

**CPA 2006-08
BABCOCK RANCH COMMUNITY
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Sponsored Application
and Staff Analysis**

LPA Public Hearing Document
for the
July 27th, 2009 Public Hearing

*Lee County Planning Division
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July 17, 2009

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA 2006-08**

Text Amendment

Map Amendment

✓	This Document Contains the Following Reviews:
✓	Staff Review
	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: July 17, 2009

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

Babcock Property Holdings, LLC/Joseph W. Grubbs, Ph.D., AICP Johnson Engineering, Inc.

2. REQUEST:

Amend the Lee Plan Transportation Element to accommodate the potential transportation impacts in Lee County associated with the development of the Babcock Ranch Community in Charlotte County. Incorporate into the Lee Plan proposed Objective 36.3, supporting policies and referenced tables to document a potential list of road impacts through 2030 and final build-out; to identify the funding source for the road improvements; and to establish a process by which any required road improvements will be added to Lee Plan Map 3A, "2030 Financially Feasible Transportation Plan," and the Capital Improvement Program.

3. CURRENTLY REQUESTED LEE PLAN TEXT AMENDMENT:

See Attached proposed applicant language, stamp received July 09, 2009.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Staff recommends that the Board of County Commissioners **transmit** the proposed plan amendment.

Staff recommends that the following text be included in the Lee Plan:

OBJECTIVE 36.3: BABCOCK RANCH COMMUNITY. To assure the transportation impacts in Lee County, generated by the Babcock Ranch Community (BRC) approved in Charlotte County, are funded entirely by the BRC Independent Service District (ISD) or other BRC related funding mechanism. In addition, to provide a process by which these identified improvements are added to the 2030 Financially Feasible Highway Plan Map (Map 3A) and the Capital Improvement Program (CIP).

Policy 36.3.1: Lee County views as a priority the proposed East-West Connector roadway and related interstate interchange and any other improvements that will minimize road impacts in Lee County.

Policy 36.3.2: The comprehensive transportation analysis of the BRC has identified the need for numerous road improvements in Lee County. In order to address the impacts of the development of the BRC in Charlotte County, additions to the Lee County Map 3A and the CIP will be necessary.

- a. Lee County does not have the responsibility to fund the capital road improvements required by the development of the BRC in Charlotte County.
- b. As contemplated in the Interlocal Planning Agreement dated March 13, 2006, and the Babcock Ranch Community Road Planning Agreement dated May 23, 2006, the capital road improvements required by the development of the BRC will be funded entirely by the BRC Independent Service District (ISD) or other BRC related funding mechanism (hereinafter the Developer).

Policy 36.3.3: Tables 2# and 2# includes the roadway improvements identified as necessary to accommodate the volume of traffic expected from development through 2030 and the build-out of the BRC respectively. These improvements are over and above the financially feasible improvements currently identified in Map 3A.

- a. The funding necessary to construct the road improvements made necessary by the BRC may exceed the proportionate share contribution anticipated from the development of the BRC DRI increments. Contributions exceeding the proportionate share assessment for a given increment may likely be necessary to satisfy the financially feasible standard required to support an amendment to Map 3A, as well as future amendments to the CIP.
- b. Prior to Lee County amending Map 3A and the CIP to include specific BRC-related road improvements, the ISD, or other BRC related funding mechanism, will have to commit to fully funding these necessary improvements if the proportionate share assessment does not fully fund these identified improvements.

- c. BRC contributions in excess of the proportionate share assessment will be applied directly toward the improvements identified as necessary to support the development of the BRC. The funding necessary to justify inclusion in the Lee Plan will be delivered via development agreements, interlocal agreements, or other mechanisms acceptable to Lee County which mechanisms will coincide with approval of each increment of the BRC. Upon execution of a development agreement, interlocal agreement, or other mechanism acceptable to Lee County providing for full funding of the identified road improvement, the County will include the road improvement on Map 3A and the road improvements will be included in the Capital Improvements Program (CIP) as funded by developer contributions.
- d. Failure of the developer of the BRC to fully fund the road improvements necessary to serve the BRC will prevent the inclusion of those road improvements as amendments to Map 3A and the CIP.

Policy 36.3.4: The roadway improvements contained in Tables 2# and 2# cannot be utilized as transportation network improvements in any analysis to support a comprehensive plan map or text amendment other than the amendments contemplated in the BRC development until those improvements are identified on Map 3A or are considered to be committed in the CIP.

Policy 36.3.5: Any road improvements must include an analysis and evaluation for wildlife crossings. The wildlife crossings must be coordinated with the appropriate federal, state and local agencies including: South Florida Water Management District (SFWMD), Florida Fish and Wildlife Conservation Commission (FWC), Charlotte County, U.S. Fish and Wildlife Service (USFWS), and Lee County Division of Environmental Sciences.

Staff also recommends that the following two tables, Table 2(c) and Table 2(d) be included in the Lee Plan:

[These new Tables are included in the body of the report.]

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Babcock Ranch is located both in Charlotte County and Lee County.
- On September 30, 2005, Kitson applied to Charlotte County for a comprehensive plan amendment to create the Babcock Ranch Overlay District (BROD).
- The BROD plan amendment was adopted by Charlotte County on April 4, 2006.
- On November 29, 2005, Lee County executed an Interlocal Planning Agreement known as the “Four-Party Agreement.” The provision of sufficient infrastructure by the developer for the Babcock Ranch development program is a fundamental element of the Four-Party Agreement.
- On May 23, 2006, Lee County and Kitson enter into the Road Planning Agreement.

- The Babcock Independent Special District was created (adopted) by the Florida Legislature in the 2007 Legislative Session. Chapter 2007-306, the Special Act creating the District, was signed by the Governor and became effective on June 27, 2007.
- On December 13, 2007, Charlotte County approved the Master Development of Regional Impact (DRI) for the Babcock Ranch Community (BRC). The BRC DRI provides for the development at buildout of a maximum of 17,870 dwelling units and 6,000,000 square feet of non-residential uses, along with various ancillary, institutional, and educational uses.
- The BRC DRI will have traffic impacts upon existing and planned roadways in Lee County.
- The Lee County Board of County Commissioners approved the Babcock Ranch Memorandum of Understanding (MOU) between Lee County and Babcock Property Holdings and Babcock Ranch Community Independent Special District on September 23, 2008. The MOU provides a process that will be utilized to analyze and address the traffic impacts on roadways within Lee County associated with the impacts of the BRC DRI. The MOU states that Lee County will process the Babcock transportation amendment as expeditiously as possible.
- Kitson representatives and Lee County staff are in agreement with the traffic analysis methodology and the modeling for this comprehensive plan amendment analysis.

C. BACKGROUND DISCUSSION:

The Babcock Ranch is located both in Charlotte County and Lee County. The ranch is generally located east of State Route 31, north of Lee County Road 78, and south of Charlotte County Road 74. The ranch consisted of 81,499 ± acres in Charlotte County and 9,862± acres in Lee County for a total size of approximately 91,361± acres.

In 2001 representatives of the Babcock family approached Lee and Charlotte Counties with a plan to preserve the majority and develop a portion of the 91,361 acre Babcock Ranch. Following this proposal, an effort was made by the state to purchase the entire 91,361 acre ranch for preservation. The state was unable to close on this transaction and Sid Kitson stepped in with an offer to purchase the entire ranch with a subsequent offer of approximately 73,542 acres for sale to the state and Lee County. The State and Lee County did purchase these acres. Lee County contributed \$41,538,620 towards the purchase of 5,620 acres of the property. The total purchase price was \$350,000,000 Lee County closed on this property on July 31, 2006.

On September 30, 2005, Kitson applied to Charlotte County for a comprehensive plan amendment to create the Babcock Ranch Overlay District (BROD). The BROD plan amendment was adopted by Charlotte County on April 4, 2006. On June 20, 2006, Charlotte County adopted land development regulations establishing the BROD Regulations.

On November 29, 2005, Lee County executed an Interlocal Planning Agreement known as the “Four-Party Agreement.” This agreement established a framework and timetable for comprehensive plan amendments, land development regulations, and development applications for

the Babcock Ranch community. The agreement also provided for public input on the development of a conceptual plan for the Ranch. The provision of sufficient infrastructure by the developer for the Babcock Ranch development program is a fundamental element of the Four-Party Agreement.

On May 23, 2006, Lee County and Kitson enter into the Road Planning Agreement. This agreement addresses the finalization through the DRI process of a list of roads in Lee County which need to be improved to address impacts from the proposed development of the Babcock Ranch. Concerning the purpose of this agreement, the Agreement contains the following:

The purpose of this Agreement is to provide Kitson with certain identified reasonable assurances that Lee County will proceed in good faith to allow the mutually agreed upon road improvements in Lee County which are required to mitigate the impacts on roads in Lee County created by development in Charlotte County contemplated by the BROD (i.e., 17,800 dwelling units and 6 million square feet of non-residential uses, not including schools) and any associated DRI development orders issued by Charlotte County allowing development pursuant to the BROD.

During the summer of 2006, Kitson applies for a DRI and Comprehensive Plan amendment in Lee County for the portion of the property located in Lee County. During the Winter of 2006, Kitson withdrew the DRI application, which meant that the plan amendment no longer had a “vehicle” to move it forward as it was running concurrently with the DRI. Then in the Spring of 2007, Mr. Kitson went in front of the Board of County Commissioners with a request to include the transportation amendment in the 2007/08 regular round of comprehensive plan amendments. By the time that this amendment cycle was transmitted, staff and Babcock representatives had not yet agreed upon the modeling and the methodologies so the amendment was rolled over into the current round of amendments. Staff and Babcock representatives are now in agreement with the model and data inputs.

The Babcock Independent Special District was created (adopted) by the Florida Legislature in the 2007 Legislative Session. Chapter 2007-306, the Special Act creating the District, was signed by the Governor and became effective on June 27, 2007.

On December 13, 2007, Charlotte County approved the Master Development of Regional Impact (DRI) for the Babcock Ranch Community (BRC). This approval covered 13,630 acres located in Charlotte County. The BRC DRI provides for the development at buildout of a maximum of 17,870 dwelling units and 6,000,000 square feet of non-residential uses, along with various ancillary, institutional, and educational uses. The DRI Master Development Order (MDO) was amended by Charlotte County on June 17, 2008. The BRC DRI will have traffic impacts upon existing and planned roadways in Lee County.

The Lee County Board of County Commissioners approved the Babcock Ranch Memorandum of Understanding (MOU) between Lee County and Babcock Property Holdings and Babcock Ranch Community Independent Special District on September 23, 2008. The MOU provides a process that will be utilized to analyze and address the traffic impacts on roadways within Lee County associated with the impacts of the BRC DRI. The MOU states that Lee County will process the Babcock transportation amendment as expeditiously as possible. The MOU also provides that the County will amend the CIP to reflect commitments contained in Development Agreements or

Roadway Construction Agreements. The MOU also establishes that periodic updates to the Traffic Analysis will occur.

On January 21, 2009, an application for the first increment of development on the Ranch was filed with the Regional Planning Council. Increment 1 includes 2,500 dwelling units, 516,000 square feet of non-residential uses, 100 hotel/motel units, and 22,500 square feet of civic/government/church uses. The review of increment 1 is currently on-going.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

The focus of this amendment has been to determine the impacts to Lee County roadways from the approved DRI in Charlotte County and to create a process whereby those impacts are addressed by the developer or special district. The amendment solely addresses traffic impacts to Lee County roadways. The applicant provided application materials are attached to this staff report as Attachment 1.

TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS

Lee County staff have been working with the developer's representatives to agree on a traffic analysis methodology and modeling. The Lee County Department of Transportation have provided review comments dated July 16, 2009 (see Attachment #2). These comments include a review memo as well as a Technical Report. The review memo comments are reproduced below:

This memo supercedes the previous draft LCDOT comment memo dated February 3, 2009. LCDOT received a set of e-mail transmittals dated October 31, November 24, and December 1, 2008 from Kitson's consultant, David Plummer & Associates, in response to the October 10, 2008 LCDOT memo. The e-mails contained further analyses of the traffic impacts of the Babcock Ranch Community assuming full buildout of the community by the Lee Plan horizon year of 2030 as a supplement to the original application. LCDOT found the additional information in the e-mail transmittals to be sufficient for review and drew its own conclusions about the list of needed transportation improvements to address the buildout impacts of Babcock Ranch. An explanation of LCDOT staff's evaluation of and conclusions regarding the DPA transmittals for the buildout scenario is provided as Attachment I to this memo.

As Kitson absorbed comments from LCDOT and other County staff and proceeded through the review process, including a preliminary review by the Local Planning Agency (LPA) and various community groups, it became apparent that their assumption that they would be fully built out by the Lee Plan horizon year of 2030 wasn't realistic. Therefore, Kitson modified their assumed level of growth for the year 2030 and revised their traffic impact analysis, mindful of the issues raised by LCDOT in its review of the buildout analysis. DPA hand-delivered a draft revised analysis based on reduced development parameters by the year 2030 at a meeting with staff on May 8, 2009, and e-mailed some additional information on May 29, 2009. DOT staff determined in June that the revised analysis submittal was sufficient, and on June 19, 2009, Johnson Engineering sent a codified application to Lee County, summarizing the results of their revised analysis. Johnson Engineering further amended their codified application in a July 9, 2009 submittal.

A comparison of the Babcock Ranch Community development parameters for 2030 and buildout are provided in Table 1, below. All of the development for 2030 is assumed to be in Charlotte County. For the buildout scenario, 203 single-family units and approximately 20,000 square feet of commercial space are assumed to be within the Lee County portion of the Babcock Ranch Community.

TABLE 1
BABCOCK RANCH COMMUNITY ASSUMED DEVELOPMENT PARAMETERS

<i>USE</i>	<i>UNIT</i>	<i>2030</i>	<i>BUILDOUT</i>
<i>Residential</i>			
<i>SF</i>	<i>d.u.</i>	<i>6,691</i>	<i>12,852</i>
<i>MF</i>	<i>d.u.</i>	<i>4,031</i>	<i>6,648</i>
	<i>Subtotal</i>	<i>10,722</i>	<i>19,500</i>
<i>Hotel</i>	<i>rooms</i>	<i>270</i>	<i>600</i>
<i>Industrial</i>	<i>sq. ft.</i>	<i>390,000</i>	<i>664,057</i>
<i>Retail</i>	<i>sq. ft.</i>	<i>1,670,403</i>	<i>2,925,943</i>
<i>Office</i>			
<i>General</i>	<i>sq. ft.</i>	<i>1,010,817</i>	<i>1,400,000</i>
<i>Medical</i>	<i>sq. ft.</i>	<i>300,000</i>	<i>500,000</i>
	<i>Subtotal</i>	<i>1,310,817</i>	<i>1,900,000</i>
<i>Recreation</i>			
<i>Golf</i>	<i>holes</i>	<i>39</i>	<i>54</i>
<i>Community Park</i>	<i>acres</i>	<i>53</i>	<i>90</i>
<i>Regional Park</i>	<i>acres</i>	<i>177</i>	<i>210</i>
<i>Recreation Center</i>	<i>sq. ft.</i>	<i>0</i>	<i>0</i>
<i>Library</i>	<i>sq. ft.</i>	<i>0</i>	<i>0</i>
<i>Community Uses</i>			
<i>Hospital</i>	<i>beds</i>	<i>0</i>	<i>177</i>
<i>ALF</i>	<i>units</i>	<i>0</i>	<i>418</i>
<i>Churches</i>	<i>sq. ft.</i>	<i>67,200</i>	<i>120,000</i>
<i>Elementary School</i>	<i>students</i>	<i>1,330</i>	<i>2,149</i>
<i>Middle School</i>	<i>students</i>	<i>662</i>	<i>1,162</i>
<i>High School</i>	<i>students</i>	<i>1,000</i>	<i>1,742</i>
<i>Government/Civic</i>	<i>sq. ft.</i>	<i>66,780</i>	<i>150,000</i>

Summary of Impacts

The Community Road Planning Agreement and the subsequent Memorandum of Understanding between Lee County and Kitson anticipated the effort to identify the long range impacts of Babcock Ranch on Lee County roads in a mutually agreeable manner and incorporation of the needed improvements into the Lee Plan. The two analyses (for ultimate buildout of Babcock, and for the

2030 horizon) were based on a regional travel demand model covering twelve counties put together by FDOT, and result in the need for significantly more improvements to the roadway network in Lee County (and particularly the northeast part of the County) than currently identified in the financially feasible long range transportation plan map (Map 3A) of the Lee Plan. Although Kitson has generally committed to funding the needed improvements through the Babcock Ranch Independent Special District (ISD), the Memorandum of Understanding (MOU) anticipates that the actual improvements will be defined in each increment to be followed by a series of development agreements with the applicant to address the specific financial commitment. Given the approach anticipated in the MOU, questions arise as to how to reflect the list of needed improvements in the Lee Plan, since each improvement technically will not have funding committed until a development agreement is executed in relation to a specific increment. LCDOT staff would not recommend simply adding the list of needed improvements through the year 2030 to Map 3A, because there are implications in terms of other plan amendments in the area assuming the improvements on Map 3A are a given. Because the timing of the financial commitments is such a concern, staff is proposing the addition of a new objective and policies to the Lee Plan which would reference two new tables listing the additional needed improvements due to the impacts of the Babcock Ranch Community, and under what circumstances the improvements would be considered financially feasible and officially added to Map 3A and the County's Capital Improvement Program.

Proposed Comprehensive Plan Additions

LCDOT staff recommends the following objective and policies be added to the Lee Plan to address the potential impacts of the Babcock Ranch Community on the roadway system in Lee County. This language has been developed by staff with input from Kitson representatives. The strike-through/underline text reflects LCDOT-proposed changes to the last version of the language submitted by Kitson representatives.

OBJECTIVE 36.3: BABCOCK RANCH COMMUNITY. *To assure the transportation impacts in Lee County, generated by the Babcock Ranch Community (BRC) approved in Charlotte County, are funded entirely by the BRC Independent Service District (ISD) or other BRC related funding mechanism. In addition, to provide a process by which these identified improvements are added to the ~~Lee County~~ MPØ 2030 Financially Feasible Highway Plan Map (Map 3A) and the Capital Improvement Program (CIP).*

Policy 36.3.1: The comprehensive transportation analysis of the BRC has identified the need for numerous road improvements in Lee County. In order to address the impacts of the development of the BRC in Charlotte County, additions to the Lee County Map 3A and the CIP will be necessary.

- a. Lee County does not have the responsibility to fund the capital road improvements required by the development of the BRC in Charlotte County.*
- b. As contemplated in the Interlocal Planning Agreement dated March 13, 2006, and the Babcock Ranch Community Road Planning Agreement dated May 23, 2006, the capital road improvements required by the development of the BRC will be funded entirely by the*

BRC Independent Service District (ISD) or other BRC related funding mechanism (hereinafter the Developer).

- c. *Lee County views as a priority the proposed East-West Connector roadway and related interstate interchange and any other improvements that will minimize road impacts in Lee County.*

Policy 36.3.2: *Tables 2# and 2# includes the roadway improvements identified as necessary to accommodate the volume of traffic expected from development through 2030 and the build-out of the BRC, which are over and above the financially feasible improvements currently identified in Map 3A.*

- a. *The funding necessary to construct the road improvements made necessary by the BRC may exceed the proportionate share contribution anticipated from the development of the BRC DRI increments. Contributions exceeding the proportionate share assessment for a given increment may likely be necessary to satisfy the financially feasible standard required to support an amendment to Map 3A, as well as future amendments to the CIP. In order to amend Map 3A and the CIP to include specific BRC-related road improvements the ISD, or other BRC related funding mechanism, will fully fund the improvements necessary to accommodate the BRC traffic impacts when the proportionate share assessment does not completely fund the improvements identified as necessary to accommodate the development of the BRC.*
- b. *BRC contributions in excess of the proportionate share assessment will be applied directly toward the improvements identified as necessary to support the development of the BRC. The funding necessary to justify inclusion in the Lee Plan will be delivered via development agreements, interlocal agreements, or other mechanisms acceptable to Lee County which mechanisms will coincide with approval of each increment of the BRC. Upon execution of a development agreement, interlocal agreement, or other mechanism acceptable to Lee County providing for full funding of the identified road improvement, the County will include the road improvement on Map 3A and the road improvements will be included in the Capital Improvements Program (CIP) as developer contributions.*
- c. *Failure of the developer of the BRC to fully fund the road improvements necessary to serve the BRC will prevent the inclusion of those road improvements on Map 3A and in the CIP.*

Policy 36.3.3: *The roadway improvements contained in Tables 2# and 2# cannot be utilized as transportation network improvements in any analysis to support a comprehensive plan map or text amendment other than the amendments contemplated in the BRC development until those improvements are identified on Map 3A or are considered to be committed in the CIP.*

TABLE 2(c)

ROADWAY IMPROVEMENTS NEEDED BEYOND THE FINANCIALLY FEASIBLE PLAN TO ACCOMMODATE DEVELOPMENT OF THE BABCOCK RANCH COMMUNITY THROUGH THE YEAR 2030

Road	From	To	Current Map 3A	Additional Improvement
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Bayshore Rd (SR 78)	Business 41	I-75	4L	6L
Bayshore Rd (SR 78)	I-75	State Road 31	2L	4L (1)
Business 41	Pondella Rd	Littleton Rd	4/6L	8L or 6L exp/grade separations (1)
Colonial Blvd	Winkler Ave	I-75	6L	6L + 4expL (1)
Del Prado Ext.	US 41	I-75	0/2L	6L
New East-West Corridor (near County line)	US 41	State Road 31	0L	4L
Immokalee Rd (SR 82)	Colonial/Lee Blvd	Buckingham Rd	6L	8L (1)
Lee Blvd	Immokalee Rd (SR 82)	Westgate Blvd	6L	8L (1)
Luckett Rd	I-75	Ortiz Ave	4L	6L
Orange River Blvd	Staley Rd	Buckingham Rd	2L	4L
Palm Beach Blvd (SR 80)	Seaboard Ave	Tice St	4L	6L
Palm Beach Blvd (SR 80)	Tice St	State Road 31	6L	8L or 6L exp/grade separations (1)
Palm Beach Blvd (SR 80)	State Road 31	Broadway Ave	4L	6L
State Road 31	Palm Beach Blvd (SR 80)	Bayshore Rd (SR 78)	2L	4L
State Road 31	Bayshore Rd (SR 78)	Charlotte Co. line	2L	6L (1)

(1) Identified improvement based on lane capacity needs as identified through modeling. Actual improvement may be to a parallel facility or construction of a new corridor in lieu of improvements shown.

TABLE 2(d)

**ROADWAY IMPROVEMENTS NEEDED BEYOND THE FINANCIALLY FEASIBLE PLAN
TO ACCOMMODATE DEVELOPMENT OF THE BABCOCK RANCH COMMUNITY
THROUGH COMMUNITY BUILDOUT**

Road	From	To	Current Map 3A	Additional Improvement
Bayshore Rd (SR 78)	Business 41	I-75	4L	6L
Bayshore Rd (SR 78)	I-75	State Road 31	2L	8L or 6L exp/grade separations (1)
Business 41	Pondella Rd	Littleton Rd	4/6L	8L or 6L exp/grade separations (1)
Colonial Blvd	Winkler Ave	I-75	6L	6L + 4expL (1)
Del Prado Ext	US 41	I-75	0/2L	6L
New East-West Corridor (near County line)	US 41	State Road 31	0L	4L
Immokalee Rd (SR 82)	Colonial/Lee Blvd	Buckingham Rd	6L	8L (1)
Lee Blvd	Immokalee Rd (SR 82)	Westgate Blvd	6L	8L (1)
Luckett Rd	I-75	Ortiz Ave	4L	6L
Orange River Blvd	Staley Rd	Buckingham Rd	2L	4L
Palm Beach Blvd (SR 80)	Seaboard Ave	Tice St	4L	6L
Palm Beach Blvd (SR 80)	Tice St	State Road 31	6L	8L or 6L exp/grade separations (1)
Palm Beach Blvd (SR 80)	State Road 31	Broadway Ave	4L	6L
State Road 31	Palm Beach Blvd (SR 80)	Bayshore Rd (SR 78)	2L	4L
State Road 31	Bayshore Rd (SR 78)	Charlotte Co. line	2L	10L or 6L exp/grade separations (1)

(1) Identified improvement based on lane capacity needs as identified through modeling. Actual improvement may be to a parallel facility or construction of a new corridor in lieu of improvements shown.

Impact of Proposed Changes

As evidenced by the footnote on the two tables, the list of improvements represents one possible future, based on the growth forecasts currently in the regional model and the travel demand needs that model identifies. Over time, alternative improvements may be identified and pursued. Clearly, however, trying to address the transportation impacts in Lee County from the Charlotte County Babcock Ranch project will change the character of roadways in Lee County's northeastern rural areas. The road improvements may also increase the pressure for other urban services and lead to pressure to expand urban land use densities and intensities in northeastern Lee County.

Heightened concern stems from the possibility that the list of improvements could be greater than reflected here. The internal capture for the applicant's analysis came straight from the agreed-upon regional travel demand model. It equates to 65%, much higher than the 22% limitation Charlotte County imposed on the BROD and AMDA analyses. While a high internal capture percentage is a goal for this project, real life examples do not support these assumptions. Road impacts in Lee County may be greater if a lower internal capture rate is actually realized.

In meetings with representatives of the various impacted communities within Lee County, the representatives have stressed their interest in maintaining the rural character of their communities and their fear of how the numerous roadway improvements proposed to support Babcock Ranch would affect that character. While widening a roadway shouldn't necessarily have any effect on the surrounding rural character, the added capacity can create pressure to urbanize an area. The community representatives have focused on the timing of the list of improvements identified in the tables, preferring to see the new east-west corridor linking SR 31 to I-75 and ultimately to US 41 as the first improvement pursued. The hope is that enough of Babcock Ranch's traffic wants to get to the interstate that establishment of the new corridor will put off the need for widening SR 31 and SR 78. Since it could take as many as 15 years to establish a new east-west corridor with an interstate interchange, it is not realistic to assume that roadway will address all the impacts on the Bayshore and Alva communities, but Lee County staff agrees it should be a priority for funding because it will take so long to achieve. Establishment of such a corridor will require a significant amount of coordination with the Lee and Charlotte MPO's as the roadway planning agencies for each county, and the entities that set priorities for state and federal funding. Coordination will also be necessary between the Lee County and Charlotte County governments, and with the Florida Department Transportation.

Conclusion

The development of the Babcock Ranch Community in Charlotte County will require wide-ranging improvements to roadways in Lee County in order to accommodate the additional traffic generated by the project. In order to support additional traffic generated by the Babcock Ranch Community, and consistent with existing agreements with Kitson, LCDOT recommends amending the Lee Plan to reflect the needed improvements to support the development of the Babcock Ranch Community, but in a limited fashion, governed by new Objective 36.3 and the related policies. The new objective and policies would refer to the tables of needed roadway improvements, both for 2030 and for buildout, but those improvements wouldn't become part of Map 3A and Lee County's CIP until specific funding commitments were made through the expected development agreements associated with each increment. Significant coordination with Lee and Charlotte roadway planners and funders will

be required. Serious concerns about the impact on the rural character of northeast Lee County remain.

Planning staff concurs with the Department of Transportation's conclusions and recommendations. The Lee Plan should be amended to reflect the needed improvements to support the development of the Babcock Ranch Community as the DRI has been approved by Charlotte County and Lee County can not ignore this fact. The proposed Lee Plan text amendment establishes the process that will be utilized to amend Map 3A when funding commitments are made through development agreements associated with each increment of proposed development.

POPULATION ACCOMMODATION

The proposed amendment addresses road impacts as a result of development approvals in Charlotte County. No changes to the Lee Plan's Future Land Use Map are proposed by this amendment. The amendment has no effect on the Map's Population Accommodation capacity.

ENVIRONMENTAL CONSIDERATIONS

Lee County Environmental Sciences staff have reviewed the request and provided comments dated July 15, 2009 (see Attachment #3). These comments are reproduced below:

The Division of Environmental Sciences (ES) Staff has reviewed the proposed Babcock Ranch Community Mixed Use Comprehensive Plan Amendment and offer the following analysis and recommendations:

PROJECT SITE:

The applicant is requesting to add an Objective and associated policies to the Lee Plan, Objective 36.3 Babcock Ranch Community: to reflect traffic improvements necessary in Lee County to accommodate the proposed development in the Charlotte County portion of the project. The applicant also seeks to amend Lee Plan Policy 36.1.1 which references Map 3A, the Financially Feasible Highway Plan, to add the following language: Lee County will amend Map 3A to accommodate the development of the Charlotte County portion of the Babcock Ranch Community, with appropriate changes to the MPO 2030 Financially Feasible Highway Plan Map to reflect the master list of road improvements.

PROPOSED ROAD IMPROVEMENTS:

The proposed road improvements in Lee County include widening State Road 31, State Road 78, State Road 80. State Road 41 Del Prado Blvd. and creating an east-west corridor close to the Lee/Charlotte County line to accommodate the increased road traffic created by the proposed Babcock Ranch Community.

ENVIRONMENTAL CONSIDERATIONS:

The proposed road improvements and the creation of an east-west corridor could effect wildlife movement in northern Lee County and southern Charlotte County. The Babcock Ranch Community has proposed to add crossings to accommodate wildlife along State Road 31 and internally to the Babcock Ranch Community. However, the applicant has not proposed additional crossings to accommodate wildlife with the remaining improvements or the creation of the east-west corridor. Lee County Staff has requested that the applicant address the issue of wildlife crossings with the other improvements and creation of additional roads, however the applicant

states that the current conceptual study area utilized for the secondary impact analysis as part of the ERP did not reflect an alignment that would abut or cross any existing conservation lands. Staff identifies at least three conservation/park areas that could be impacted by the creation of the east-west corridor; Popash Creek Preserve, Prairie Pines Preserve and Nalle Grade Park. Additionally road improvements are proposed that could effect Prairie Pines Preserve, Cecil M Webb or other lands in Charlotte County. The proposed east-west corridor could be constructed in an area with abundant wildlife, limited development and scattered residential uses. With the unknown timing of construction and alignment for the east-west corridor, additional conservation lands may be purchased, further supporting the need for an evaluation of wildlife crossings. Therefore, ES Staff recommends adding policy language to protect wildlife from the impacts of the proposed roadway creation and improvements.

ES Staff recommends the following additional language to Policy 36.3.1(c) to avoid wildlife impacts:

- **Policy 36.3.1 (c) Lee County views as a priority the proposed East-West Connector roadway and any other road improvements that will minimize road impacts to Lee County. Any road improvements must include an analysis and evaluation for wildlife crossings. The wildlife crossings must be coordinated with the appropriate federal, state and local agencies including: South Florida Water Management District (SFWMD), Florida Fish and Wildlife Conservation Commission (FWC), Charlotte County, U.S. Fish and Wildlife Service (USFWS), and Lee County Division of Environmental Sciences.**

SOILS

This issue is not pertinent to this application.

HISTORIC RESOURCES

This application identifies the road improvements that are necessary to accommodate development approvals in Charlotte County. Any impacts to historic or cultural resources will be determined by the individual road projects.

SCHOOL IMPACTS

The application results in no school impacts to Lee County.

PARKS, RECREATION AND OPEN SPACE

The application does not cause a need for additional parks, recreation, and open space in Lee County. Any impacts to Lee County facilities will be addressed by the individual road projects.

EMERGENCY MEDICAL SERVICES (EMS)

The amendment has no impact to EMS.

SOLID WASTE

The amendment has no impact to the Lee County Solid Waste system.

UTILITIES

The amendment has no affect on the Lee County Utility System.

B. CONCLUSIONS

The development of the Babcock Ranch Community in Charlotte County will require significant roadway improvements in Lee County to accommodate the additional traffic generated by the proposed development. The proposed Lee Plan text amendment establishes the process that will be utilized to amend Map 3A when funding commitments are made through development agreements associated with each increment of proposed development. Consistent with existing agreements, staff recommends amending the Lee Plan to reflect the needed improvements. In the future, significant coordination with Lee County, Charlotte County, and Florida Department of Transportation planners will be required to implement these identified improvements.

C. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners **transmit** the proposed plan amendment.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: February 23, 2009

A. LOCAL PLANNING AGENCY REVIEW

Planning staff provided a brief summary of the plan amendment request. Staff provided a brief history concerning the purchase of the ranch and the subsequent development program. Staff provided that this amendment is an attempt to quantify the impacts of the Babcock Ranch with a mutually agreeable methodology. The amendment recognizes that development entitlements have been granted in Charlotte County, and so there is a need to agree on a process to mitigate the proposed projects impacts to Lee County roads. Staff provided two maps to the LPA. The first was Map 3A, Lee County 2030 Financially Feasible Highway Plan. The second was proposed Map 3A. Comparing the two, allows an easy comparison of what the impact on Lee County roadways is as a result of the BRC DRI.

One LPA member asked if staff would be giving the LPA other options than simply expanding the existing road system or looking at places where totally new roads might go, or looking at possibilities for meeting some of the demand with rail or some other form of public transportation. Staff explained that this was a look at the initial effort at identifying the scope of improvements that are needed to the existing roadways. Staff explained that there were new roadway corridors being proposed, such as the new east/west facility, the exact location of which will be determined at a later point in time. Staff stressed that a considerable coordination effort between Lee County, Charlotte County, the Florida Department of Transportation will have to occur. Staff also stated that there were other issues to address such as the location of public lands. Rail will have to be looked at and coordinated at the regional level.

The applicant's representatives next addressed the LPA and provided an overview of the proposed amendment. The representative covered the proposed project parameters as well as the Charlotte County DRI approval. The representative stated that the project will have a mix of uses clustered together in a true urban form; reconnecting the job and the home environment and resulting in a much higher internal capture rate. Concerning the master road list, the representative stated that the list takes into consideration the final buildout of the BRC and this is what is anticipated to be necessary to accommodate the development in Charlotte County. The representative stated that this list will be refined over time with each increment of development. The representative then addressed the proposed text amendments.

One LPA member asked what community outreach has the applicant accomplished on this proposal in east Lee County. One Babcock representative mentioned the broad public charette that occurred in Charlotte County approximately 2 years ago. It was stated that invitations went out to community groups, environmental organizations, and a wide range of stakeholders, and that the charette was held over several days.

One LPA member stated that this request is a "nuclear bomb." This member provided the following discussion:

It's 20 flyovers, ten lanes of multiple roads that desecrate Bayshore; and to the best of my knowledge, there has been no community input on this map. I had citizens call me once this agenda came out last week, asking me to meet with them; and I did; and they were all just totally appalled that Bayshore was going to be ruined by the changes proposed by Babcock.

I guess my first point is that I would strongly suggest that before this proceeds to the LPA that you go out and get some community input.

My other comment is that it's not just Bayshore, it's all of Lee County; and this is the largest change to our transportation plan since it was conceived 30 year's ago, so this is a big deal, not a little deal. It's not something to be rushed through the LPA, in my humble opinion.

I also would ask that you, in addition to staff, working with staff, come up with alternatives that don't desecrate Bayshore and use contemporary thinking, maybe get Mr. Daltry involved in it, to what can be done other than just paving over Bayshore. It's a very high price for Lee County to pay...we respect our rural character in east Lee County and we want to preserve it; and I don't sense that Lee County should pay, giving up that rural character to accommodate Babcock. I think Babcock should be accommodated, but not at that price.

I suggest that there are options that have not been explored to accommodate both and I beg you to look at that and to do it with the community and not show up here next week with what we have now, asking for a vote without substantial discussion and community input.

Another LPA member stated that there is “a certain sequence of development and a certain sequence of improvement of roadways and we don't get an understanding of that” in this plan amendment package. This LPA member desired to have a better understanding of the sequence of roadway improvements that are necessary to accommodate the Babcock Ranch Community. This LPA member questioned what happens if the absorption rate of the dwelling units is much slower than anticipated. This LPA member also questioned why the amendment was not running concurrently with a DRI request, and why is this broad brush approach being done in advance of increment 1.

Two more LPA members stressed the need to consider alternative forms of transportation such as rail or public transportation. Another LPA member asked that the Kitson representatives provide more discussion about the public involvement, such as the charettes, at the next LPA public hearing. This LPA member further stated that alternate forms of transportation are like alternate forms of energy, its a neat thing to talk about, but it has to be practical and affordable.

Staff added that this amendment is partly because of Lee County, as the County wanted to get a handle on the big picture of overall needs for planning purposes.

The Local Planning Agency opened up the public hearing for public comments. A total of 6 members of the public addressed the LPA. Comments from the public included voicing opposition to multi-laning roadways through the Bayshore Community, support for public transportation and alternate modes of transportation, prioritize the proposed new east/west facility, the need for more communication on the needed improvements, need to address wildlife impacts, and the need for more time to review the proposal.

The LPA closed the public comment portion of the public hearing and invited the developer's representative to address all of these comments at the next LPA public hearing concerning this proposed amendment. One LPA member asked that the Babcock representatives provide how much of the traffic burden Charlotte County is bearing by providing details of the improvements planned in Charlotte County.

DATE OF PUBLIC HEARING: July 27, 2009

A. LOCAL PLANNING AGENCY REVIEW

Planning staff provided a brief summary of the proposed amendment. The amendment quantifies the traffic impacts associated with the approved development on the ranch. The amendment recognizes that the AMDA is approved in Charlotte County. The focus of the amendment is process oriented, provides the framework to provide the mitigation on Lee County roadways as a result of the development of the ranch. The developer or independent special district (ISD) is responsible for the costs of the improvements contained on the two proposed tables. The amendment is not proposing specific amendments to Map 3A or the CIP, staff will only entertain this when a specific proposal with funding is in place such as through a developers agreement. The analysis will be periodically updated, at least every 5 years. Staff expects that the needed improvements will change over time.

One LPA member asked if the ISD had been created in Lee County, and if not why not. Staff responded that the ISD had only been created in Charlotte County and that the Lee County Board of County Commissioners wanted to know the level of impact prior to establishing the ISD. This member then wanted to know if Lee County could insist on the completion of the new east/west corridor prior to other road improvements. Staff did not believe that was possible given the time involved to do the necessary work

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners **not transmit** the proposed amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:**

C. VOTE:

NOEL ANDRESS	AYE
CINDY BUTLER	AYE
CARIE CALL	AYE
JIM GREEN	AYE
MITCH HUTCHCRAFT	NAY
RONALD INGE	NAY
CARLA JOHNSTON	AYE

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

BRIAN BIGELOW

TAMMARA HALL

ROBERT P. JANES

RAY JUDAH

FRANK MANN

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: _____

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

- B. STAFF RESPONSE**

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

BRIAN BIGELOW

TAMMARA HALL

ROBERT P. JANES

RAY JUDAH

FRANK MANN
