



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

January 13, 2009

THOMAS G. PELHAM
Secretary

Mr. Bill Spikowski, AICP
Spikowski Planning Associates
1617 Hendry Street, Suite 416
Fort Myers, Florida 33901-2947

Dear Mr. Spikowski:

Thank you for submitting the Town of Fort Myers Beach's comprehensive plan amendment for our review. The reference number for this plan amendment is **Fort Myers Beach 09-1ER**.

We have conducted an inventory of the plan package to verify the inclusion of all required materials. The submission package appears to be complete, and your proposed plan amendment will be reviewed pursuant to Chapter 163, Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. The Department's ORC report will be mailed to you on or about March 14, 2009.

Also, please be advised that Section 163.3184(8)(c), Florida Statutes, requires the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. Please provide these required names and addresses to the Department *when you transmit your adopted amendment package* for compliance review. In the event no names, addresses are provided, please provide this information as well. For efficiency, we encourage that the information sheet be provided in electronic format.

If you have any questions please contact Brenda Winningham, Regional Planning Administrator, that will be overseeing the review of the plan amendment, at (850) 487-4545.

Sincerely,

D. Ray Eubanks, Administrator
Plan Review and Processing

DRE/af



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MEMORANDUM

TO Jim Quinn, DEP
Susan Harp, DOS
Tracy Suber, DOE
Jim Jackson, South Florida WMD
FDOT1- Crawley/Massey
David Crawford, Southwest Florida RPC
Paul O'Conner, Lee County

DATE: January 13, 2009

SUBJECT: *COMMENTS FOR PROPOSED COMPREHENSIVE PLAN AMENDMENT*

LOCAL GOVERNMENT/ DCA AMENDMENT #: Fort Myers Beach 09-1ER (2008 CIE Update and School Element included)

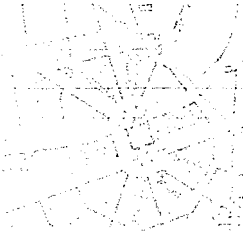
CONTACT PERSON/PHONE NUMBER: Brenda Winningham 850/487-4545

COMMENTS DUE TO DCA NO LATER THAN: February 12, 2009

Please contact the local government if you do not have a copy of the proposed amendment. Please review the proposed comprehensive plan amendment documents for consistency with applicable provisions of Chapter 163, Florida Statutes and Chapter 9J-5, Florida Administrative Code. Pursuant to FS 163.3184(4), *forward objections, recommendations and comments* to the attention of Ray Eubanks, Administrator, Plan Review and Processing, at the Department address indicated below.

Please use the above referenced **DCA AMENDMENT NUMBER** on all correspondence related to this amendment.

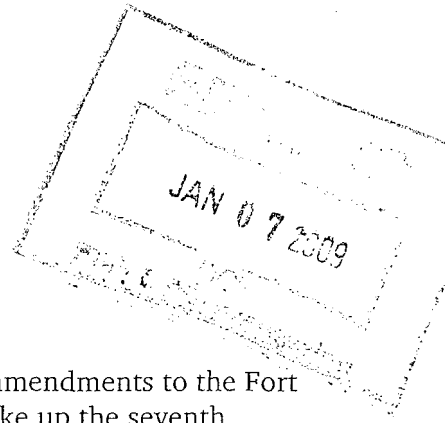
Note: Review Agencies - The local government has indicated that they have mailed the proposed amendment *directly to your agency*. See attached transmittal letter. *Be sure to contact the local government if you have not received the amendment*. Also, letter to the local government from DCA acknowledging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



**SPIKOWSKI
PLANNING
ASSOCIATES**

January 5, 2009

Ray Eubanks, Plan Processing Administrator
Plan Processing Team, Division of Community Planning,
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100



Dear Mr. Eubanks:

Enclosed is one paper copy and two electronic copies of thirteen proposed amendments to the Fort Myers Beach Comprehensive Plan for review by your agency. These will make up the seventh amendment cycle since adoption of the initial comprehensive plan, which took effect on January 1, 1999:

- The first set of amendments were adopted by Ordinance 00-15 on September 25, 2000 (effective date, November 21, 2000);
- The second set of amendments were adopted by Ordinance 01-07 on September 24, 2001 (effective date, November 21, 2001);
- The third set of amendments were adopted by Ordinance 02-07 on September 23, 2002 (effective date, November 15, 2002).
- The fourth set of amendments were adopted by Ordinance 03-13 on December 15, 2003 (effective date, March 8, 2004).
- The fifth set of amendments were small-scale amendments adopted by Ordinance 04-10 on June 21, 2004 (effective date, July 22, 2004).
- The sixth set of amendments were adopted by Ordinance 04-13 on January 3, 2005 (effective date, May 3, 2005).

The thirteen individual amendments now being transmitted are listed at the end of this letter. I certify that a copy of this letter and its attachments are being forwarded simultaneously to the eight agencies listed below. Electronic copies of this entire submission can also be obtained from: www.spikowski.com/beach.htm

Local Planning Agency public hearings on these amendments were held on March 18, May 20, and November 18, 2008. Town Council transmittal public hearings were held on November 17 and December 15, 2008. Actions of each body are reported at the end each individual report.

No written comments have been submitted regarding any of these amendments. The only public testimony at the public hearings was presented by Mr. John Albion on behalf of the Fort Myers Beach Chamber of Commerce, 17200 San Carlos Blvd, Fort Myers Beach, Florida 33931.

All of these amendments were initiated by the town, either in accordance with statutory requirements that were added starting in 2005 or to carry out policy directions established in the town's Evaluation/Appraisal Report.

Mr. Ray Eubanks, Dept. of Community Affairs
January 5, 2009
Page 2 of 3

Review agencies can obtain an electronic copy of the adopted Evaluation/Appraisal Report here: www.spikowski.com/EARReportAsAdoptedJan16-2007.pdf. Individual elements of the adopted comprehensive plan can be obtained here: www.fortmyersbeachfl.gov/comprehensive-plan.php. Additional paper copies will be provided to reviewing agencies upon request.

Your department has granted the town an extension until April 4, 2009, to adopt EAR-related amendments. The town plans to adopt these amendments in April 2009 unless there are unusual delays by reviewing agencies.

The town is not requesting an exemption to the twice-per-calendar-year limitation on plan amendments. The town is not within an area of critical state concern or subject to the Wekiva River Protection Area, and is not party to a joint planning agreement under F.S. 163.3171.

If there are any questions about the specific contents of this amendment, please contact planning consultant Bill Spikowski at Spikowski Planning Associates, 1617 Hendry Street, Suite 416, Fort Myers, Florida 33901, phone 239-334-8866, fax 239-334-8878, e-mail bill@spikowski.com. Questions can also be addressed to Frank Shockey, Interim Community Development Director, Town of Fort Myers Beach, 2523 Estero Blvd, Fort Myers Beach, Florida 33931, phone 239-765-0202, fax 239-765-0909, e-mail frank@fortmyersbeachfl.gov.

We would be happy to answer any questions you may have about these amendments.

Sincerely yours,



Bill Spikowski, AICP
on behalf of the Town of Fort Myers Beach

cc: Lee County Division of Planning
Southwest Florida Regional Planning Council
South Florida Water Management District
Florida Department of Transportation
Florida Department of Environmental Protection
Florida Department of State, Division of Historical Resources
Florida Office of Educational Facilities (2008-01-TEXT & 2008-02-TEXT only)
Lee County School District (2008-01-TEXT & 2008-02-TEXT only)
TOWN HALL: Scott Janke, Anne Dalton, Frank Shockey (without attachments)

Attachments:

- Copy of Evaluation/Appraisal Report, as adopted on January 16, 2007
- Reports on all thirteen proposed amendments, as listed below:
 - Application 2008-01-TEXT:** Update the Capital Improvements Element to comply with new statutory requirements, including the annual update to the five-year schedule of capital improvements.
 - Application 2008-02-TEXT:** Add a new Public Schools Element to the comprehensive plan.
 - Application 2008-03-TEXT:** Revise Policy 4-D-1 and revise or repeal Policy 5-C-7 regarding "repetitive loss" properties under the National Flood Insurance Program
 - Application 2008-04-TEXT:** Clarify Policy 4-E-1 to maintain the original intention of pre-disaster buildback and to provide additional incentives
 - Application 2008-05-TEXT:** Clarify Policy 4-C-6 so that it unquestionably applies to all guest units, not just to motel rooms
 - Application 2008-07-TEXT:** Amend Policy 7-B-3 to make its second clause permissive rather than mandatory and to reference the potential for other reasons that might cause the town to negotiate turnover of maintenance responsibility for Estero Boulevard; amend Objective 7-E in a corresponding manner
 - Application 2008-08-TEXT:** Delete Policy 7-H-3 regarding left-turns on Estero Boulevard as northbound traffic passes Times Square
 - Application 2008-09-TEXT:** Modify Policy 7-J-2 to set a new date for modifying the land development code to require a useful traffic impact analysis for new developments
 - Application 2008-06-TEXT:** Amend the Future Land Use Element to establish as town policy the desirability of retaining a wide variety of short-term lodging establishments that support the town's economy and walkability, and to specifically allow condominium ownership of lodging establishments provided they will be operated as hotels or motels
 - Application 2008-10-TEXT:** Revise Objectives 9-E and 9-F to set realistic timetables for the completion of a stormwater master plan
 - Application 2008-11/12-TEXT:** Revise Policy 8-C-6 to delete references to the Public Service Commission and Florida Cities Water Company; update the text of the Utilities Element to reflect the town's acquisition of the potable water distribution system from Florida Cities; modify the Utilities Element to reflect the latest ten-year water supply plan; and make corresponding policy changes to the Conservation, Intergovernmental Coordination, and Capital Improvements Elements
 - Application 2008-13-TEXT:** Modify the Coastal Management and Future Land Use Elements to reflect the state's new definition of "coastal high-hazard area"
 - Application 2008-14-MAP:** Modify the Future Land Use Map to depict the state's new definition of "coastal high-hazard area"