



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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December 21, 2006

Ray Eubanks, Administrator, Plan Review and Processing
Florida Department of Community Affairs
Bureau of State Planning
Plan Processing Section
2555 Shumard Oak Boulevard
Tallahassee, FL. 32399-2100

Re: Amendments to the Lee Plan
Transmittal Submission Package
2005/2006 Evaluation and Appraisal Amendment Cycle

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163.3184 and of 9J-11.006, this submission package constitutes the transmittal of the proposed 2005/2006 Evaluation and Appraisal Amendment Cycle to the Lee Plan. The Local Planning Agency held public hearings for these plan amendments on the following dates: May 22, 2006; June 26, 2006; July 24, 2006; August 28, 2006; September 25, 2006; October 23, 2006; and November 27, 2006. The Board of County Commissioners transmittal hearing for the plan amendments was held on December 13, 2006. Per 9J-11.006(1)(a)(3), Lee County is requesting that the Department review the proposed amendments and provide an Objections, Recommendations, and Comments (ORC) Report. The proposed amendments are not applicable to an area of critical state concern. The Board of County Commissioners has stated its intent to hold an adoption hearing in the Spring of 2006, after the receipt of the Departments ORC Report.

A summary of the plan amendment content and effect is attached to this letter. The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendments is as follows:

Mr. Paul O'Connor, AICP
Lee County Planning Division Director
P.O. Box 398
Fort Myers, Florida 33902-0398
(239)479-8585
Fax (239)479-8319
Email: oconnops@leegov.com

Included with this package, per 9J-11.006, are three copies of the proposed amendments, and supporting data and analysis. By copy of this letter and its attachments, I certify that these amendments have been sent to: the Regional Planning Council; the Florida Department of Transportation (FDOT); the Florida Department of Environmental Protection; Florida Department of State; the Florida Fish and Wildlife Conservation Commission; the Department of Agriculture and Consumer Services, Division of Forestry; and, the South Florida Water Management District.

Sincerely,
DEPT. OF COMMUNITY DEVELOPMENT
Division of Planning



Paul O'Connor, AICP
Director

All documents and reports attendant to this transmittal are also being sent, by copy of this cover, to:

David Burr
Director
Southwest Florida Regional Planning Council

Mike Rippe, District Director
FDOT District One

Executive Director
South Florida Water Management District

Plan Review Section
Department of Environmental Protection

Florida Department of State

Florida Fish and Wildlife Conservation Commission

The Department of Agriculture and Consumer Services, Division of Forestry

2005/2006 LEE PLAN EVALUATION AND APPRAISAL AMENDMENT CYCLE

SUMMARY OF PLAN AMENDMENT CONTENT AND EFFECT

CPA2005-05 – Three Oaks North

This privately sponsored amendment by Paul H. Freeman, Trustee, amends 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.”

CPA2005-07 – River Hall (FKA Hawk’s Haven)

This privately sponsored amendment by Hawks Haven Investment LLC amends 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.” It also amends Table 1(a), Footnote 6 to limit development in the plan amendment area to 2 units per acre and places a specific cap on residential development of 2,800 dwelling units on the specified property.

CPA2005-08 - Caloosahatchee Shores Community Plan

This amendment, offered by the East Lee County Council and sponsored by the Board, proposes a new Policy 21.1.4 that directs the Caloosahatchee Shores Community to draft enhanced code enforcement standards for possible inclusion in the Land Development Code. The proposed code enforcement standards, once drafted, will be reviewed by staff and processed as Land Development Code amendments.

CPA2005-09 - Palm Beach Community Plan

This Board sponsored amendment amends the Future Land Use Element to add a Goal, Objectives, and Policies that are specific to the Palm Beach Community.

CPA2005-10 – Airport Noise Boundaries and Number of Gas Pumps

This Board sponsored amendment proposes to amend the Future Land Use Element, Policies 1.2.2, 1.7.1, and 5.1.4, the Community Facilities and Services Element, Policy 66.3.11, and the Future Land Use Map Series, Map 1, Page 5 of 5, to incorporate the new airport noise zones in compliance with the revised FAR Part 150 Noise Study for the Southwest Florida International Airport. In addition, the amendment proposes to amend Table 5, Southwest Florida International Airport Proposed Development Schedule, to increase the allowable number of gas pumps from the current twelve (12) gas pumps to twenty-four (24) gas pumps.

CPA2005-11 – Greenways Recreational Trails Master Plan

This Board sponsored amendment incorporates the Lee County Multi-Purpose Recreational Trails and Greenways Master Plan into the Lee Plan. It revises 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). It incorporates 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. It also incorporates proposed new Map 22 (Lee County Greenways Multi-Purpose Recreational Trails Master Plan Map) into the Lee Plan.

CPA2005-12 – Captiva Community Plan

This amendment, offered by Captiva Community Planning Panel and sponsored by the Board, proposes to: amend the Future Land Use Element, by adding a new Objective 13.2, and Policy 13.2.1, and to amend Policy 6.1.2; amend the Procedures and Administration Element by adding a new standard to the Single Family Residence Provision; and, to amend the definition of Density.

The Captiva Planning Panel has identified the retention of existing commercial uses and the development of new commercial uses on the island as a priority. The high price of residential properties on the island has made the retention of existing commercial uses difficult and the creation of new commercial uses unlikely. The conversion over time of the commercial properties to residential on Andy Rosse Lane attests to this problem. These changes, which apply only to the Captiva Community, allow both commercial and residential uses on property that is currently commercially zoned, specifically in areas currently zoned C-1 and CT. These properties must be rezoned to Commercial Planned Development to take advantage of these provisions. The changes to the Single Family Residence Provision will allow those lots that are too small to meet Lee Plan density provisions to develop with a single residential unit along with commercial floor area.

CPA2005-13 – Community Planning

This amendment, offered by the Smart Growth Committee and sponsored by the Board, proposes to amend the Future Land Use Element to add a new goal, objective and two policies that address community planning activities. The new language supports both citizen and County initiated community planning efforts and assures coordination with County-wide and regional plans.

There was one contended proposed policy regarding water conservation issues. Staff contended that the policy should not be directed at community planning efforts because these plans are often driven by local community issues which may not include water conservation. The LPA recommended including the policy. At the LPA's review of a subsequent proposed amendment, CPA 2005-46, Smart Growth Recommendations, the same policy was included on a county-wide basis as Policy 54.1.13. The LPA recognized the duplicate policy and recommended that one of them should be eliminated, the Smart Growth Director agreed. This policy was kept as a county wide policy and dropped from CPA 2005-13.

CPA2005-16 – San Carlos/Estero Community Boundary

This Board sponsored amendment proposes to change 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. This amendment realigns the southern boundary of the San Carlos Planning Community to follow the fire district border between the Breckenridge neighborhood and the Estero Bay Buffer Preserve.

This change was initiated to address concerns raised by some San Carlos residents living along Pine Road.

CPA2005-17 – Long Range Transportation Plan

This Board sponsored amendment proposes to amend the Transportation Element to update Policy 36.1.1 and the Transportation Map series, Map 3, to reflect the new 2030 Metropolitan Planning Organization (MPO) Long Range Transportation Plan. In keeping with the recommendations of the Evaluation and Appraisal Report and the MPO's federal mandates, this change incorporates text and maps that update the Lee Plan's Transportation Element to the new planning horizon of 2030. The 3 maps, the Lee County 2030 Financially Feasible Highway Plan, the Future Functional Classification Map, and the Future Maintenance were adopted by the MPO on December 7, 2005, and revised on March 17, 2006.

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

This Board sponsored amendment proposes to amend the Transportation Element to update Policy 37.1.1 to reflect new State Level of Service (LOS) standards for Strategic Intermodal System (SIS), Florida Intrastate Highway System (FIHS), and Transportation Regional Incentive Program (TRIP) funded roads. For the basic State and County arterials and collectors included in Policies 37.1.1 and 95.1.3, staff is proposing an expansion of facility types to reflect the categories included in the Country's existing roadway functional classification list.

CPA2005-19 – FDOT Quality LOS Handbook

This amendment, sponsored by the Board, amends the Transportation Element to update Policy 37.1.4 to refer to the 2002 Florida Department of Transportation (FDOT) Quality LOS Handbook. This changes updates the primary documents used by the County to calculate roadway level of service conditions to the current referenced FDOT handbook.

CPA2005-20 – Deletion of Policy 38.2.3

This board sponsored amendment amends the Transportation Element by deleting Policy 38.2.3. This action was first recognizes in the Evaluation and Appraisal Report. As currently written, Policy 38.2.3 requires that the Board make a finding of "overriding need" to include a County Roadway improvement within a municipality unless that municipality is a full participant in the County's road impact fee ordinance. Only the City of Fort Myers is a full participant in the County's road impact fee ordinance. All of the municipalities, except Sanibel, currently have enacted some form of road impact fees. Transportation staff believes this policy no longer serves its intended function and causes unnecessary Board action to maintain and improve the County's road system.

CPA2005-21 – Update Reference to the LeeScape Master Plan

This Board sponsored amendment amends the Transportation Element to update Objective 40.3 to refer to the latest version of the LeeScape (Lee County Roadway Landscape) Master Plan. The original LeeScape plan was adopted on October 27, 1998. A revised LeeScape plan was adopted on August 28, 2001. This amendment updates the referenced adoption date in the policy.

CPA2005-22 – Mass Transit Update

This Board sponsored amendment updates the Transportation Element Mass Transit Sub-Element's Goals, Objectives and Policies as identified in the most recent Evaluation and Appraisal Report. During the Evaluation and Appraisal Report process, mass transit staff identified a number of needed updates to the goals, objectives and policies of the Mass Transit Sub-Element. The updates correct outdated references and reflect current County practices regarding the County's mass transit system. Staff concurs with the additional recommendation of the Local Planning Agency.

CPA2005-23 – Ports, Aviation and Related Facilities Update

This Board sponsored amendment updates 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. During the Evaluation and Appraisal Report process, Port Authority staff identified a number of needed updates to the goals, objectives and policies of the Ports, Aviation and Related Facilities Sub-Element. The updates correct outdated references and reflect current County practices regarding the County's ports and aviation systems. Staff concurs with the additional recommendation of the Local Planning Agency.

CPA2005-24– Update Transportation Concurrency Policies

This Board sponsored amendment amends the Transportation Element to update transportation concurrency related Objectives and Policies to reflect current County policy and recent changes in state law.

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

This Board sponsored amendment updates the Lee Plan to change the references from the year 2020 to the year 2030 and updates the Vision Statements to the year 2030. The Evaluation and Appraisal Report recommended that the planning horizon of the Lee Plan be extended to the Year 2030. Current text that references the 2020 planning horizon is being changed to the new planning horizon date of 2030. Additionally, the amendment proposed to delete any text that is date sensitive for which the time frame has passed or the intent of the text has been satisfied. The Local Planning Agency accepted the recommended changes, as proposed by staff.

CPA2005-26 – Landuse Acreage Allocation

This is a Board sponsored amendment that amends the Lee Plan text and tables to reflect the latest BEBR population projections. It also amends Map 16 to reflect current city boundaries.

CPA2005-27 – Update CIE Tables 3 and 4

This amendment, sponsored by the Board, amends the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program (CIP). Florida Statutes require that the CIP be adopted into the comprehensive plan on a yearly basis. The proposed tables reflect the CIP adopted by the Board this past September.

CPA2005-28 – Conservation Lands Update

This Board sponsored amendment updates the Future Land Use Map Series, Map 1, by adding new conservation properties to, and removing erroneously designated properties from, the Conservation Lands future land use categories to more accurately identify conservation lands.

CPA2005-29 – Public Facilities Update

This Board sponsored amendment updates the Future Land Use Map Series, Map 1, the Future Land Use Map, by adding new publicly owned property to, and removing erroneous designated lands from, the Public Facilities future land use category to more accurately identify publicly owned lands.

CPA2005-33 – Police and Justice Sub-Element Update

This board sponsored amendment updates the Community Facilities and Services Element, Police and Justice Sub-Element Objective 69.1, Policies 69.2.2 and 69.2.3 to delete the referenced date and to acknowledge the ongoing nature of the objective and to reflect the existing status of substation facilities.

CPA2005-35 – New Urbanism Definitions

This Board sponsored amendment amends the Lee Plan Glossary to incorporate new and amend existing definitions in order to incorporate the principles of New Urbanism. Fifteen new definitions are being added and 3 existing definitions are being amended.

CPA2005-37 – New Urbanism

This Board sponsored amendment amends 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. This amends 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 can be applied.

CPA2005-39 – Commercial FLUM Category

This Board sponsored amendment amend Goal 1 of the Future Land Use Element, the Future Land Use Map Series, Map 1, and Table 1(a), by adding a new “commercial only” future land use category. In addition, a new definition is being added to the Glossary to define Floor Area Ratio, as a way to establish limitations on intensity. At this time there are no specific areas being proposed for the new category.

CPA2005-40 – Sub-Outlying Suburban FLUM Category

This amendment, sponsored by the Board, amends Goal 1 of the Future Land Use Element, the Future Land Use Map series, Map 1, and Table 1(a), Summary of Residential Densities, by adding a new future land use category having a maximum density of 2 dwelling units per acre. There are several areas on the Future Land Use Map that are designated Outlying Suburban that have an additional limitation reducing the density to a maximum of 2 dwelling units per acre. This new category will eliminate the need to look to Table 1(a) footnotes to see where this 2 unit per acre limitation applies.

CPA2005-41 – Manatee Protection Plan

This Board sponsored amendment amends the Future Land Use Element, Objective 8.2 and the Conservation and Coastal Management Element, Objectives 107.7, 128.5 and 128.6, and their subsequent policies to incorporate the "boating facility siting element" of the Manatee Protection Plan, as required by Florida Statute 370.12.(2)(t)(3).

CPA2005-42 – Economic Element Update

This Board sponsored amendment updates the Economic Element as the element has not been updated since its creation in 1993. Economic Development staff identified a number of needed updates to the goals, objectives and policies of the Economic Element. The updates correct outdated references and reflect current County practices regarding the County's efforts to promote economic development.

CPA2005-43 – Single Family Residence Provision Update

This Board sponsored amendment amends the Procedures and Administration Element by updating the Single-Family Residence Provision. Currently two different county offices are involved in approving applications for Minimum Use Determinations. The Department of Community Development performs the review if an application for a building permit is also being requested. The County Attorney's Office issues the determination, following an application for review and a recommendation from Community Development staff, if no building permit application has been requested. This amendment would move all reviews to the Department of Community Development. It also makes it clear that a future land use category's standard density is to be used for Minimum Use Determinations, not bonus density or some other means to increase density, i.e. Open Lands ability to increase density to 1 dwelling unit per 5 acres utilizing Residential Planned Development zoning. Staff concurs with the Local Planning Agency's recommendation to not alter the access and drainage requirements.

CPA2005-45 – Beach and Dune Management Plans

This Board sponsored amendment amends the Conservation and Coastal Management Element, Policy 113.3.1 to update the list of critical erosion areas identified in the Beach and Dune Management Plans. The Department of Environmental Protection (DEP) maintains a list of critically eroded beaches in Florida. This policy update is necessary to accurately reflect the DEP list of critically eroded beaches in Lee County.

CPA2005-46 – Smart Growth Recommendations

This Board sponsored amendments amends the Lee Plan to incorporate the recommendations from the County's Smart Growth Initiative into the Lee Plan.

CPA2005-47 – Housing Element Update

This Board sponsored amendment updates the Housing Element by reflecting the findings of the most current Housing Needs Assessment. In August 2005, Lee County updated the 1997 Housing Needs Assessment. These changes are based on the analysis of existing Goals, Objectives and Policies and further the recommendations of the 2005 Housing Needs Assessment included in the Evaluation and Appraisal Report.

NEWS-PRESS
Published every morning - Daily and
Sunday
Fort Myers, Florida
Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared
Elisha Wells
who on oath says that he/she is the
Legal Assistant of the News-Press, a
daily newspaper, published at Fort Myers, in Lee County,
Florida; that the attached copy of advertisement, being a
Display

In the matter of
Notice of Proposed Amendment
In the court was published in said newspaper in the
issues of
December 6, 2006

Affiant further says that the said News-Press is a paper of
general circulation daily in Lee, Charlotte, Collier, Glades
and Hendry Counties and published at Fort Myers, in said Lee
County, Florida and that said newspaper has heretofore been
continuously published in said Lee County, Florida, each day,
and has been entered as a second class mail matter at the post
office in Fort Myers in said Lee County, Florida, for a period of
one year next preceding the first publication of the attached copy
of the advertisement; and affiant further says that he/she has
neither paid nor promised any person, firm or corporation any
discount, rebate, commission or refund for the purpose of
securing this advertisement for publication in the said
newspaper.

Elisha Wells

Sworn to and subscribed before me this

14th day of December 2006 by

Elisha Wells
personally known to me or who has produced

as identification, and who did or did not take an
oath.

Notary Public *Gladys D. Vanderbeck*

Print Name **Gladys D. Vanderbeck**

My commission Expires **December 13, 2008**

NOTICE OF PROPOSED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN (Transmittal Hearing)

In compliance with the Florida Statutes, notice is hereby given
that the Lee County Board of County Commissioners will hold
public hearings to consider proposed amendments to the Lee
County Comprehensive Land Use Plan on Wednesday,
December 13, 2006. The hearing will be held in the Board of
County Commissioners Hearing Chamber in the renovated
Courtroom at 2120 Main Street in Downtown Fort Myers. The
hearing will commence at 9:30 a.m. At this hearing, the Board
will review the proposed amendments for transmittal to the
Florida Department of Community Affairs (DCA). The agenda of
this hearing is set forth below:

1. Call to order, Certification of Affidavit of
Publication

2. Consent Agenda

A. CPA2005-08 - Colosseum Shores
Community Plan
Adopt a new Policy 21.1.1 directing the
Colosseum Shores Community to draft enhanced
code amendment 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,
1.2.3, and 5.1.4 and the Community Facilities and
Use Map Series, Map 1, to reflect the
revised FAR Part 150 Noise Study for the Southwest
Florida International Airport. Incorporate proposed
pumps allowed from twelve (12) to twenty (20).
Sponsor: Board of County Commissioners/Airport
Board

C. CPA2005-12 - Captiva Community Plan
Amend Goal 13, Policy 6.1.2, Chapter XII Single
Family-Residence Provision and the definition of
Density, specific to the Captiva Community, to
incorporate the recommendations of the Captiva Island
Community Planning Study.
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
County Comprehensive Land Use 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 10, Lee
County Planning Commission, 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/FHS/
TRIP Funded Roads
Amend the Transportation Element to update Policy
37.1.1 to reflect new State LOS standards for SIS/
FHS/TRIP funded roads.
Sponsor: Board of County Commissioners

H. CPA2005-19 - FDOT Quality LOS Handbook
Amend the Transportation Element to update Policy
37.1.1, to reflect 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 horizon 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 Improvement Element (Tables 3 &
4) to reflect the latest adopted Capital Improvement
Program.
Sponsor: Board of County Commissioners

O. CPA2005-28 - Conservation Lands
Amend the Future Land Use Element Policy 1.1 by
updating the Conservation Land Use Element Categories.
Sponsor: Board of County Commissioners

P. CPA2005-29 - Public Facilities Update
Amend the Future Land Use Element Policy 1.1, the
Future Land Use Map Series, Map 1, to update the Public
Facilities Sub-Element category by adding and/or
removing land use categories to more accurately identify publicly
owned lands.
Sponsor: Board of County Commissioners

Q. CPA2005-31 - Police and Justice Sub-Element
Update
Amend the Community Facilities and Services Element
Police and Justice Sub-Element Objectives 6.2.1 to delete
the referenced date and to acknowledge the ongoing
nature of the objective. In addition amend Policies
6.2.2 and 6.2.3 to reflect the existing status of
substation facilities.
Sponsor: Board of County Commissioners

R. CPA2005-35 - New Urbanism Design
Amend the Future Land Use Element Policy 1.1 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 Table 1(a), by
adding a new "Commercial Only" 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 Table 1(b), Summary of Residential Densities, by
adding a new "Suburban Land Use Category" having a
maximum density of 4 dwelling units per acre.
Sponsor: Board of County Commissioners

U. CPA2005-41 - Monrovia Protection Plan
Amend the Conservation and Open Space Element
and the Future Land Use Element
Incorporate the "Monrovia Protection Plan" required by F.S.
§ 370.12(2)(b).
Sponsor: Board of County Commissioners

V. CPA2005-43 - Economic Element Update
Amend the Lee Plan Economic Element for general
updates of the element that have not been adopted since its
creation in 1993.
Sponsor: Board of County Commissioners

W. CPA2005-43 - Single Family-Residence
Provision Update
Amend the Future Land Use 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
Needs Assessment.
Sponsor: Board of County Commissioners

3. Administrative Agenda

A. CPA2005-02 - Webb's Backing Item
Amend the Future Land Use Map Series, Map 1, and
change #7, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, 7.11, 7.12, 7.13,
7.14, 7.15, 7.16, 7.17, 7.18, 7.19, 7.20, 7.21, 7.22,
7.23, 7.24, 7.25, 7.26, 7.27, 7.28, 7.29, 7.30, 7.31,
7.32, 7.33, 7.34, 7.35, 7.36, 7.37, 7.38, 7.39, 7.40,
7.41, 7.42, 7.43, 7.44, 7.45, 7.46, 7.47, 7.48, 7.49,
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9.03, 9.04, 9.05, 9.06, 9.07, 9.08, 9.09, 9.10, 9.11,
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9.39, 9.40, 9.41, 9.42, 9.43, 9.44, 9.45, 9.46, 9.47,
9.48, 9.49, 9.50, 9.51, 9.52, 9.53, 9.54, 9.55, 9.56,
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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)

DCA Transmittal Document

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

December 21, 2006

**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 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 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 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. Ryffell 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:

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:

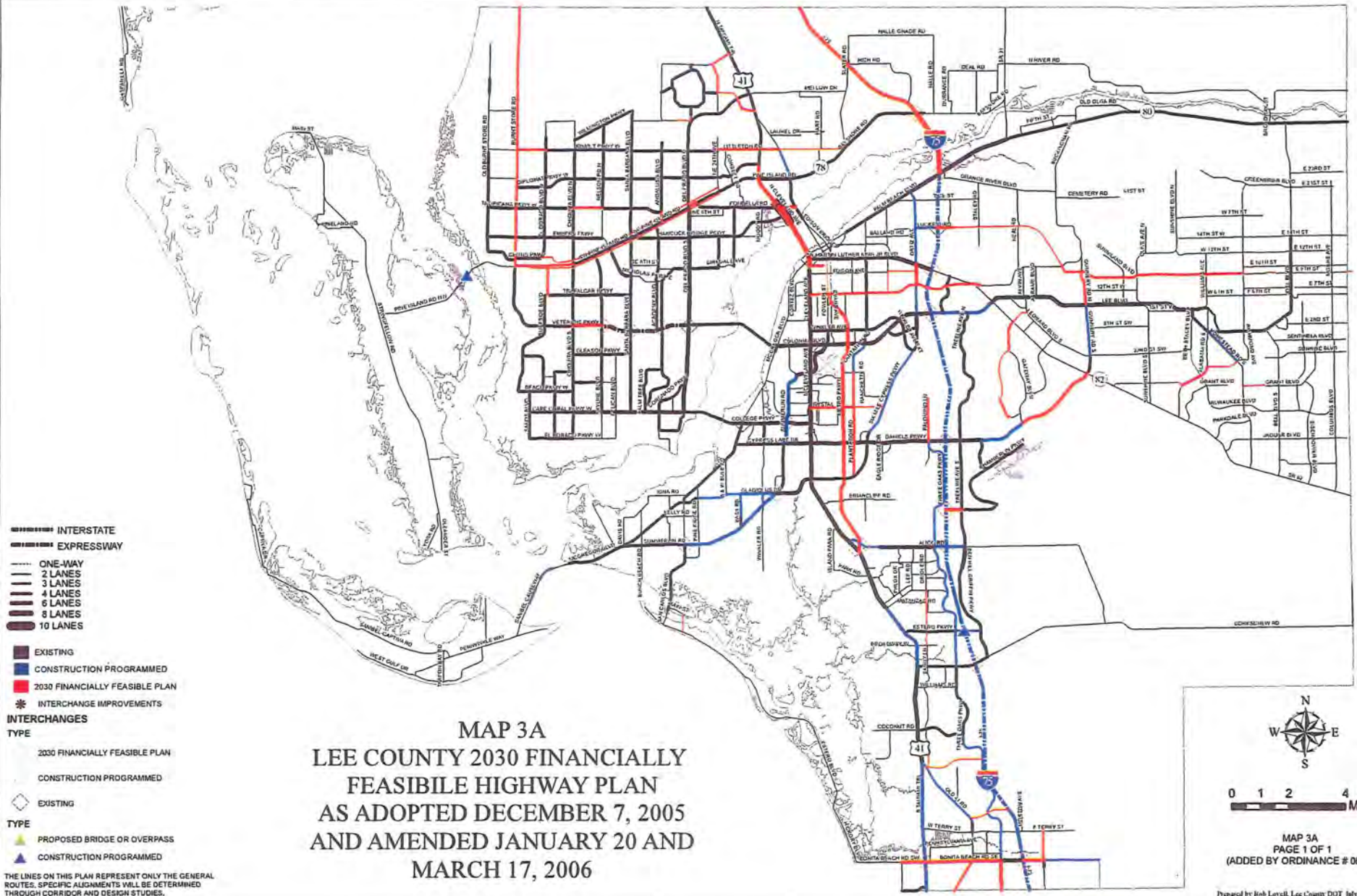
A. BRIAN BIGELOW

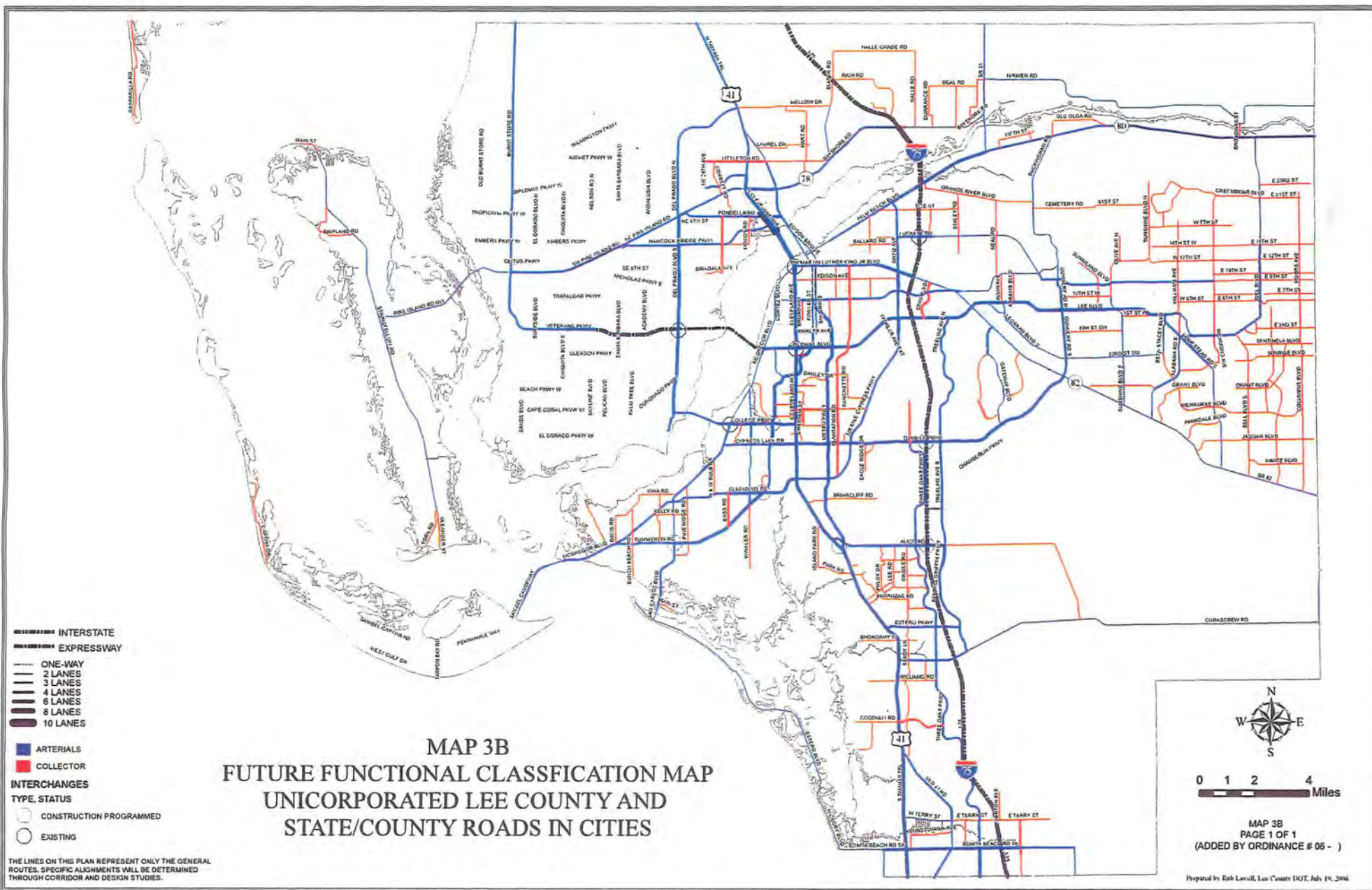
TAMMARA HALL

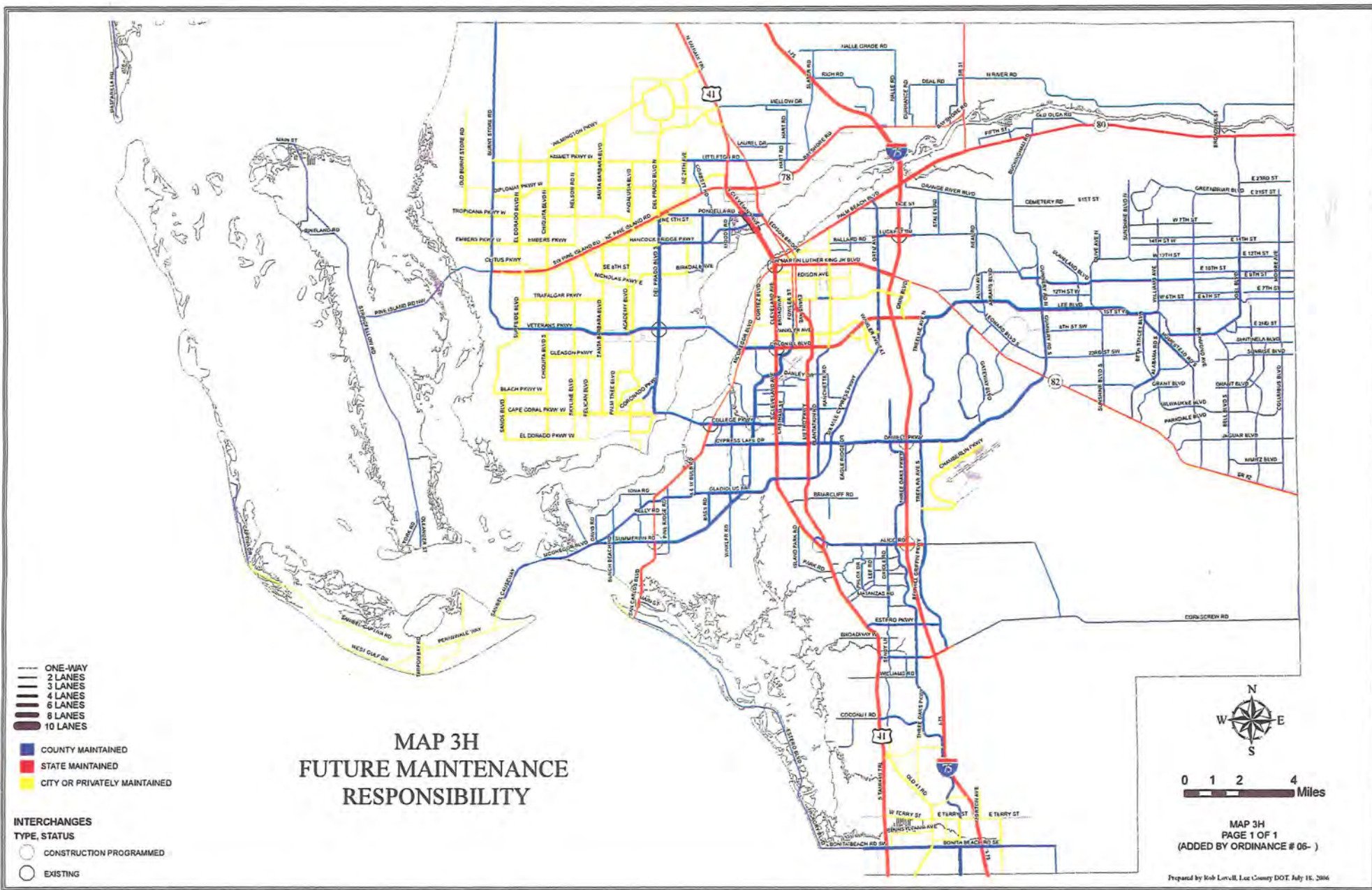
BOB JANES

RAY JUDAH

FRANKLIN B. MANN







MAP 3H
FUTURE MAINTENANCE
RESPONSIBILITY