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**LEE COUNTY**  
SOUTHWEST FLORIDA

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**Division Of Planning****MEMORANDUM**

**To:** Board of County Commissioners  
**From:** Paul O'Connor, AICP, Director  
**Subject:** 2002/2003 Regular Lee Plan Amendment Transmittal Hearings  
**Date:** June 11, 2003

Attached are the Agenda, Staff Reports, and Supporting Data for the 2002/2003 Regular Lee Plan Amendment Transmittal Hearing. The hearing will be held on June 25, 2003 starting at 9:30 A.M. in the chambers.

The Agenda starts with Consent items that are recommended for transmittal to the Department of Community Affairs for their review and comment. Planning Staff and the Local Planning Agency concur in their recommendations on these amendments. The Agenda includes one Administrative item, the Estero 60 Future Land Use Map amendment. Staff and the LPA are not recommending transmittal of this proposed amendment. The Agenda concludes with the proposed Caloosahatchee Shores Community Plan.

If you have any questions regarding any of these amendments, please feel free to call me directly at 479-8309.

**cc:** *Mary Gibbs, AICP, Director of Community Development*  
*Tim Jones, Assistant County Attorney*  
*Lisa Pierce, Minutes*  
*Lee Cares*  
*Planning File*

**2002/2003 REGULAR LEE PLAN AMENDMENTS  
TRANSMITTAL HEARING**

COMMISSION CHAMBERS, 2120 MAIN STREET

**JUNE 25, 2003**

**9:30 A.M.**

**AGENDA**

**1. CALL TO ORDER; CERTIFICATION OF AFFIDAVIT OF PUBLICATION**

**2. CONSENT AGENDA**

- **Public Comment on Consent Agenda**
- **Consent Items to be Pulled for Discussion by the Board**
- **Motion on the Balance of Items**
- **Consideration of Items Pulled for Discussion**

**A. CPA 2002-06 – Outlying Suburban Residential Allocations**

Amend Table 1(b), Planning Community Year 2020 Allocations, by correcting the Outlying Suburban Allocation for the Alva Community.

**B. CPA 2002-08 – Conservation Lands**

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

**C. CPA 2002-11 – Buckingham Potable Water**

Amend Goal 17, Buckingham, of the Future Land Use Element by adding language that allows water lines to be extended to serve the Buckingham Rural Community Preserve on a voluntary basis, with costs of extension to be paid by the petitioner. Amend Map 6, Future Water Service Areas, to show all of the Buckingham Rural Community Preserve to be within the Future Water Service Areas of the County. Amend Map 7, Future Sewer Service Areas, to add certain public facility sites (Gulf Coast Center and Tice Fire Station) to the Future Sanitary Sewer Service Area Map.

**D. CPA 2002-13 – Financially Feasible Transportation Map**

Amend the Transportation Maps of the Future Land Use Map Series and any related policy references to reflect the latest Lee County MPO 2020 Financially Feasible Transportation Plan map.

**E. CPA 2002-15 – Constrained Roads**

Update Table 2(a), Constrained Roads/State and County Roads, to eliminate Old 41, which is now a City of Bonita Springs road.

**F. CPA 2002-19 – Capital Improvements Program**

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

**G. CPA 2002-22 – Policy 100.2.3 Text Update**

Amend Policy 100.2.3 of the Housing Element by replacing the outdated reference to the approval process of "Special Permit" with the current process of "Special Exception."

**3. ADMINISTRATIVE AGENDA**

**A. CPA 2002-02 – Estero 60**

Amend the Future Land Use Map series for a portion of a specified parcel of land located in Section 20, Township 46 South, Range 25 East to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Outlying Suburban." Amend Lee Plan Policy 1.1.6 by limiting the density in the reclassified area to 2 dwelling units per acre. Also, amend Table 1(a), Note 6 to require central sewer service for development in the subject property.

**4. COMMUNITY PLAN AGENDA**

**A. CPA 2002-04 – Caloosahatchee Shores Community Plan**

Amend the Future Land Use Element of the Lee Plan, text and Future Land Use Map series to incorporate the recommendations of the Caloosahatchee Shores Community Planning effort, establish a new Goal, Vision Statement and subsequent Objectives and Policies.

**5. ADJOURN**

These meetings are 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 any decision made by the board, agency or commission with respect to any matter considered at such meeting or 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 479-8585 Extension 5910.

**CPA2002-15-T  
CONSTRAINED ROAD  
BoCC SPONSORED  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

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**BoCC Transmittal Hearing Document  
for the  
June 25<sup>th</sup>, 2003 Public Hearing**

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

**June 4, 2003**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2002-15-T**

**Text Amendment**

**Map Amendment**

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

STAFF REPORT PREPARATION DATE: April 10, 2003

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

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

**2. REQUEST:**

Update Table 2(a), Constrained Roads/State and County Roads, to eliminate Old 41, which is now a City of Bonita Springs road.

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

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

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

- Objective 22.2 indicates that certain roadway segments have been deemed “constrained” due to scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, and will not be widened.
- The designation has only been applied to those roadways that fall under the County’s comprehensive plan jurisdiction, namely State and County-maintained roadways.
- The list of constrained roads is identified in Table 2(a) of the Lee County comprehensive plan.
- The list of constrained roads includes Old 41 in the City of Bonita Springs.
- Per the “INTERLOCAL AGREEMENT BETWEEN LEE COUNTY AND CITY OF BONITA SPRINGS REGARDING OWNERSHIP, JURISDICTION, OPERATION AND MAINTENANCE OF CERTAIN LOCAL ROADS”, as executed on September 19, 2000, ownership and maintenance responsibility for Old 41 was transferred from Lee County to the City of Bonita Springs.
- Table 2(a) needs to be revised to delete Old 41 now that it is no longer a County responsibility.

### **C. BACKGROUND INFORMATION**

The designation of roadways as “constrained” and the application of the County’s related policies and regulations is intended to apply only to those roadways that fall under the County’s jurisdiction, namely State and County-maintained roadways. The designation and related rules do not apply to City streets, which would instead be governed by each City’s comprehensive plan requirements and regulations. As noted in the Findings of Fact, responsibility for Old 41 was transferred from the County to the new City of Bonita Springs via an interlocal agreement executed in September of 2000. The list of constrained roads in Table 2(a) of the County’s comprehensive plan still includes Old 41, so the table needs to be amended to delete that facility. Table 2(b) of the Lee Plan, the related list of operational improvements for constrained roads, was already amended last year to remove any references to Old 41, as part of CPA2001-24.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

Attached to this staff report is a proposed update of Table 2(a), with additions highlighted with underlining and deletions highlighted in strike-through format. The lone proposed change is the deletion of Old 41.

### **B. CONCLUSIONS**

Table 2(a) of the Lee Plan should be updated to reflect the transfer of jurisdictional responsibility of Old 41.

### **C. STAFF RECOMMENDATION**

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

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

DATE OF PUBLIC HEARING: April 28, 2003

**A. LOCAL PLANNING AGENCY REVIEW**

DOT staff briefly introduced this item. There were no comment from the public and no questions from the LPA.

**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. Address and a second by Mr. Bixler.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

**C. VOTE:**

<b>NOEL ANDRESS</b>	<u>AYE</u>
<b>MATT BIXLER</b>	<u>AYE</u>
<b>SUSAN BROOKMAN</b>	<u>AYE</u>
<b>DAN DeLISI</b>	<u>AYE</u>
<b>RONALD INGE</b>	<u>AYE</u>
<b>GORDON REIGELMAN</b>	<u>ABSENT</u>
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**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: June 25, 2003

**A. BOARD REVIEW:**

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

**1. BOARD ACTION:**

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

**C. VOTE:**

**JOHN ALBION**

**ANDREW COY**

**BOB JANES**

**RAY JUDAH**

**DOUG ST. CERNY**

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**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: \_\_\_\_\_

**A. BOARD REVIEW:**

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

**1. BOARD ACTION:**

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

**C. VOTE:**

**JOHN ALBION**

**ANDREW COY**

**BOB JANES**

**RAY JUDAH**

**DOUG ST. CERNY**

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**TABLE 2(a)  
CONSTRAINED ROADS  
STATE AND COUNTY ROADS**

<b>ROADWAY</b>	<b>SEGMENT</b>	<b>MAINTENANCE RESPONSIBILITY</b>	<b>CONSTRAINED CONDITIONS</b>
Captiva Road	Blind Pass/South Seas Plantation	County	ROW, Scenic, Aesthetic, Environmental
Daniels Parkway	Metro Parkway/I-75	County	ROW
Estero Boulevard	Center Street/Big Carlos Pass	County	ROW, Scenic, Aesthetic
Hickory Boulevard	Big Carlos Pass/Bonita Beach Road	County	Scenic, Aesthetic, Environmental
McGregor Boulevard (SR 867)	Colonial Boulevard/College Parkway	State	ROW, Scenic, Aesthetic, Historic, Environmental
Pine Island Road (Matlacha)	Shoreview Drive/Little Pine Island	County	ROW, Scenic, Aesthetic, Environmental
San Carlos Boulevard (SR 865) (Matanzas Pass Bridge)	Center Street/Main Street	State	ROW, Scenic, Aesthetic, Environmental
US 41	South of Daniels Road/North Airport Road	State	ROW
Old 41	Bonita Beach Road/Terry Street	County	ROW, Scenic, Aesthetic, Historic
Gulf Boulevard	Boca Grande	County	Scenic, Aesthetic, Historic, Environmental