



# PLANNING DIVISION

M E M O R A N D U M



LEE COUNTY  
SOUTHWEST FLORIDA

**to:** Board of County Commissioners  
**from:** <sup>POC</sup> Paul O'Connor, AICP, Director, Division of Planning  
**subject:** Lee County's 2001/2002 Regular Comprehensive Plan Amendment Cycle  
**date:** December 23, 2002

Attached are the agenda and staff reports for the public hearing to be held beginning at 9:30 A.M. on Thursday, January 9<sup>th</sup>, 2003. This is an adoption hearing for the 2001/2002 Comprehensive Plan Amendment Cycle. The Board of County Commissioners transmitted the 2000/2001 Lee Plan amendments to the State for review on September 19, 2002. The Department of Community Affairs (DCA) issued its Objections, Recommendations and Comments (ORC) Report on November 22, 2002. The DCA did not pose any objections or recommendations to any of the 15 transmitted amendments. The DCA did provide one comment regarding CPA2001-10, the Captiva Island Community Planning Effort. The comment points out that proposed Policy 21.9, which states that "mangroves on Captiva Island should be protected," is vague and should be revised to establish guidelines on how they should be protected. Per the DCA's comment, staff is proposing modified language in order to satisfy the Captiva residents desire to further protect mangroves on the island.

Three other amendments have been revised to reflect recent updates that have occurred since the transmittal hearing. The next revised amendment is CPA2001-12, which adds a specific access management plan to Policy 1.3.8 for Alico Road in the vicinity of the I-75 interchange, and adds the maps of the specific access management plans to the Future Land Use Map series. Since the time of transmittal, the connection between Three Oaks Parkway and Oriole Road has been revised and has been coordinated with the adjacent property owners.

CPA2001-28, which amends the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program, has also been revised to reflect the latest tables approved by the Board at the budget meetings. The changes to the tables occurred after the plan amendment transmittal hearings and are updated in the attached staff report..

The final amendment that is being modified since the transmittal hearing is CPA2001-27. This amendment adds a new Objective and Policy to the Community Facilities and Services Element of the Lee Plan regarding the incorporation of green infrastructure into the surface water management systems of proposed developments as well as providing definitions for green infrastructure and flow-way in the Glossary. Since transmittal, staff has been meeting with the public and state agencies on issues raised at the Transmittal hearing. Staff has revised the proposed language in the attached staff report as a result of those meetings. The revisions to the subject amendment were sent to the DCA for review on November 8, 2002 prior to the issuance of the ORC Report.

Other than these 3 amendments that will require modifications as noted above, the remaining documents were simply updated to reflect that there were no objections, recommendations, or comments by the DCA.

If you have any questions regarding the adoption hearing, do not hesitate to call me at 479-8309.

cc:     *Donald Stilwell, County Administrator*  
          *Mary Gibbs, Director, Department of Community Development*  
          *Minutes*  
          *Lee Cares*  
          *Tim Jones, Assistant County Attorney*  
          *Donna Marie Collins, Assistant County Attorney*  
          *Janet Watermeier, Director, Economic Development*  
          *Dave Loveland, DOT*  
          *Diana Parker, County Hearing Examiner*  
          *Wayne Daltry, Smart Growth Director*

**January 9, 2003  
9:30 A.M.  
AGENDA**

- 1. Call to order; Certification of Affidavit of Publication**
- 2. Community Plan Agenda**
- 3. Public Comment on Consent Agenda**
- 4. Consent Agenda:**
  - **Items to be pulled for discussion by the Board**
  - **Motion to approve the balance of items**
  - **Consideration of items pulled for discussion**
- 5. Adopt the following ordinance which adopts the consent agenda items:**

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE LAND USE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENTS APPROVED ON THE CONSENT AGENDA DURING THE COUNTY'S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

- 6. Administrative Agenda**
- 7. Adjourn**



## **COMMUNITY PLAN AGENDA**

### **A. CPA 2001-10**

Amend the Lee Plan to incorporate the recommendations of the Captiva Island Community Planning effort, establishing a Goal and subsequent Objectives and Policies specific to the Captiva Island community.

### **B. Adopt the following ordinance which adopts CPA 2001-10:**

**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 CPA2001-10 (PERTAINING TO THE CAPTIVA ISLAND COMMUNITY PLAN) APPROVED DURING THE COUNTY'S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

### **C. CPA 2001-09**

Amend the Future Land Use Element text of the Lee Plan to incorporate the recommendations of the Bayshore Steering Committee, establishing a Vision Statement, Goal and subsequent Objectives and Policies specific to the Bayshore Community.

### **D. Adopt the following ordinance which adopts CPA 2001-09:**

**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 CPA2001-09 (PERTAINING TO THE BAYSHORE COMMUNITY PLAN) APPROVED DURING THE COUNTY'S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

### **E. CPA2001-18**

Amend the Future Land Use Element of the Lee Plan, text and Future Land Use Map series to incorporate the recommendations of the Greater Pine Island Community Planning effort, establish a new Vision Statement, establish a revised Goal 14, amend subsequent Policies specific to Greater Pine Island, amend Objective 1.4 "Non-Urban Areas" by establishing a new "Coastal Rural" future

land use category and amend the Future Land Use Map series to reclassify from "Outlying Suburban" to "Coastal Rural" 157 acres of agricultural land between Bokeelia and September Estates and to reclassify all "Rural" designated land to "Coastal Rural."

**F. Adopt the following ordinance which adopts CPA2001-18:**

**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 CPA2001-18 (PERTAINING TO THE GREATER PINE ISLAND COMMUNITY PLAN) APPROVED DURING THE COUNTY'S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND FUTURE LAND USE MAP; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

## **CONSENT AGENDA**

**A. CPA 2001-11**

Amend the Future Land Use Element, Policy 1.2.2, the Airport Commerce descriptor policy, to broaden the allowable uses and to establish relationships and criteria for those uses.

**B. CPA 2001-15**

Amend the Future Land Use Map series, Map 1, by updating the Conservation Lands land use categories.

**C. CPA 2001-22**

Amend the Future Land Use Map Series, Map 12, the Water Dependent Overlay (WDO) Zones, by evaluating and updating the status of the overlay areas and the Goals, Objectives, and Policies that pertain to the WDO.

**D. CPA 2001-23**

Evaluate and amend the Future Land Use Map series, Map 20, the Agricultural Overlay and Goal 9, Agricultural Land Uses, and its subsequent objectives and policies.

**E. CPA 2001-24**

Update Table 2(b), Recommended Operational Improvements on Constrained Roads.

**F. CPA 2001-31**

Amend Policy 80.1.7 of the Conservation and Coastal Management Element by updating the policy to reflect a new percentage for replacement values and revising the target date when development regulations will require implementation of this policy.

**G. CPA 2001-32**

Amend the Intergovernmental Coordination Element and the Community Facilities Element to bring the elements into compliance with the provisions of F.S. Chapter 163.3177

**H. CPA 2001-33**

Amend the Build Back Policy of the Procedures and Administration Element by replacing references to the term "cost" with the term "value."

**I. CPA 2001-35**

Review all elements of the Lee Plan, and replace, where applicable, references to the Lee County Regional Water Supply Authority with Lee County Utilities or the Division of Natural Resources in conjunction with the County taking over the responsibilities of the Water Supply Authority.



## **ADMINISTRATIVE AGENDA**

### **A. CPA 2001-12**

Modify Policy 1.3.8 to create specific access management plans for Alico Road, Bonita Beach Road, and Lockett Road in the vicinity of I-75 (follow-up to PAT 99-27). In addition, include access management maps in the Future Land Use Map series.

### **B. Adopt the following ordinance which adopts CPA 2001-12:**

**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 CPA2001-12 (PERTAINING TO THE CREATION OF SPECIFIC ACCESS MANAGEMENT PLANS FOR ALICO ROAD, BONITA BEACH ROAD, AND LUCKETT ROAD IN THE VICINITY OF I-75 AND TO INCLUDE ACCESS MANAGEMENT MAPS IN THE FUTURE LAND USE MAP SERIES) APPROVED DURING THE COUNTY'S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND ACCESS MANAGEMENT MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

### **C. CPA 2001-27**

Amend Community Facilities and Services Element, Goal 40: Coordinated Surface Water Management and Land Use Planning on a Watershed Basis to add a new Objective and Policy regarding incorporation of green infrastructure into the surface water management systems of proposed developments, and provide definitions for green infrastructure and flow-way in the Glossary.

### **D. Adopt the following ordinance which adopts CPA 2001-27:**

**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 CPA2001-27 (PERTAINING TO THE ADDITION OF A NEW OBJECTIVE AND POLICY UNDER GOAL 40 REGARDING THE INCORPORATION OF GREEN INFRASTRUCTURE INTO THE SURFACE WATER MANAGEMENT SYSTEMS OF PROPOSED DEVELOPMENTS AND TO THE ADDITION OF TWO DEFINITIONS TO THE GLOSSARY FOR "GREEN INFRASTRUCTURE" AND "FLOW-WAY") APPROVED DURING THE COUNTY'S 2001/2002 REGULAR**

**COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

**E. CPA 2001-28**

Amend the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program.

**F. Adopt the following ordinance which adopts CPA 2001-28:**

**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 CPA2001-28 (PERTAINING TO TABLES 3 AND 4 OF THE CAPITAL IMPROVEMENT ELEMENT) APPROVED DURING THE COUNTY'S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**



LEE COUNTY ORDINANCE NO. 03- \_\_\_\_\_  
(Consent Ordinance)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE LAND USE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENTS APPROVED ON THE CONSENT AGENDA DURING THE COUNTY'S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan (hereinafter referred to as the "Lee Plan") Policy 2.4.1 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; and,

WHEREAS, the Lee County Board of County Commissioners, 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 public hearings pursuant to Chapter 163, Part II, Florida Statutes, and the Lee County Administrative Code on March 25, April 22, July 22, and August 26, 2002; and,

WHEREAS, the Board of County Commissioners, pursuant to Florida Statutes and the Lee County Administrative Code held a public hearing for the transmittal of the proposed amendments on September 4 and 5, 2002. At those hearings the Board approved a motion to send, and did later send, the proposed amendment to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the transmittal hearings on September 4 and 5, 2002, the Board

announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on November 22, 2002; and,

WHEREAS, the Board moved to adopt the proposed amendments to the Lee Plan set forth herein during its statutorily prescribed public hearing for the plan amendments on January 9, 2003.

**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 a series of public hearings to consider proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the certain amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as amended, will continued to be the "Lee Plan." **This ordinance may be referred to as the "2001/2002 Regular Comprehensive Plan Amendment Cycle Consent Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE (Consent Agenda Items)

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting amendments, as revised by the Board of County Commissioners on January 9, 2003, known as: CPA2001-11, CPA2001-15, CPA2001-22, CPA2001-23, CPA2001-24, CPA2001-31, CPA2001-32, CPA2001-33, and CPA2001-35. The aforementioned amendments amend the text of the

Lee Plan including the Future Land Use Map series, the Transportation Map series, and the tables of the Lee Plan. A brief summary of the content of those amendments is set forth below:

**CPA 2001-11**

Amend the Future Land Use Element, Policy 1.2.2, the Airport Commerce descriptor policy, to broaden the allowable uses and to establish relationships and criteria for those uses.

**CPA 2001-15**

Amend the Future Land Use Map series, Map 1, by updating the Conservation Lands land use categories.

**CPA 2001-22**

Amend the Future Land Use Map Series, Map 12, the Water Dependent Overlay (WDO) Zones, by evaluating and updating the status of the overlay areas and the Goals, Objectives, and Policies that pertain to the WDO.

**CPA 2001-23**

Evaluate and amend the Future Land Use Map series, Map 20, the Agricultural Overlay and Goal 9, Agricultural Land Uses, and its subsequent objectives and policies.

**CPA 2001-24**

Update Table 2(b), Recommended Operational Improvements on Constrained Roads.

**CPA 2001-31**

Amend Policy 80.1.7 of the Conservation and Coastal Management Element by updating the policy to reflect a new percentage for replacement values and revising the target date when development regulations will require implementation of this policy.

**CPA 2001-32**

Amend the Intergovernmental Coordination Element and the Community Facilities Element



to bring the elements into compliance with the provisions of F.S. Chapter 163.3177

### **CPA 2001-33**

Amend the Build Back Policy of the Procedures and Administration Element by replacing references to the term "cost" with the term "value."

### **CPA 2001-35**

Review all elements of the Lee Plan, and replace, where applicable, references to the Lee County Regional Water Supply Authority with Lee County Utilities or the Division of Natural Resources in conjunction with the County taking over the responsibilities of the Water Supply Authority.

The corresponding Staff Reports and Analysis, along with all attachments for these amendments are adopted as "Support Documentation" for the Lee Plan.

### 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: 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 FIVE: 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 of County Commissioners that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

#### SECTION SIX: 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 or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

#### SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. 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. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and, when

put to a vote, the vote was as follows:

Robert P. Janes

Douglas St. Cerny

Ray Judah

Andrew Coy

John Albion

DONE AND ADOPTED this 9<sup>th</sup> day of January 2003.

ATTEST:  
CHARLIE GREEN, CLERK

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chairman

DATE: \_\_\_\_\_

Approved as to form by:

\_\_\_\_\_  
Donna Marie Collins  
County Attorney's Office



**CPA2001-24-T  
BoCC SPONSORED  
AMENDMENT  
TO THE**

---

**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

---

**BoCC Public Hearing Document  
for the  
January 9<sup>th</sup>, 2003 Adoption Hearing**

---

*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(941) 479-8585*

**December 16, 2002**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2001-24-T**

☒

**Text Amendment**

☐

**Map Amendment**

<input checked="" type="checkbox"/>	<b>This Document Contains the Following Reviews:</b>
<input checked="" type="checkbox"/>	<b>Staff Review</b>
<input checked="" type="checkbox"/>	<b>Local Planning Agency Review and Recommendation</b>
<input checked="" type="checkbox"/>	<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 1, 2002

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

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

**2. REQUEST:**

Update Table 2(b), Recommended Operational Improvements on Constrained Roads.

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

**1. RECOMMENDATION:** Planning and DOT staff recommends that the Board of County Commissioners transmit the proposed amendment incorporating the changes identified in the attached update of Table 2(b), as provided under Part IIC, the Staff Recommendation portion of this report.

## 2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Objective 22.2 indicates that certain roadway segments have been deemed “constrained” due to scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, and will not be widened.
- Reduced peak hour levels of service are accepted on the constrained roads as a trade-off for the preservation of the scenic, historic, environmental, and aesthetic character of the community.
- Policy 22.2.3 indicates that for each constrained road segment, an operational improvement program is established which identifies operational and capacity-enhancing improvements that can still be implemented within the context of the constrained system.
- The Operational Improvement Program for constrained roads is identified in Table 2(b).
- Table 2(b) was last updated in the 1999 round of amendments, and includes some improvements that have been completed or are no longer contemplated.
- Table 2(b) needs to be updated to remove the improvements that are no longer valid and add new proposed improvements.

### C. BACKGROUND INFORMATION

As noted in the Findings of Fact, Objective 22.2 and the related policies deal with “constrained” roads, those roads that the County has determined won’t be widened for certain reasons. Policy 22.2.3 provides an option for certain limited operational improvements, that can improve the capacity of the constrained roads short of actual widening. The operational improvements are called out in Table 2(b) of the Lee Plan, which hasn’t been updated since 1999.

## PART II - STAFF ANALYSIS

### A. STAFF DISCUSSION

Attached to this staff report is a proposed update of Table 2(b), with additions highlighted with underlining and deletions highlighted in strike-through format. The changes proposed for each constrained road segment are discussed below.

#### *General*

The table has until now only identified those constrained roads for which potential operational improvements have been identified, not the complete list of constrained roads. This could lead to some confusion in comparing to the list of constrained roads identified in Table 2(a). Therefore one of the first changes was to add all of the constrained roads to Table 2(b), whether specific operational improvements have been identified or not at this time for those segments. Where no specific improvement is currently identified, Footnote (1) was added which states, “*No specific operational improvement identified at this time, but operational improvements may still be possible and warranted in relation to development approval requests.*” This is a recognition that our list of operational improvements simply reflects current thinking at the time the table is updated, and is certainly not all-inclusive and may change over time. Staff also does not want to suggest that, just because an operational improvement is not identified in a table in the comprehensive plan, such an improvement might not still be necessary to address the specific impacts



of a development proposal on a constrained road. In some cases that might be determined at the time of development approval, based on the information submitted as part of the approval process.

*Captiva Road, from Blind Pass to South Seas Plantation*

No operational improvements have been identified at this time. The County recently added some paved shoulders to portions of the road where there was room and added some pedestrian cross-walks and other markings.

*Daniels Parkway, from Metro Parkway to I-75*

This segment of Daniels Parkway is already 6-laned. The County has had a long-standing plan to provide frontage roads on either side of Daniels Parkway, as identified in the controlled access resolution for the roadway. This is reflected under the "Auxiliary Lanes" column. The County also recently had an access management study done by a consultant, which led to some recommendations for reconfigurations at specific intersections. Those are identified in the "Geometrics" column. The segment already has a computerized traffic signal control system, but continued monitoring and updating of the system is called for in the "Signal Timing Progression" column.

*Estero Boulevard, from Center Street to Big Carlos Pass*

No operational improvements have been identified at this time. The County recently added paved shoulders for much of the segment at the request of the Town of Fort Myers Beach, and the Town has commissioned a study on tolling and mass transit options, which may lead to future operational improvements.

*Hickory Boulevard, from Big Carlos Pass to Bonita Beach Road*

A proposed new park on Lovers Key will have a left turn lane at its entrance, which is reflected in the "Auxiliary Lanes" column. This will be similar to the existing turn lane treatment at the park entrance at the south end of the road. No additional operational improvements have been identified at this time.

*McGregor Boulevard (SR 867), from Colonial Boulevard to Winkler Road*

The previously-identified improvement calling for two-way left turn storage at select locations has been completed by FDOT. One additional improvement has been added, identified by the Traffic Signal Coordinating Committee of the Lee County MPO. It calls for adding a northbound right-turn lane approaching Colonial Boulevard, which is currently experiencing significant back-ups. Further evaluation of the proposed improvement has determined that additional right-of-way will be required, which has led to it being identified as a major improvement in the MPO's long range plan.

*Pine Island Road (Matlacha), from Shoreview Drive to Little Pine Island*

Goal 14 of the Lee Plan addresses the Greater Pine Island community. Policy 14.2.3 provides that the County will take whatever additional actions are feasible to increase the capacity of Pine Island Road, including evaluating the construction of left turn lanes at intersections with local roads in Matlacha, or a continuous third lane. An update of the Greater Pine Island Community Plan is proposed as part of this on-going amendment cycle, and the community is suggesting the deletion of the reference to the continuous third lane, which they oppose. To ensure consistency, the reference to constructing left turn lanes at intersections with local roads is being added to Table 2(b).



*San Carlos Boulevard (SR 865-Matanzas Pass Bridge), from Center Street to Main Street*

San Carlos Boulevard currently has two southbound lanes approaching the Matanzas Pass Bridge, which narrows to one southbound lane. Lee County recently conducted an experiment with a traffic signal that alternated the release of traffic from each of the two southbound lanes to the bridge, which seemed to work fairly well, although some residents adjacent to the approach did not like it. A decision has not yet been made about whether the signal configuration will be made permanent, so it is added as an option to Table 2(b) under the "Signal Progression Timing" column. Also under consideration is the possibility of using the alternating signal concept and lane controllers to essentially create a transit-preferred lane on the southbound approach, which could possibly carry over the bridge with some lane modifications. The reference to replacing the traffic signal with a pedestrian signal has been deleted because that is no longer being considered, and the reference to implementing the recommendations of the Times Square Traffic Study has been deleted because those recommendations that were considered feasible have been implemented. The Town of Fort Myers Beach continues to evaluate options for the area, and has commissioned a study of tolling and mass transit options.

*US 41, from South of Daniels Parkway to North Airport Road*

The concepts previously identified for this segment are proposed to be deleted. Dual left turn lanes have been provided at the major intersections that have available right-of-way, a coordinated signal system has been installed, and the median openings referenced in the "Misc." column have been directionalized or closed. The conversion of the continuous right turn lanes on both sides of the road to through lanes would create an 8-lane section, which is inconsistent with state policy on the maximum laneage configuration for state highways and would potentially create safety problems. The County does not intend to increase the lane widths on the side streets, except where it has already done so on the major intersecting streets like College Parkway and Boy Scout Road. A reference is added in the "Signal Timing Progression" column to continue monitoring and updating of the coordinated signal system, and in the "Misc." column to pursuing the installation of bike paths as a transportation alternative on this segment, consistent with the Bicycle/Pedestrian Element of the MPO's long range plan and Map 3D of the Lee Plan.

*Old 41*

This segment is deleted because it is now the responsibility of the new City of Bonita Springs. An amendment of Map 2(a) listing the constrained roads will be pursued in the next amendment cycle to reflect this change.

*Gulf Boulevard, Boca Grande*

No operational improvements have been identified at this time. The County is making some drainage improvements which should improve the operation of the roadway during rain storms.

## **B. CONCLUSIONS**

Table 2(b) of the Lee Plan should be updated to reflect current thinking in relation to operational improvements on constrained roads.

## **C. STAFF RECOMMENDATION**

Planning and DOT staff recommends that the Board of County Commissioners transmit the proposed plan amendment, incorporating the changes identified in the attached update of Table 2(b).

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

DATE OF PUBLIC HEARING: July 22, 2002

**A. LOCAL PLANNING AGENCY REVIEW**

Staff explained the format change and the anticipated operational improvements for each constrained road, and the history of the inclusion of the list of constrained roads and associated operational improvements in the Lee Plan. Staff answered some LPA questions clarifying the scope of improvements on McGregor Boulevard and Pine Island Road, the timing of improvements on Pine Island Road, and the basis for the constrained road designations (or lack thereof) and jurisdictional responsibility in Sanibel, Fort Myers Beach and Bonita Springs.

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. **RECOMMENDATION:** The LPA recommended that the Board of County Commissioners transmit this proposed amendment, on a motion by Mr. Bixler and a second by Mr. Address.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

**C. VOTE:**

NOEL ANDRESS	<u>AYE</u>
MATT BIXLER	<u>AYE</u>
SUSAN BROOKMAN	<u>AYE</u>
RONALD INGE	<u>AYE</u>
GORDON REIGELMAN	<u>AYE</u>
ROBERT SHELDON	<u>AYE</u>
GREG STUART	<u>ABSENT</u>



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

DATE OF TRANSMITTAL HEARING: September 4, 2002

**A. BOARD REVIEW:** The Board had no discussion of this proposed amendment and there were no comments from the public.

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

1. **BOARD ACTION:** The Board voted unanimously to transmit this amendment as part of the consent agenda approval, on a motion by Commissioner Judah and a second by Commissioner St. Cerny.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff.

**C. VOTE:**

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>ABSENT</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUG ST. CERNY	<u>AYE</u>

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

DATE OF ORC REPORT: November 22, 2002

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

The DCA had no objections, recommendations or comments concerning this amendment.

**B. STAFF RESPONSE**

Adopt the amendment as transmitted.

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

DATE OF ADOPTION HEARING: January 9, 2003

**A. BOARD REVIEW:**

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

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**JOHN ALBION**

**ANDREW COY**

**BOB JANES**

**RAY JUDAH**

**DOUG ST. CERNY**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**TABLE 2(b)  
RECOMMENDED OPERATIONAL IMPROVEMENTS ON CONSTRAINED ROADS**

ROADWAY	SEGMENT (or INTERSECTION)	AUXILIARY LANES	GEOMETRICS	SIGNAL TIMING PROGRESSION	MISC.
<u>Captiva Road</u>	<u>Blind Pass/South Seas Plantation</u>	<sup>(1)</sup> —	<sup>(1)</sup> —	<sup>(1)</sup> —	
<u>Daniels Parkway</u>	<u>Metro Parkway/I-75</u>	<u>Provide frontage road connections</u>	<u>Potential removal of direct left turns @ Brookshire/International <sup>(2)</sup>; Close median openings at minor side street approaches <sup>(2)</sup>. Potentially eliminate EB left turn and NB/SB left turns at Danport Blvd. signal <sup>(2)</sup>.</u>	<u>Continue monitoring/updating of signal system.</u>	<u>Access management.</u>
<u>Estero Boulevard</u>	<u>Center Street/Big Carlos Pass</u>	<sup>(1)</sup> —	<sup>(1)</sup> —	<sup>(1)</sup> —	
<u>Hickory Boulevard</u>	<u>Big Carlos Pass/Bonita Beach Rd</u>	<u>Left turn lane at new park entrance on Lovers Key.</u>	<sup>(1)</sup> —	<sup>(1)</sup> —	
<u>McGregor Boulevard (SR 867)</u> Completion anticipated in 1998	<u>Colonial Boulevard/Winkler Road</u>	<u>*Provide two-way left turn storage at select locations</u> <u>Provide a NB right-turn lane from Davis Dr. to Colonial Blvd. <sup>(2)</sup></u>	<sup>(1)</sup> —	<sup>(1)</sup> —	
<u>Pine Island Road (Matlacha)</u>	<u>Shoreview Drive/Little Pine Island</u>	<u>Construct left turn lanes at intersections with local roads, where feasible.</u>	<sup>(1)</sup> —	<sup>(1)</sup> —	
<u>San Carlos Boulevard (SR 865)</u> <u>(Matanzas Pass Bridge)</u>	<u>Center Street/Main Street</u>	<sup>(1)</sup> —	<sup>(1)</sup> —	<u>Traffic signal replaced with pedestrian signal. Consider alternating signal for southbound approach lanes and signal/lane controls to create a preferential transit lane.</u>	<u>Consider implementation of recommendations of the Times Square Traffic Study sponsored by Lee County. Encourage transit ridership.</u>
<u>US 41</u>	<u>S. of Daniels Parkway/Boy Scout Drive North Airport Road</u>	<u>*Provide dual left turn lanes at major intersection if ROW permits. (Done at College Parkway and Boy Scout)</u> <u>*Convert continuous right turn lane into a thru lane (where practical).</u> align="center"> <sup>(1)</sup> —	<u>Increase lane widths on side streets. Reduce plateauing effect at selected intersections.</u> align="center"> <sup>(1)</sup> —	<u>Coordinated signal system installed. Continue monitoring/updating of signal system.</u>	<u>Maintain access control. Direction medians at Park Meadow Drive, Kenwood Lane and Brantley Road. Improve medians between Oak Drive and South Road. Pursue installation of bike paths through MPO process.</u>
<u>Old 41</u> To be done by CRA	<u>Bonita Beach Road/Terry Street</u>	<u>*Provide left turn storage at select locations (where sufficient right of way exists).</u>		<u>Left turn lane and traffic signal installed at Rosemary, Terry Street, Pennsylvania Avenue and Bonita Beach Road. Coordinated signal system installed.</u>	<u>Maintain access control.</u>
<u>Gulf Boulevard</u>	<u>Boca Grande</u>	<sup>(1)</sup> —	<sup>(1)</sup> —	<sup>(1)</sup> —	

Footnotes:

<sup>(1)</sup> No specific operational improvement identified at this time, but operational improvements may still be possible and warranted in relation to development approval requests.

\* <sup>(2)</sup> Indicates that the recommended improvement should increase the estimated service volume of the facility.

(Amended by Ordinance No.                    )

Table 2(b) - Page 1 of 1