



MEMORANDUM

to:

Board of County Commissioners

from:

Paul O'Connor, AICP, Director

subject:

Evaluation and Appraisal Report and Smart Growth Comprehensive Plan Amendments

date:

Friday, December 1, 2006

Attached is your packet for the December 13th Comprehensive Plan Amendment Transmittal Hearing. This packet contains the amendments that were: recommended by the 2004 Evaluation and Appraisal Report (EAR); recommended by the Smart Growth Committee; initiated by the Board of County Commissioners; and, privately initiated. The agenda has been divided into a Consent Agenda and an Administrative Agenda.

The Consent Agenda contains those amendments which have both Staff and Local Planning Agency recommendations for transmittal to the Department of Community Affairs (DCA). These proposed amendments are minor, technical, or non-controversial in nature. There was little or no public participation on most of these items. Staff will follow this memorandum with a memorandum explaining the nature and intent of each of the Consent Agenda items.

The Administrative Agenda contains those amendments that have different recommendations between Staff and the Local Planning agency, contain unresolved issues, may receive additional public comment, or are privately initiated.

In addition to blocking out your calendars for Wednesday, December 13th, staff has reserved all day Thursday, December 14th as a backup day should the additional time be needed.

If you would like a briefing on the packet, I am more than happy to meet with you at your convenience.

cc: without attachments

Donald Stilwell, County Manager David Owen, County Attorney Mary Gibbs, Director, Department of Community Development

2005/2006 EVALUATION AND APPRAISAL REPORT AND SMART GROWTH INITIATIVE LEE PLAN AMENDMENTS TRANSMITTAL HEARING

COMMISSION CHAMBERS, 2120 MAIN STREET DECEMBER 13, 2006 9:30 A.M.

AGENDA

- 1. Call to order; Certification of Affidavit of Publication
- 2. Consent Agenda
 - A. CPA2005-08 Caloosahatchee Shores Community Plan

Adopt a new Policy 21.1.4 directing the Caloosahatchee Shores Community to draft enhanced code enforcement standards for possible inclusion in the Land Development Code.

Sponsor: Board of County Commissioners/The East Lee County Council.

B. CPA2005-10 – Airport Noise Boundaries and Number of Gas Pumps
Amend the Future Land Use Element Policies 1.2.2, 1.7.1, and 5.1.4 and
the Community Facilities and Services Element Policy 66.3.11, and the
Future Land Use Map Series, Map 1, Page 5 of 5, to reflect the revised
FAR Part 150 Noise Study for the Southwest Florida International Airport.
In addition, amend Table 5, Southwest Florida International Airport
Proposed Development Schedule, to increase the number of gas pumps
allowed from twelve (12) to twenty-four (24).

Sponsor: Board of County Commissioners/Port Board.

C. CPA2005-12 – Captiva Community Plan

Amend Goal 13, Policy 6.1.2, Chapter XIII Single-Family Residence Provision and the definition of Density specific to the Captiva Community to incorporate the recommendations of the Captiva Island Community Planning effort.

Sponsor: Board of County Commissioners/Captiva Community Planning Panel.

D. CPA2005-13 – Community Planning

Amend the Future Land Use Element to evaluate incorporating community planning policies into the Lee Plan.

Sponsor: Board of County Commissioners/Smart Growth Committee

E. CPA2005-16 – San Carlos/Estero Community Boundary

Amend the Future Land Use Map Series, Map 16, Lee County Planning Communities, to adjust the boundary between the Estero and San Carlos Planning Communities west of U.S. 41.

Sponsor: Board of County Commissioners.

F. CPA2005-17 - Long Range Transportation Plan

Amend the Transportation Element to update Policy 36.1.1 and the Transportation Map series, Map 3, to reflect the new 2030 MPO Long Range Transportation Plan.

Sponsor: Board of County Commissioners

G. CPA2005-18 – LOS Standards For SIS/FIHS/TRIP Funded Roads

Amend the Transportation Element to update Policy 37.1.1 to reflect new State LOS standards for SIS/FIHS/TRIP-funded roads.

Sponsor: Board of County Commissioners.

H. CPA2005-19 – FDOT Quality LOS Handbook

Amend the Transportation Element to update Policy 37.1.4 to refer to the 2002 FDOT Quality LOS Handbook.

Sponsor: Board of County Commissioners.

I. CPA2005-20 - Deletion of Policy 38.2.3

Amend the Transportation Element to delete Policy 38.2.3.

Sponsor: Board of County Commissioners.

J. CPA2005-21 – Update Reference to the LeeScape Master Plan

Amend the Transportation Element to update Objective 40.3 to refer to the latest version of the LeeScape (Lee County Roadway Landscape) Master Plan

Sponsor: Board of County Commissioners.

K. CPA2005-22 – Mass Transit Update

Amend the Transportation Element Mass Transit Sub-Element's Goals, Objectives and Policies as identified in the most recent Evaluation and Appraisal Report.

Sponsor: Board of County Commissioners.

L. CPA2005-23 – Ports, Aviation and Related Facilities Update

Amend the Transportation Element Ports, Aviation and Related Facilities Sub-Element's Goals, Objectives and Policies as identified in the most recent Evaluation and Appraisal Report.

Sponsor: Board of County Commissioners.

M. CPA2005-25 – Change Lee Plan Horizon to the year 2030

Amend the Lee Plan to change the references from the year 2020 to the year 2030 and update the Vision Statements to the year 2030.

Sponsor: Board of County Commissioners.

N. CPA2005-27 – Update CIE Tables 3 and 4

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

Sponsor: Board of County Commissioners.

O. CPA2005-28 – Conservation Lands Update

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

Sponsor: Board of County Commissioners.

P. CPA2005-29 – Public Facilities Update

Amend the Future Land Use Map Series, Map 1, the Future Land Use Map, to update the mapped Public Facilities future land use category by adding and/or removing lands to more accurately identify publicly owned lands.

Sponsor: Board of County Commissioners.

Q. CPA2005-33 – Police and Justice Sub-Element Update

Amend the Community Facilities and Services Element Police and Justice Sub-Element Objective 69.1 to delete the referenced date and to acknowledge the ongoing nature of the objective. In addition amend Policies 69.2.2 and 69.2.3. to reflect the existing status of substation facilities.

Sponsor: Board of County Commissioners.

R. CPA2005-35 – New Urbanism Definitions

Amend the Lee Plan Glossary to incorporate new and amend existing definitions to incorporate the principles of New Urbanism.

Sponsor: Board of County Commissioners.

S. CPA2005-39 – Commercial FLUM Category

Amend Goal 1 of the Future Land Use Element, the Future Land Use Map Series, Map 1, and Table1(a), by adding a new "commercial only" future land use category.

Sponsor: Board of County Commissioners.

T. CPA2005-40 – Sub-Outlying Suburban FLUM Category

Amend Goal 1 of the Future Land Use Element, the Future Land Use Map series, Map 1, and Table 1(a) and Table1(b), Summary of Residential Densities, by adding a new future land use category having a maximum density of 2 dwelling units per acre.

Sponsor: Board of County Commissioners.

U. CPA2005-41 – Manatee Protection Plan

Amend the Conservation and Coastal Management Element and the Future Land Use Element to incorporate the "boating facility siting element" of the Manatee Protection Plan required by F.S. 370.12.(2)(t)(3). **Sponsor**: Board of County Commissioners.

V. CPA2005-42 – Economic Element Update

Amend the Lee Plan, Economic Element, for general updates as the element has not been updated since its creation in 1993.

Sponsor: Board of County Commissioners.

W. CPA2005-43 - Single Family Residence Provision Update

Amend the Procedures and Administration Element by updating the Single-Family Residence Provision.

Sponsor: Board of County Commissioners.

X. CPA2005-45 – Beach and Dune Management Plans

Amend Policy 113.3.1 in order to update the list of critical erosion areas under Beach and Dune Management Plans.

Sponsor: Board of County Commissioners.

Y. CPA2005-47 – Housing Element Update

Amend the Lee Plan to update the Housing Element reflecting the findings of the most current Housing Needs Assessment.

Sponsor: Board of County Commissioners.

3. Administrative Agenda

A. CPA2005-02 – Webb/Buckingham

Amend the Future Land Use Map Series, Map 1, to change +/-95 acres from the Rural Future Land Use Designation to the Urban Community Future Land Use Designation and to change the boundaries in the Future Land Use Map series, Map 16, to place the property in the Lehigh Acres Planning Community.

Sponsor: Carlton Land Holdings LLC.

B. CPA2005-05 - Three Oaks North

Amend the Future Land Use Map Series, Map 1, for 83± acres in the northwest quadrant of I-75 and Alico Road, Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75 from "Industrial Development" to "Industrial Commercial Interchange."

Sponsor: Paul H. Freeman, Trustee

C. CPA2005-07 – River Hall (FKA Hawk's Haven)

Amend the Future Land Use Map Series for a specified parcel (approximately 1,727 acres) located in Sections 25, 26, 27, 34, 35, and 36, Township 43 South, Range 26 East to change the Future Land Use classification shown on Map 1 from "Rural" and "Suburban" to "Outlying Suburban" and "Public Facilities." Amend Table 1(a), Footnote 6 to limit development in the plan amendment area to 2 units per acre and place a specific cap on residential development of 2,800 dwelling units on the specified property.

Sponsor: Hawks Haven Investment LLC

D. CPA2005-09 - Palm Beach Community Plan

Amend the Future Land Use Element to add a Goal, Objectives, and Policies that are specific to the Palm Beach Community.

Sponsor: Board of County Commissioners/The East Lee County Council.

E. CPA2005-11 – Greenways Recreational Trails Master Plan Incorporate the Lee County Multi-Purpose Recreational Trails and Greenways Master Plan into the Lee Plan. Revise Goal 85, Objective 85.1, Policy 85.1.2, Policy 85.1.3, Policy 85.1.4, Policy 85.1.5, and Policy 107.1.1(4.)(d.). Incorporate proposed new Policy 40.4.6, Policy 40.4.7, Policy 40.4.8, Policy 77.3.6, Policy 77.3.7, new Objective 85.4, Policy 85.4.1, Policy 85.4.2, new Goal 80, new Objective 80.1, Policy 80.1.1, Policy 80.1.2, new Objective 125.3, and Policy 125.3.1. Incorporate proposed new Map 22 (Lee County Greenways Multi-Purpose Recreational Trails Master Plan Map) into the Lee Plan.

Sponsor: Board of County Commissioners.

F. CPA2005-24— Update Transportation Concurrency Policies

Amend the Transportation Element to update transportation concurrency related Objectives and Policies to reflect current County policy and recent changes in state law.

Sponsor: Board of County Commissioners.

G. CPA2005-26 – Update BEBR Population Projections

Amend the Lee Plan text and tables to reflect the latest BEBR population projections. Also, amend Map 16 to reflect current city boundaries.

Sponsor: Board of County Commissioners.

H. CPA2005-37 – New Urbanism

Amend the Future Land Use Element to include and revise Goals, Objectives, and Policies to incorporate the concepts and principles of New Urbanism, Traditional Neighborhood Design, and Transit Oriented Development. Amend the Future Land Use Map Series to include an overlay depicting areas where mixed use development will be allowed to calculate residential density from commercial property when smart growth principles are applied.

Sponsor: Board of County Commissioners.

I. CPA2005-46 - Smart Growth Recommendations

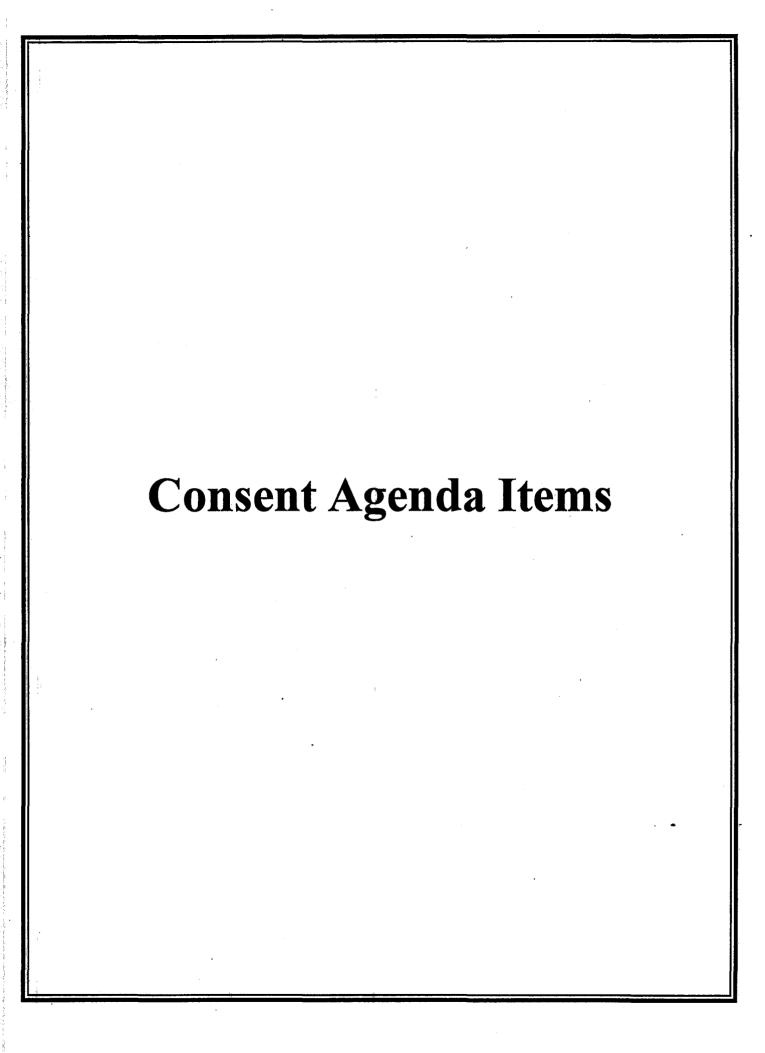
Amend the Lee Plan to incorporate the recommendations from the County's Smart Growth Initiative into the Lee Plan.

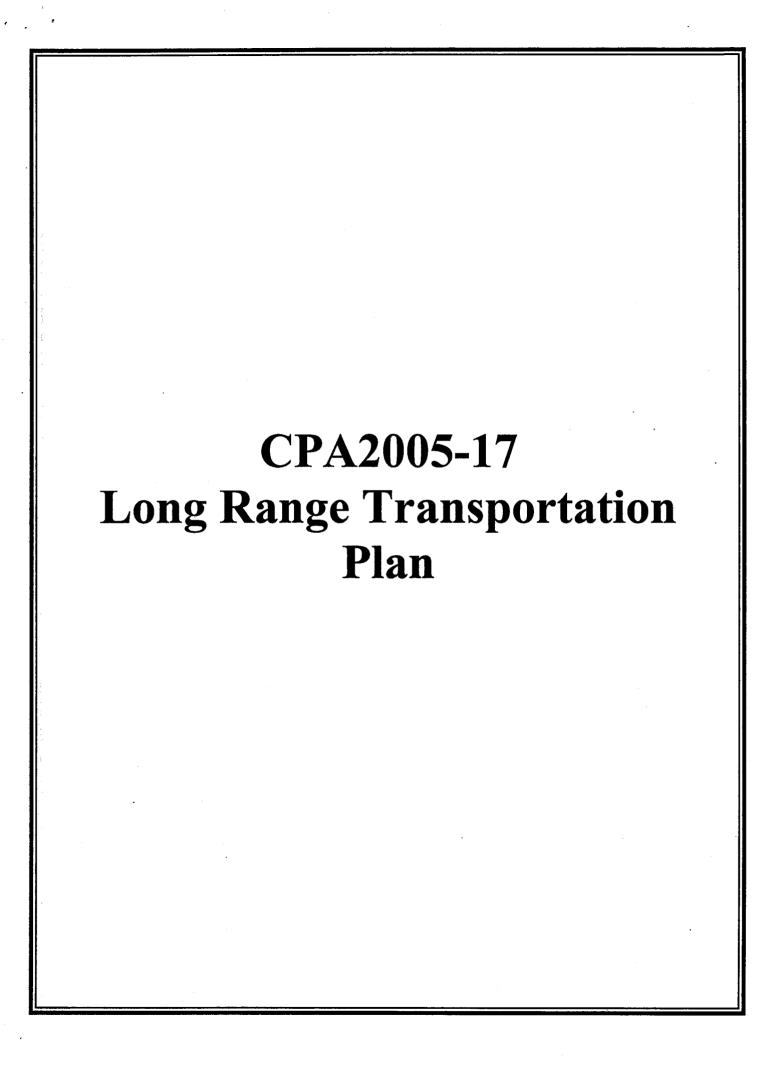
Sponsor: Board of County Commissioners.

J. CPA2005-49 – Update Goal 10 Natural Resource Extraction

Amend the Lee Plan to address the further impacts of mining and steps needed for adequate mitigation or prevention of adverse impacts. Further, recommendations are made to prevent future land use conflicts between mining and other uses in rural areas. Goal 10, Natural Resource Extraction, is proposed to be expanded to include measures for rock mining, and for mitigation of rock mining impacts with adjacent land uses.

Sponsor: Board of County Commissioners.





CPA2005-00017 Long Range Transportation Plan BOCC SPONSORED EAR-BASED AMENDMENT TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN (Policy 36.1.1 and Map 3)

BoCC Public Hearing Document for the December 13, 2006 Transmittal Hearing

> Lee County Planning Division 1500 Monroe Street P.O. Box 398 Fort Myers, FL 33902-0398 (239) 479-8585

> > December 1, 2006

LEE COUNTY DIVISION OF PLANNING STAFF REPORT FOR COMPREHENSIVE PLAN AMENDMENT CPA2005-00017

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

STAFF REPORT PREPARATION DATE: July 19, 2006

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DEPARTMENT OF TRANSPORTATION

2. REQUEST:

Amend the Transportation Element to update Policy 36.1.1 and the Transportation Map series, Map 3, to reflect the new 2030 MPO Long Range Transportation Plan.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

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

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Currently, Map 3A of the Lee Plan Transportation Map series reflects the MPO's 2020
 Financially Feasible Transportation Plan highway map as amended through June 20,
 2003.
- Besides being directly reflected in Map 3A, the network on the MPO's highway map forms the basis for Maps 3B and 3H of the Transportation Map series, so network changes by the MPO also affect these maps.
- Policy 36.1.1 explains that the MPO's 2020 Financially Feasible Transportation Plan highway map is incorporated as Map 3A of the Lee Plan Transportation Map series, with one minor format difference (a shading to provide a visual indication of the entire study area under consideration for the CR 951 Extension). That policy currently refers to June 20, 2003 version of the MPO's highway map.
- The MPO has now adopted a new highway map with a new horizon year of 2030. The new map was adopted on December 7, 2005, and has been revised twice since then, on January 20, 2006 and March 17, 2006.
- The August, 2004 Lee Plan Evaluation and Appraisal Report noted that a new MPO plan was going to be adopted by December, 2005 and would have to be incorporated into the Lee Plan.
- At the time of this staff report preparation, additional amendments to the MPO's highway map have been proposed and will be considered within a couple of months, probably before the Board adoption hearing.
- Maps 3A, 3B and 3H of the Lee Plan's Transportation Map series and Policy 36.1.1 all need to be updated to reflect the most recent version of the MPO's long range transportation plan highway map.

C. BACKGROUND INFORMATION

Since the last update of the Transportation Map series in 2003, the Lee County MPO has completed a major update of its long range transportation plan, extending the horizon year another 10 years to 2030. Consistent with a federal deadline, the MPO adopted the new 2030 plan on December 7, 2005, and has since made a couple of minor amendments, on January 20, 2006 and March 17, 2006. In fact, at the time of this staff report preparation, additional amendments have been proposed and will be scheduled for MPO consideration in the near future. Map 3A of the Lee Plan Transportation Map series directly reflects the MPO's highway map, and Maps 3B (Future Functional Classification Map) and 3H (Future

Maintenance Responsibility) are based on the network identified in the MPO's highway map. Also, Policy 36.1.1 explains the connection between the MPO's highway map and Map 3A, as well as noting one format difference. Maps 3A, 3B and 3H and Policy 36.1.1 all currently refer to or reflect the June 20, 2003 version of the MPO's 2020 highway map, so they all need to be updated to reflect the newest version with a new horizon year. NOTE: WHILE THIS INITIAL DRAFT OF THE STAFF REPORT REFERENCES THE LATEST VERSION OF THE NEW MPO PLAN, AS AMENDED THROUGH MARCH 17, 2006, DOT STAFF EXPECTS THE MPO'S HIGHWAY MAP TO BE AMENDED AGAIN IN THE NEAR FUTURE, PROBABLY BEFORE THE BOCC ADOPTION HEARING. THE MOST RECENT VERSION AVAILABLE WILL BE PRESENTED FOR BOARD CONSIDERATION AT THE TRANSMITTAL AND ADOPTION HEARINGS, IN AN EFFORT TO ENSURE MAXIMUM CONSISTENCY.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Attached to this staff report are proposed updates of Maps 3A, 3B and 3H, reflecting the March 17, 2006 version of the MPO's 2030 Financially Feasible Transportation Plan highway map. In addition, the language in Policy 36.1.1 need to be updated to reflect the new MPO map, and changes since the last time the policy was updated. For example, the MPO's 2020 Financially Feasible Plan previously included the CR 951 Extension and identified a specific alignment, even though Lee County was moving forward with a PD&E study that encompassed a broad study area and was to consider a number of alignment options within that study area. Therefore, Lee County added some shading to Map 3A to reflect the entire study area within Lee County under consideration for the CR 951 Extension, and noted that difference from the MPO plan in the language of Policy 36.1.1. The PD&E Study has since moved forward and a number of alignment options considered and rejected, and the recommended alignment and supporting documentation has been submitted to FDOT for review, after which it will go to the Federal Highway Administration for review and comment and then be subject to a final public hearing before a specific alignment is adopted. The new MPO 2030 Plan does not include the CR 951 Extension as a financially feasible project, instead showing it as needed by 2030 but contingent on obtaining additional funding to make it feasible. The likely funding will be toll revenues, but some significant toll feasibility analysis will be necessary to determine that. Regarding the map, since the CR 951 Extension is not shown on the MPO's 2030 Financially Feasible Plan highway map, Lee County no longer needs to use shading to distinguish the study area and range of alignment options under consideration, and that language can be deleted from Policy 36.1.1. Also, the policy includes language that refers to Koreshan Boulevard, the name of which has now been changed to Estero Parkway. One final change simply notes that the intersection improvements might be addressed by FDOT as part of its widening efforts.

STAFF REPORT FOR CPA2005-00017

The proposed language revisions to Policy 36.1.1 are identified below, in strike-through/underline format.

POLICY 36.1.1: The Lee County Metropolitan Planning Organization's 2020 2030 Financially Feasible Plan Map series is hereby incorporated as part of the Transportation Map series for this Lee Plan comprehensive plan element. The MPO 2020 2030 Financially Feasible Highway Plan Map, as adopted December 8, 2000 December 7, 2005 and as amended through June 30, 2003 March 17, 2006, is incorporated as Map 3A of the Transportation Map series, with one format change as approved by the Lee County Board of County Commissioners on March 23, 1999. The format change is a visual indication (with shading) that alignment options for the County Road 951/Bonita Grande Drive extension are still under consideration, consistent with Note 2. The shaded area on the map identifies the limits of the alternatives analysis for the CR-951 Extension PD&E Study. comprehensive plan amendment analysis for the Simon Suncoast (Coconut Point) DRI identified the need for improvements at key intersections on US 41 from Koreshan Boulevard Estero Parkway to Alico Road to address the added impacts from the project for year 2020, and a mitigation payment has been required as part of the DRI development order. Lee County considers the following intersection improvements to be part of Map 3A and will program the necessary funds to make these improvements at the point they are required to maintain adopted level of service standards on US 41 if they have not been addressed by FDOT;

Intersection	Improvements
US 41/Constitution Boulevard	Southbound Dual Left Turn Lanes
US 41/B & F Parcel	Northbound, Southbound, Eastbound, and Westbound Dual Left Turn Lanes
US 41/Sanibel Boulevard	Southbound Dual Left Turn Lanes
US 41/ Koreshan Boulevard <u>Estero Parkway</u>	Southbound and Westbound Dual Left Turn Lanes

B. CONCLUSIONS

Maps 3A, 3B and 3H of the Transportation Map series should be amended as shown in the attachments and Policy 36.1.1 of the Transportation Element should be amended as shown above to reflect the most recent MPO plan and update outdated references.

C. STAFF RECOMMENDATION

DOT staff recommends that the Board of County Commissioners transmit the proposed plan amendment, reflecting the changes shown in the attached updates of Maps 3A, 3B and 3H and in the language of Policy 36.1.1 as noted above.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

PUBLIC HEARING DATE: July 24, 2006

A. LOCAL PLANNING AGENCY REVIEW

After a brief presentation by DOT staff, Mr. Andress sought clarification that the identification of future maintenance responsibility in Map 3H hadn't changed. Mr. Loveland confirmed that, noting that for future roadways staff makes an assumption about which jurisdiction will maintain them, but those assumptions haven't changed from previous versions of the map. Mr. Ryffel noted the comment in the report that the MPO plan may be changing and asked about LPA approval. Mr. Loveland explained that the MPO can amend its plan on a monthly basis, but the County's comprehensive plan amendment cycle is yearly, so staff was notifying the LPA and everyone else that the latest version of the MPO plan will be presented for Board consideration at the adoption hearing, even if it is slightly different than what the LPA reviewed, in order to maintain as much consistency as possible between the MPO plan and the Lee Plan.

There were no public comments on this item.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

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

C. VOTE:

NOEL ANDRESS	AYE
DEREK BURR	AYE
RONALD INGE	AYE
CARLETON RYFFELL	AYE
RAYMOND SCHUMANN, ESQ	AYE
RAE ANN WESSEL	ABSENT
(VACANT)	

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

	DATE OF TRANSMITTAL HEARING: December 13, 2006
Α.	BOARD REVIEW:
В.	BOARD ACTION AND FINDINGS OF FACT SUMMARY:
	1. BOARD ACTION:
	2. BASIS AND RECOMMENDED FINDINGS OF FACT:
C.	VOTE:
	BRIAN BIGELOW
	TAMMARA HALL
	BOB JANES
	RAY JUDAH
	FRANK MANN

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

DATE OF ORC REPORT:

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:
- **B. STAFF RESPONSE:**

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

DATE OF ADOPTION HEARING:

D.	BOARD REVIEW:
E.	BOARD ACTION AND FINDINGS OF FACT SUMMARY:
	1. BOARD ACTION:
	2. BASIS AND RECOMMENDED FINDINGS OF FACT:
F.	VOTE:
	BRIAN BIGELOW
	TAMMARA HALL
	BOB JANES
	RAY JUDAH
	FRANK MANN
	

