

DIVISION OF PLANNING

MEMORANDUM



LEE COUNTY

SOUTHWEST FLORIDA

to: Board of County Commissioners
from: Paul O'Connor, ^{POC} 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
ADOPTION HEARING**

**COMMISSION CHAMBERS, 2120 MAIN STREET
APRIL 11, 2007
9:30 A.M.**

AGENDA

- 1. Call to order; Certification of Affidavit of Publication**
- 2. Consent Agenda:**
 - **Public comment on Consent Agenda**
 - **Items to be pulled for discussion by the Board**
 - **Motion to approve the balance of items**
 - **Consideration of items pulled for discussion**
- 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. CPA2005-09 - Palm Beach Community Plan**

Amend the Future Land Use Element to add a Goal, Objectives, and Policies specific to the Palm Beach Community.
Sponsor: Board of County Commissioners/The East Lee County Council
- C. 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.
- D. CPA2005-11 - Greenways Recreational Trail Master Plan**

Incorporate the Lee County Multi-Propose 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).
Sponsor: Board of County Commissioners.

- E. 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.
- F. 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.
- G. 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.
- H. 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.
- I. 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.
- J. CPA2005-20 – Deletion of Policy 38.2.3**
Amend the Transportation Element to delete Policy 38.2.3.
Sponsor: Board of County Commissioners.
- K. 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.
- L. 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.

- M. 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.
- N. 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
- 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. CPA2005-39 – 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.
- S. 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.

- T. 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.
- U. 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.
- V. 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.
- W. 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.
- X. Adopt the following Ordinance, which incorporates the substance of the items on the consent agenda into the Lee Plan:**

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 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT; GEOGRAPHICAL APPLICABILITY, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

3. Administrative Agenda – Adoption of Lee Plan Amendments

- A. 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.

- B. Adopt the following Ordinance, which incorporates the contents of CPA2005-05 into the Lee Plan:

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 CPA2005-05 (PERTAINING TO THE FUTURE LAND USE MAP CHANGE FOR AN 83±-ACRE PARCEL NORTH OF ALICO ROAD FROM INDUSTRIAL DEVELOPMENT TO INDUSTRIAL COMMERCIAL INTERCHANGE) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

- C. CPA2005-07 – Riverhall (fka Hawk's Haven)

Amend the Future Land Use Map Series for 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 two 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. Adopt the following Ordinance, which incorporates the contents of CPA2005-07 into the Lee Plan:

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 CPA2005-07 (PERTAINING TO AN AMENDMENT TO THE FUTURE LAND USE MAP SERIES FOR A PARCEL OF 1,727 ACRES TO CHANGE THE FUTURE LAND USE CLASSIFICATION SHOWN ON MAP 1 FROM "RURAL" AND "SUBURBAN" TO "OUTLYING SUBURBAN" AND "PUBLIC FACILITIES" AND ALSO AMENDING TABLE 1(a), FOOTNOTE 6, TO RESTRICT PERMISSIBLE DENSITY AND UNITS) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS, AND

TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

E. 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.

F. Adopt the following Ordinance, which incorporates the contents of CPA 2005-17 into the Lee Plan:

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 CPA2005-17 (PERTAINING TO THE LONG RANGE TRANSPORTATION PLAN) APPROVED DURING THE COUNTY'S 2005/2006 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.

G. 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.

H. Adopt the following Ordinance, which incorporates the contents of CPA2005-25 into the Lee Plan:

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 CPA2005-25(PERTAINING TO CHANGING THE LEE PLAN HORIZON YEAR TO 2030) APPROVED DURING THE COUNTY'S 2005/2006 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.

- I. **CPA2005-26 – Update BEBR Population Projections**
Amend the Lee Plan text and tables to reflect the latest BEBR population projections. Amend Map 16 to reflect current City boundaries and amend Map 8 to reflect updated potable wellfield cones of influence.
Sponsor: Board of County Commissioners.

- J. **Adopt the following Ordinance, which incorporates the contents of CPA2005-26 into the Lee Plan:**

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 CPA2005-26 (PERTAINING TO THE BEBR POPULATION PROJECTION AND MAPS 8 AND 16 UPDATE) APPROVED DURING THE COUNTY'S 2005/2006 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.

- K. **CPA2005-27 – Update Capital Improvement Element (CIE) Tables 3 and 4**
Amend the Capital Improvement Element (Tables 3 and 4) to reflect the latest adopted Capital Improvement Program.
Sponsor: Board of County Commissioners.

- L. **Adopt the following Ordinance, which incorporates the contents of CPA2005-27 into the Lee Plan:**

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 CPA2005-27 (PERTAINING TO TABLES 3 AND 4 OF THE CAPITAL IMPROVEMENT ELEMENT) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

M. CPA2005-35 – New Urbanism Definitions

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

Sponsor: Board of County Commissioners.

N. Adopt the following Ordinance, which incorporates the contents of CPA2005-35 into the Lee Plan:

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 CPA2005-35 (PERTAINING TO THE INCORPORATION OF THE PRINCIPLES OF NEW URBANISM INTO THE LEE PLAN GLOSSARY) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

O. 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.

P. Adopt the following Ordinance, which incorporates the contents of CPA2005-37 into the Lee Plan:

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 CPA2005-37 (PERTAINING TO NEW URBANISM) APPROVED DURING THE COUNTY'S 2005/2006 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.

Q. CPA2005-46 – Smart Growth Recommendations

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

R. Adopt the following Ordinance, which incorporates the contents of CPA2005-46 into the Lee Plan:

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 CPA2005-46 (PERTAINING TO THE RECOMMENDATIONS FROM THE SMART GROWTH INITIATIVE) APPROVED DURING THE COUNTY'S 2005/2006 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.

S. CPA2005-47 – Housing Element Update

Amend the Housing Element to reflect the findings of the most current Housing Needs Assessment.

Sponsor: Board of County Commissioners.

T. Adopt the following Ordinance, which incorporates the contents of CPA2005-47 into the Lee Plan:

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 CPA2005-47 (PERTAINING TO THE HOUSING ELEMENT UPDATE) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. Pursuant to Florida Statutes Section 163.3184(7), persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance.

If a person decides to appeal a decision made by the Board with respect to any matter considered at this hearing, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Further information may be obtained by contacting the Lee County Division of Planning at 479-8585.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 479-8583.

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

COMMISSION CHAMBERS, 2120 MAIN STREET

**CONTINUED FROM APRIL 11, 2007 TO
MAY 16, 2007
9:30 A.M.**

AGENDA

1. Call to order; Certification of Affidavit of Publication

2. ADMINISTRATIVE AGENDA CONTINUED ITEMS

A. CPA2005-07 – Riverhall (fka Hawk’s Haven)

Amend the Future Land Use Map Series for 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 two 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.

B. Adopt the following Ordinance, which incorporates the contents of CPA2005-07 into the Lee Plan:

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 CPA2005-07 (PERTAINING TO AN AMENDMENT TO THE FUTURE LAND USE MAP SERIES FOR A PARCEL OF 1,727 ACRES TO CHANGE THE FUTURE LAND USE CLASSIFICATION SHOWN ON MAP 1 FROM “RURAL” AND “SUBURBAN” TO “OUTLYING SUBURBAN” AND “PUBLIC FACILITIES” AND ALSO AMENDING TABLE 1(a), FOOTNOTE 6, TO RESTRICT PERMISSIBLE DENSITY AND UNITS) APPROVED DURING THE COUNTY’S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS, AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF “THE LEE PLAN”; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

C. CPA2005-27 – Update Capital Improvement Element (CIE) Tables 3 and 4

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

Sponsor: Board of County Commissioners.

D. Adopt the following Ordinance, which incorporates the contents of CPA2005-27 into the Lee Plan:

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 CPA2005-27 (PERTAINING TO TABLES 3 AND 4 OF THE CAPITAL IMPROVEMENT ELEMENT) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

3. MOTION TO FINIALIZE ALL ACTIONS TAKEN AT THE APRIL 11, 2007 ANDTHE MAY 16, 2007 ADOPTION HEARINGS

4. ADJOURN

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. Pursuant to Florida Statutes Section 163.3184(7), persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance.

If a person decides to appeal a decision made by the Board with respect to any matter considered at this hearing, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Further information may be obtained by contacting the Lee County Division of Planning at 479-8585.

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ADMINISTRATIVE AGENDA ITEMS

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
April 11th Adoption Hearing

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

March 2, 2007

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



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: 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 DIVISION OF PLANNING AND 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: Staff recommends that the Board of County Commissioners adopt 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 needs 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.

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.~~ Also, the 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:*

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

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

Staff recommends that the Board of County Commissioners transmit the proposed plan amendment, reflecting the changes reflected 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, an LPA member sought clarification that the identification of future maintenance responsibility in Map 3H hadn't changed. Staff 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. Another LPA member noted the comment in the report that the MPO plan may be changing and asked about LPA approval. Staff 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

A. BOARD REVIEW: The Board pulled this item from the consent agenda for discussion. Commissioner Judah expressed concerns about inclusion of a second bridge to Fort Myers Beach in the MPO's 2030 Financially Feasible Plan and consequently Map 3A. Staff noted that the MPO would be considering amendments to its plan in February, prior to the Board adoption hearing, and suggested the Board members work through the MPO's process to address any facilities of concern then. Whatever changes made by the MPO in February would be brought back to the Board for consideration in a revised Map 3A (and Maps 3B and 3H as necessary) at the adoption hearing.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: The Board of County Commissioners unanimously voted to transmit the proposed plan amendment, on a motion by Commissioner Judah and a second by Commissioner Hall.

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

C. VOTE:

A. BRIAN BIGELOW	<u>AYE</u>
TAMMARA HALL	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
FRANKLIN B. MANN	<u>AYE</u>

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

DATE OF ORC REPORT: March 2, 2007

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

The Department of Community Affairs stated the following Objection and Recommendation in relation to CPA 2005-00017 as part of the March 2nd, 2007 ORC Report:

Objection:

The County is proposing to update Transportation Element Policy 36.1.1 and the Transportation Map series to reference the new 2030 Metropolitan Planning Organization's (MPO) Long Range Transportation Plan. However, the update is not supported by relevant data and analysis of the existing level of service standard deficiencies in the County upon which the MPO's plan was based, as well as, an identification of the improvements that are anticipated or projected to be needed to correct deficiencies and address the demands of growth for the short-term of 5 years and for the long-term (2030). In the absence of this information, it is not possible to determine the extent to which the County is using the comprehensive planning process to correct deficiencies and plan for anticipated impact of growth during the next planning horizon. [Chapter 163.3177(2), (6)(a), & (b), & (8) F.S., 9J-5.016(1)(a), & (4)(a), and 9J-5.019(3)(a) through (3)(i), & (4)(b)1. through (4)(b)3., FAC]

Recommendation:

Include, with the plan update, relevant data and analysis of the existing level of service standard deficiencies, and the projected level of service standard deficiencies in the County upon which the Long Range Transportation Plan is based. Also, identify the improvements that are projected to be needed to address the demands of growth for the short-term of five years and schedule the improvements in the Five-Year Schedule of Capital Improvements.

B. STAFF RESPONSE:

The requested amendment is to simply update 3 maps in the Transportation Map Series that are based on the Lee County MPO's 2020 Financially Feasible Plan map to reflect the MPO's new 2030 map, and to revise the Lee Plan policy that references the first of those maps. The objection that the MPO plan update (and subsequent incorporation into the Lee Plan) "is not supported by relevant data and analysis of the *existing* level of service standard deficiencies in the County upon which the MPO's plan was based (*emphasis added*)" is misplaced, because unlike the CIP, the MPO plan is not based on existing deficiencies, it is based on projected deficiencies in the year 2030. Although Lee County submitted documentation in the 2004 Evaluation and Appraisal Report (EAR) and the 2005 EAR sufficiency response that clearly demonstrated that Lee County has a handle on existing traffic conditions through its annual concurrency management report, the Department of Community Affairs continues to confuse the short term needs with the long term needs. The recommendations to "include, with the plan update, relevant data and analysis of the existing level of service standard deficiencies", as well as to "identify the improvements that are projected to be needed to address the

demands of growth for the short-term of five years and schedule the improvements in the Five-Year Schedule of Capital Improvements" is irrelevant to the update of Maps 3A, 3B and 3H and Policy 36.1.1, instead relating to the County's annual concurrency management process and five-year capital improvement programming process. The Department has requested similar information in the comments related to CPA 2005-00027, the annual update of the Capital Improvement Element, and it is being provided in response to that item.

Regarding the recommendation that the County provide "the projected level of service standard deficiencies in the County upon which the Long Range Transportation Plan is based", Lee County has not prepared a link-by-link level of service calculation for the major road segments in the 2030 condition based on the adopted MPO 2030 Financially Feasible Plan network. Instead, Lee County has relied on the MPO's standard plan development process, of which we are a part (along with FDOT and the cities within Lee County), and with which DCA should be familiar. If DCA is not familiar with the MPO's plan development process, the documentation for the development of the 2030 plan can be found at the MPO's website, at http://www.mpo-swfl.org/PLN_2030.shtml.

Of particular significance is Section D, the explanation of the development of the Highway Element of the MPO's plan. The very first paragraph of that section explains "(t)he process of updating the highway element of the Year 2030 Long Range Transportation Plan is divided into two phases. In the first phase, a highway network was developed that would accommodate the peak season weekday travel demand in 2030 if the MPO were not limited as to how much it could afford to do. This is commonly referred to as the "Needs Plan". In the second phase, the "Needs Plan" highway network was scaled back to devise the best performing plan the MPO expects to be able to be affordable based on the financial resources forecasted to be available for transportation capital improvements through the year 2030."

The MPO plan documentation goes on to explain that the various network alternatives were tested using the FSUTMS computerized travel demand model, and that a number of network alternatives were tested to develop the final Needs Plan network. The MPO plan concludes that, after the iterative testing process, a final needs network was run, and "(t)his run showed those highway improvements that would be needed to adequately handle the amount of traffic that was to be expected by the Year 2030 on the Lee County highway system."

Moving on from the Needs Plan development, the MPO plan documentation then explains the development of the Financially Feasible Plan, by costing out the Needs Plan improvements, projecting expected available revenues, and cutting back the plan network to what is affordable. Table D-1 of the MPO plan highlights the costs of the road improvements in the Needs network and the available revenues, broken down by jurisdiction. The text indicates that the total County-wide shortfall between the cost of the improvements in the Needs Plan and the projected available revenues is \$3,811,248,922, but that was based on the

analysis done in the fall of 2005. The current MPO plan tables found on the web page now identify a total shortfall of \$4,163,736,771. The Lee County share of that shortfall is projected to be \$2,733,196,919. It is worth noting that the shortfall in funding for projects in Lee County that are the State's responsibility total \$1,022,267,180.

By its very definition, taking a plan that is expected to meet the travel demand needs in 2030 and cutting out \$4 billion worth of improvements is going to cause some areas to no longer meet those projected needs, leading to level of service deficiencies. That is the nature of the MPO's Financially Feasible Plan, which is the basis for Map 3A of the Lee Plan and has been for many years. This fully satisfies the requirements of S. 163.3177(2), F.S., which reads:

Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent, and the comprehensive plan *shall be financially feasible* (emphasis added). Financial feasibility shall be determined using professionally acceptable methodologies.

The goal of the MPO planning process, and for Lee County as part of that process, is to ultimately close the gap between the Needs Plan and the Financially Feasible Plan. However, the projection of available revenues is based on the revenues sources and amounts we know of today, and it is not possible to have all the answers about transportation funding 23 years into the future. This we do know: Lee County currently charges the maximum local option gas taxes allowed under State law, a total of 12 cents (which is shared with the cities). Lee County also charges road impact fees on new development, the rates for which are revisited every 3 years. The most recent update just completed in October led to a tripling of the road impact fee rates to one of the highest in the State, which actually hasn't yet been accounted for in the MPO's projections of revenues. Lee County also has 3 toll bridges, and some limited surplus toll revenues that help it meet its needs. Finally, Lee County has set aside \$60 million in ad valorem revenues the last two years to create a revolving loan fund to advance road projects and phases in an attempt to counter ever-increasing land and construction costs. The only other significant revenue source not currently implemented in Lee County is the 1-cent local option sales tax, which is required by State law to be approved by referendum, and which has been soundly defeated by voters in two previous attempts. Many of the projects that are expected to be Lee County's responsibility that make up its \$2.7 billion share of the deficit also have the potential to be toll projects, and an Expressway Authority was just created in 2005 to explore the possibility of tolling to add capacity on Interstate 75, so more tolls will likely be part of the effort to close the funding gap.

As a final note, the use of the MPO Financially Feasible Plan, developed through the MPO's process, as the basis for Map 3A of the Lee Plan, ensures consistency with two provisions of Rule 9J-5 of the Florida Administrative Code. Specifically, subsection 9J-5.019(3)(g) states:

The analysis shall consider the projects planned for in the Florida Department of Transportation's Adopted Work Program, *long range transportation plan* and transportation improvement program *of the metropolitan planning organization*, and the local transportation authority(ies), if any, and compatibility with the policies and guidelines of such plans. (Emphasis added)

Further, subsection 9J-5.019(4)(b)3. requires objectives in the plan which:

Coordinate the transportation system with the plans and programs of any applicable *metropolitan planning organization*, transportation authority, Florida Transportation Plan and the Florida Department of Transportation's Adopted Work Program. (Emphasis added)

Clearly, coordination with the MPO planning effort is the goal of the State requirements, which Lee County feels is addressed by incorporating the MPO's 2030 Financially Feasible Plan highway map into the Lee Plan as Map 3A of the Transportation Map series. Lee County also feels that a link-by-link identification of potential level of service deficiencies in the Financially Feasible Plan based on projected growth to 2030 is unnecessary, because the level of service is considered in development of the Needs Plan (as stated in the MPO plan documentation) and we know by definition that the Financially Feasible Plan isn't going to fully meet all of our projected needs, at least as long as the revenue projections don't fully fund the Needs Plan. The link conditions in 2030 are taken into consideration when privately-initiated plan amendments that intensify uses are proposed, but the more significant measure, the actual basis of concurrency, is the short-term, which Lee County addresses through its concurrency management regulations and annual monitoring report, and through its five-year capital improvement program.

C. RECOMMENDATION:

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

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

DATE OF ADOPTION HEARING: April 11, 2007

D. BOARD REVIEW:

E. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

F. VOTE:

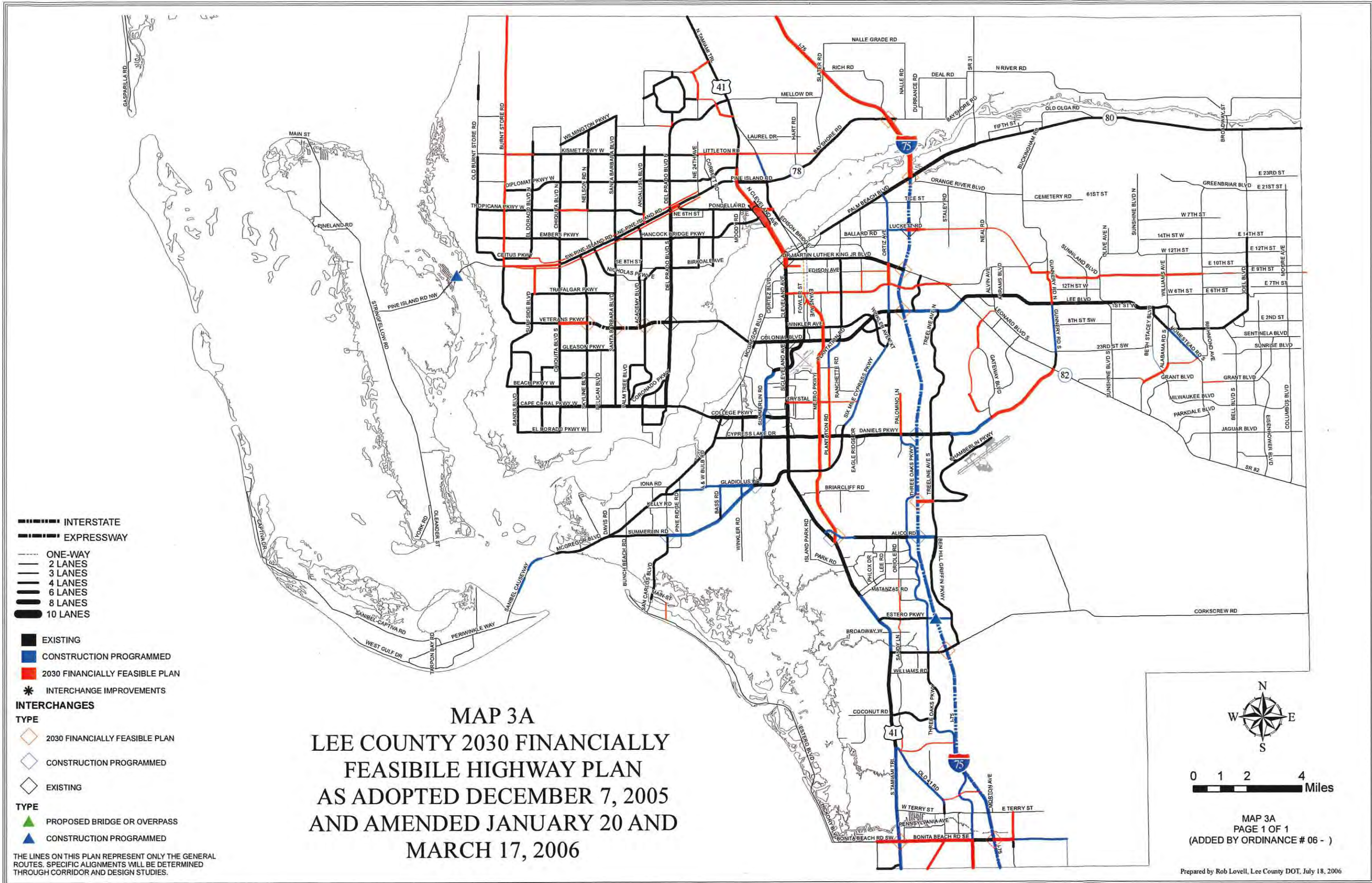
A. BRIAN BIGELOW

TAMMARA HALL

BOB JANES

RAY JUDAH

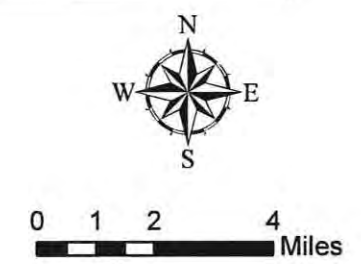
FRANKLIN B. MANN



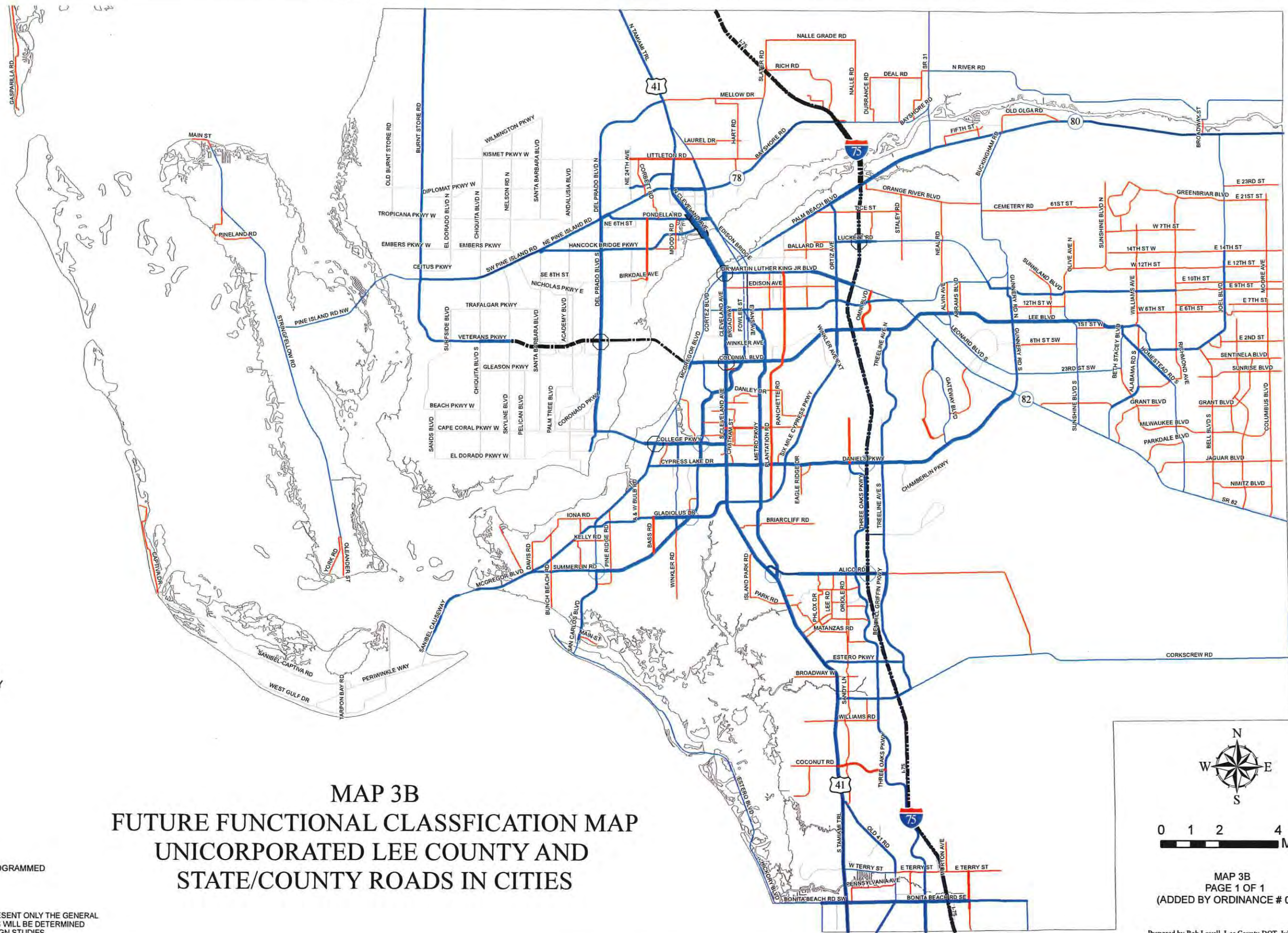
MAP 3A
LEE COUNTY 2030 FINANCIALLY
FEASIBLE HIGHWAY PLAN
AS ADOPTED DECEMBER 7, 2005
AND AMENDED JANUARY 20 AND
MARCH 17, 2006

- INTERSTATE
- EXPRESSWAY
- ONE-WAY
- 2 LANES
- 3 LANES
- 4 LANES
- 6 LANES
- 8 LANES
- 10 LANES
- █ EXISTING
- █ CONSTRUCTION PROGRAMMED
- █ 2030 FINANCIALLY FEASIBLE PLAN
- * INTERCHANGE IMPROVEMENTS
- INTERCHANGES**
- ◇ TYPE
- ◇ 2030 FINANCIALLY FEASIBLE PLAN
- ◇ CONSTRUCTION PROGRAMMED
- ◇ EXISTING
- TYPE**
- ▲ PROPOSED BRIDGE OR OVERPASS
- ▲ CONSTRUCTION PROGRAMMED

THE LINES ON THIS PLAN REPRESENT ONLY THE GENERAL ROUTES. SPECIFIC ALIGNMENTS WILL BE DETERMINED THROUGH CORRIDOR AND DESIGN STUDIES.



MAP 3A
 PAGE 1 OF 1
 (ADDED BY ORDINANCE # 06 -)



MAP 3B

FUTURE FUNCTIONAL CLASSIFICATION MAP
 UNINCORPORATED LEE COUNTY AND
 STATE/COUNTY ROADS IN CITIES

- INTERSTATE
- EXPRESSWAY
- ONE-WAY
- 2 LANES
- 3 LANES
- 4 LANES
- 6 LANES
- 8 LANES
- 10 LANES

- ARTERIALS
- COLLECTOR

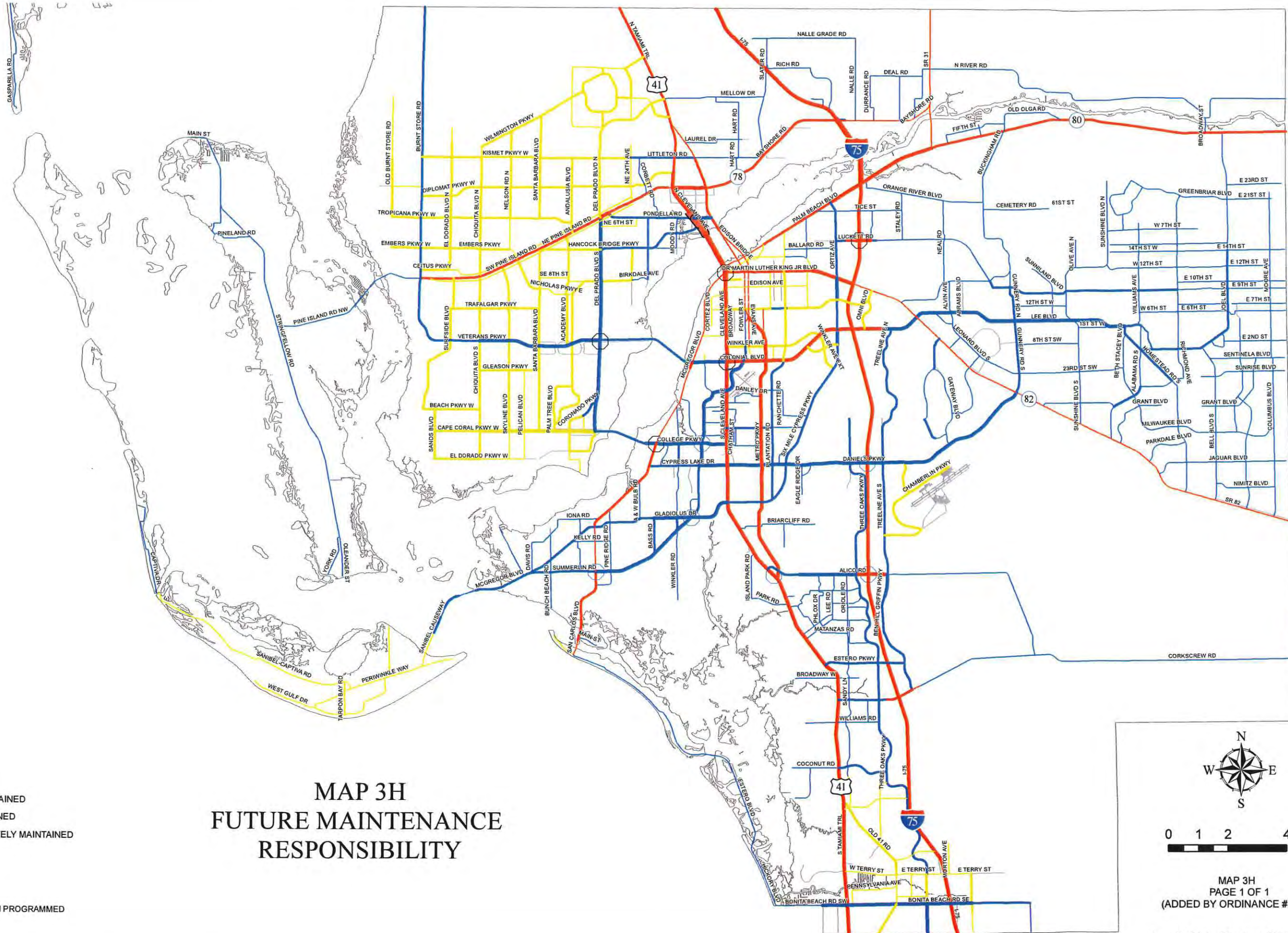
- INTERCHANGES
- TYPE, STATUS
- CONSTRUCTION PROGRAMMED
 - EXISTING

THE LINES ON THIS PLAN REPRESENT ONLY THE GENERAL ROUTES. SPECIFIC ALIGNMENTS WILL BE DETERMINED THROUGH CORRIDOR AND DESIGN STUDIES.



MAP 3B
 PAGE 1 OF 1
 (ADDED BY ORDINANCE # 06 -)

Prepared by Rob Lovell, Lee County DOT, July 19, 2006

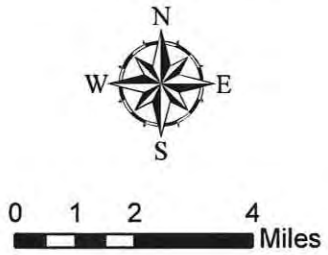


**MAP 3H
FUTURE MAINTENANCE
RESPONSIBILITY**

- ONE-WAY
- 2 LANES
- 3 LANES
- 4 LANES
- 6 LANES
- 8 LANES
- 10 LANES

- COUNTY MAINTAINED
- STATE MAINTAINED
- CITY OR PRIVATELY MAINTAINED

- INTERCHANGES**
TYPE, STATUS
- CONSTRUCTION PROGRAMMED
 - EXISTING



MAP 3H
PAGE 1 OF 1
(ADDED BY ORDINANCE # 06-)

Prepared by Rob Lovell, Lee County DOT, July 18, 2006

LEE COUNTY ORDINANCE NO. _____
(Long Range Transportation Plan)
(CPA2005-17)

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 CPA2005-17 (PERTAINING TO THE LONG RANGE TRANSPORTATION PLAN) APPROVED DURING THE COUNTY'S 2005/2006 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.

WHEREAS, the Lee County Comprehensive Plan ("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 ("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 July 24, 2006; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on December 13, 2006. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2005-17 pertaining to the amendment of the Transportation Element and Transportation Map Series, Map 3, to reflect the new 2030 MPO Long Range Transportation Plan to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the December 13, 2006 meeting, 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 March 2, 2007; and,

WHEREAS, at a public hearing on April 11, 2007, the Board moved to adopt 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 the 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 "2005/2006 Regular Comprehensive Plan Amendment Cycle CPA2005-17 Long Range Transportation Plan Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as revised by the Board on April 11, 2007, known as CPA2005-17. CPA 2005-17 amends the Transportation Element and Transportation Map Series, Map 3, of the Lee Plan to reflect the new 2030 MPO Long Range Transportation Plan.

The corresponding Staff Reports and Analysis, along with all attachments for this amendment 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 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 _____. The vote was as follows:

Robert P. Janes

Brian Bigelow

Ray Judah

Tammy Hall

Frank Mann

DONE AND ADOPTED this 11th day of April 2007.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
Robert P. Janes, Chair

DATE: _____

Approved as to form by:

Donna Marie Collins
County Attorney's Office