



**LEE COUNTY**  
**SOUTHWEST FLORIDA**

**BOARD OF COUNTY COMMISSIONERS**

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*DA*

Writer's Direct Dial Number: \_\_\_\_\_ (941) 479-8585 \_\_\_\_\_

Bob Janes  
*District One*

July 3, 2003

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

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 for the 2002/2003 Regular Amendment Cycle

Dear Mr. Eubank:

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 2002/2003 Regular Amendment Cycle to the Lee Plan. The Local Planning Agency held public hearings for these plan amendments on the following dates: January 27, 2003; March 24, 2003; April 28, 2003; and May 28, 2003. The Board of County Commissioners transmittal hearing for the plan amendments was held on June 25, 2003. 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 upon receipt of the 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  
(941)479-8585  
Fax (941)479-8319  
Email: oconnops@leegov.com

Included with this package, per 9J-11.006, are six 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 Department of Environmental Protection, Florida Department of State, 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

P.O. Box 398, Fort Myers, Florida 33902-0398 (941) 335-2111

Internet address <http://www.lee-county.com>

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

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

David Burr  
Interim 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

## 2002/2003 LEE PLAN AMENDMENT CYCLE

### SUMMARY OF PLAN AMENDMENT CONTENT AND EFFECT

- CPA2002-02** Amend the Future Land Use Map series for a 60 acre 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." Also, to 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. This property is located in the Estero planning community at the western end of Pine Road.
- CPA2002-04** Amends the Vision Statement for the Fort Myers Shores Planning Community and creates a new Goal, Objectives and Policies specific to the Caloosahatchee Shores Community. Proposed policies address Community Character, Commercial Land Uses, Residential Uses, Mixed Use Developments, Community Facilities/Parks and Public Participation. Amends the Future Land Use Map by changing approximately 43 acres located at intersection of State Route 80 and State Route 31 from the Suburban Future Land Use category to the Urban Community Future Land Use category and by changing approximately 1003 acres of land located east of Buckingham Road and immediately north of the Buckingham Rural Community Preserve from the Suburban and Rural Future Land Use categories to the Outlying Suburban Future Land Use category. Revising the Definition of Density located in the Glossary of the Lee Plan.
- CPA2002-06** Amends Table 1(b) by adjusting the Outlying Suburban Residential allocations in the Bayshore and Alva Planning Communities. The Alva Planning Community allocation will be increased by 15 acres from 0 to 15 acres and the Bayshore Planning Community allocation will be decreased by 15 acres from 764 to 749 acres. This amendment addresses an error in the allocation adjustments made when the Bayshore Planning Community was created on Map 16. This amendment does not effect the overall county population accommodation.
- CPA2002-08** Amends the Conservation Lands categories of the Future Land Use Map (FLUM) series to include lands acquired by Lee County, the Trustees for Internal Improvement Trust Fund and the South Florida Water Management District.
- CPA2002-11** Amends the Future Land Use Element text, Objective 17.3, by adding language that allows potable 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. The proposed amendment also amends the Future Land Use Map Series, Map 6 Lee County Utilities Future Water Service Areas, to show all areas of the Buckingham Rural Community Preserve, that are within the Lee County Utilities franchise area, to be within the Future Water Service Areas of the County. The proposed amendment also amends the Future Land Use Map Series, Map 7 Lee County Utilities Future Sewer Service Areas, to add Gulf Coast Center and Tice Fire Station sites. Gulf Coast Center has existing sanitary sewer service through an interlocal agreement with Lee County Utilities. Tice Fire Station is surrounded on three sides by Gulf Coast Center and fronts on Buckingham Road. Both sites are designated under the Public Facilities Future Land Use category.

**CPA2002-13**

Amends some of the Transportation Maps of the Future Land Use Map Series (Maps 3A, 3B and 3H) and Policy 21.1.1 to reflect the latest version of the Lee County MPO's 2020 Financially Feasible Transportation Plan highway map (dated January 17, 2003). Map 3A directly reflects the MPO's plan, and Maps 3B and 3H are based on the network shown in the MPO's plan, and Policy 21.1.1 explains that the MPO's plan is incorporated as Map 3A of the Lee Plan Transportation Map series. All currently refer to an older version of the MPO plan (December 8, 2000) and require updating. At the time of the transmittal hearing for this amendment (June 25, 2003), the MPO had just approved some additional changes to its Financially Feasible Plan on June 20<sup>th</sup>, and additional amendments were scheduled to be considered at the August 22<sup>nd</sup> meeting, so further revisions to the Lee Plan maps and Policy 21.1.1 are expected for the adoption hearing.

**CPA2002-15**

Amends Table 2(a), Constrained Roads/State and County Roads, to eliminate Old 41, which is now a City of Bonita Springs road. The designation of certain roadways as "constrained", meaning they won't be widened for scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, has been limited to roadways that fall under Lee County's comprehensive plan jurisdiction, namely State and County-maintained roadways. Maintenance responsibility for Old 41 was transferred from Lee County to the City of Bonita Springs by virtue of a September 19, 2000 interlocal agreement, so Table 2(a) needed to be amended to delete Old 41, since it is no longer a County responsibility.

**CPA2002-19**

Amend the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program. The adopted CIP amendment will cover fiscal years FY03/04 through FY07/08.

**CPA2002-22**

Amends the Housing Element text, Policy 100.2.3, by replacing the outdated reference to the approval process "Special Permit" with the current process "Special Exception." LDC amending Ordinance 96-06 provided that the zoning function of a Special Permit would be incorporated into the definition and procedure of the zoning function Special Exception. The required submittal documents, staff review, and Hearing Examiner directive for evaluation of a Special Exception are equally stringent as what was previously required for a Special Permit application.

**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  
Ellen M. Polanshek

who on oath says that he/she is the  
Asst. Legal Clerk 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  
Transmittal Hearing  
 in the \_\_\_\_\_ Court was  
 published in said newspaper in the issues of  
June 16, 2003

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.

*Ellen M. Polanshek*

Sworn to and subscribed before me this

16th day of June, 2003 by

Ellen M. Polanshek  
 personally known to me or who has produced

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

Notary Public *Brenda Leighton*

Print Name \_\_\_\_\_

My commission Expires:



Brenda Leighton  
 MY COMMISSION # DD169005 EXPIRES  
 February 14, 2007  
 BONDED THRU TROY FAIR INSURANCE, INC



**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, June 25, 2003. The hearings will be held in the Board of County Commissioners Hearing Chambers in the renovated Courthouse 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. The agenda of this hearing is set forth below.

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 479-8585 Extension 5910.

1. CALL TO ORDER; CERTIFICATION OF AFFIDAVIT OF PUBLICATION
2. PUBLIC COMMENT ON CONSENT AGENDA
3. CONSENT ITEMS TO BE PULLED FOR DISCUSSION BY THE BOARD
4. MOTION ON THE BALANCE OF ITEMS
5. CONSIDERATION OF ITEMS PULLED FOR DISCUSSION

**Consent Agenda:**

**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 allowing 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**

Amend 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 most recently adopted Capital Improvement Program.

**G. CPA 2002-22 - Housing Element 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."

**6. ADMINISTRATIVE AGENDA**

**A. CPA 2002-02 - Estero 60**

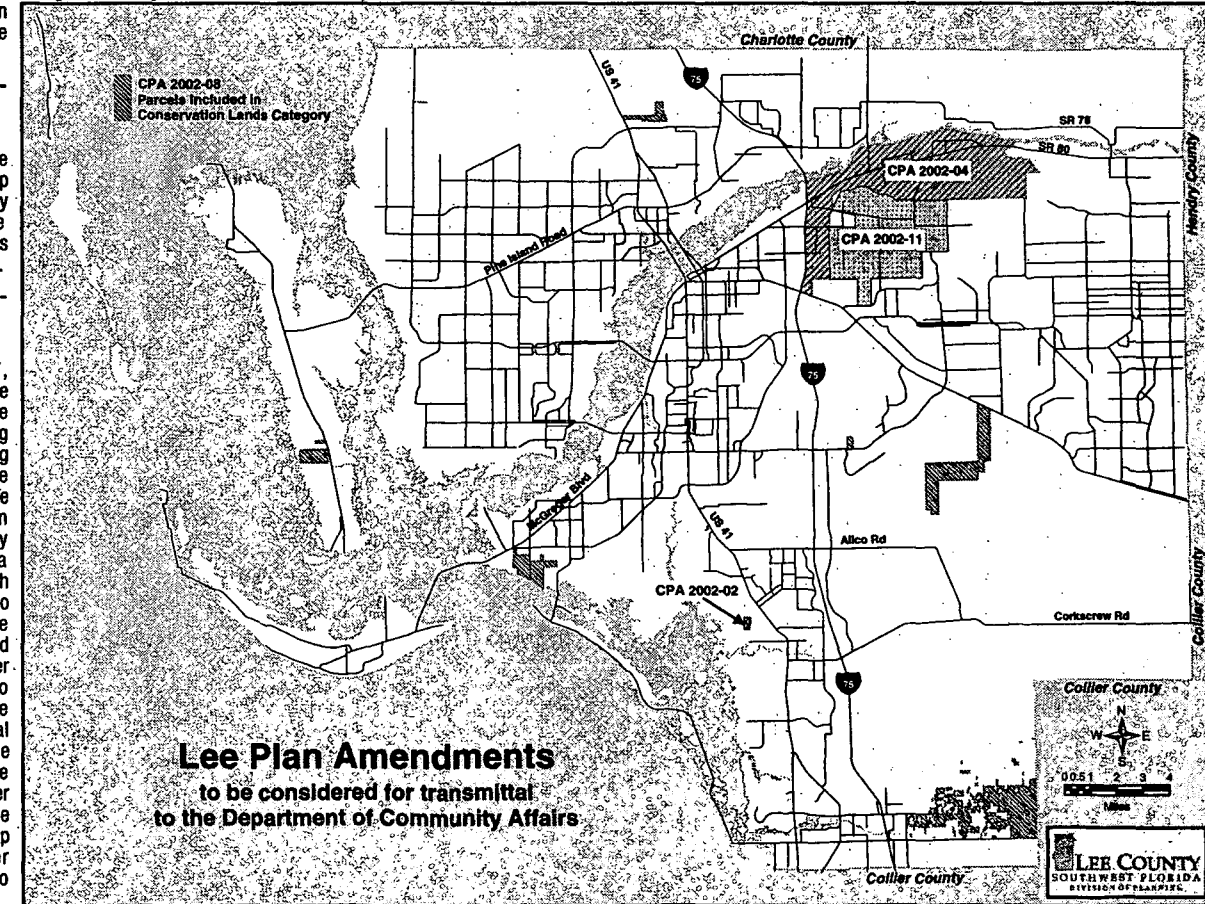
Amend Map 1 of the Future Land Use Map series to change the designation from "Rural" to "Outlying Suburban" on certain property located in Section 20, Township 46 South, Range 25 East. Amend Lee Plan Policy 1.1.6 by limiting the density in the reclassified area to 2 dwelling units per acre. Amend Table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

**7. 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.

**8. ADJOURN**



**Lee Plan Amendments  
 to be considered for transmittal  
 to the Department of Community Affairs**



# 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

Kieanna Henry

who on oath says that he/she is the

Asst. Legal Clerk 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 LPA Public Hearing

in the \_\_\_\_\_ Court

was published in said newspaper in the issues of

May 16, 2003

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.

Sworn to and subscribed before me this

16<sup>th</sup> day of May 2003 by

Kieanna Henry

personally known to me or who has produced

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

Notary Public

Print Name \_\_\_\_\_

My commission Expires:



Brenda Leighton  
MY COMMISSION # DD169005 EXPIRES  
February 14, 2007  
BONDED THRU TROY FAIR INSURANCE, INC.

RECEIVED  
COUNTY  
0 AM 8:55  
IM DEV  
RKS. CNTR.  
RD FLOOR

# MEETING NOTICE LEE COUNTY LOCAL PLANNING AGENCY PUBLIC HEARING

Notice is hereby given that the Lee County Local Planning Agency (LPA) will meet on Wednesday, May 28, 2003. The meeting will be held in the Community Development/Public Works Building, First Floor, Conference Room 1B, at 1500 Monroe Street in downtown Fort Myers. The meeting will commence at 8:30 a.m.

## AGENDA

1. Call to Order; Certification of Affidavit of Publication
2. Pledge of Allegiance
3. Public Forum
4. Approval of Minutes from April 28, 2003
5. 2002/2003 Regular Round Plan Amendment Review:
  - A. CPA 2002-04 - 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.
  - B. CPA2002-01 - Amend the Future Land Use Element of the Lee Plan, text and Future Land Use Map series to incorporate the recommendations of the ALVA Inc. Community Planning effort, establish a revised Vision Statement and a new Goal and subsequent Objectives and Policies.
6. Small Scale Plan Amendment Review:
  - A. CPA 2003-03 - Amend the Future Land Use Map series, Map 1, page 5 of 5 for a specified 6.8± acre parcel of land located in Section 19 Township 45 South, Range 26 East to change the boundary of Airport Noise Zone 3 to remove the subject property from that designation.
7. Spring 2003 Land Development Code Amendments

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE (LDC) TO AMEND CHAPTERS 2, 6, 10, 14, 30 AND 34; AMENDING CHAPTER 2 (ADMINISTRATION); AMENDING IMPACT MITIGATION (§2-485); AND

AMENDING CHAPTER 6 (BUILDINGS AND BUILDING REGULATION); CREATING COMPLIANCE WITH OUTDOOR LIGHTING STANDARDS (§6-113); BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD (§6-408); AND

AMENDING CHAPTER 10 (DEVELOPMENT STANDARDS); AMENDING DEFINITIONS AND RULES OF CONSTRUCTION (§10-1); AMENDING AND RENUMBERING GENERAL REQUIREMENTS (§10-7); AMENDING SPECIFIC REQUIREMENTS (§10-8); TRANSFER (§10-121); AMENDING AND RENUMBERING APPLICATION FORM AND CONTENTS (§10-153); ADDITIONAL REQUIRED SUBMITTALS (§10-154); AMENDING TYPES OF DEVELOPMENT ENTITLED TO LIMITED REVIEW (§10-174); FINAL INSPECTION AND CERTIFICATE OF COMPLIANCE (§10-183); REQUIRED (PLATS) (§10-211); LOT RECOMBINATIONS (§10-217); CONSTRUCTION OF SOIL CONDITIONS AND FLOOD HAZARDS (§10-253); BIKEWAYS AND PEDESTRIAN WAYS (§10-256); CONNECTION SEPARATION (§10-285); CONTROLLED ACCESS ROADS (§10-298); EXCAVATIONS (§10-329); SITE DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS AND DEVELOPMENTS (§10-610); AND

AMENDING CHAPTER 14 (ENVIRONMENT AND NATURAL RESOURCES); AMENDING PURPOSE AND INTENT (CLEAN WATER PROVISIONS) (§14-471); PROHIBITIONS (§14-473); DEFINITIONS (§14-475); INDUSTRIAL ACTIVITY (§14-476); STORMWATER POLLUTION PREVENTION PLAN (SWP3) CRITERIA (§14-477); MONITORING (§14-478); ENFORCEMENT (§14-479); AND

AMENDING CHAPTER 30 (SIGNS); AMENDING PROHIBITED SIGNS (§30-5); PERMITS; INSPECTIONS (§30-54); TEMPORARY SIGNS (§30-151); AND

AMENDING CHAPTER 34 (ZONING); AMENDING, PROVIDING FOR OR REMOVING DEFINITIONS OF "ANIMAL KENNEL", "AMBIENT LIGHT", "ARTIFICIAL LIGHT OR ARTIFICIAL LIGHTING", "AVERAGE LIGHTING", "BACK-LIGHTING", "BULB", "CANDELS OR CD", "CUMULATIVELY ILLUMINATED", "DIRECT LIGHT", "EXISTING OUTDOOR LIGHTING", "EXTERIOR LIGHTING", "FIXTURE", "FLOOD OR SPOT LIGHT", "FOOTCANDLE", "FULL CUTOFF", "FULLY SHIELDED", "HIGH PRESSURE SODIUM OR HPS", "ILLUMINANCE", "ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA OR IESNA", "INDIRECT LIGHT", "LAMP", "LIGHT LOSS FACTOR OR LLF", "LIGHT POLLUTION", "LIGHTING", "LOW PRESSURE

SODIUM OR LPS", "LUMINAIRE", "LUMEN", "MERCURY VAPOR", "METAL HALIDE OR MH", "NON-ESSENTIAL LIGHTING", "OUTDOOR LIGHTING", "PARTIALLY SHIELDED", "PHOTOMETRICS", "PLANNED DEVELOPMENT", "RECESSED", "SINGLE MANAGEMENT", "SKYGLOW", "UNIFIED CONTROL", "UNIFIED CONTROL COVENANT OF", "TELEPHONE BOOTH OR PAY TELEPHONE STATION", "UPLIGHTING" (§34-2); AMENDING FUNCTIONS AND AUTHORITY (BOARD OF COUNTY COMMISSIONERS) (§34-83); LOCAL PLANNING AGENCY (§34-111); MEMBERSHIP TERM OF OFFICE (§34-112); COMPENSATION OF MEMBERS; FUNDING (§34-113); ORGANIZATION AND OPERATION (§34-114); FUNCTIONS AND AUTHORITY (LOCAL PLANNING AGENCY) (§34-115); FUNCTIONS AND AUTHORITY (HEARING EXAMINER) (§34-145); FINAL DECISION; JUDICIAL REVIEW (§34-146); AMENDING AND RENUMBERING GENERAL SUBMITTAL REQUIREMENTS FOR APPLICATIONS REQUIRING PUBLIC HEARING (§34-202); AMENDING ADDITIONAL REQUIREMENTS FOR APPLICATIONS REQUIRING PUBLIC HEARING (§34-203); APPLICATIONS (§34-373); DELETING COVENANT OF UNIFIED CONTROL AND RESERVING SECTION (§34-374); AMENDING PUBLIC HEARING (§34-377); EFFECT OF PLANNED DEVELOPMENT ZONING (§34-378); AMENDING AND RENUMBERING DURATION OF RIGHTS CONFERRED BY ADOPTED MASTER CONCEPT PLAN (§34-381); AMENDING PERFORMANCE STANDARDS, CREATION OF NUISANCE (§34-624); CREATING OUTDOOR LIGHTING STANDARDS (§34-625); AMENDING USE REGULATIONS TABLE FOR AGRICULTURAL DISTRICTS (§34-653); USE REGULATIONS TABLE FOR ONE AND TWO FAMILY DISTRICTS (§34-694); USE REGULATIONS FOR ONE- AND TWO- FAMILY RESIDENTIAL DISTRICTS (§34-694); USE REGULATIONS TABLE FOR MOBILE HOME DISTRICTS (§34-735); USE REGULATIONS TABLE FOR CONVENTIONAL COMMERCIAL DISTRICTS (§34-843); USE REGULATIONS TABLE FOR PLANNED DEVELOPMENT DISTRICTS (§34-834); DEFINITIONS (PLANNED DEVELOPMENT DISTRICTS) (§34-1033); TRUCKS AND COMMERCIAL VEHICLES IN RESIDENTIALLY AND AGRICULTURALLY ZONED DISTRICTS (§34-1181); ASSISTED LIVING FACILITIES (§34-1411); AMENDING PURPOSE OF SUBDIVISION (MINING) (§34-1671); CREATING APPENDIX "N" (POTENTIAL MINING AREAS OF LEE COUNTY) (§34-1672) AMENDING AND RENUMBERING PERMIT REQUIRED (§34-1673); GENERAL POLICIES FOR APPROVAL AND OPERATION (§34-1674); APPLICATION FOR A GENERAL MINING PERMIT; ISSUANCE OF PERMIT (§34-1675); APPLICATION FOR A MINING OPERATION PERMIT (§34-1676); DURATION OF MINING PERMIT (§34-1677); RENEWAL OF PERMITS (§34-1678); ADDITIONAL PHASE APPROVALS (§34-1679); INSPECTIONS (§34-1680); SITE REQUIREMENTS (§34-1681); AMENDING AND RENUMBERING RESERVED PROVISIONS (§34-1681 - 34-1710); AMENDING REQUIRED SPACES (§34-2020); MINIMUM DIMENSIONS GENERALLY (§34-2221); AMENDING AND RENUMBERING RESERVED PROVISIONS (§34-3051 - 34-3100); DELETING DIVISION 38 (TELEPHONE BOOTHS AND PAY PHONE STATIONS; DELETING LOCATION (§34-3070); DELETING LIGHTING AND SIGNAGE (§34-3071); RENUMBERING DIVISION 38 (USE, OCCUPANCY AND CONSTRUCTION REGULATIONS); AMENDING NUMBER OF PRINCIPAL BUILDINGS ON LOT (§34-3102); RENUMBERING DIVISIONS 40 THRU 42 AS 39 THRU 41; AND

PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

8. Update on Lee County's Evaluation and Appraisal Report process.
9. Other Business
10. Adjournment

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(8)(b), 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 that, 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.

# MEETING NOTICE LOCAL PLANNING AGENCY PUBLIC HEARING

Notice is hereby given that the Lee County Local Planning Agency (LPA) will meet on Monday, April 28, 2003. The meeting will be held in the Board of County Commission Chambers at 2120 Main Street in downtown Fort Myers. The meeting will commence at 8:30 a.m.

### AGENDA

1. Call to Order; Certification of Affidavit of Publication
2. Pledge of Allegiance
3. Public Forum
4. Approval of Minutes from March 24, 2003
5. Plan Amendment Review
  - A. CPA2002-01 - Amend the Future Land Use Element of the Lee Plan, text and Future Land Use Map series to incorporate the recommendations of the ALVA Inc. Community Planning effort, establish a new Vision Statement, Goal and subsequent Objectives and Policies.
  - B. CPA2002-04 - 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.
  - C. CPA 2002-06 - Amend Table 1(b), Planning Community Year 2020 Allocations, by correcting the Outlying Suburban Allocation for the Alva Community.
  - D. CPA2002-08 - Amend the Future Land Use Map series, Map 1, by updating the Conservation Lands land use categories.
  - E. CPA2002-13 - 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.
  - F. CPA2002-15 - Update Table 2(a), Constrained Roads/State and County Roads, to eliminate Old 41, which is now a City of Bonita Springs road.
  - G. CPA2002-19 - Amend the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program.
6. Update on Lee County's Evaluation and Appraisal Report process.
7. Other Business
8. Adjournment

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(8)(b), 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.

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Further information may be obtained by contacting the Lee County Division of Planning at 479-8585.

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PO# 900565

## NEWS-PRESS

Published every morning - Daily and Sunday  
Fort Myers, Florida

### Affidavit of Publication

STATE OF FLORIDA  
COUNTY OF LEE

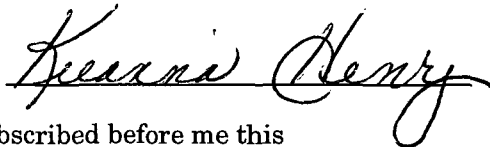
Before the undersigned authority, personally appeared  
**Kieanna Henry**

who on oath says that he/she is the  
**Asst. Legal Clerk** 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 **LPA Public Hearing**  
in the \_\_\_\_\_ Court  
was published in said newspaper in the issues of  
**April 18, 2003**

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.



Sworn to and subscribed before me this

18<sup>th</sup> day of April 2003 by

**Kieanna Henry**  
personally known to me or who has produced

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

Notary Public 

Print Name \_\_\_\_\_

My commission Expires:



Brenda Leighton  
MY COMMISSION # DD169005 EXPIRES  
February 14, 2007  
BONDED THRU TROY FAIR INSURANCE, INC.

00:6 WA 12  
JMM DEV  
WRKS. CNTR.  
OND FLOOR

RECEIVED  
COUNTY



**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 **Kieanna Henry** who on oath says that he/she is the **Asst. Legal Clerk** 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 **LPA Public Hearing** in the \_\_\_\_\_ Court was published in said newspaper in the issues of **March 14, 2003**

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.

*Kieanna Henry*

Sworn to and subscribed before me this

14<sup>th</sup> day of March 2003 by

**Kieanna Henry**

personally known to me or who has produced

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

Notary Public *Brenda Leighton*

Print Name \_\_\_\_\_

My commission Expires:



Brenda Leighton  
MY COMMISSION # DD169005 EXPIRES  
February 14, 2007  
BONDED THRU TROY FAIN INSURANCE, INC.

RECEIVED  
COUNTY  
00:06 AM 71

LEE COUNTY  
SOUTHWEST FLORIDA

**MEETING NOTICE  
LOCAL PLANNING AGENCY  
PUBLIC HEARING**

Notice is hereby given that the Lee County Local Planning Agency (LPA) will meet on Monday, March 24, 2003. The meeting will be held in the Board of County Commission Chambers at 2120 Main Street in downtown Fort Myers. The meeting will commence at 8:30 a.m.

**AGENDA**

1. Call to Order; Certification of Affidavit of Publication
2. Pledge of Allegiance
3. Public Forum
4. Approval of Minutes from February 24, 2003
5. Small Scale Plan Amendment Review:
  - A. CPA2003-01 - Amend the Future Land Use Map series for a specified 2.25 acre parcel of land located in Section 8 Township 46 South, Range 24 East to change the classification shown on Map 1, The Future Land Use Map, from "Industrial Development" to "Urban Community."
6. 2002/2003 Regular Round Plan Amendment Review
  - A. CPA2002-02 - 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.
  - B. CPA2002-04 - 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.
  - C. CPA2002-11 - 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 to the Future Sanitary Sewer Service Areas that have existing sewer service from Lee County Utilities or have an interlocal agreement with the City of Fort Myers for sewer service.
7. Update on Lee County's Evaluation and Appraisal Report process.
8. Communication Tower Master Plan and Ordinance

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE (LDC) TO AMEND CHAPTER 34 (ZONING); AMENDING THE DEFINITION OF "COMMUNICATION TOWER" (§34-2); FUNCTIONS AND AUTHORITY (BOARD OF COUNTY COMMISSIONERS) (§34-83); REHEARING OF DECISIONS (§34-84); FUNCTIONS AND AUTHORITY (HEARING EXAMINER) (§34-145); FINAL DECISION; JUDICIAL REVIEW (§34-146); ADDITIONAL REQUIREMENTS FOR APPLICATIONS REQUIRING PUBLIC HEARING (§34-203); AMENDING USE ACTIVITY GROUPS - ESSENTIAL SERVICE FACILITIES (§34-622); AMENDING USE REGULATIONS TABLE FOR AGRICULTURAL DISTRICTS (§34-653); FOR ONE- AND TWO-FAMILY RESIDENTIAL DISTRICTS (§34-694); FOR MULTIPLE-FAMILY RESIDENTIAL DISTRICTS (§34-714); FOR MOBILE HOME DISTRICTS (§34-735); FOR RECREATIONAL VEHICLE DISTRICTS (§34-791); FOR COMMUNITY FACILITIES DISTRICTS (§34-813); FOR CONVENTIONAL COMMERCIAL DISTRICTS (§34-843); FOR MARINE-ORIENTED DISTRICTS (§34-873); FOR INDUSTRIAL DISTRICTS (§34-903); FOR PLANNED DEVELOPMENT DISTRICTS (§34-934); AMENDING PRIVATE RECREATIONAL FACILITIES PLANNED DEVELOPMENTS (§34-941); AMENDING MODIFIED LAND DEVELOPMENT REGULATIONS, MASTER SITE PLAN - THE NORTH TAMiami REDEVELOPMENT OVERLAY DISTRICT (§34-1124) REPEALING AND REPLACING SATELLITE DISHES AND AMATEUR RADIO ANTENNA/TOWERS (§34-1175) AND CREATING A NEW SECTION ENTITLED SATELLITE EARTH STATIONS AND AMATEUR RADIO ANTENNAS, THAT PROVIDES FOR PURPOSE, APPLICABILITY, DEFINITIONS AND PROPERTY DEVELOPMENT REGULATIONS (§34-1175); REPEALING AND REPLACING ARTICLE VII, DIVISION 11, COMMUNICATION TOWERS IN ITS ENTIRETY (§§34-1441 - 34-1446); CREATING ARTICLE VII, DIVISION 11, ENTITLED WIRELESS COMMUNICATION FACILITIES; PROVIDING FOR PURPOSE AND INTENT (§34-1441); DEFINITIONS (§34-1442); APPLICABILITY AND EXEMPTIONS (§34-1443); PERMISSIBLE WIRELESS COMMUNICATION FACILITY LOCATIONS (§34-1444); REVIEW AND APPROVAL PROCESS (§34-1445); APPLICATION SUBMITTAL REQUIREMENTS (§34-1446); CREATING DEVELOPMENT REGULATIONS PERTAINING TO ANTENNA-SUPPORTING STRUCTURES, COLLOCATIONS, ROOF-MOUNTED ANTENNA-SUPPORTING STRUCTURES, SURFACE-MOUNTED ANTENNAS AND STEALTH WIRELESS COMMUNICATION FACILITIES (§34-1447); PROVIDING FOR EXPERT REVIEW (§34-1448); MONITORING AND EVALUATION (§34-1449); FEES AND INSURANCE (§34-1450); DISCONTINUED USE (§34-1451); NONCONFORMING ANTENNA-SUPPORTING STRUCTURES (§34-1452); AND VARIANCE CRITERIA (§34-1453); RENUMBERING RESERVED PROVISIONS §§34-1447 - 34-1470 TO §§34-1454 - 34-1470 (§§34-1447 - 34-1470); AMENDING EXCEPTIONS TO HEIGHT LIMITATIONS FOR CERTAIN STRUCTURAL ELEMENTS (§34-2173); AMENDING ARTICLE VIII NONCONFORMITIES (APPLICABILITY); AND PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

9. Other Business
10. Adjournment

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(8)(b), 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 that, 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.

**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  
**Kieanna Henry**  
who on oath says that he/she is the  
**Asst. Legal Clerk** 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 **LPA Public Hearing**  
in the \_\_\_\_\_ Court  
was published in said newspaper in the issues of  
**January 17, 2003**

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.

*Kieanna Henry*

Sworn to and subscribed before me this  
17<sup>th</sup> day of January 2003 by

**Kieanna Henry**  
personally known to me or who has produced

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

Notary Public *Brenda Leighton*

Print Name \_\_\_\_\_

My commission Expires:



Brenda Leighton  
MY COMMISSION # CC808905 EXPIRES  
February 14, 2003  
BONDED THRU TROY FAIN INSURANCE, INC.

NOTARY PUBLIC  
PUB. WKS. CNTR.  
SEPT 14 2003

03 JAN 21 AM 9:15

RECEIVED  
LEE COUNTY



**MEETING NOTICE  
LOCAL PLANNING AGENCY  
PUBLIC HEARING**

Notice is hereby given that the Lee County Local Planning Agency (LPA) will meet on Monday, January 27, 2003. The meeting will be held in the Board of County Commission Chambers at 2120 Main Street in downtown Fort Myers. The meeting will commence at 8:30 a.m.

**AGENDA**

1. Call to Order; Certification of Affidavit of Publication
2. Pledge of Allegiance
3. Public Forum
4. Approval of Minutes from November 25, 2002
5. Plan Amendment Review:
  - A. DRI Related Amendment
    - CPA2001-03 - Amend the Future Land Use Map for an approximate 24 acre portion of land located in Sections 12 and 13, Township 46 South, Range 25 East, to change the classification shown on Map 1 of the Future Land Use Map series from "Density Reduction/Groundwater Resource" to "University Community."
  - B. 2002/2003 Regular Round Amendment
    - CPA2002-22 - 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."
6. Other Business
7. Adjournment

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(8)(b), 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 that, 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.

PO# 900565

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Florida Department of State  
 Division of Historical Resources  
 The Capitol  
 Tallahassee, FL 32399-0250

2. Article Number  
 (Transfer from service label) 7000 1670 DD11 9183 9843

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X GRACIE PENTON  Agent  Addressee

B. Received by (Printed Name) DEPARTMENT OF STATE  
 C. Date of Delivery 7/01 09 2003

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**SENDER: COMPLETE THIS SECTION**

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Department of Agriculture and Consumer Svc  
 Division of Forestry  
 25 Connor Boulevard  
 Tallahassee, FL 32301

2. Article Number  
 (Transfer from service label) 7000 1670 DD11 9183 9836

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X A. Riles  Agent  Addressee

B. Received by (Printed Name) A. RILES  
 C. Date of Delivery 7/01 09 2003

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**SENDER: COMPLETE THIS SECTION**

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Florida Fish and Wildlife Conservation Commission  
 100 South Meridian Street  
 Tallahassee, FL 32399-1600

2. Article Number  
 (Transfer from service label) 7000 1670 DD11 9183 9829

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X Doyle K. Olama  Agent  Addressee

B. Received by (Printed Name) Doyle K. Olama  
 C. Date of Delivery 7/01 09 2003

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Executive Director  
 South Florida Water Management District  
 1301 Gun Club Road  
 West Palm Beach, FL 33406

2. Article Number  
 (Transfer from service label) 7000 1670 DD11 9183 9874

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X [Signature]  Agent  Addressee

B. Received by (Printed Name) JCA  
 C. Date of Delivery 7-9-03

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Mr. John Czerapak  
 Florida Department of Transportation  
 801 North Broadway  
 Bartow, FL 33830

2. Article Number  
 (Transfer from service label) 7000 1670 DD11 9183 9867

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X Bingham  Agent  Addressee

B. Received by (Printed Name) Bingham  
 C. Date of Delivery 7-9-03

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Department of Environmental Protection  
 Review Section  
 Commonwealth Boulevard, MS 47  
 Tallahassee, FL 32399-3000

2. Article Number  
 (Transfer from service label) 7000 1670 DD11 9183 9850

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X [Signature]  Agent  Addressee

B. Received by (Printed Name)  
 C. Date of Delivery JUL 09 2003

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**U.S. Postal Service CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

**OFFICIAL USE**

Postage \$  
 Certified Fee  
 Return Receipt Fee (Endorsement Required)  
 Restricted Delivery Fee (Endorsement Required)

Total Pct  
 Sent To Mr. David Burr  
 Street, Apt S.W. Florida Regional Planning Council  
 City, State P.O. Box 3455  
 4980 Bayline Drive, 4th Floor  
 North Fort Myers, FL 33918-3455

PS Form 3811, August 2001

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 banks, Community Program Administrator  
 Department of Community Affairs  
 of Local Planning  
 humard Oak Boulevard  
 Tallahassee, FL 32399-2100

2. Article Number  
 (Transfer from service label) 7000 1670 DD11 9183 9898

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X [Signature]  Agent  Addressee

B. Received by (Printed Name)  
 C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**SENDER: COMPLETE THIS SECTION**

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Mr. David Burr  
 S.W. Florida Regional Planning Council  
 P.O. Box 3455  
 4980 Bayline Drive, 4th Floor  
 North Fort Myers, FL 33918-3455

2. Article Number  
 (Transfer from service label) 7000 1670 DD11 9183 9881

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X [Signature]  Agent  Addressee

B. Received by (Printed Name) [Signature]  
 C. Date of Delivery 7-8-03

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

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

---

**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

---

**DCA Transmittal Document**

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

**June 25, 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 comments 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. Andress 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>
	<u>                    </u>

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

DATE OF TRANSMITTAL HEARING: June 25, 2003

**A. BOARD REVIEW:** This item was part of the consent agenda and was not pulled for discussion by the Board, and there were no comments from the public.

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

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

**C. VOTE:**

<b>JOHN ALBION</b>	<u>AYE</u>
<b>ANDREW COY</b>	<u>AYE</u>
<b>BOB JANES</b>	<u>AYE</u>
<b>RAY JUDAH</b>	<u>AYE</u>
<b>DOUG ST. CERNY</b>	<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: \_\_\_\_\_

**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
Esterero 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