

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

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

**Privately Sponsored Application  
and Staff Analysis**

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**BoCC Adoption Document**

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**March 3, 2010**

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

**Text Amendment**

**Map Amendment**

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

STAFF REPORT PREPARATION DATE: July 17, 2009  
Revised: September 10, 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 address 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.

#### 4. LANGUAGE TRANSMITTED BY BOARD OF COUNTY COMMISSIONERS:

**OBJECTIVE 36.3: BABCOCK RANCH COMMUNITY.** To minimize the development impacts of the Babcock Ranch Community (BRC) in Charlotte County on the Lee County transportation system, with the goal of protecting the rural nature of northeastern Lee County, and 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 Plan Transportation Map Series 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 transportation/mobility improvements that will minimize the impacts in Lee County from the development of the BRC in Charlotte County. Lee County supports the use of the Lee County and Charlotte County MPO plan update processes in a comprehensive, coordinated, cooperative fashion to consider the need for, and location of, an East-West Connector roadway and related interstate interchange, as well as evaluation of transportation alternatives that might serve the projected need related to development of the BRC while minimizing the impacts to the rural nature of northeast Lee County. Upon inclusion in the appropriate MPO plan(s), funding for the East-West Connector roadway or transportation/mobility alternatives will be allocated in accordance with Policy 36.3.3(c) below.

**POLICY 36.3.2:** The comprehensive transportation analysis of the BRC has identified the potential need for numerous transportation/mobility improvements in Lee County. In order to address the impacts of the development of the BRC in Charlotte County, additions to the Lee Plan Transportation Map Series and the CIP may be necessary.

- a. Lee County does not have the responsibility to fund the capital transportation/mobility 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 transportation/mobility 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:** Analysis of the development of the Babcock Ranch Community in Charlotte County identified potential transportation/mobility improvements beyond the financially feasible improvements currently reflected in the Lee Plan Transportation Map Series; therefore any future amendments to the Lee Plan Transportation Map Series related to the BRC will be consistent with the procedures set forth below:

- a. The funding necessary to construct the transportation/mobility improvements resulting from BRC development may exceed the proportionate share contribution anticipated from the BRC DRI increments. Developer contributions exceeding the DRI proportionate share assessment for a given increment may be necessary to satisfy the financially feasible standard required to support an amendment to the Lee Plan Transportation Map Series, as well as future amendments to the CIP.

- b. Prior to Lee County amending the Lee Plan Transportation Map Series and the CIP to include specific BRC-related transportation/mobility improvements, the ISD, or other BRC-related funding mechanism, will have to commit to fully funding these improvements if the proportionate share assessment does not fully fund these identified improvements.
- c. Developer contributions in excess of its DRI proportionate share assessment may be applied directly toward identified improvements through pipelining. 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 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 transportation/mobility improvement, the County will include the transportation/mobility improvement on the Lee Plan Transportation Map Series and the transportation/mobility 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 transportation/mobility improvements necessary to serve the BRC will prevent the inclusion of those transportation/mobility improvements as amendments to the Lee Plan Transportation Map Series and the CIP.

**POLICY 36.3.4:** Any transportation/mobility improvements in Lee County or within two miles of the Lee County border 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.

## **B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

### **1. ORIGINAL 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:** In recognition of the impacts anticipated from the development of the Babcock Ranch Community, tables 2(c) and 2(d) identify potential roadway improvements that would be necessary to address the volume of traffic expected from the Babcock Ranch Community through the planning horizon of the Lee Plan (2030) and at project build-out respectively. The identified improvements are beyond the financially feasible improvements currently reflected in Map 3A., therefore future amendments to Map 3A will be consistent with the procedure set forth below:

- 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 specific improvements identified in Tables 2(c) and 2(d) are solely illustrative and represent only one of several possible means for addressing the volume of traffic anticipated from the Babcock Ranch Community. Inclusion in the tables does not mean a specific road improvement will appear on Map 3A. Alternative means of addressing impacts will be explored further during the incremental review and approval process. For this reason, the roadway improvements contained in Tables 2(c) and 2(d) 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 two tables, proposed Table 2(c) and Table 2(d), be included in the Lee Plan. These new Tables are included in the body of the report at pages 10 and 11.

## **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~~ MPO 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(c) and 2(d) 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(c) and 2(d) 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
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. ORIGINAL 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 with access to I-75 prior to other road improvements. Staff responded that was not possible given the time involved to do the necessary work such as planning, design, and the Interchange Justification Report. Staff stated that it could take 15 years or more to complete this work. One LPA member discussed the location of the Tucker's Grade interchange and the location of the proposed new east/west corridor. Staff clarified that the new east/west corridor is depicted by a wide band currently, actual alignment will be established through an actual alignment study.

One member of the LPA had several questions concerning the proposed Settlement Agreement. Staff provided a discussion concerning the proposed Settlement Agreement.

One member stated he was aware of several community groups who are concerned with the impact of these improvements on the rural nature of their communities. Staff responded that clearly there is an impact to these communities. The whole approach is a staged approach, that is not initially incorporated into Map 3A until the funding for each improvement is assured. The impacts will be analyzed with each increment of proposed development. Staff stressed the need for long term coordination with Charlotte County and the Florida Department of Transportation.

One member asked if any of the Babcock Agreements had been reviewed previously by the LPA. Staff responded that they had not been to the LPA previously. One member asked if there was a County commitment to build or fund the improvements listed on the two proposed tables. Staff responded absolutely no that is the developer's or ISD's responsibility. Failure of the developer to fund these improvements means these improvements will not be added to Map 3A or the CIP.

The LPA opened the hearing to public comments. Twelve members of the public provided comments to the LPA. The following issues and comments were raised by the public: 6 lanes for SR 31 does not take into account vision for a rural community; wildlife protection - scrub jay, panther, bear; will open up northeast Lee County to sprawl; proposal forces a lot of people on SR 31; maintenance will be the responsibility of Lee County; proposal is a "Bad Plan;" development on the ranch needs direct access to I-75 with an east/west corridor; no originality to the Babcock plan; Charlotte County should take on the burden of more of the impacts.

One LPA member stated that although he hears terms such as “framework, “just a process,” “does not mean this is approved,” or “preliminary,” he also has heard that the County is committed by prior documents. He did not feel the plan presented today was a good plan for Lee County. He did not agree with approving this and figuring out the specifics later. He felt the developer should figure out the specifics first and then get the amendment approved. This member wanted the onus to be on the developer to come up with a plan that everyone can live with and that since the development is in Charlotte County it should be up to Charlotte County staff to figure out how to get traffic from Babcock over to one of the main arteries without going through Lee County’s rural areas.

One LPA member discussed concerns over operating costs for the roads in terms of maintenance and public safety. This member believed that if the revenue goes to Charlotte County, Lee County tax payers should not bare the burden. This member noted that those using the roads will be paying advalorem taxes to Charlotte County. This member also discussed whether real estate takings associated with the widening of the proposed roads would reduce the tax base so that advalorem taxes would be spread among fewer tax payers. This member discussed the possibility of alternative modes of transportation such as express bus routes and monorails, which she felt would be cheaper alternatives than the cost entailed with creating and widening all of the proposed roads depicted on Map 3A. This member stated further analysis was needed as to the role of Charlotte County. This member also asked for an analysis on how Senate Bill 360 would affect the County.

Another LPA member stated that the Babcock project would move forward with or without Lee County. He stated that if Lee County does not establish a mechanism where it clearly states what improvements are the applicant’s responsibility, it could expose Lee County to fund the improvements. He was in agreement that there were many unresolved issues such as maintenance costs, impacts of the proposed roads, alternative alignments, alternative transportation types, and infrastructure, but he was in favor of this amendment so that those issues could be addressed and discussions could take place as the process moves forward. This LPA member stated that this amendment creates the opportunity for more public involvement. He asked for stronger language for Policy 36.3.1 that clearly states we are looking first and foremost at an east/west corridor.

Another LPA member also stated that development of the Babcock Ranch would move forward in some form or fashion. This member stated that if this amendment does not get transmitted, there could be a time in the future when people will wonder why a mechanism was not established to make sure Lee County had impact or influence. This member liked the fact that this amendment gives a broad view that shows the theoretical things that would need to happen based on the modeling that the developer has proposed, which he believed staff concurred with. This member expressed a level of comfort since DOT staff looked at this extensively and were comfortable with the way it was designed. The member also noted that some of the road improvements depicted on the maps would be necessitated without Babcock Ranch. However, as part of this amendment, the cost of those improvements will be placed on the developer as opposed to Lee County. This member agreed that some issues needed to be addressed such as maintenance costs, alternative methods of transportation, and language in Policy 36.3.1. However, in summary, he was still in favor of the amendment because it establishes a process and gives Lee County the ability to negotiate on possible east/west connectors by strengthening some of the language in Policy 36.3.1.

Another member stated it came down to the proposal and the fact that there will be more roads in Lee County, which will have negative impacts to rural character and charm. This member stated that it will

also create pressure for further development. This member wanted to see a road plan that the communities could live with.

One member appreciated that we were asking the developer to pay for the impacts to Lee County, but she did not feel that went far enough. This member felt that the language should include the long term maintenance of these facilities. As a supporter of community plans, this member felt this plan conflicted with community plans that are already in place in the Lee Plan. To her, these road widening proposals would completely remove the rural character of the area. This member also referred to comments made by the applicant's representative that he had met with LPA members. This member noted she had never met with the representative or had any communication with him. This member was also in favor of alternative modes of transportation, such as utilizing an existing rail line instead of widening the roads and wanted to see that included in any future iterations brought forward.

Another LPA member noted that his main issue was that the Commissioners had not approved the Independent District Funding. This member stated that no funding can take place until this issue is resolved. This member noted the Commissioners did not approve the Independent District funding because of unanswered questions with this amendment. These questions need to be answered before the County plans any in terms of roads or anything as far as Lee County is concerned with the Babcock Ranch development. This member states he would recommend a motion recommending non-transmittal.

One LPA member made a motion to recommend non-transmittal at this point pending the receipt of further analysis. The first request is that a substantive analysis be done on something other than roads. This member noted that a lot of analysis has been done on roads, but not on anything else. The second request is to have some type of financial analysis on the impact to the Lee County taxpayer. The third request is to get some analysis related to Senate Bill 360. This member wanted to understand more thoroughly what the options are and whether there are other directions for the County to move with Charlotte County. In addition, the Commissioners have not resolved the Independent Special District funding. Therefore, the motion is to recommend non-transmittal until there are answers to these questions. The motion was seconded, and the issue was called and voted on.

Discussion took place whether it would be beneficial to postpone this for a month to give staff time to get answers to some of these questions, but it was determined that the answers would not be derived within a month. There being no further discussion, the motion passed.

## **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:** The LPA found that additional data and analysis was needed.

**C. VOTE:**

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

**D. MINOR MODIFICATIONS SUBSEQUENT TO THE LPA HEARING:**

*Following the July 27, 2009 LPA Public Hearing, the County Attorney's Office (CAO) provided staff with recommended changes as shown below. The changes recommended by the CAO clarify that the intent of tables 2(c) and 2(d) is not to specify the road improvements required to alleviate the traffic volume that will be the result of the Babcock Ranch Community, but that the tables provide examples of improvements that may be needed. These tables are not all inclusive, as there may be potential alternative improvements that are not included. The change in the proposed language is consistent with staff's presentation at the July LPA meeting. Based on analysis done to date the improvements included in the tables are what would be required to address the impacts of the Babcock Ranch Community within Lee County.*

**Policy 36.3.3:** In recognition of the impacts anticipated from the development of the Babcock Ranch Community, Tables 2(c) and 2(d) includes identify potential the roadway improvements that would be identified as necessary to accommodate address the volume of traffic expected from the Babcock Ranch Community development through the planning horizon of the Lee Plan (2030) and the at project build-out of the BRC respectively. These identified improvements are over and above beyond the financially feasible improvements currently identified reflected in Map 3A.; therefore future amendments to Map 3A will be consistent with the procedure set forth below:

- 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 specific improvements identified in Tables 2(c) and 2(d) are solely illustrative and represent only one of several possible means for addressing the volume of traffic anticipated from the Babcock Ranch Community. Inclusion in the tables does not mean a specific road improvement will appear on Map 3A. Alternative means of addressing impacts will be explored further during the incremental review and approval process. For this reason, the roadway improvements contained in Tables 2(c) and 2(d) 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.

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

DATE OF TRANSMITTAL HEARINGS: September 23, 2009  
October 28, 2009

**A. BOARD REVIEW:**

Planning and Department of Transportation staff gave brief presentations concerning the proposed amendment. One Commissioner asked DOT staff if the memo of understanding between the County and the developer of Babcock Ranch addresses the developers' obligations to pay for road improvements necessitated by that development. Staff stated that the memo outlined the process that would be utilized to address the road impacts of the Babcock Ranch development and that the proposed amendment was part of that process. Staff then answered the Commissioners questions about the funding and timing of any such improvements. The Commissioner then asked about the meaning of the term "Priority" in reference to a possible east-west corridor. Staff answered that the Board of Commissioners have assigned a high priority to the creation of an east-west corridor to relieve traffic congestion cause by Babcock Ranch. The Commissioner expressed concern over the proposed amendment reducing the County's ability to influence the Babcock Ranch situation. He also stated concerns over the financial feasibility of the necessary road improvements.

Another Commissioner asked if any future east-west road would fall within the area shown in the east-west corridor map. Staff stated that no future alignment has been determined and that the corridor map does not set any limits on possible future road alignments.

The applicant then gave their presentation. A Commissioner asked the applicant about the financial feasibility of the road improvements and the applicant stated that they would be handled incrementally as they arose. When pressed for a dollar amount, the applicant stated that it had not yet been determined.

The public then spoke on the amendment. The majority of the public recommended that the amendment not be transmitted. The public was generally opposed to the creation of an east-west corridor within Lee County, preferring that it be located in Charlotte County. The main concerns included the impact of increased traffic on the rural character of the Bayshore and Alva communities, the lack of demonstrated need for the east-west corridor, and the cost of increased maintenance required by the road improvements.

In response to public concerns, the applicant stated that the Department of Community Affairs has determined that the Babcock Ranch project does not constitute sprawl. In addition, the applicant stated that the process created by the proposed amendment will address any inconsistencies within the Lee Plan.

DOT staff responded to public concerns. Traffic modeling has demonstrated the need for the road improvements if the Babcock Ranch development is created. DOT staff stated that the public's assertion that all the traffic impacts can be handled by improvements in Charlotte County has not been supported with data and analysis. Further, maintenance

costs for any future roads are not part of the MPO plan and therefore not an issue for the proposed amendment. This amendment is to create a process to allow Lee County to have a measure of influence on the development of the Babcock Ranch and its impacts on Lee County. The process can be modified to address alternate modes of transportation, public transit or other issues that arise during the incremental road improvements.

One Commissioner asked about proportionate sharing and staff explained that the applicants share could be 100% of the improvement costs.

When asked for further comments, staff stated that the final location of any east-west corridor has yet to be determined and that there is no commitment to any of the general locations mentioned in the staff report. Further, although it was not a strongly voiced view in the various public meetings that staff attended, the public comments at this meeting indicated a strong preference for locating the east-west facilities within Charlotte County.

A Commissioner stated that staff had already stated a preference for placing the main impact of the Babcock Ranch development within Charlotte County. The Commissioner stated that it would be preferable to change the word “Will” in proposed policy 36.3.2 to “May” to reflect a more non-committal approach to the transportation improvement locations. The Commissioner stated that the proposed language should be revised to reflect Lee County’s desire that the necessary traffic improvements take place as much as possible in Charlotte County and that little to no improvements may be located in Lee County. The Commissioner stated that it might be necessary to continue the transmittal hearing until the October 28 date in order to allow staff time to revise the proposed language to reflect the Commissioners concerns.

A Commissioner stated that he preferred policy language that would identify the east-west corridor alignment early in the process. He also stated that there was no language that addressed the possibility of using a rail line as a transportation corridor. The Commissioner also stated that continuing the amendment until this idea has been addressed might be desirable. Another Commissioner disagreed with delaying the amendment to consider a rail line. The first Commissioner asserted the need for the County to investigate and evaluate alternative modes of transportation.

Another Commissioner re-iterated that the Babcock Ranch constitutes urban sprawl. Another Commissioner stated that the proposed amendment is intended to help protect the rural character of northeast Lee County. Staff recommended that the applicant revise the proposed language to address alternative solutions to a road-based approach.

The Board voted 3-1 to continue discussion of the amendment to the October 28 transmittal hearing in order to allow the applicant and planning staff to revise the proposed language to clarify Lee County’s intents and goals regarding Babcock Ranch.

**B. SUBSEQUENT TO THE SEPTEMBER 23<sup>RD</sup> HEARING:**

In response to comments from the Board and the public at the September 23 meeting, planning staff met with the applicant and revised the proposed language. The following

revised language was presented to the Commissioners to be considered at the October 28<sup>th</sup> transmittal hearing:

**OBJECTIVE 36.3: BABCOCK RANCH COMMUNITY.** To minimize the development impacts of the Babcock Ranch Community (BRC) in Charlotte County on the Lee County transportation system, with the goal of protecting the rural nature of northeastern Lee County, and 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 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 transportation/mobility improvements that will minimize the impacts in Lee County from the development of the BRC in Charlotte County. Lee County supports the use of the Lee County and Charlotte County MPO plan update processes in a comprehensive, coordinated, cooperative fashion to consider the need for, and location of, an East-West Connector roadway and related interstate interchange, as well as evaluation of transportation alternatives that might serve the projected need related to development of the BRC while minimizing the impacts to the rural nature of northeast Lee County. Upon inclusion in the appropriate MPO plan(s), funding for the East-West Connector roadway or transportation/mobility alternatives will be allocated in accordance with Policy 36.3.3(c) below.

**POLICY 36.3.2:** The comprehensive transportation analysis of the BRC has identified the potential need for numerous transportation/mobility improvements in Lee County. In order to address the impacts of the development of the BRC in Charlotte County, additions to the Lee Plan Transportation Map Series and the CIP may be necessary.

- a. Lee County does not have the responsibility to fund the capital transportation/mobility 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 transportation/mobility 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:** Analysis of the development of the Babcock Ranch Community in Charlotte County identified potential transportation/mobility improvements beyond the financially feasible improvements currently reflected in the Lee Plan Transportation Map Series; therefore any future amendments to the Lee Plan Transportation Map Series related to the BRC will be consistent with the procedures set forth below:

- a. The funding necessary to construct the transportation/mobility improvements resulting from BRC development may exceed the proportionate share contribution

anticipated from the BRC DRI increments. Developer contributions exceeding the DRI proportionate share assessment for a given increment may be necessary to satisfy the financially feasible standard required to support an amendment to the Lee Plan Transportation Map Series, as well as future amendments to the CIP.

- b. Prior to Lee County amending the Lee Plan Transportation Map Series and the CIP to include specific BRC-related transportation/mobility improvements, the ISD, or other BRC-related funding mechanism, will have to commit to fully funding these improvements if the proportionate share assessment does not fully fund these identified improvements.
- c. Developer contributions in excess of its DRI proportionate share assessment may be applied directly toward identified improvements through pipelining. 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 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 transportation/mobility improvement, the County will include the transportation/mobility improvement on the Lee Plan Transportation Map Series and the transportation/mobility 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 transportation/mobility improvements necessary to serve the BRC will prevent the inclusion of those transportation/mobility improvements as amendments to the Lee Plan Transportation Map Series and the CIP.

**POLICY 36.3.4:** Any transportation/mobility improvements in Lee County or within two miles of the Lee County border 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.

**A. OCTOBER 28, 2009 BOARD REVIEW:**

On October 28, 2009 the Board addressed the proposed amendment again. Lee County DOT staff answered Board questions. One Commissioner noted that staff had omitted the list of road priorities in accordance with residents' wishes, asked what effect this would have on how funds for future road projects would be allocated. Staff stated that the list had been illustrative and had not been intended to be adopted. The DRI process would be followed to address the future traffic impacts of Babcock Ranch. Another Commissioner stated that the new proposed language stated a desire that an east-west corridor be located in Charlotte County and asked how that was being addressed. Staff stated that the new language was not that specific and that studies still need to be performed to locate rights of way and interchange areas. The Commissioner asked if the language states or implies a desire to place the east-west corridor outside Lee County and staff stated that it does not.

Several members of the public addressed the Board. Most were against transmittal of the proposed amendment. They stated concerns such as the lack of water or Corps of Engineers permits, that the proposed Babcock development constitutes sprawl and the desire for no east-west corridor in the Bayshore community.

One Commissioner stated his total opposition to the project, stating that it is urban sprawl. The Commissioner then stated that it was important that Lee County have the necessary process in place to address traffic impacts created by the proposed development and therefore reluctantly supported the proposed amendment. Other Commissioners also stated support for the proposed amendment. One commissioner stated that Lee County will be meeting with the Charlotte County Metropolitan Planning Organization to address the impacts of the Babcock Ranch development.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

1. **BOARD ACTION:** The Board of Commissioners voted to transmit the proposed amendment as amended by staff to the Florida Department of Community Affairs.
  
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board stated that it was important that Lee County adopt measures now that will address the future traffic and transportation impacts of the Babcock Ranch development.

**C. VOTE:**

<b>BRIAN BIGELOW</b>	<b>AYE</b>
<b>TAMMARA HALL</b>	<b>AYE</b>
<b>ROBERT P. JANES</b>	<b>ABSENT</b>
<b>RAY JUDAH</b>	<b>AYE</b>
<b>FRANK MANN</b>	<b>AYE</b>

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

DATE OF ORC REPORT: January 15, 2010

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

The Florida Department of Community Affairs provided no objections, recommendations, or comments concerning the proposed amendment.

**B. STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners adopt the proposed amendment as transmitted.

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

DATE OF ADOPTION HEARING: March 3, 2010

**A. BOARD REVIEW:**

The Board of County Commissioners pulled this amendment off of the Consent Agenda. Several members of the public addressed the Board and provided comments. These comments were generally urging the Board not to adopt the amendment. Several speakers urged the Board to remove the reference to the proposed East-West Connector roadway. Several speakers stated that Charlotte County should accommodate this proposed roadway in Charlotte County. A Cape Coral Council member addressed the Board emphasizing the amount of money that the City has invested in the Del Prado corridor and that the corridor should not be changed through this plan amendment process.

One Commissioner asked if the proposed policy language would require or assure that the East-West corridor be developed before existing roads are widened. Staff responded that the amendment does not assure this, but rather sets out the process by which projects will be added to the County's transportation plans and Capital Improvement Plan. The County Attorney's Office also responded that there would be a legal issue in doing this as the County has several agreements with Kitson and Partners that address facilitating roadway improvements in Lee County.

One Commissioner noted that there had been a previous thought to connect the Del Prado extension to I-75 and then to S.R. 31. This Commissioner also suggested a minor revision to the first sentence in Policy 36.3.4. The Board as a whole agreed with this revision:

**POLICY 36.3.4:** In recognition of the environmentally sensitive nature of the area, any transportation/mobility improvements in Lee County or within two miles of the Lee County border must include an analysis of the location and design of wildlife crossings.

The remainder of the policy was unchanged.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

1. **BOARD ACTION:** The Board of County Commissioners adopted the proposed amendment
  
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board of County Commissioners accepted the finding of fact as advanced by Staff.

**C. VOTE:**

<b>BRIAN BIGELOW</b>	<b>NAY</b>
<b>TAMMARA HALL</b>	<b>AYE</b>
<b>ROBERT P. JANES</b>	<b>AYE</b>
<b>RAY JUDAH</b>	<b>AYE</b>
<b>FRANK MANN</b>	<b>NAY</b>