



LEE COUNTY BOARD OF COUNTY COMMISSIONERS
ZONING
and
COMPREHENSIVE PLAN AMENDMENT HEARING
AGENDA

Wednesday, August 17, 2022

9:30AM

DCI2022-00009 Z-22-023	GOLDEN PALMS MOTOR COACH ESTATES
DCI2021-00012 Z-22-015	BRIGHTWATER RPD
CPA2022-00004	UPDATE MAP 3-A: COST FEASIBLE ROADWAY PROJECTS - ADOPTION
CPA2020-00004 & CPA2020-00005	OWL CREEK - ADOPTION
DCI2021-00011 Z-22-022	OWL CREEK MINOR RPD

CPA2022-00004

Update Map 3-A:
Cost Feasible
Roadway Projects

Summary Sheet for Update Map 3-A: Cost Feasible Roadway Projects CPA2022-00004

Purpose:

The purpose of this amendment is to update Map 3-A of the Lee Plan's Transportation Map Series which shows cost feasible roadway projects in Lee County. This update is needed to maintain consistency with the Lee County Metropolitan Planning Organization (MPO) 2045 Long Range Transportation Plan.

BoCC Direction:

Staff was directed to update the Transportation Map Series on February 15, 2022 in order to maintain internal consistency with the Lee Plan and the Metropolitan Planning Organization (MPO) Long Range Transportation Plan (LRTP).

BoCC Transmittal Hearing

The BoCC voted to transmit the proposed amendment to the State Reviewing Agencies on June 22, 2022. The motion was called and passed 4-0.

Public Comments:

One member of the public stated the projects being added to Map 3-A are needed as soon as possible.

State Reviewing Agency Objections, Recommendations, and Comments:

Lee County received responses from the following review agencies addressing the transmitted amendment:

- Florida Department of Economic Opportunity
- Florida Department of Environmental Protection
- Florida Department of Agriculture and Consumer Services
- South Florida Water Management District
- Florida Department of Education

There were **no objections** concerning the proposed amendments.

Staff Recommendation:

Staff recommends that the BoCC ***adopt*** the amendment as provided in Attachment 1 to the Staff Report.

COUNTY ORDINANCE NO. _____
Cost Feasible Roadway Project, Map 3-A
(CPA2022-00004)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “LEE PLAN,” ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE COST FEASIBLE ROADWAY PROJECT, MAP 3-A (CPA2022-00004) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP; LEGAL EFFECT OF “THE LEE PLAN”; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan (“Lee Plan”) and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners (“Board”); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency (“LPA”) held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on April 25, 2022; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on June 22, 2022. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Cost Feasible Roadway Project, Map 3-A (CPA2022-00004) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the June 22, 2022 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies’ written comments; and,

WHEREAS, on August 17, 2022, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Cost Feasible Roadway Project, Map 3-A Ordinance (CPA2022-00004)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends Update Map 3-A of the Lee Plan's Transportation Map Series which shows cost feasible roadway projects in Lee County. This update is needed to maintain consistency with the Lee County Metropolitan Planning Organization (MPO) 2045 Long Range Transportation Plan. This amending ordinance is known as the "Cost Feasible Roadway Project, Map 3-A Ordinance (CPA2022-00004)."

The corresponding Staff Reports and Analysis, along with all attachments and application submittals for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION FIVE: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SEVEN: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION EIGHT: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

THE FOREGOING ORDINANCE was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____. The vote was as follows:

Kevin Ruane	_____
Cecil L Pendergrass	_____
Raymond Sandelli	_____
Brian Hamman	_____
Mike Greenwell	_____

DONE AND ADOPTED this 17th day of August 2022.

ATTEST:
KEVIN C. KARNES, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Cecil L Pendergrass, Chair

DATE: _____

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

County Attorney's Office

Exhibit A: Adopted revisions to Map 3-A, Lee Plan's Transportation Map Series
(Adopted by BOCC August 17, 2022)

CAO Draft 7/26/2022

EXHIBIT A
Map Amendment

COST FEASIBLE ROADWAY PROJECTS

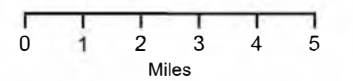
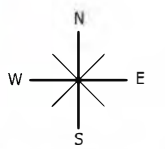
Existing

Cost Feasible Lanes

- 10 Lane Freeway
- 8 Lane Divided
- - - 6 Lane Freeway
- 6 Lane Divided
- 4 Lane Limited Access
- 4 Lane Roadway
- 3 Lane Roadway
- - - 3 Lane One-Way
- 2 Lane One-Way
- 2 Lane Roadway

- Cost Feasible Projects
- Bridge Reconstruction
- ◆ Intersection/Interchange
- City Limits

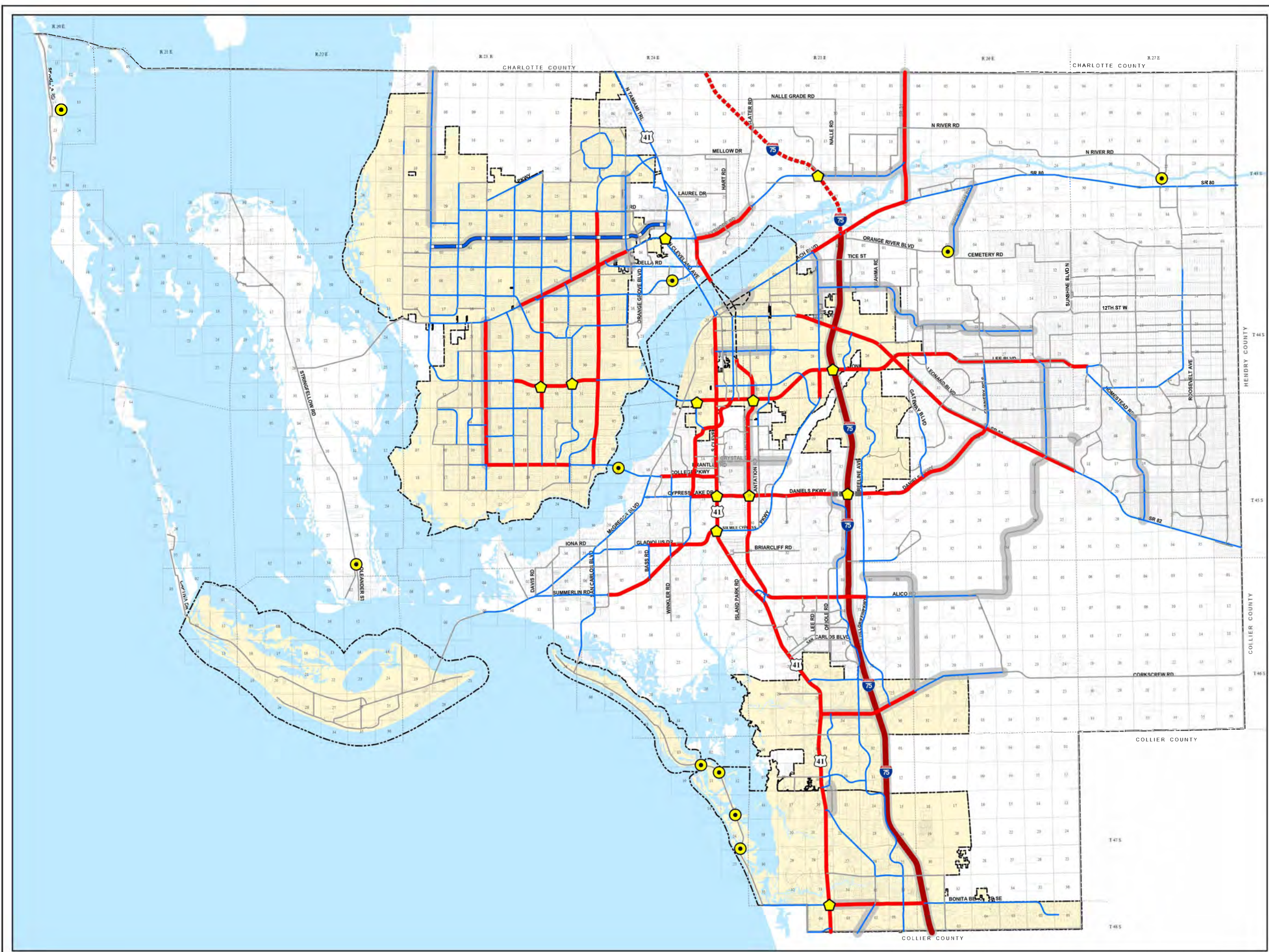
Ord. No. 07-11, 14-09, 21-09



The projects on this map represent only the general routes; specific alignments will be determined through corridor and design studies.

Map Generated: November 2021
City limits current to date of map generation

Lee Plan Map 3-A



COST FEASIBLE ROADWAY PROJECTS

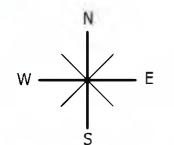
Proposed

Cost Feasible Lanes

- 10 Lane Freeway
- - - 8 Lane Divided
- - - 6 Lane Freeway
- 6 Lane Divided
- 4 Lane Limited Access
- 4 Lane Roadway
- - - 3 Lane Roadway
- - - 3 Lane One-Way
- 2 Lane One-Way
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- Bridge Reconstruction
- ◆ Intersection/Interchange
- - - City Limits
- CostFeasibleProjects

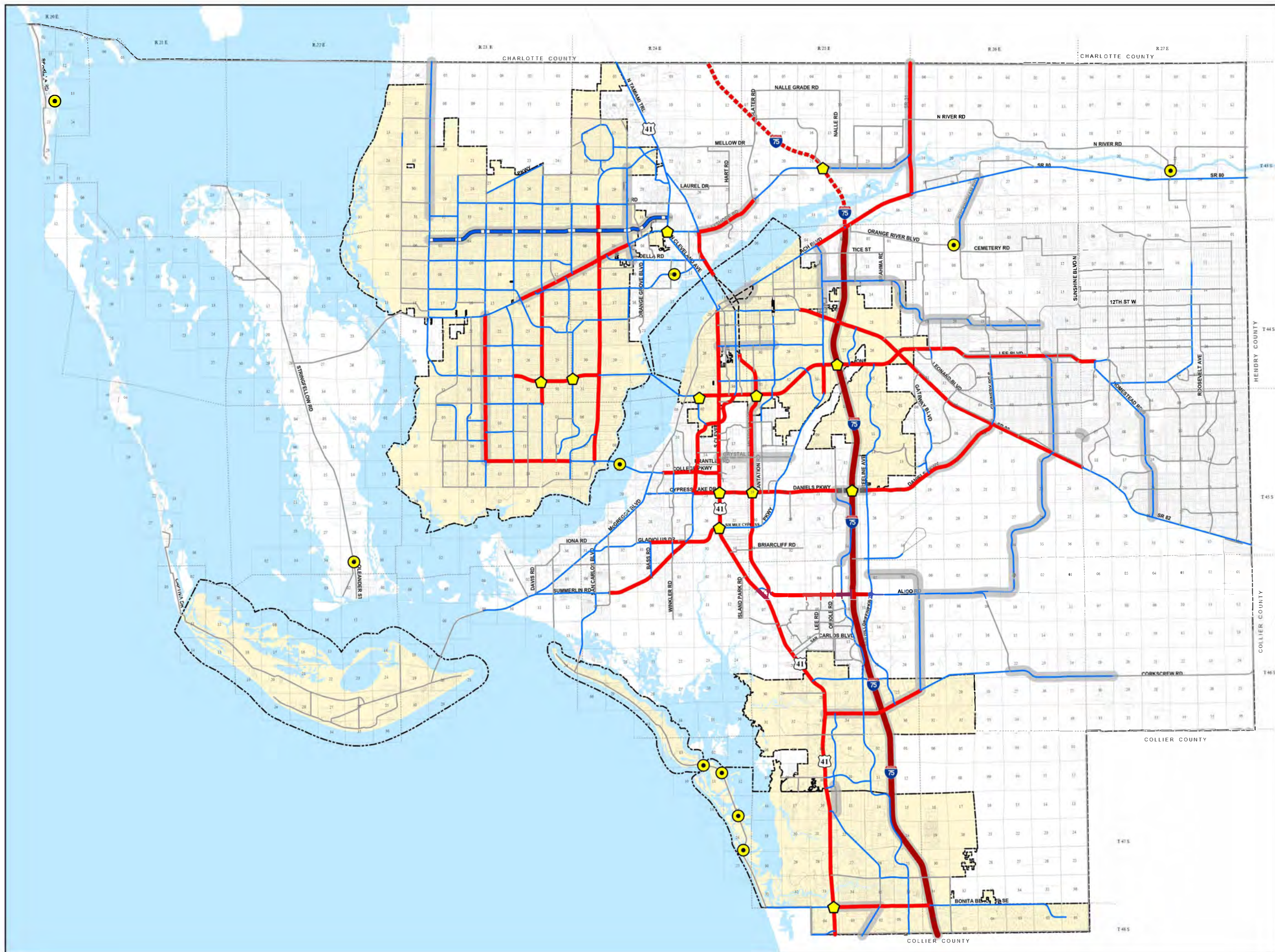
Ord. No. 07-11, 14-09, 21-09



The projects on this map represent only the general routes; specific alignments will be determined through corridor and design studies.

Map Generated: April 2022
City limits current to date of map generation

Lee Plan Map 3-A



**STAFF REPORT FOR CPA2022-00004:
UPDATE MAP 3-A:
COST FEASIBLE ROADWAY PROJECTS**



Map Amendment to the Lee Plan

Amendment Type:

County Initiated

Board Direction:

2/15/22

Hearing Dates:

LPA: 4/25/2022

BoCC #1: 6/22/2022

BoCC #2: 8/17/2022

Recommendation:

Staff: Transmit

LPA: Transmit

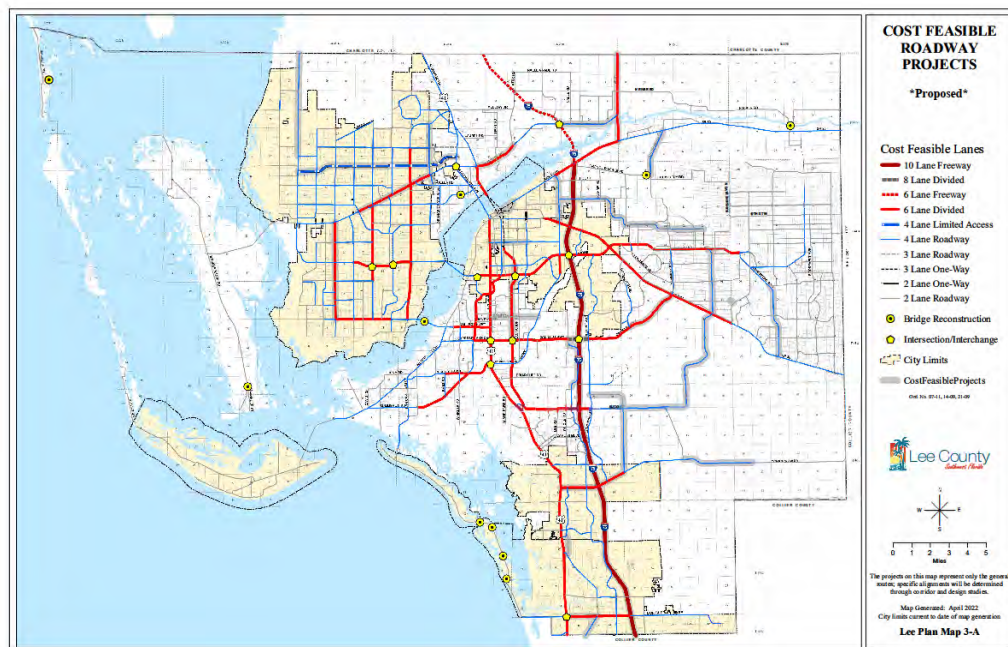
Attachment 1:

Existing Map 3-A

Proposed Map 3-A

PURPOSE

The purpose of this amendment is to update Map 3-A of the Lee Plan's Transportation Map Series which shows cost feasible roadway projects in Lee County. This update is needed to maintain consistency with the Lee County Metropolitan Planning Organization (MPO) 2045 Long Range Transportation Plan.



PART 1 - STAFF DISCUSSION AND ANALYSIS

The Lee Plan contains an integrated series of Transportation Maps and incorporates several transportation related maps by reference including the Long Range Transportation Plan (LRTP), the Bicycle and Pedestrian Master Plan, and the Transit Development Plan from the MPO; and, the Transportation Plan and Transportation Improvement Plan from the Florida Department of Transportation.

The MPO LRTP is a federally mandated plan that identifies a vision and addresses all transportation needs of a community over the next 20 years, with updates added every five years. The 2045 LRTP is the latest five-year update.

The MPO unanimously approved amending the 2045 LRTP to include the design, right-of-way, and construction project phases for the widening of Corkscrew Road from two to four lanes at a public hearing on January 21, 2022.

This amendment was identified as necessary based on computerized travel demand modeling by MPO staff and recommended for approval by the MPO Technical Advisory Committee (TAC) at their January 6, 2022 meeting.

The Lee County Board of County Commissioners (BoCC) directed staff to review the Transportation Map Series at their February 15, 2022 meeting. Lee County Department of Transportation and Department of Community Development staff reviewed the Transportation Map Series as directed and determined that only Lee Plan Map 3-A: Cost Feasible Roadway Projects needs to be updated based on amendments made to the 2045 LRTP by the MPO Board. This map was last updated by the BoCC on August 18, 2021 by [Lee County Ordinance 21-09](#) as part of the Lee Plan 2045 Update (CPA2021-00001).

The MPO, while updating the LRTP to add additional lanes to Corkscrew Road from Alico Road to the Verdana Village entrance, provided that the design and right-of-way phases are included in the 2026 to 2030 time frame and the construction phases are included in the 2031 to 2035 time frame, effectively adding the project to its Cost Feasible Plan. Additionally, the BoCC, at their February 15, 2022 Workshop, indicated support for adding the segment of Corkscrew Road between Alico Road and Verdana Village to the Tier 2 Priorities list for transportation projects.

Maintaining consistency with the MPO by updating Map 3-A to identify this segment of Corkscrew Road as a cost feasible roadway project is consistent with Objective 36.1 and Goal 42 of the Lee Plan:

Objective 36.1: Transportation Map Series, provides that Lee County will coordinate with the MPO and will review and amend Lee Plan maps to ensure any changes incorporated into the MPO Plan remain consistent with the Lee Plan.

Goal 42 provides that Lee County will “cooperate with other governmental entities in the planning, funding, construction, operations and maintenance of transportation improvements within of affecting Lee County.”

Lee Plan Map 3-A: Cost Feasible Roadway Projects will be updated to be consistent with the recently amended LRTP to include the design, right-of-way, and construction project phases for the widening of Corkscrew Road from two to four lanes between Alico Road and Verdana Village. Attachment 1 shows the proposed amendment to the Map 3-A as “existing” and “proposed”.

In addition to adding the widening of Corkscrew Road from two to four lanes between Alico Road and Verdana Village, The Alico Road connector between State Road 82 and the intersection with the existing Alico Road has been updated to show the construction of a four lane roadway. This change is necessary to accommodate anticipated traffic from Lehigh Acres to employment areas along Alico Road. This change has not been added to the MPOs plans and will need to be reflected on those plans during future updates.

While funding sources have not been finalized, it should be anticipated that these improvements will be funded through a combination of gas taxes, developer contributions (impact fees and proportionate share payments), and grants, consistent with Policies 38.1.6 and 95.3.3.

CONCLUSION

Planning staff recommends that the Board of County Commissioners ***transmit*** the proposed amendment to Map 3-A: Cost Feasible Roadway Projects as provided in Attachment 1. Maintaining an up-to-date Transportation Map Series is consistent with and required by Lee Plan Objective 36.1 and Goal 42.

PART 2 LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: April 25, 2022

A. LOCAL PLANNING AGENCY REVIEW:

Staff provided a brief presentation addressing reasons for the amendment, board direction, consistency with the Lee Plan, and staff recommendation.

Members of the LPA had no questions or comments.

There was no public comment concerning the proposed amendment at the LPA Hearing.

B. LOCAL PLANNING AGENCY RECOMMENDATION:

A motion was made to recommend that the Board of County Commissioners ***transmit*** CPA2022-00004. The motion passed 6 to 0.

RAYMOND BLACKSMITH	<u>AYE</u>
DUSTIN GARDNER	<u>AYE</u>
JAMES M. INK	<u>AYE</u>
ALICIA OLIVO	<u>AYE</u>
DON SCHROTENBOER	<u>ABSENT</u>
STAN STOUDE	<u>AYE</u>
HENRY ZUBA	<u>AYE</u>

C. STAFF RECOMMENDATION:

Staff recommends that the BoCC ***transmit*** the proposed amendment as provided in attachment 1.

PART 3
BOARD OF COUNTY COMMISSIONERS
TRANSMITTAL HEARING

DATE OF PUBLIC HEARING: June 22, 2022

A. BOARD REVIEW:

Staff provided a brief presentation for the proposed amendment which included an overview of the proposed amendment, Lee Plan consistency, and staff recommendation.

One member of the public stated the projects being added to Map 3-A are needed as soon as possible.

B. BOARD ACTION:

A motion was made to transmit CPA2022-00004 as recommended by staff and the LPA. The motion passed 4 to 0.

VOTE:

BRIAN HAMMAN	<u>AYE</u>
CECIL L. PENDERGRASS	<u>AYE</u>
KEVIN RUANE	<u>AYE</u>
RAY SANDELLI	<u>AYE</u>
VACANT	<u> </u>

PART 4
STATE REVIEWING AGENCIES'
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS

Comments from the State Reviewing Agencies were due to Lee County by July 28, 2022.

A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

Lee County received responses from the following review agencies addressing the transmitted amendment:

- Florida Department of Economic Opportunity
- Florida Department of Environmental Protection
- Florida Department of Agriculture and Consumer Services
- South Florida Water Management District
- Florida Department of Education

There were **no objections** concerning the proposed amendments.

B. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners ***adopt*** the proposed amendments as shown in Attachment 1 to the staff report.