village Center’ future land use categories; and (3) churches, public and quasi-public uses allowed in the future land use categories of Village Neighborhood 1, Village Neighborhood 2, Urban Commercial, Transitional Mixed Use, and Village Center. Revise the Future Land Use Element to include meaningful and predictable guidelines and standards defining the basis upon which the bonus density and density incentive will be determined.

3. Objection (Future Transportation Map; Future Land Use Map): The proposed Transportation Element does not include a Future Transportation Map (or map series) for the long-term planning timeframe, based upon relevant and appropriate data and analysis, depicting the general location of proposed transportation system features, including: (1) the functional type and number of through-lanes of roadways/thoroughfares to achieve and maintain the adopted level of service standards; (2) bicycle and pedestrian ways; (3) rail facilities; (4) evacuation routes; and (5) public transportation routes. The proposed Future Land Use Map (or map series) does not show the location of floodplains and wetlands based upon relevant and appropriate data and analysis.

The amendment is inconsistent with the following requirements: Sections 163.3177(1)(f); and 163.3177(6)(a)10.c., F.S.); and 163.3177(6)(b), F.S.

Recommendation: Revise the Transportation Element to include a Future Transportation Map (or map series) titled for the long-term planning timeframe, based upon relevant and appropriate data and analysis, depicting the general location of proposed transportation system features, including: (1) the functional type and number of through-lanes of roadways/thoroughfares need to achieve and maintain the adopted level of service standards; (2) bicycle and pedestrian ways; (3) rail facilities; (4) evacuation routes; and (5) public transportation routes. The map should be coordinated with the plans of the Lee County Metropolitan Planning Organization and the Florida Department of Transportation. Revise the Future Land Use Map series to include maps, based upon relevant and appropriate data and analysis, showing the location of floodplains and wetlands.

4. Objection (Stormwater Master Plan): Proposed Policies INF-1.1.1 and CIE-1.2.7 state, in part, that ‘New development must be designed to avoid increased flooding of surrounding areas and be consistent with the adopted recommendations of the Village Stormwater Master Plan.’ The Village has not yet approved/adopted the recommendations of the Stormwater Master Plan, and the amendment data and analysis state that the Stormwater Master Plan is anticipated for completion in Spring 2018. Proposed Policies INF-1.1.1 and CIE-1.2.7 are not based upon relevant and appropriate data and analysis of the adopted recommendations of the Village

Stormwater Master Plan, and the policy does not identify the adoption date of the subject Village Stormwater Master Plan in order to properly reference the specific document that contains the recommendations. Proposed Policies INF-1.1.1 and CIE-1.2.7 do not include meaningful and predictable guidelines and standards identifying the content of the adopted recommendations of the Village Stormwater Master Plan in order to guide implementation of the policy and protect drainage features.

The amendment is inconsistent with the following requirements: Sections 163.3177(1); 163.3177(1)(b) and (f); 163.3177(3)(a); and 163.3177(6)(c)1. and 2.; F.S.

Recommendation: Prior to adopting Amendment 18PLAN, the Village should complete and approve the Stormwater Master Plan, including approval (adoption) of any appropriate recommendations, and revise Policies INF-1.1.1 and CIE-1.2.7 to identify the title and approval/adoption date of the Stormwater Master Plan. Alternatively, revise Policies INF-1.1.1 and CIE-1.2.7 to remove the requirement that new development must be consistent with the adopted recommendations of the Village Stormwater Master Plan and include language stating a future intent to consider a Comprehensive Plan amendment to address the recommendations of the Village Stormwater Master Plan once the Stormwater Master Plan is completed.

5. Objection (flood risk): The Conservation and Coastal Management Element does not include meaningful and predictable guidelines and standards, based upon relevant and appropriate data and analysis, for a redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas consistent with the requirements of Section 163.3178(2)(f)1., 2., 3., 4., 5., and 6., F.S. Proposed Policy CCM-1.3.9 (*“Implement development and redevelopment engineering solutions and standards that reduce the flood risk in coastal areas and along waterways such as the Estero River and Halfway Creek.”*) does not include meaningful and predictable guidelines and standards identifying the *“engineering solutions and standards that reduce the flood risk”* as required by Section 163.3178(2)(f)1., F.S.

The amendment is inconsistent with the following requirements: Sections 163.3177(1); and 163.3178(2)(f), F.S.

Recommendation: Revise the Conservation and Coastal Management Element to include meaningful and predictable guidelines and standards, based upon relevant and appropriate data and analysis, for a redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas consistent with the requirements of Section 163.3178(2)(f)1., 2., 3., 4., 5., and 6., F.S. Revise Policy CCM-1.3.9 to include meaningful and predictable guidelines and standards identifying the engineering solutions and standards that reduce flood risk in coastal areas.

6. Objection (Wildlife Habitat): Proposed Policies CCM-1.5.1, CCM-1.5.2, CCM-1.5.3 and CCM-1.7.1 do not include meaningful and predictable guidelines and standards to address the protection of wildlife habitat.

Proposed Policy CCM-1.5.1 does not establish meaningful and predictable guidelines and standards to protect upland wildlife habitat. Proposed Policy CCM-1.5.1 states *“Develop and maintain an inventory of upland habitats that, due to their presence or importance to the Village, should be retained in their natural state and incorporated as amenities into the design of new developments.”* Proposed Policy CCM-1.5.1 does not include meaningful and predictable guidelines and standards that: (1) define the upland habitat(s) (e.g., define the type of upland habitat, character and quality of upland habitat, and geographic extent or presence of upland habitat) intended to be addressed by the policy; (2) define “importance to the Village”; (3) identify the process, action, or entity/body of the Village that will “develop and maintain” or otherwise approve the inventory; and (4) establish a standard of protection that shall be implemented to protect upland wildlife habitat. Proposed Policy CCM-1.5.1 directs that an inventory be developed and maintained; however, proposed Policy CCM-1.5.1 does not establish a meaningful and predictable standard of protection for upland wildlife habitat and include meaningful and predictable guidelines and standards that ensure/require implementation of the standard of protection.

Proposed Policy CCM-1.5.2 states *“Encourage the retention and preservation of high-value upland and wetland habitat types that are unique, rare, or otherwise important to the Village.”* Proposed Policy CCM-1.5.2 does not establish meaningful and predictable guidelines and standards that: (1) define “high-value upland and wetland habitat types that are unique, rare, or otherwise important to the Village.”; and (2) ensure/require implementation of the standard of protection (retention and preservation of the habitat) rather than “encourage” implementation of the standard of protection. “Encourage” does not establish meaningful and predictable implementation of the standard of protection.

Proposed Policy CCM-1.5.3 states *“Encourage the preservation of wetland and upland habitats that are contiguous to other public or private natural areas along with the hydrologic interconnection between such preserve areas.”* Proposed Policy CCM-1.5.3 does not establish meaningful and predictable guidelines and standards that ensure/require implementation of the standard of protection (“... preservation of wetland and upland habitats that are contiguous ...”) rather than “encourage” implementation of the standard of protection. “Encourage” does not establish meaningful and predictable implementation of the standard of protection.

Proposed Policy CCM-1.7.1 does not establish meaningful and predictable guidelines and standards to protect the habitat of threatened and endangered species and species of special concern. Proposed Policy CCM-1.7.1 states *“Support protecting habitats of endangered and threatened species and species of special concern including but not limited to southern bald eagles, west Indian manatees, gopher tortoises, red-cockaded woodpecker, woodstork, Florida panther and black bear, smalltooth sawfish, bonneted bat in order to maintain or enhance existing population numbers and distributions of those species.”* Proposed Policy CCM-1.7.1 does not establish meaningful and predictable guidelines and standards that ensure/require implementation of the standard of protection (to maintain or enhance existing population numbers and distributions of those species) rather than “support” implementation of the

standard of protection. "Support" does not establish meaningful and predictable implementation of the standard of protection.

The amendment is inconsistent with the following requirements: Sections 163.3177(6)(d)2.e., j., and k.; 163.3177(6)(g)(3) and (5); 163.3177(1), F.S.

Recommendation: Revise Policies CCM-1.5.1, 1.5.2, 1.5.3 and 1.7.1 to include meaningful and predictable guidelines and standards. Policy CCM-1.7.1 could be revised to replace "Support protecting ..." with "Protect ..." The Conservation and Coastal Management Element could be revised to include a unified policy that establishes meaningful and predictable guidelines and standards for the protection of wildlife habitat. For example, the policy could comprehensively address protection by incorporating various components/concepts as follows: (1) Wildlife habitat located within areas designated as "Wetlands" on the FLUM shall be protected consistent with the requirements of the "Wetland" future land use category and Objective CCM-1.8 and Policies CCM-1.8.1, CCM-1.8.2 and CCM-1.8.3; (2) Wildlife habitat located within areas designated as "Conservation" on the FLUM shall be protected consistent with the requirements of the "Conservation" future land use category; (3) Wetland wildlife habitat located in areas outside of the areas designated as "Wetlands" or "Conservation" on the FLUM shall be protected consistent with the wetland protection requirements of Objective CCM-1.8 and Policies CCM-1.8.1, CCM-1.8.2 and CCM-1.8.3; (4) Upland habitat of threatened and endangered species and species of special concern located in areas outside of the areas designated as "Wetlands" or "Conservation" on the FLUM shall be protected consistent with Objective CCM-1.7 and Policies CCM-1.7.1 and CCM-1.7.2; and (5) For all other upland wildlife habitat (habitat not addressed by 1, 2 and 4 above), development impacts to this habitat are allowable, except that upland buffers (that maintain the natural habitat function of the buffer area) adjacent to preserved wetlands shall be utilized to provide habitat diversity and protect wildlife habitat.

7. Objection (Coastal High Hazard Area): The proposed Conservation and Coastal Management Element does not include meaningful and predictable guidelines and standards addressing mitigation for a comprehensive plan amendment in a coastal high-hazard area pursuant to the criteria of Section 163.3178(8), F.S.

The amendment is inconsistent with the following requirements: Sections 163.3177(1); and 163.3178(2)(h) and (8), F.S.

Recommendation: Revise the Conservation and Coastal Management Element to include meaningful and predictable guidelines and standards addressing mitigation for a comprehensive plan amendment in a coastal high-hazard area pursuant to the criteria of Section 163.3178(8), F.S.

8. Objection (Concurrency): Proposed Policy CIE-1.3.7 states "*Decisions regarding land use planning and the issuance of development orders and permits consider the availability of public facilities and services necessary to support such development at the adopted LOS standards*

concurrent with the associated impacts.” Proposed Policy CIE-1.3.7 does not include a meaningful and predictable guideline and standard to assure that development orders and permits are not issued unless the necessary public facilities and services to maintain the adopted level of service standards are available concurrent with the impacts of development. “Consider” does not establish meaningful and predictable implementation of concurrency.

The amendment is inconsistent with the following requirements: Sections 163.3180(1), (2), and (5); 163.3177(1); 163.3177(5)(b); and 163.3177(3)(a)3., F.S.

Recommendation: Revise Policy CIE-1.3.7 to further state that development orders and permits shall not be issued unless the necessary public facilities and services to maintain the adopted level of service standards are available concurrent with the impacts of development.

9. Objection (School Concurrency): The Public School Facilities Element does not include principles and guidelines to implement school concurrency. The Element does not address coordination with the School Board for the evaluation of land development applications for compliance with school concurrency requirements. This includes information provided by the School Board on affected schools, impact on levels of service, and programmed improvements for affected schools and any options to provide sufficient capacity.

The amendment is inconsistent with the following requirements: Sections 163.3177(1); 163.3180(1)(a) and (b); 163.3180(6)(a) and (i)4., F.S.

Recommendation: Revise the Public School Facilities Element to include principles and guidelines to implement school concurrency. Coordination with the School Board needs to be included for the evaluation of land development applications for compliance with school concurrency requirements, including information provided by the School Board on affected schools, impact on levels of service, and programmed improvements for affected schools and any options to provide sufficient capacity.

10. Comment (Parks and Recreational Facilities): Consider revising the Recreation and Open Space Element to adopt a level of service standard for parks and recreational facilities, and revise the data/analysis (of the current and projected operating level of service of parks and recreational facilities and park/recreational facilities needs) to be based on the adopted level of service standard. For planning purposes, the Village may want to coordinate any park and recreational facilities needs with the Capital Improvements Element. The adopted level of service standard for parks and recreational facilities will assist for planning purposes even if the Village does not intend that parks and recreational facilities are subject to concurrency.

Sections 163.3177 and 163.3180, Florida Statutes, do not require that parks and recreational facilities be subject to concurrency (concurrency is optional for parks and recreational facilities). If the Village is seeking to implement concurrency for these types of facilities and resources, the Capital Improvements Element policies should clarify that the parks and recreational facilities are subject to concurrency. If the Village intends that parks and

recreational facilities are subject to concurrency, then Policy CIE-1.3.4 (timing requirements for concurrency) should include timing requirements for the availability of parks and recreational facilities.

11. Comment (Transportation Policies): Revise Transportation Element Policy TRA-1.3.4 (“Discourage further development of increased density along East Corkscrew Road in the DR/GR area.”) to establish meaningful and predictable guidelines and standards defining the location of the “DR/GR area” and to correctly reference “Corkscrew Road.” Revise Transportation Element Policy TRA-1.9.6 to establish meaningful and predictable guidelines and standards defining the location of “Density Reduction Groundwater Resource areas.”

Revise Transportation Element Policy TRA-1.6.2 (“Encourage appropriate landscaping within and along the rights of way of collectors, arterials and local roads to maintain and contribute to the attractiveness and high quality of the community.”) to include meaningful and predictable guidelines and standards defining: (1) how (by what actions) the Village will encourage appropriate landscaping within and along the rights of way; and (2) what constitutes “appropriate landscaping.” The Village should consider coordinating with Lee County and the Florida Department of Transportation (FDOT) regarding landscape guidelines and standards within Lee County and FDOT maintained rights of way.

12. Comment (Housing Policies): Revise Policies HOU-1.1.2, 1.1.5, 1.2.4, 1.4.1, 1.4.2, 1.4.3, 1.4.4, 1.5.2, 1.5.3, and 1.5.6 to include meaningful and predictable guidelines and standards addressing how (by what actions) the Village will “encourage” and “promote” the implementation and accomplishment of the policies. Revise the following policies to include meaningful and predictable guidelines and standards: (1) Policy HOU-1.1.2 to define the public/private programs and activities that will be used to strengthen, stabilize, improve and enhance neighborhoods; (2) Policy HOU-1.1.5 to define the programs that will be used to enhance neighborhood safety; and (3) Policy HOU-1.2.4 to define the home features that will help elderly and disabled persons to live independently. Revise Policy HOU-1.2.3 to include meaningful and predictable guidelines and standards identifying the “appropriate agencies” that are the subject of the policy. Revise Policy HOU-1.5.7 to clarify that the Village will evaluate ways to streamline the permitting process and then streamline the permitting process where reasonable based upon the evaluation.

13. Comment (Water Resource and Supply Planning): The Village’s Ten-Year Water Supply Facilities Work Plan needs to be adopted by June 2019 in response to the South Florida Water Management District Governing Board’s December 2017 approval of the 2017 Lower West Coast Water Supply Plan Update. The Village could consider revising the proposed Infrastructure Element to: (1) update references to the updated regional water supply plan in Policies INF-1.3.2 and INF-1.3.3; (2) include a policy addressing the preparation and adoption of the Village’s Water Supply Facilities Work Plan by June 14, 2019; (3) identify in Policy INF-1.3.4 the water suppliers the Village will coordinate with during the Water Supply Facilities Work Plan development process; and (4) update the data and analysis in the Water Section of the Infrastructure Element. Revision to proposed Policy ICE-1.3.1 should also be considered to

reference the 2017 Lower West Coast Water Supply Plan Update. Policy CIE-1.3.2 could also be revised to reference Bonita Springs Utilities.

The Village could consider revising the proposed Conservation and Coastal Management Element to: (1) identify in proposed Policy CCM-1.4.4 the watershed of the Estero Bay Aquatic Preserve and protect the tributaries and interconnected natural areas within the Village that are in the watershed, to ensure needed freshwater inflows to the preserve; (2) include policies addressing the conservation and protection of the quality and quantity of current and projected water sources and waters that flow into estuarine waters; (3) include a policy addressing Mandatory Year-Round Landscape Irrigation Conservation Measures; (4) revise references from “xeriscaping” to “Florida-friendly landscaping”; (5) include policies describing the Village’s water conservation program; and (6) update the Conservation and Coastal Management Element data and analysis regarding: conservation/protection of water sources; water conservation; and analysis of current and projected needs and sources of demands for industrial, agricultural and potable water and the availability of water to meet the demands.

14. Comment (Principal Flow-Way System): Consider revising Policy INF-1.1.4 to include meaningful and predictable guidelines and standards defining the term “principal flow-way system.”

15. Comment (Water Access): Proposed Policy CCM-1.2.4 could be revised to include meaningful and predictable guidelines and standards addressing how the Village will “encourage” private landowners along the Estero River to provide some form of water access to the public. Proposed Policy CCM-1.2.1 could be revised to include meaningful and predictable guidelines and standards addressing how the Village will “discourage” and “encourage” new public access to the Estero River. Proposed Policy CCM-1.3.4 could be revised to identify the specific “efforts” that the Village intends to support in order to maintain the ecosystem referenced in the policy.

Proposed Policy CCM-1.4.3 could be revised to include meaningful and predictable guidelines and standards that: (1) define “environmentally sensitive lands” (e.g., identify the natural resource characteristics or locations of environmentally sensitive lands); and (2) identify/describe the regulations and incentives that will be used to implement the policy. Proposed Policy CCM-1.4.4 could be revised to include meaningful and predictable guidelines and standards that define “significant natural systems.” Proposed Policy CCM-1.4.5 could be revised to establish meaningful and predictable guidelines and standards defining the location of “Density Reduction Groundwater Resource Area (DR/GR)” as referenced in the policy.

Proposed Objective CCM-1.6 or its implementing policies could be revised to include meaningful and predictable guidelines and standards defining “heritage, historic, and champion trees.” Policy CCM-1.6.1 could be revised to include meaningful and predictable guidelines and standards defining what constitutes “uniqueness or importance to the Village.” Policy CCM-1.7.1 could be revised to include meaningful and predictable guidelines and standards addressing how the Village will “support protecting habitats of endangered and threatened

species and species of special concern.” Proposed Policy CCM-1.9.2 could be revised to include meaningful and predictable guidelines and standards that define “maximize stormwater retention and treatment.”

16. Comment (Joint Planning Areas): The Village should consider revising the Intergovernmental Coordination Element to include a policy (perhaps expand Policy ICE-1.1.6) that establishes an intergovernmental coordination procedure for identifying and implementing joint planning areas for the purpose of annexation as required by Section 163.3177(6)(h)1.a, F.S. The procedure should address how the Village “will coordinate” with Lee County to: (1) identify for consideration potential joint planning areas for the purpose of annexation; and (2) implement joint planning areas for the purpose of annexation for such areas that either currently exist or that the Village and County eventually (if ever) determine should be formally established. Effective intergovernmental coordination procedures could involve: (1) an annual meeting between the Village planning staff and County planning staff to consider potential joint planning areas for the purpose of annexation; and (2) for implementation, the execution of a joint planning agreement between the Village and County to formally establish such joint planning area and direct administration of the area regarding annexation. Please note, Section 163.3177(6)(h)1.a, F.S., does not require a local government to establish a joint planning area for the purpose of annexation if the local government does not want to use a joint planning area. However, the Intergovernmental Coordination Element is required to include an intergovernmental coordination procedure for identifying and implementing joint planning areas, especially for the purpose of annexation.

17. Comment (Airport Compatibility): The Village should consider revising the Intergovernmental Coordination Element to include a policy that directs the Village to coordinate with Lee County Port Authority regarding the potential of an interlocal agreement pursuant to Section 333.03(1)(b), Florida Statutes, regarding airport zoning regulations relative to the Southwest Florida International Airport. Please see the comments from Lee County regarding coordination on airport land use compatibility.

18. Comment (School Mitigation): CIE Policy CIE-1.4.3 states “*For public school facilities, a proportionate share mitigation agreement is subject to approval by Lee County School District and the Village and shall be included in an interlocal agreement between the School District and the Village.*” It could be interpreted from this policy implies that the proportionate share mitigation agreement (for each development) shall be included in the general overall master school interlocal agreement (between the School District and the Village). This might result in an unnecessarily lengthy process to continually amend the overall interlocal agreement for each new proportionate share mitigation agreement. The Village should consider revising Policy CIE-1.4.3 to clarify that a proportionate share mitigation agreement (for public school facilities) is subject to approval by the Village, Lee County School District, and the developer and shall be executed as authorized by an interlocal school agreement between the School District and Village.

19. Comment (Coordination with Lee County MPO): Proposed Policy CIE-1.3.2 (public facility improvements) states *“Coordinate planning for the Village improvements with the plans of state agencies, the South Florida Water Management District (FWMD), Lee County, and adjacent municipalities when applicable.”* The Village should consider revising Policy CIE-1.3.2 to include the Lee County Metropolitan Planning Organization (MPO) adopted five-year transportation improvement program and adopted long-range transportation plan (LRTP). Pursuant to Section 163.3177(3)(a)5., F.S., the Capital Improvements Element Five-Year Schedule of Capital Improvements *“must include transportation improvements included in the applicable metropolitan planning organization’s transportation improvement program adopted pursuant to s. 339.175 (8) to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The schedule must be coordinated with the applicable metropolitan planning organization’s long-range transportation plan adopted pursuant to s. 339.175 (7).”*

20. Comment (Data and Analysis): The Village should consider revising the proposed Capital Improvements Element to include data and analysis addressing: (1) capital improvement needs by year to correct projected deficiencies and replace obsolete facilities; (2) facility costs, timing, location and projected revenue sources;(3) identification if projects are funded or unfunded; (4) identify all publicly and privately funded projects, including projects the Village is not fiscally responsible for, but will ensure adopted level of service standards are achieved and maintained.

21. Comment (School Interlocal Agreement): The Village should consider executing a public school interlocal agreement with the district school board and applicable local governments as required by Sections 163.31777 and 163.3180(6)(i), F.S.

SUBMITTAL OF
ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

May 2011

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ 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 amendment, an adopted future land use map, **in color format**, clearly depicting the parcel, its existing 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 executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for state coordinated review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, 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. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it 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, a copy of which resolution shall be sent to the state land planning agency.

_____ 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 to the ORC report from the State Land Planning Agency.



Florida Department of Transportation

RICK SCOTT
GOVERNOR

10041 Daniels Parkway
Fort Myers, FL 33913

MIKE DEW
SECRETARY

February 19, 2018

Ray Eubanks
Plan Processing Administrator
State Land Planning Agency
Department of Economic Opportunity
Caldwell Building
107 East Madison - MSC 160
Tallahassee, Florida 32399

RE: Village of Estero 18PLAN Proposed Comprehensive Plan Amendment, State Coordinated Review Process – FDOT Technical Assistance Comments

Dear Mr. Eubanks:

The Florida Department of Transportation (FDOT), District One, has reviewed the Village of Estero 18PLAN Proposed Comprehensive Plan Text Amendment (CPA). The Village Council transmitted the proposed CPA as Ordinance No. 2018-01 to the Department of Economic Opportunity (DEO), in compliance with Section 163.3184(4) Florida Statutes (F.S.), under the State Coordinated Review Process. Below is a description of the proposed CPA followed by FDOT technical assistance comments as appropriate.

The Village of Estero encompasses approximately 16,000-acres, and is generally located north of the City of Bonita Springs in Lee County. The Village of Estero is bordered by Estero Bay to the west, and by unincorporated Lee County to the east. The Village currently operates under Lee County's LeePlan, which is a "Transitional Comprehensive Plan" for the Village that was in effect at the time of incorporation. The proposed Comprehensive Plan contained in this submittal has been created specifically for the Village of Estero and will become the operating Comprehensive Plan upon adoption.

The Village of Estero's proposed CPA includes nine elements and related map series, including the Future Land Use, Transportation, Housing, Infrastructure, Conservation and Coastal Management, Recreation and Open Space, Intergovernmental Coordination, Capital Improvements, and Public Facilities Elements. A major component of the Plan outlines transportation issues and goals to provide for multiple modes of transportation, along with goals to reduce traffic congestion.

Based on the review of the nine elements, map series, and the data and analysis, FDOT offers the following technical assistance comments.

Future Land Use Element (FLUE):

The FLUE Includes new categories with general uses allowed. Each new category establishes the range of densities/intensities as appropriate. Below are the new FLU categories included in the proposed Comprehensive Plan (FLU-1.21):

1. Village Neighborhood 1
2. Village Neighborhood 2
3. Transitional Mixed Use
4. Urban Commercial
5. Village Center

According to the staff report, and based on the Lee County Property Appraiser information, the Village is mostly built out, with approximately 10% of vacant land. Because the Village of Estero's Comprehensive Plan includes new FLU categories with new densities and intensities, FDOT notes that it is not possible to assess the impacts on State and Strategic Intermodal System (SIS) transportation facilities until a project is planned. As a result, FDOT offers the following technical assistance comments.

FDOT Technical Assistance Comment #1:

Consistent with recommendations in the Village of Estero 16-1ESR Adopted CPA, FDOT encourages the Village to coordinate with FDOT during planning phases of new and redeveloped property in the new FLU categories identified above, to fully assess the impacts of development on State and Strategic Intermodal Systems (SIS) transportation facilities. FDOT is available to provide technical assistance to ensure preservation of the regional transportation network and mobility for current and future area residents.

FDOT Technical Assistance Comment #2:

FDOT, also notes that land uses/development patterns drive the development of transportation systems along with their safe and efficient operation. In an effort to decrease overall passenger vehicle trips on the roadway network, and in line with the intent of this CPA, FDOT supports the planning and development of well-planned communities that promote the use of multimodal alternatives that aid in mitigating potential transportation impacts, promote safety and economic development, and improve quality of life for all residents in the Village of Estero. This can be achieved by employing multimodal alternatives that encourage compact and dense developments that provide multimodal connectivity between existing and future development areas.

FDOT offers several initiatives to assist the Village of Estero in creating quality developments while protecting future mobility on the regional roadway network, including "Complete Streets"¹, modern roundabouts², and a commitment to bicycle and pedestrian safety³. FDOT welcomes the opportunity to partner with, and provide

¹ <http://www.flcompletestreets.com/>

² <http://www.dot.state.fl.us/rddesign/Roundabouts/Default.shtm>

³ <http://www.alerttodayflorida.com/>

technical assistance to the Village of Estero to create developments that 1) support multimodal transportation facilities for all users, and 2) that are in support of the principles that guide healthy community design, while utilizing complete streets concepts and strategies.

Transportation Element:

The Transportation Element includes goals and objectives that promote complete streets, interconnectivity between existing and new development, and multi-modal alternatives to the single-occupant vehicle. Policy TRA-1.8.1 establishes the level of service (LOS) standards for Village roadways as LOS D for I-75 and LOS E for arterials and collectors.

FDOT Technical Assistance Comment #1:

Policy TRA-1-10.3 encourages FDOT to purchase the real estate interests in the rail corridor from its current owner, CSX Transportation Inc. (which leases the corridor to Seminole Gulf Railway). The impetus to acquire the CSX/Seminole Gulf rail corridor is a result of recommendations from the Lee County MPO Rail Corridor Feasibility Study.

The preservation of the CSX/Seminole Gulf rail corridor is regional in nature, crossing multi-jurisdictional agencies. FDOT has previously stated that a regional project may potentially be considered for future acquisition of railroad right-of-way for non-commercial uses, if it qualifies for Federal funding and follows the financing model utilized for the City of Orlando SunRail project, or a similar model. The funding allocation includes the following:

- 50% U.S. Department of Transportation Federal Highway Administration
- 25% Florida Department of Transportation
- 25% Local Government, including long-term operation and maintenance

Under this scenario, a regional entity, other than FDOT, would be responsible for the operation and maintenance of the rail corridor.

FDOT recommends Policy TRA-1-10.3 be revised to adequately reflect the process and financial model for a regional rail corridor project.

FDOT Technical Assistance Comment #2:

FDOT notes that the amendment package does not include a future transportation map series. Per Chapter 163.3177 Florida Statutes, a Transportation Element shall include a map or map series showing the general location of the existing and proposed transportation system features and shall be coordinated with the future land use map or map series. Per discussions with the Village representative, the Village is coordinating with their Consultant regarding the future map series. When updating the Transportation Element, FDOT requests that the Village coordinate with the Lee County Metropolitan Planning Organization (MPO) to be consistent with the MPO's Long Range Transportation Plan (LRTP); consistent with the 2040 LRTP if the Village intends to update in 2018 or with the 2045 LRTP major update in 2019. The update

should also be consistent with the most recent FDOT Five-Year Work Program. FDOT looks forward to reviewing the revised Transportation Element when it becomes available.

Conservation and Coastal Management Element (CCME):

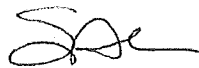
The CCME includes goals and objectives that emphasize preserving, protecting, and integrating natural features within the community. As part of the CCME, the Village of Estero has stated in Policy CCM-1.12.4 that the Village will adhere to Lee County's Emergency Evacuation procedures and guidelines to ensure provision of evacuation and shelter capabilities adequate to safeguard the public against the effects of hurricanes and tropical storms. *Based on the above, FDOT offers no comments on the CCME.*

Intergovernmental Coordination Element (ICE):

The ICE includes goals and objectives that emphasize the planning and coordination with other entities, including FDOT. Policy ICE-1.5.2 states that the Village will use interlocal agreements and other appropriate methods of cooperation to ensure proper coordination concerning Lee County and State DOT roadways within the Village. In addition, based on discussions with the Village representative, the Village will coordinate with the FDOT Planning Office to ensure that State and SIS roadways are not adversely impacted from new and redeveloped properties. Based on the above, FDOT offers no comments on the ICE.

Thank you for providing FDOT with the opportunity to review and comment on the proposed amendment. If you have any questions or need to discuss these comments further, please contact me at (239) 225-1981 or sarah.catala@dot.state.fl.us.

Sincerely,



Sarah Catala
SIS/Growth Management Coordinator
FDOT District One

CC: Ms. Mary Gibbs, Director of Community Development, Village of Estero



February 21, 2018
Submitted Via Email Only

John Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

Mr. Ray Eubanks
Plan Processing Administrator
State Land Planning Agency
Department of Economic Opportunity
Caldwell Building
107 East Madison – MSC 160
Tallahassee, Florida 32399

**RE: Village of Estero Comprehensive Plan
State Coordinated Review Process
DEO Reference: Estero PLAN18**

Dear Mr. Eubanks:

Lee County has reviewed the Village of Estero's proposed Comprehensive Plan ("Village Plan") within the context of the relationship and effect of the Village Plan on Lee County's Comprehensive Plan ("Lee Plan").

The following comments are being offered in accordance with Sections 163.3184(3)(b)3.b. & 163.3184(4)(c).

Future Land Use Element

FLU-1.9.1.C.2.h, i, & j and FLU-1.9.2.F: It is unclear if the placemaking design features are anticipated to be incorporated within the right-of-way of county-maintained streets or how desired access connections will comply with county driveway separation requirements and, for access on Corkscrew Road, the Road Access Plan (Lee Plan Map 3L). *Lee County recommends that these policies be clarified as to applicability and impact on county-maintained streets and coordination with the county be referenced.*

FLU-1.12.1: It is unclear if the "corridor conscious development standards" for consideration by the Village are intended or desired to be applied within the right-of-way of county-maintained streets. *Lee County recommends that this policy be clarified as to applicability and impact on county-maintained streets and coordination with the county be referenced.*

Airport Land Use Compatibility: There is no discussion on airport land use compatibility within the Village Plan. The Southwest Florida International Airport is located approximately 3.5 miles to the north of the Village of Estero. A portion of the Village of Estero falls within Federal Aviation Administration airspace surfaces as defined in 14 CFR Part 77. Chapter 333 of the Florida Statutes states that if an obstruction may be constructed or altered which underlies 14 CFR Part 77 surfaces, political subdivisions shall enforce airport protection zoning regulations by interlocal agreement, ordinance, regulation, or resolution. The Lee County Port Authority (LCPA) is currently reviewing Chapter 333 as it relates to the Lee County Land Development Code and will also be determining which jurisdictions may require interlocal agreements for airspace reviews and permitting. *Lee County recommends that Village of Estero staff meet with the LCPA to discuss potential tall structure permitting requirements and review procedures and potential interlocal agreement between the LCPA and the Village of Estero.*

Transportation Element Comments:

TRA-1.3.1: Corkscrew Road is functionally classified as an arterial roadway which serves as a main multi-modal thoroughfare for safely moving people, goods, and services. Trucks should be encouraged to use Corkscrew Road and other arterial roadways in the transportation network in lieu of using lesser functional classification roads, when practical. In addition to County approval, truck restrictions or prohibitions require state review and approval of an area traffic study. The area traffic study must demonstrate that the prohibition on Corkscrew Road would not add traffic to state highways. Impacts of truck restrictions or prohibitions on Corkscrew Road to alternate routes including Alico Road, SR 82, I-75, Three Oaks Parkway, and US 41 should also be considered. If restrictions or prohibitions are approved, vigorous enforcement measures will be required. *Lee County recommends that this policy be reconsidered as it directly contradicts with Lee Plan Objective 39.2 to include road designs and street modifications to accommodate significant truck traffic on freight corridors identified in the MPO Freight Mobility Study and for transit, bicycle, and pedestrian facilities where indicated on the transportation map series and Map 22, Lee County Greenways and Multi-Purpose Recreational Trails Master Plan. The Lee County MPO 2040 Transportation Plan identifies Corkscrew Road as a Regional Freight Corridor (Tier 1).*

TRA-1.3.4: The comprehensive plan process provides "*the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area*" *These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented.*" See § 163.3177, F.S. In accordance with State Law, the Village Plan must "*establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.*" Furthermore, in accordance with well-established legal precedence, decisions regarding development order and development permit applications cannot be arbitrary and capricious and must be founded on competent substantial evidence.

While decisions regarding issuance of development permits and development orders within unincorporated Lee County are solely within the purview of the Lee County Board of County Commissioners, the Village's Plan Policy appears to presume or reach

conclusions and assumptions about the potential impacts of development applications simply because of their location without having received and adequately reviewed the development application. TRA-1.3.4 provides no *meaningful and predictable standards* for quantifying “increased density” or determining when the Village will “discourage further development of increased density along East Corkscrew Road in the DR/GR area.” *Lee County recommends that this policy be clarified and meaningful standards are established to ensure consistency with State law. In addition, Lee County notes that a DR/GR future land use designation or ‘East Corkscrew Road’ is not defined or depicted within the Village Plan. The name of the county-maintained road, within and east of the Village, is Corkscrew Road.*

TRA-1.8.1 & Transportation Element Data and Analysis, Concurrency: This policy does not mention how concurrency determinations will be made; however, the element data and analysis refers to the 2015 Lee County Concurrency Report. The traffic data in the 2015 report is from 2014 and included streets that are now maintained by the Village of Estero. As of the 2017 Lee County Public Facilities Level of Service and Concurrency Report, the County no longer provides analysis for city, town, or village maintained streets or state highways within incorporated areas in the Report. *Lee County recommends that the Village anticipate implementation of this policy without traffic data for the Village being provided in the Lee County Public Facilities’ Level of Service and Concurrency Report.*

TRA-1.8.1.C: Lee County notes that all roadways, regardless of functional classification, should be maintained and in good order and repair.

TRA-1.8.3: Policies of the FLU (1.2.9, 1.2.10, 1.9.1, 1.9.2 and 1.12.1) for mixed use area roadway treatments (walkability, traffic calming), if applicable to county roadways, generally does not result in ‘better traffic flow and functioning’ based on the level of service standard outlined in TRA-1.8.1. *Lee County recommends that this policy be clarified as to applicability and impact on level of service on county-maintained streets.*

TRA-1.9.6: This policy is inconsistent with Lee Plan Policy 36.1.3 which states, “Construction of new transportation facilities will be based on the transportation maps” and provides no *meaningful and predictable standards* for opposing new roads or expansion of existing roads. In addition, this policy names CR 951, but as written, also implies opposition to Estero Parkway Extension and Alico Connector. Both projects are on the MPO 2040 LRTP Needs Plan, incorporated by reference into the Lee Plan (see Policy 36.1.1). *Lee County recommends that this policy be clarified as to applicability, reviewed for consistency with adopted county and regional transportation plans, and meaningful and predictable standards are established for consistency with State law.*

Attachment 4 Roadway Maintenance List: ‘Estero Pkwy. Ext.’ is listed as county maintained, but is not referenced elsewhere in the Village Plan. Lee County recommends that this policy be clarified using a “from-to” reference (e.g. Estero Parkway from Three Oaks Parkway to I-75) to differentiate between the village and county maintained segments of road.

Conservation & Coastal Management Element Comment:

CCM-1.4.5: The comprehensive plan process provides *“the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area”* These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented.” See § 163.3177, F.S. In accordance with State Law, the Village Plan must *“establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.”* Furthermore, in accordance with well-established legal precedence, decisions regarding development order and development permit applications cannot be arbitrary and capricious and must be founded on competent substantial evidence. This policy appears to presume or reach conclusions and assumptions about the potential impacts of development applications simply because of their location without having received and adequately reviewed the development application. CCM-1.4.5 provides no *meaningful and predictable standards* for determining when the Village will *“advocate to discourage development or future land use changes of DR/GR designated lands.”*

Decisions regarding issuance of development permits and development orders within unincorporated Lee County are solely within the purview of the Lee County Board of County Commissioners. Regarding potential to increase density, intensity or traffic within the Village, it is unclear how a future land use change or development in unincorporated Lee County could potentially increase density or intensity within the Village. Also, it is the County’s responsibility to protect the through traffic capacity of the county’s expressways, controlled access facilities, principal and minor arterials, and major collectors depicted on Lee Plan Map 3A (Lee Plan Policy 36.1.4). In certain circumstances, traffic within the Village may have the potential to increase. As written, CCM-1.4.5 would require the Village to *“advocate to discourage”* all development within the Village or the County as a whole since any development within Lee County *“has a **potential** to increase traffic within the Village.”*

Lee County notes that a “DR/GR area” is not defined or depicted within the Village Plan and recommends that: the meaning of “advocate to discourage” be clarified; meaningful and predictable standards be provided to ensure consistency with State law and to avoid potential liability from meritless advocacy against developments based solely on conjecture and assumptions; and the Village consider election to participate in the County’s Transfer of Development Rights program (see Lee County Land Development Code Section 2-142) as a receiving area for Southeast Lee County Transferable Development Units.

Recreation and Open Space Element Comment:

REC-1.5 & REC-1.5.2: This objective and policy address improvements (enhancing the existing facilities, increasing the opportunities for public access, and encouraging additional recreational facilities, programs, and services) to state parks and Conservation 20/20 preserves within, adjacent to, or near the Village boundaries. All Conservation 20/20 preserves are governed by a Land Stewardship Plan (LSP) approved by the Board of County Commissioners. Any improvement or use of a preserve must be consistent with the provisions established in the applicable LSP.

There are opportunities for public input in the LSP adoption process. *Lee County recommends that the Village review this objective and policy for consistency with adopted Lee County LSPs for preserves within, adjacent to, or near the Village boundaries, and encourage public participation during the LSP adoption process for future preserves.*

Intergovernmental Coordination Element Comments:

Policies ICE-1.1.5 & ICE-1.1.6: If there is a concern regarding a proposed development in unincorporated Lee County there are opportunities for public input consistent with State statutes in which the Village may participate.

Lee County appreciates the opportunity to review the proposed Village Plan and hope the comments provided herein are considered prior to final plan adoption.

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

A handwritten signature in black ink that reads "Mikki Rozdolski". The signature is written in a cursive, flowing style.

Mikki Rozdolski
Manager

Cc: Mary Gibbs, Director, Village of Estero Community Development (gibbs@estero-fl.gov)
David Loveland, Director, Lee County Department of Community Development
Michael Jacob, Deputy County Attorney

Eubanks, Ray

From: Oblaczynski, Deborah <doblaczy@sfwmd.gov>
Sent: Tuesday, February 13, 2018 11:57 AM
To: DCPexternalagencycomments
Cc: Mary Gibbs (Gibbs@estero-fl.gov); Winningham, Brenda; Margaret Wuerstle (mwuerstle@swfrpc.org)
Subject: Village of Estero, DEO #18PLAN Village of Estero Comments on Proposed Comprehensive Plan Amendment Package

Dear Mr. Eubanks:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from the Village of Estero (Village). The package proposes the Village's Comprehensive Plan. The District offers the following recommendations for consideration prior to adopting the amendment:

- In December 2017, the District's Governing Board approved the 2017 Lower West Coast (LWC) Water Supply Plan Update. Local governments identified within the LWC area are required to update their Water Supply Facilities Work Plan (Work Plan) within 18 months after governing board approval of an updated regional water supply plan. Therefore, the City's Work Plan will need to be adopted by June, 2019; The Work Plan must cover at least a 10-year planning period, identify alternative and traditional water supply projects, and conservation and reuse activities needed to meet the projected future demands. Planning tools are available on the District's website for your use and District Staff are available to provide technical assistance to update the Work Plan, including reviewing draft Work Plans prior to formal plan amendment submittal. The planning tools are located at this link: <https://www.sfwmd.gov/our-work/water-supply/work-plans>
- Revise references to the regional water supply plan(s) in Policies INF-1.3.2 and INF-1.3.3 to reference the "2017 Lower West Coast Water Supply Plan Update" by title.
- Include a policy addressing the preparation and adoption of the Village's Water Supply Facilities Work Plan by June 14, 2019.
- Revise Policy INF-1.3.4 to identify the water suppliers that the Village will coordinate with during the Water Supply Facilities Work Plan development process. The existing and projected water suppliers should be identified.
- The data and analysis information in the Water Section of the Infrastructure Element should be revised to include the following information:
 - That the 2017 Lower West Coast Water Supply Plan Update was approved by the District's Governing Board on December 14, 2017 and the Village's Water Supply Facilities Work Plan is due to be adopted by June 14, 2019.
 - How the Village will conserve potable water resources.
- Update Policy CCM-1.4.4 to include language identifying the watershed of the Estero Bay Aquatic Preserve and protect the tributaries and interconnected natural areas within the Village that are in the watershed, to ensure needed freshwater inflows to the preserve.
- Include in the Conservation and Coastal Management Element policies addressing the Village's intention to conserve and protect the quality and quantity of current and projected water sources and waters that flow into estuarine waters and protect from activities and land uses known to affect adversely the quality and quantity of identified water sources, including natural groundwater recharge areas, wellhead protection areas, and surface waters used as a source of public water supply.
- Add a policy describing the Village's implementation of the Mandatory Year-Round Landscape Irrigation Conservation Measures as detailed in 40E-24, Florida Administrative Code.
- Revise all references from "xeriscaping" to "Florida-friendly landscaping". Section 373.185, Florida Statutes, was revised in 2009 to replace xeriscaping with Florida-friendly landscaping.

- Add policies describing the Village's water conservation program. Include details of programs/measures to conserve potable water resources to be undertaken by the Village.
- The data and analysis information in the Conservation and Coastal Management Element should be revised to include the following information:
 - How the Village will conserve and protect current and projected water sources.
 - How the Village will provide for conservation of water sources in accordance with plans of the District. Include the Village's water conservation program.
 - An analysis of current and projected needs and sources for at least a 10-year period based on the demands for industrial, agricultural and potable water use and the quality and quantity of water available to meet the demands. The analysis shall consider the existing levels of water conservation, use and protection and applicable policies of the District and must consider the 2017 Lower West Coast Water Supply Plan Update.
- Revise Policy ICE-1.3.1 to refer to the 2017 Lower West Coast Water Supply Plan Update instead of the "regional water supply plans."
- Add Bonita Springs Utilities to Policy CIE-1.3.2, since they are a current water supplier to the Village.
- Revise the CIE Schedule (starting page CIE 10) to include at least five (5) years after adoption of the Comprehensive Plan. Currently the CIE Schedule reflects four (4) years after adoption.
- The Capital Improvements Element does not include data and analysis to plan for and encourage the efficient use of public facilities, including water supply facilities. The Element should be revised to include the following data and analysis:
 - Identification of the capital improvements needed by year to correct projected deficiencies, including water supply facilities.
 - Estimated facility costs, when facilities will be needed, the general location of facilities, and projected revenue sources to fund the facilities.
 - Identification if projects are funded or unfunded.
 - Any major infrastructure facilities that will become obsolete during the long-term planning period should also be identified. The identified infrastructure improvements should be listed separately in the Capital Improvements Element as long-term projects or included in the relevant plan element.
 - Identify all publicly and privately funded projects, including projects the Village is not fiscally responsible for, but will ensure adopted level of service standards are achieved and maintained.

The District offers its technical assistance to the Village in developing sound, sustainable solutions to meet the Village's future water supply needs and to protect the region's water resources. Please forward a copy of the adopted amendments to the District. Please contact me if you need assistance or additional information.

Sincerely,
 Deb Oblaczynski

Policy & Planning Analyst
 Water Supply Implementation Unit
 South Florida Water Management District
 3301 Gun Club Road
 West Palm Beach, FL 33406
 (561) 682-2544 or doblaczy@sfwmd.gov

Eubanks, Ray

From: Plan_Review <Plan.Review@dep.state.fl.us>
Sent: Friday, February 16, 2018 3:56 PM
To: Eubanks, Ray; DCPexternalagencycomments
Cc: Plan_Review; Gibbs@estero-fl.gov
Subject: Estero 18PLAN Proposed

To: Ray Eubanks, DEO Plan Review Administrator

Re: Estero 18PLAN – State Coordinated 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@dep.state.fl.us. If your submittal is too large to send via email or if you need other assistance, contact Suzanne Ray at (850) 717-9037.



Eubanks, Ray

From: Plan_Review <Plan.Review@dep.state.fl.us>
Sent: Friday, February 16, 2018 3:54 PM
To: Gibbs@estero-fl.gov; DCPexternalagencycomments
Cc: Plan_Review
Subject: Estero 18PLAN Proposed

To: Mary Gibbs, Director

Re: Estero 18PLAN – 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@dep.state.fl.us. If your submittal is too large to send via email or if you need other assistance, contact Suzanne Ray at (850) 717-9037.

