



*Florida Department of Transportation*

RON DESANTIS  
GOVERNOR

10041 Daniels Parkway  
Fort Myers, FL 33913

KEVIN J. THIBAUT, P.E.  
SECRETARY

May 22, 2019

Brandon Dunn  
Principal Planner  
Lee County Planning Section  
P.O. Box 398  
Fort Myers, Florida 33902-0398

**RE: Lee County 19-03ESR Proposed Comprehensive Plan Amendment (CPA), Expedited State Review Process – FDOT Review Letter**

Dear Mr. Dunn:

The Florida Department of Transportation (FDOT), District One, has reviewed the Lee County 19-03ESR Proposed Comprehensive Plan Amendment. The proposed CPA package was transmitted under the Expedited State Review process by the Board of County Commissioners, in accordance with the requirements of Florida Statutes Chapter 163.

The proposed CPA 2018-10014 (Goal 33/Limerock Mining) is a text amendment to the Lee Plan (Lee County Comprehensive Plan). This amendment proposes to change the Future Land Use (FLU) Element, Transportation Element, Conservation and Coastal Management Element, Administration Element, Table 1 (b), and Map 14 (Future Limerock Mining Overlay) components of the Lee Plan.

**FDOT Review:**

The purpose of the Lee County 19-03ESR proposed CPA is to remove conflicting provisions, reduce redundancies by removing regulatory provisions duplicative of the Land Development Code, and eliminate potential legal challenges caused by ambiguous or vague language. No traffic analysis was included in the amendment because no specific limerock mining operation is being proposed.

Any mining operation should identify haul routes and evaluate the potential to contribute towards adverse impacts on the entire roadway network which may include State and/or Strategic Intermodal Systems (SIS) facilities. FDOT offers the following technical assistance recommendations for the County to consider when reviewing a specific mining operation application:

**FDOT Technical Assistance Recommendation #1:**

As the coastal communities west of I-75 build-out, new residential and mixed-use development is spreading east of I-75 at a rapid pace. Many of these new developments are beginning to encroach within areas populated by existing mines. Most of these areas are currently served by a limited capacity roadway network resulting in heavy freight vehicles (dump trucks) and automobiles sharing lanes. The blending of dump trucks and local trips may create congestion and operational inefficiencies within the roadway network.

There are potential improvements for consideration including but not limited to: 1) Designing connectivity into/along multiple developments to reduce excessive external trips onto arterials thereby reducing the blending of dump truck and automobile traffic; 2) Adding capacity to the roadway network; 3) Transportation Systems Management and Operations (TSMO) solutions such as adaptive signal control or extending clearance timings; 4) Requiring more than one primary ingress/egress route for new developments.

**FDOT Technical Assistance Recommendation #2:**

Any mine operation connecting to State and/or SIS facilities is required to comply with any applicable access management rules/regulations such as Access Management (Chapter 14-97) guidelines. Changes from an existing land use to another land use require a modification to the existing driveway permit from FDOT. The applicant should contact FDOT to have their permit reviewed.

FDOT staff are immediately available to meet with you to discuss our comments and recommendations. 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](mailto:sarah.catala@dot.state.fl.us).

Sincerely,



Sarah Catala  
SIS/Growth Management Coordinator  
FDOT District One

*Attachment*

cc: D. Ray Eubanks, Florida Department of Economic Opportunity  
Mikki Rozdolski, Lee County  
Margaret A. Wuerstle, Southwest Florida Regional Planning Council

---

## COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

**Local Government:** Lee County  
**DEO Amendment #:** 19-03ESR  
**Today's Date:** 05/22/2019

---

### FUTURE LAND USE MAP AMMENDMENT

**Elements:** Future Land Use Element  
Transportation Element  
Conservation and Coastal Management Element  
Administration Element

**Rule Reference:** Chapter 163, Florida Statutes

#### Background:

CPA 2018-10014 (Goal 33/Limerock Mining) is a proposed text amendment to the Lee Plan, the Lee County Comprehensive Plan. This amendment proposed to change the Future Land Use (FLU) Element, Transportation Element, Conservation and Coastal Management Element, Administration Element, and Map 14 (Future Limerock Mining Overlay) components of the Lee Plan. The purpose of these amendments is to remove conflicting provisions, reduce redundancies by removing regulatory provisions duplicative of the Land Development Code, and eliminate potential legal challenges caused by ambiguous or vague language.

#### SUMMARY OF CHANGES

##### Delete the requirement for a Mining Study:

- Mining is the only use in the Lee Plan that requires a market analysis, demonstrating regional limerock demand, would not be required; which is consistent with other uses/markets.
- The County would no longer be required to project and supply regional limerock demand and expand Map 14 and Table 1 (b), accordingly.
- Table 1 (b) is not tied to Map 14 and is addressed at time of Mine Development Order (MDO) after the Lee Plan amendment and rezoning processes.

##### Delete the Future Limerock Mining Overlay (Map 14):

- Applicants, for new limerock mining operations, would no longer be required to be identified as a future limerock mining area.
- Map 14 allows impacts to wetlands, groundwater and surface water which is contrary to the overall Lee Plan.
- Chapter 12 of the Land Development Code (LDC) is not being amended, and provisions located within Objective 33.2 are not being softened; protection of natural resources is not lessening nor is the standard of evaluation for mining operations.
- Including property on Map 14 results in no additional protections for nearby wildlife habitat, water resources, and compatibility with nearby uses.

---

**FDOT Contact:** Sarah Catala  
FDOT District 1  
Community Planning Coordinator  
239-225-1981  
E-mail: [Sarah.Catala@dot.state.fl.us](mailto:Sarah.Catala@dot.state.fl.us)

**Reviewed by:** Todd Davis, P.E.  
Vanasse Hangen Brustlin, Inc.  
407-839-4006  
[tsdavis@vhb.com](mailto:tsdavis@vhb.com)

---

## COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

**Local Government:** Lee County  
**DEO Amendment #:** 19-03ESR  
**Today's Date:** 05/22/2019

---

### Remove or Correct Ambiguous Language:

- Minimize the potential for legal liability over ambiguous language, which could result in litigation and Chapter 163 challenges.
- Amend provisions to eliminate paradoxes and conflicting provisions; clarify intent in a clear and concise manner to bring the policies into compliance with Section 163.3177(1) by establishing meaningful and predicable standards.

The following details are associated with the specific text changes within each element of the Lee Plan:

### FLU Element

- Revise to remove references to Map 14 through FLU Element which is being removed from the Lee Plan.
- Delete duplicative and/or redundant policies from the FLU Element.
- Make minor language clarifications throughout the FLU Element.
- Relocate policies throughout the FLU Element for consistency.
- Renumbered policies to account for removed policies as part of this proposed amendment.
- Delete language from Policy 1.7.6 referencing dates and Table 1(b) references to limerock mining.
- Revise the language in Objective 10.1 to reflect Lee County's desire to minimize adverse effects of natural resource extraction.
- Add Policy 10.1.6 to maintain land development regulations for limerock mines.
- Add Policy 10.1.7 to address wetland impacts that were previously approved.
- Revise Policy 10.1.3 (proposed 10.2.8) to clarify and remove language that belongs in the Land Development Code (LDC) regarding natural resource extraction permit reclamation plans.
- Add Policy 10.2.9 which increases public input regarding Mining Excavation Planned Development (MEPD) rezoning applications.
- Clarify intent of Goal 33, to protect Southeast Lee County's natural resources, by rewriting the goal without vague and ambiguous terms.
- Delete Objective 33.1 and associated policies due to vague and ambiguous wording.
- Update the language of Policy 33.2.1 (proposed 33.1.1) to remove dates and delete redundant language regarding protection and restoration of Lee County ecosystems.
- Clarify language in Policy 33.2.2 (proposed 33.1.2) to update conservation tiers and applicable density incentives.
- Streamline Policy 33.2.3 (proposed 33.1.3) regarding Tier 1-8 conservation areas and the applicable development incentives that exist or may exist to improve water resources and natural ecosystems.

---

**FDOT Contact:** Sarah Catala  
FDOT District 1  
Community Planning Coordinator  
239-225-1981  
[Sarah.Catala@dot.state.fl.us](mailto:Sarah.Catala@dot.state.fl.us)

**Reviewed by:** Todd Davis, P.E.  
Vanasse Hangen Brustlin, Inc.  
407-839-4006  
[tsdavis@vhb.com](mailto:tsdavis@vhb.com)

---

## COMPREHENSIVE PLAN AMENDMENT PROPOSED REVIEW COMMENTS

**Local Government:** Lee County  
**DEO Amendment #:** 19-03ESR  
**Today's Date:** 05/22/2019

---

- Add Policy 33.1.8 based on language from removed Policy 9.1.7 regarding existing agricultural lands. The proposed policy adds language of Lee County's support for a "comprehensive and coordinated effort to manage water resources" within Southeast Lee County.

### **Transportation Element**

- The Lee County Port Authority requested Policy 47.2.7 to address compatibility between mining operations and air commerce. This policy prevents mining operations unless "it is demonstrated that no adverse vibration, noise, air, and water quality impacts" will occur on existing and planned airport facilities, capacities, and operations.

### **Conservation and Coastal Management Element**

- Revise to remove references to Map 14 which is being removed from the Lee Plan.
- Add "General Interchange" to FLU categories listed in Policy 124.1.1 of this element which allows residential density transfers from wetlands to upland areas. This ensures consistency with Table 1(a) which was amended by Ordinance #16-02.

### **Administration Element**

- Relocate FLU Element Policy 1.4.5 to "Standards for Administrative Interpretations" section of this element.

### **Map 14**

- The map is to be removed from the document.

## **TECHNICAL ASSISTANCE:**

Based on our review, the Lee County 19-03ESR proposed CPA has the potential to contribute towards adverse impacts on State and/or Strategic Intermodal Systems (SIS) facilities. FDOT encourages the County to consider the technical assistance comments provided within the cover letter, which aims to reduce the potential for blended traffic to create congestion and ensure possible access management considerations are taken into account.

The Department respectfully requests a copy of the adopted plan. Please provide the adopted plan within two weeks of adoption, in order to assist in facilitating review within the required 30-day time frame from adoption, as required by Statutes (Expedited State Review Amendment Process Section 163.3184(3) and (5), Florida Statutes).

---

FDOT Contact: Sarah Catala  
FDOT District 1  
Community Planning Coordinator  
Telephone: 239-225-1981  
E-mail: [Sarah.Catala@dot.state.fl.us](mailto:Sarah.Catala@dot.state.fl.us)

Reviewed by: Todd Davis, P.E.  
Vanasse Hangen Brustlin, Inc.  
407-839-4006  
[tsdavis@vhb.com](mailto:tsdavis@vhb.com)