

CPA2009-10
LOS Standard for Six Mile Cypress Parkway

**BOCC-SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

**THE LEE PLAN
(POLICIES 37.1.1 AND 95.1.3)**

BoCC Adoption Document

**Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 533-8585**

October 20, 2010

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2009-10**



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: January 15, 2010

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING AND DEPARTMENT
OF TRANSPORTATION

2. REQUEST:

Amend the Transportation Element to update Policy 37.1.1 and the Capital Improvement Element to update Policy 95.1.3 to reflect the Statewide minimum level of service (LOS) standard for a portion of Six Mile Cypress Parkway, a County-maintained roadway segment that is receiving State TRIP funds for widening.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION: Staff recommends that the Board of County Commissioners transmit the proposed amendment as provided under Part IIC, the Staff Recommendation portion of this report.

BASIS AND RECOMMENDED FINDINGS OF FACT:

- Subsection 163.3180(10), Florida Statutes, and Rule Chapter 14-94 (Statewide Minimum Level of Service Standards) were amended in 2006 to expand the roadway facilities on which the State rather than the local government sets the level of service standard.
- Besides facilities on the Florida Intrastate Highway System (FIHS), the statutory and rule changes now require the local governments to include in their comprehensive plans the level of service standards set by the State for facilities on the Strategic Intermodal System (SIS) and facilities funded through the Transportation Regional Incentive Program (TRIP).
- Lee County's roadway level of service standards are specified in the Transportation Element of the Lee Plan in Policy 37.1.1, which includes separate standards for FIHS roads, SIS roads, and TRIP-funded roadways in Lee County. The standards are repeated verbatim in Policy 95.1.3, subparagraph 6 of the Capital Improvement Element of the Lee Plan.
- Per a recently-executed Local Agency Program (LAP) Agreement with FDOT, Lee County will be receiving \$4 million in Federal stimulus (ARRA) funding, and \$1 million in TRIP funding, toward the \$6.5 million construction phase for the four-laning of Six Mile Cypress Parkway from north of Daniels Parkway to south of the Winkler Avenue Extension. That widening project should commence Spring, 2010.
- The Southwest Area Office of the Florida Department of Transportation, District One, recently provided the applicable level of service standard per updated Rule 14-94 for this segment of Six Mile Cypress Parkway. The level of service standard would change from "E" to "D".

C. BACKGROUND INFORMATION

Subsection 163.3180(10) of the Florida Statutes was amended in 2006 by the State's Growth Management Bill. The subsection now reads in part: "With regard to roadway facilities on the Strategic Intermodal System designated in accordance with ss. 339.61, 339.62, 339.63, and 339.64, the Florida Intrastate Highway System as defined in s. 338.001, and roadway facilities funded in accordance with s. 339.2819, local governments shall adopt the level-of-service standard established by the Department of Transportation by rule." This represented an expansion of the facilities on which the State defines the level of service standard, to include facilities on the Strategic Intermodal System (SIS) and facilities funded in accordance with s. 339.2819 (the Transportation Regional Incentive Program or TRIP).

State Administrative Rule Chapter 14-94.001(1) has been amended to read in part “The purpose of this rule chapter is to establish statewide minimum level of service standards to be used in the planning and operation of the State Highway System (SHS), roadway facilities on the Strategic Intermodal System (SIS), the Florida Intrastate Highway System (FIHS), and roadway facilities funded in accordance with Section 339.2819, Florida Statutes, which creates the Transportation Regional Incentive Program (TRIP). ... The minimum level of service standards for the SIS, FIHS, and facilities funded by the TRIP will be used by the Department in the review of local government comprehensive plans, assessing impacts related to developments of regional impact, and assessing other developments affecting the SIS, FIHS, and roadways funded by the TRIP. The minimum level of service standards for the SIS, FIHS, and roadways funded by the TRIP will be used by local governments for complying with applicable provisions of Section 163.3180, Florida Statutes.” The rule goes on to specify the level of service standards for two categories of state roads: (1) SIS and FIHS facilities (further broken down into Limited Access Highways and Controlled Access Highways); and (2) TRIP-funded facilities and other State Roads (further broken down into two-lane and multi-lane categories). Each facility type can also have a variable standard based on its location, whether in a rural area, a transitioning urbanized area, urbanized area under 500,000 people, urbanized area over 500,000 people, parallel to exclusive transit facilities, inside Transportation Concurrency Management Areas (TCMAs), or inside Transportation Concurrency Exception Areas (TCEAs) and Multi-Modal Transportation Districts (MMTDs).

The State law and rule simply reference TRIP-funded facilities, without distinguishing a minimum amount or percentage. Lee County recently executed a Local Agency Program (LAP) agreement to construct the four-lane widening of a portion of Six Mile Cypress Parkway from north of Daniels Parkway to south of the Winkler Avenue Extension using local funds (\$2.5 million), Federal stimulus funds (\$4 million) and State TRIP funds (\$1 million). Based on the use of TRIP funds, the State law and rule are triggered, requiring the County to update Policies 37.1.1 and 95.1.3 to reflect the State-established level of service standard for that road segment.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The following change to Policy 37.1.1, in strike-through/underline format, reflects the input from FDOT. Since the language in Policy 95.1.3, subparagraph 6 is a verbatim duplication of the language in Policy 37.1.1, the proposed changes would be the same for both policies.

***POLICY 37.1.1:** The minimum acceptable peak hour, peak season, peak direction roadway levels of service (see also Policy 95.1.3) will be as follows:*

Peak Hour/Peak Season/Peak Direction

State & County-Maintained Roads (Excluding FIHS, SIS and TRIP Roads)

<i>Expressways (Limited Access Facilities)</i>	<i>D</i>
<i>Controlled Access Arterials</i>	<i>E</i>
<i>Arterials</i>	<i>E</i>
<i>Major Collectors</i>	<i>E</i>
<i>Minor Collectors</i>	<i>E</i>

FIHS Roads ⁽¹⁾

<i>I-75</i>	
<i>- Collier County to SR 78</i>	<i>D</i>
<i>- SR 78 to Charlotte County</i>	<i>C</i>
<i>SR 80 (Palm Beach Boulevard)</i>	
<i>- I-75 to Werner Dr.</i>	<i>D</i>
<i>- Werner Dr. to Hendry County</i>	<i>C</i>

SIS Roads

<i>SR 82 (Immokalee Road)</i>	
<i>- Lee Boulevard to Commerce Lakes Dr.</i>	<i>D</i>
<i>- Commerce Lakes Dr. to Hendry County</i>	<i>C</i>
<i>Airport Connector</i>	
<i>- I-75 to Ben Hill Griffin Parkway</i>	<i>D</i>

TRIP-Funded Roads

<i>Colonial Boulevard</i>	
<i>- I-75 to Lee Boulevard</i>	<i>D</i>
<i>Imperial Parkway</i>	
<i>- E. Terry Street to Bonita Bill Dr.</i>	<i>D</i>
<i><u>Six Mile Cypress Parkway</u></i>	
<i>- Daniels Parkway to Winkler Avenue Extension</i>	<i>D</i>

(1) The County may seek variances to the level of service standards for the FIHS facilities as authorized under Section 120.542, F.S. If granted, the level of service standards for I-75 and SR 80 will be as approved by FDOT in the Order Granting Petition for Variance.

The minimum acceptable level of service as specified above for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is subject to Policies 14.2.1 and 14.2.2.

For minimum acceptable levels of service determination, the peak season, peak hour, peak direction condition will be defined as the 100th highest volume hour of the year in the predominant traffic flow direction. The 100th highest hour approximates the typical peak hour during the peak season. Peak season, peak hour, peak direction conditions will be calculated using K-100 factors and "D" factors from the nearest, most appropriate county permanent traffic count station.

POLICY 95.1.3: (no changes to subparagraphs 1 thru 5)

6. *Roadway Facilities:*

The minimum acceptable peak hour, peak season, peak direction roadway levels of service will be as follows:

	<i>Peak Hour/Peak Season/Peak Direction</i>
<i>State & County-Maintained Roads (Excluding FIHS, SIS and TRIP Roads)</i>	
<i>Expressways (Limited Access Facilities)</i>	<i>D</i>
<i>Controlled Access Arterials</i>	<i>E</i>
<i>Arterials</i>	<i>E</i>
<i>Major Collectors</i>	<i>E</i>
<i>Minor Collectors</i>	<i>E</i>
<i>FIHS Roads ⁽¹⁾</i>	
<i>I-75</i>	
<i>- Collier County to SR 78</i>	<i>D</i>
<i>- SR 78 to Charlotte County</i>	<i>C</i>
<i>SR 80 (Palm Beach Boulevard)</i>	
<i>- I-75 to Werner Dr.</i>	<i>D</i>
<i>- Werner Dr. to Hendry County</i>	<i>C</i>
<i>SIS Roads</i>	
<i>SR 82 (Immokalee Road)</i>	
<i>- Lee Boulevard to Commerce Lakes Dr.</i>	<i>D</i>
<i>- Commerce Lakes Dr. to Hendry County</i>	<i>C</i>
<i>Airport Connector</i>	
<i>- I-75 to Ben Hill Griffin Parkway</i>	<i>D</i>
<i>TRIP-Funded Roads</i>	
<i>Colonial Boulevard</i>	
<i>- I-75 to Lee Boulevard</i>	<i>D</i>
<i>Imperial Parkway</i>	
<i>- E. Terry Street to Bonita Bill Dr.</i>	<i>D</i>
<i>Six Mile Cypress Parkway</i>	
<i>- Daniels Parkway to Winkler Avenue Extension</i>	<i>D</i>

⁽¹⁾ *The County may seek variances to the level of service standards for the FIHS facilities as authorized under Section 120.542, F.S. If granted, the level of service standards for I-75 and SR 80 will be as approved by FDOT in the Order Granting Petition for Variance.*

Due to scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, Lee County has determined that certain roadway segments will not be widened. Therefore, reduced peak hour levels of service will be accepted on those constrained roads within

unincorporated Lee County as a trade-off for the preservation of the scenic, historic, environmental, and aesthetic character of the community. These constrained roads are defined in Table 2(a). Growth on those constrained roads will be permitted only within the volume-to-capacity (v/c) ratios established in this plan and only if consistent with the Operational Improvement Program for those constrained roads.

The minimum acceptable level of service as specified above for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is subject to Policy 14.2.1 and Policy 14.2.2.

For minimum acceptable levels of service determination, the peak season, peak hour, peak direction condition will be defined as the 100th highest volume hour of the year in the predominant traffic flow direction. The 100th highest hour approximates the typical peak hour during the peak season. Peak season, peak hour, peak direction conditions will be calculated using K-100 factors and "D" factors from the nearest, most appropriate county permanent traffic count station.

(Amended by Ordinance No. 07-09)

No changes to remainder of policy (subparagraphs 7 thru 10)

B. CONCLUSIONS

Lee Plan Policy 37.1.1 of the Transportation Element and Policy 95.1.3 of the Capital Improvement Element should be amended as shown above to reflect the inclusion of a segment of Six Mile Cypress Parkway which is receiving State TRIP funds towards the widening, consistent with State law and Rule.

C. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners transmit the proposed plan amendment, reflecting the changes to Policies 37.1.1 and 95.1.3 as noted above.

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

PUBLIC HEARING DATE. January 25, 2010

A. LOCAL PLANNING AGENCY REVIEW

Staff provided a brief overview of the proposed plan amendment. One LPA member asked what level of service staff anticipated for Six Mile Cypress once this segment is approved. This member asked what the current level of service was for the two-lane segment. Staff responded that staff had not calculated a four-lane level of service at this point. Staff believes that it would most likely be a good level of service, B or C. The two-lane segment was projected to fail based on growth from already approved developments, however, not all development would build out to approved levels. Staff also noted that this segment is viewed as a critical segment parallel to the interstate, and is also viewed as a parallel reliever to I-75. The Assistant County Attorney noted that since the reclassification at this time is a prerequisite to receiving the funds, the County wants to proceed because the County wants to make this road improvement.

No members of the public appeared to address the amendment.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the proposed amendment.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by the staff.

C. VOTE:

NOEL ANDRESS	_____
CINDY BUTLER	_____
CARIE CALL	_____
JIM GREEN	_____
MITCH HUTCHCRAFT	_____
RONALD INGE	_____
VACANT	_____

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

DATE OF TRANSMITTAL HEARING: June 16, 2010

A. BOARD REVIEW: The proposed amendment was scheduled on the Board's consent agenda. The Board of County Commissioners provided no discussion concerning the proposed amendment. No members of the public addressed the proposed amendment.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: The Board voted to transmit the proposed amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Board accepted the findings of fact as advanced by the staff and the Local Planning Agency.

C. VOTE:

BRIAN BIGELOW

AYE

TAMMARA HALL

AYE

VACANT

RAY JUDAH

AYE

FRANK MANN

AYE

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

DATE OF ORC REPORT: August 27, 2010

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

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

B. STAFF RESPONSE:

Department of Transportation and Planning 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: October 20th, 2010

A. BOARD REVIEW: The proposed amendment was scheduled on the Board's consent agenda. The Board of County Commissioners provided no discussion concerning the proposed amendment. No members of the public addressed the proposed amendment.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: The Board of County Commissioners voted to adopt the amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Board of County Commissioners accepted the findings of fact as advanced by the staff and the Local Planning Agency.

C. VOTE:

BRIAN BIGELOW

AYE

TAMMARA HALL

AYE

RAY JUDAH

AYE

FRANK MANN

AYE

JOHN MANNING

AYE