



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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Ray Eubank, Community Program Administrator
Florida Department of Community Affairs
Division of Community Planning
Bureau of Local Planning
2555 Shumard Oak Boulevard
Tallahassee, FL. 32399-2100

Re: Amendments to the Lee Plan
Transmittal Submission Package for the 2000/2001 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 2000/2001 Regular Amendment Cycle to the Lee Plan. The Local Planning Agency held public hearings for these plan amendments on the following dates: January 22, 2001; February 26, 2001; March 26, 2001; April 23, 2001; June 4, 2001, June 25, 2001 and, July 23, 2001. The Board of County Commissioners transmittal hearing for the plan amendments was held on August 29, 2001. 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
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(941)479-8585
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Email: oonnops@leegov.com

Included with this package, per 9J-11.006, are six copies of the adopted amendment, 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),

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

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

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

Wayne Daltry
Executive 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

2000/2001 LEE PLAN AMENDMENT CYCLE

SUMMARY OF PLAN AMENDMENT CONTENT AND EFFECT

- PAM 98-06** Amends 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." Also, amends Lee Plan Policy 1.1.6 and Table 1(a), Note 6.
- PAT 99-14** Amends the Community Facilities and Services Element by modifying Policy 39.1.4 to reflect the current status of Lee County Division of Natural Resources in completing the identified basin studies and providing technical floodplain information and analysis. Given that the identified basin studies have been completed, the amendment proposes that the references to the basin studies be removed from Policy 39.1.4. Policy 39.1.4 has been amended to contain references to the appropriate government agencies that will be assisting Lee County in the development of new floodplain information.
- PAT 99-20** Reevaluates the allocations of Table 1(b), Planning Community Year 2020 Allocations, for consistency with existing and approved developments.
- Amends Map 16, Planning Communities, of the Future Land Use Map series to revise the Planning Community boundaries to reflect the incorporation of Bonita Springs and on going "grass roots" planning efforts.
1. CPA2000-04 Amends the Planning Community Year 2020 Allocation Table, Table 1(b), to provide sufficient allocations to accommodate the proposed residential component of the Orange River property. This request was included in PAT 99-20, as part of the analysis for the Fort Myers Planning Community. The specific request of this privately initiated amendment were not transmitted.
 2. CPA2001-01 Amends the Planning Community Year 2020 Allocation Table, Table 1(b), to provide sufficient allocations to accommodate the proposed residential component of the Bonita Beach Road Residential Planned Development. This request was included in PAT 99-20, as part of the analysis for the Bonita Springs Planning Community. The specific request of this privately initiated amendment were not transmitted.
- CPA2000-02** Amends Map 12 of the Future Land Use Map Series to delete the Boca Grande Pass Marina from the Water Dependent Overlay (WDO) zone, and,

amends Goal 15 of the Lee Plan by adding the following Objective and Policy:

Objective 15.5: Port Facility. The Water Dependent Overlay for South Boca Grande is limited to the Port Facility south of Belcher Road.

Policy 15.5.1: The commercial and industrial uses permitted in the Port District (excluding those specific uses approved pursuant to resolutions Z-86-166, Z-93-009, and Z-99-054) are not permitted within that portion of the boundaries of the Boca Bay Community with the zoning designation of Port District.

CPA2000-03

Amends the Future Land Use Map series, Map 1, the Future Land Use Map, to change the Future Land Use designation from Mixed Use Interchange and General Interchange to Outlying Suburban for approximately 152.37 +/- acres of land generally located in the northwest quadrant of the interchange of I-75 and Daniels Parkway. The amendment also deletes Policy 1.3.6, the Mixed Use Interchange descriptor policy, and reclassifies approximately 2 +/- acres that would remain in the Mixed Use Interchange category as General Interchange. Also, amends the Planning Communities Acreage Allocation Table 1(b), for the Daniels Parkway Planning Community, to remove 68 residential acres from the Mixed Use Interchange category and add 68 residential acres to the Outlying Suburban category.

CPA2000-06

Amends Map 1 of the Future Land Use Map series for land near Eagle Road, Section 24, Township 43S, Range 23E, from Open Lands to Rural. In addition, the amendment adds a Footnote to Table 1 (a) clarifying an exception to the Rural category for the area limiting the density in this area to 1 du/2.25 acres. Staff believes that the Rural category is a more suitable designation for the site than the Open Lands category given the existing density of residential uses and the character of the area. The area will remain designated as a non-urban area without increases in the allowable commercial and industrial intensities and the request will have a minimal impact on public service providers.

CPA2000-07

Amends the Future Land Use Map Series by adding a map delineating an area in Sections 13 and 24, Township 44 South, Range 24 East and Sections 17, 18, 19, and 20 Township 44 South, Range 25 East as an urban infill area. In addition, amends Objective 1.7, Special Treatment Areas, of the Future Land Use Element by adding a new policy describing urban infill areas of the County.

The state of Florida may have money available, for both planning and implementation, for Urban Infill and Redevelopment Grants. The City of Fort Myers Planning staff have identified an area along Martin Luther King Boulevard that has already qualified for a planning grant. The area contains both incorporated and unincorporated properties. The proposed plan

amendment, identifying the area for the planning study, is required in order to qualify for and receive the grant funding. At this time the grant application has been submitted and the City has been approved for the planning grant funding. The Board of County Commissioners, when they co-signed the grant application, committed to a plan amendment that would identify the subject property as an Urban Infill area.

CPA2000-08

Amends the Future Land Use Map (FLUM) series, Map 1, to more closely reflect the Town of Fort Myers Beach adopted Future Land Use Map. The categories used in the Fort Myers Beach Future Land Use Map are intended for different purposes than the Lee County Future Land Use categories. The Town's categories are targeted specifically for conditions on Estero Island, whereas the County categories were created for use in the entire County and have to address a broader range of conditions. As such, there are no exact matches between the two. Some Fort Myers Beach Categories such as Boulevard and Pedestrian Commercial have only approximate matches with Lee County FLUM categories.

CPA2000-09

Amends the Future Land Use Series, Map 1, by updating the Conservation Lands land use categories to include lands purchased by Lee County with the Conservation 2020 program and one property bought by the State of Florida (TIITF). New language was added to Policy 1.4.6 which states, "2020 lands designated as conservation are also subject to more stringent use provisions of 2020 Program or the 2020 ordinances." The Conservation Lands designation will give the County a competitive edge in obtaining grants, such as the Florida Community Trust, Greenways and Trails grant programs, through demonstrating Lee County's commitment to preserving natural areas as large parcels. The Conservation 2020 Program objective is to put into the public domain private lands that will sustain native plant and animal populations, help protect people and property from flooding, help replenish our underground drinking water supply, it will also help to improve or sustain the water quality of our coastal bays, inlets, and sounds, provide eco-tourism opportunities, and provide local environmentally-oriented recreational and educational opportunities.

CPA2000-10

Amends the Future Land Use Element by adding Research and Development as a permitted use under Policy 1.2.2, the Airport Commerce descriptor policy. The Research and Development land use is consistent with the uses that are already permitted in the Airport Commerce land use category. Providing for this use in Airport Commerce allows the County to better use the airport to attract new business in order to promote economic growth and diversification. Research and Development uses would benefit from a location proximate to the airport, the University, and I-75.

CPA2000-11

Amends the Future Land Use Element by modifying Policy 6.1.2.6 to clarify that extension of the interstate interchange use is not by right, but is permissive and subject to County review and approval.

Policy 6.1.2.6 states that “any contiguous property under one ownership **may** be developed as part of the interstate interchange...” This language does not guarantee that the interchange uses will be extended, nor does it state that the expansion of interchange uses is a choice made solely by the developer. The policy provides that certain criteria must be met in order to qualify for the expansion of the interchange, and once those criteria have been met, then the County has the ability to decide whether or not to allow it. The decision of whether or not to allow an interchange to be expanded should be made at the full discretion of the Board of County Commissioners given the potential impacts to the surrounding existing and future land uses. The existing language of Policy 6.1.2.6 does not make it clear enough that the County has full discretion over the expansion of the interchange uses. Staff has proposed amended language to the policy to help clarify this issue.

CPA2000-13

Amends the future Land Use Element by adding a policy to Goal 16, Private Recreational Facilities in the DR/GR, specifying minimum indigenous preserve area requirements. The purpose of the 200 acre indigenous preservation requirement for golf courses within the DR/GR is to protect water recharge, stormwater storage, and wildlife habitat. The criteria for achieving the indigenous preservation within these DR/GR developments should be stricter than areas within other Land Use Categories due to the sensitivity and importance of these lands to the general public. Policy 16.8 does not currently contain all the pertinent information for establishing minimum indigenous preservation criteria. It is important to amend Policy 16.8.12(2) of the Lee Plan to include minimum standards for indigenous preservation areas to insure the intent of the design criteria under Goal 16 is achieved.

CPA2000-14

Amends the Future Land Use Element by modifying Policy 16.3.9 to clarify the maintenance area intensity limitations. Policy 16.3.9 is ambiguous in its limitation on golf course maintenance areas. The 25,000 square feet per 18 hole regulation was intended to apply to the area of the maintenance building. Staff’s examination of the regulation, however, reveals that the limitation needs to be expanded to also include an acreage limitation that can accommodate other maintenance functions that may fall outside the primary maintenance building. The combination of the two limitations would prevent future confusion over the intent of the policy.

CPA2000-15

Amends the Future Land Use Element by modifying Policy 16.3.8.3 to clarify the setbacks from adjacent existing and planned residential uses. The LDC clearly states that the setback from golf course maintenance facilities to residential uses is measured from the edge of the “development area” to the residential property line. The proposed amendment to Lee Plan policy 16.3.8.3 is a reflection of the existing LDC regulation.

Certain vacant parcels in the DR/GR may be considered potential residential properties based on the property’s size, use, the zoning of surrounding

properties, the size of surrounding properties, and the ownership patterns in the area.

Golf course maintenance facilities present a negative visual appearance to the public when located immediately adjacent to public rights-of-way. The visual appearance along public roadways is a legitimate public interest. Additional standards for golf course maintenance areas are needed so that the public is not subjected to the negative visual impact that is brought about by these facilities. This impact should be kept internal to the development.

CPA2000-17

Amends the Future Land Use Element by removing Goal 13, Bonita Springs, and relocates policies which should continue to apply to the remaining unincorporated areas of Bonita Springs. The amendment evaluates the affect of the incorporation of the City of Bonita Springs and the provisions of Lee Plan Goal 13. The amendment proposes to delete from the Lee Plan those provisions in Goal 13 that will be responsibility of the City of Bonita Springs. The provisions of Goal 13 that do apply to the areas in south Lee County outside of the city limits are proposed to be retained and relocated. The amendment also adds a map, Map 13, depicting an irrigation well overlay to the Future Land Use Map series.

CPA2000-19

Amends the Lee Plan, text and Future Land Use Map series, to incorporate the recommendations of the Estero Community Planning Effort, establishing a Goal and subsequent Objectives and Policies specific to the Estero Community. The proposed goals, objectives, and policies are the result of a year long planning process. They directly reflect the vision that the Estero Community has for its future growth and development. Staff believes that this amendment should be viewed as a first step in a continuous process that addresses planning needs in Estero. Many issues have been addressed through this amendment, but there are others, such as those policies (or portions thereof) that staff has recommended for deletion, that will require more consideration in the future. The initial establishment of Goal 19 of the Lee Plan is the important first step that will open the door to address other land use planning issues in Estero as they arise. The Community identified a desire to maintain a "small town" feel and avoid high-rise residential uses while protecting existing neighborhoods from encroachment of potentially incompatible uses. The community has a desire to limit "tourist oriented uses," certain "detrimental uses," and high intensity uses along specific corridors. At the same time, the community expressed a desire for small-scale neighborhood commercial development.

CPA2000-21

This is a general update of the transportation element. The changes include a modification of Policy 22.1.4 to update the references to particular versions of the Highway Capacity Manual and the FDOT Level of Service Manual, a modification of Policy 26.1.3 to distinguish between traffic control devices and plans, an expansion of Goal 27 to include operations and maintenance among the aspects of transportation improvements that require coordination

with other governmental entities, addition of the new City of Bonita Springs to the list of cities in which the County declares a position of interest on land use decisions in Policy 27.1.3, and update of Policy 21.1.1 and the transportation map series to reflect the most recent MPO 2020 highway and transit plans.

CPA2000-22

Amends the Conservation and Coastal Management Element by adding a policy under Goal 78, Policy 78.1.6, stating that Lee County encourages the efforts of the South Florida Water Management District in establishing a Caloosahatchee Water Management Plan for the Caloosahatchee River. The South Florida Water Management District, the delegating entity over Southwest Florida's waterways, is establishing a Caloosahatchee Water Management Plan for the Caloosahatchee River through the participation of several studies and plans. Natural Resource staff and Planning staff recommend adding the proposed Policy to the Conservation and Coastal Management element of the Lee Plan supporting the effort.

CPA2000-23

Amends the Conservation and Coastal Management Element by adding a Policy under Goal 78, Policy 78.2.2, stating the County will review the Comprehensive Conservation and Management Plan for the Greater Charlotte Harbor Watershed by the year 2002. The Charlotte Harbor National Estuary Program has issued a draft Comprehensive Conservation and Management Plan for the Greater Charlotte Harbor Watershed. Natural Resource staff and Planning staff recommend adding the proposed Policy to the Conservation and Coastal Management element of the Lee Plan stating the County will review the plan in order to identify goals, objectives and policies relating to the recommendations of the drafted plan.

CPA2000-25

Amends the Parks, Recreation and Open Space Element by adding a new Objective and/or policies to Goal 52, Development Requirements, clarifying the purpose of open space in non-residential projects. The purpose of open space in a development is to provide pervious land area to achieve appropriate buffering, visual relief, landscaping, surface water treatment, and preservation of existing native trees and plant communities. Open space in non-residential developments serves these functions as it does in residential developments. Goal 52 of the Lee Plan currently does not treat all types of open space equally, addressing only residential open space. In addition, a new objective is proposed to require innovative open space design at the time of zoning review. This is consistent with other provisions of the Lee Plan and with the LDC. The purpose of the open space design is to assess the natural features of the site early in the development process, thereby incorporating the existing native vegetation in a manner that provides visual relief and buffers adjacent uses. Goal 52 of the Lee Plan should be modified to recognize the importance of open space and innovative design that incorporates natural features within developments.

- CPA2000-26** Prior changes to the Transportation Element of the Lee Plan eliminated references to "backlogged" roads because they had all been addressed in one fashion or another, and clarified some references related to "constrained" roads. These changes were not reflected in the Capital Improvements Element, where Policy 70.1.3 still includes "backlogged" and "constrained" roads references that are now inconsistent with language in the Transportation Element. The amendment eliminates the "backlogged" roads reference and updates the "constrained" roads reference in Policy 70.1.3.
- CPA2000-27** Amends the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program. Lee Plan Policy 70.1.1 requires a Capital Improvements Program to be prepared and adopted on an annual basis. Florida Statute 163.3177(3)(b) requires that the Capital Improvements Element of the comprehensive plan be amended annually to reflect the modifications of the adopted Capital Improvement Program (CIP). This amendment incorporates the most recently adopted CIP in the Capital Improvements Element.
- CPA2000-29** Adds a definition for the term "Natural Resource Extraction" to the Lee Plan Glossary. In addition, amends the Future Land Use Element by adding the term "Natural Resource Extraction" to Goal 10 and its Objectives and Policies, where applicable, clarifying that natural resources other than minerals are subject to Goal 10 requirements. Principal resources sought in Lee County are sand, gravel, limestone, oil and gas which include both organic and inorganic materials. It should be ensured that all mined materials, organic and inorganic, are included under the language of Goal 10. The improved term, "Natural Resource Extraction," should be placed in the Lee Plan Glossary to support the new term.
- CPA2000-31** Amends Policy 1.7.1, Airport Noise Zones, of the Future Land Use Element by removing language pertaining to the dedication of noise and aviation easements to Lee County within noise zones 2 and 3. Also amends the Lee Plan by deleting Policy 32.2.6. pertaining to the Aviation Easements Program. In addition, amends the Lee Plan Glossary by removing the definition of the term aviation easement as it will no longer apply in the Lee Plan. The proposed amendment has no effect on existing or future land uses.

**CPA2000-26
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

DCA Transmittal Document

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

August 29, 2001

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2000-26**

☒

Text Amendment

☐

Map Amendment

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

STAFF REPORT PREPARATION DATE: March 15, 2001

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

2. REQUEST:

Eliminate the Backlogged Road reference and update the Constrained Roads reference in Policy 70.1.3.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

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

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Lee County adopted a set of changes to the Transportation Element of its comprehensive plan to reflect a new transportation concurrency system in May, 2000 (PAM/T 99-23).
- As part of that amendment, Objective 22.2 and its related policies and Table 2(a) were deleted in their entirety, because they referred to "backlogged" roads.
- The language relating to backlogged roads was deleted because all of the backlogged roads that were subject to the conditions in the plan were improved or no longer level of service problems, and the district-averaging concurrency system was being replaced with a link-by-link system consistent with a previous County commitment.
- Policy 70.1.3 of the Capital Improvements Element still includes a paragraph that refers to backlogged roads and Table 2(a), which should be deleted.
- Amendment PAM/T 99-23 also included a minor change to Policy 22.3.2 dealing with "constrained" roads, updating the table reference [due to the deletion of Table 2(a)] and adding a phrase to make clear that the regulatory level of service standard associated with constrained roads only applies to those in unincorporated Lee County.
- Policy 70.1.3 also includes a reference to constrained roads that needs to be updated to be consistent with the changes made in PAM/T 99-23.

C. BACKGROUND INFORMATION

On May 4, 2000 the Board of County Commissioners adopted PAM/T 99-23, which was a series of amendments to the Transportation Element of the comprehensive plan to reflect a shift in Lee County's transportation concurrency management system from a district-averaging approach to a segment-by-segment approach, consistent with a previous comprehensive plan settlement agreement with the Florida Department of Community Affairs. Included in the series of amendments were the following text changes, highlighted in strike-through/underline format:

~~**OBJECTIVE 22.2: BACKLOGGED ROADS:** All backlogged roads will be operating at the general level of service standards required herein by the year 2000.~~

~~**POLICY 22.2.1:** The minimum acceptable levels of service specified in Policy 22.1.1. will not apply on an interim basis to the backlogged roads identified in Table 2(a). It is the county's intent that those segments will be operating at the identified standard in the shortest period possible, but no later than December 31, 1999. During that interim period, however, growth on those backlogged roads may be permitted if it is consistent with the Traffic District Program (Policy 22.2.2).~~

~~**POLICY 22.2.2:** A Traffic District Program is hereby established for purposes of determining allowable development affecting backlogged roads. On at least an annual basis, Lee County will estimate the service volumes for all county and state collectors, arterials, and freeways within each traffic district, and will determine the district-wide service volume surplus or deficiency.~~

-
- ~~1. Development permits that affect a backlogged road may still be approved provided that the surplus service volume resulting from the existing surplus service volume, any service volume increases due to committed roadway improvements, and any service volume increases due to interim improvements (reported as a percent of existing service volume on a district basis) is equal to or~~

exceeds the annual percent increase in traffic on a traffic district basis. However, such permits will be issued only if mitigation is provided in accordance with Policy 22.4.3.

- 2. In the event that the percent service volume growth identified above on a traffic district basis is less than the percent traffic growth in that district, no permits will be issued by Lee County for development that affects the backlogged segment. Such development will be permitted only if capacity enhancement and/or operational improvements are programmed for implementation within the specific District so that the total service volume growth for the District will again be equal to or greater than the District traffic growth. Growth on non-backlogged roads will not be affected. Development that does not affect the backlogged segment will still be allowed.*
- 3. For purposes of calculating service volumes for the Traffic District Program, the following rules apply:*
 - a. Constrained roads (see Table 2(b)) will not be included in the determination of traffic growth and percent service volumes.*
 - b. Percent traffic growth will be based on the last full year of traffic count information.*
 - c. Committed roadway improvements for purposes of this calculation are those improvements under a current construction contract.*

OBJECTIVE 22.32: CONSTRAINED ROADS. *Due to scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, Lee County has determined that certain roadway segments will be deemed "constrained" and therefore will not be widened. Reduced peak hour levels of service will be accepted on those constrained roads as a trade-off for the preservation of the scenic, historic, environmental, and aesthetic character of the community.*

POLICY 22.32.1: *Constrained roads are identified in Table 2(ba).*

POLICY 22.32.2: *A maximum volume-to-capacity (v/c) ratio of 1.85 is established for the constrained roads identified in Table 2(ba) that lie in the unincorporated area. No permits will issued by Lee County that cause the maximum volume-to-capacity ratio to be exceeded or that affect the maximum volume-to-capacity ratio once exceeded. Permits will only be issued when capacity enhancement and operational improvements are identified and committed for implementation that will maintain the volume-to-capacity ratio on the constrained segment at or below 1.85.*

POLICY 22.32.3: *For each constrained road identified in Table 2 (ba), an Operational Improvement Program is hereby established. This program identifies operational and capacity-enhancing improvements that can be implemented within the context of that constrained system. The Operational Improvement Program for constrained roads is identified in Table 2(cb).*

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Policy 70.1.3 of the Capital Improvements Element addresses the level of service standards for the concurrency management system. A large policy that duplicates information found in the Transportation Element, it includes a paragraph each discussing both backlogged roads and constrained roads. Most of Policy 70.1.3, including the two paragraphs in question, is reproduced below:

POLICY 70.1.3: MINIMUM ACCEPTABLE LEVEL-OF-SERVICE STANDARDS. *Level-of-service (LOS) standards shall be the basis for planning the provision of required public services within Lee County. Some of these standards shall be the basis for determining the adequacy of public facilities for the purposes of permitting new development. The "Minimum Acceptable Level of Service" shall be the basis for facility*

design, for setting impact fees, and (where applicable) for the operation of the Concurrency Management System (CMS).

Two classes of standards are established. "Regulatory" standards are those which apply to facilities identified in state law as being essential to support development. These consist of facilities for the provision of potable water, sanitary sewer, disposal of solid waste, stormwater management, community and regional parks, and transportation. (It is the intent of this element that these standards shall be the same as those established in the various relevant plan elements. If there are discrepancies between standards contained in the elements and standards as set forth herein, the standards set forth herein shall govern.) The second class, "non-regulatory" standards, are those which apply to other facilities for which the county desires to set standards for its own use; compliance with these standards shall not be a requirement for continued development permitting. (Amended by Ordinance 92-35)

REGULATORY STANDARDS

1. Potable Water Facilities....
2. Sanitary Sewer Facilities....
3. Facilities for Disposal of Solid Waste....
4. Stormwater Management Facilities....
5. Parks and Recreation Facilities...
6. Roadway Facilities:

The minimum acceptable peak hour, peak season, peak direction roadway levels of service will be as follows:

Minimum Acceptable Level of Service		Peak Hour/Peak Season/Peak Direction
State & County Roads : (Non-FIHS Roads)		
Arterials		E
Collectors		E
Freeways (Non-FIHS system)		D
FIHS Roads ⁽¹⁾ :		
I-75		
- Collier Line to Charlotte Line (Transitioning Area)		C ⁽²⁾
(Urbanized Area)		D ⁽²⁾
SR 80		
- I-75 to Buckingham Road (Transitioning Area)		C ⁽²⁾
(Urbanized Area)		D ⁽²⁾
- Buckingham Road to Hickey Creek (4L) (Rural Area)		B ⁽²⁾
(Transitioning Area)		C ⁽²⁾
(Urbanized Area)		D ⁽²⁾
- Hickey Creek to Hendry County (2L) (Rural Area)		C ⁽²⁾⁽³⁾
(4L) (Rural Area)		B ⁽³⁾
(Transitioning Area)		C ⁽²⁾
(Urbanized Area)		D ⁽²⁾

⁽¹⁾ The County may seek variances to the level of service standards for the FIHS facilities as authorized under Section 120.542, F.S. If granted, the level of service standards for I-75 and SR 80 will be as approved by FDOT in the Order Granting Petition for Variance.

⁽²⁾ If any portion of I-75 or SR 80 is determined to be within an urbanized area over 500,000 based on the year 2000 Census by FDOT pursuant to applicable rules, then the standard becomes "D" for any

such area. If any portion of SR 80 east of Buckingham Road is determined to be within a transitioning urbanized area based on the year 2000 Census by FDOT pursuant to applicable rules, then the standard becomes "C" for any such area.

⁽³⁾ If the portion of SR 80 east of Hickey Creek is multi-laned and remains in the rural area after the year 2000 Census then the standard becomes "B".

The minimum acceptable levels of service specified above shall not apply on an interim basis to the backlogged roads identified in Table 2(a). It is the county's intent that these segments will be operating at the identified standard in the shortest period possible, but no later than December 31, 1999. During that period, however, growth on those backlogged roads may be permitted if it is consistent with the Traffic District Program (Policy 22.2.2)

Due to scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, Lee County has determined that certain roadway segments will not be widened. Therefore, reduced peak hour levels of service will be accepted on those constrained roads as a trade-off for the preservation of the scenic, historic, environmental, and aesthetic character of the community. These constrained roads are defined in Table 2(b). Growth on those constrained roads will be permitted only within the volume-to-capacity (v/c) ratios established in this plan and only if consistent with the Operational Improvement Program for those constrained roads.

The minimum acceptable level of service as specified above for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is subject to Policy 14.2.1 and Policy 14.2.2.

For minimum acceptable levels of service determination, the peak season, peak hour, peak direction condition shall be defined as the 100th highest volume hour of the year in the predominant traffic flow direction. The 100th highest hour approximates the typical peak hour during the peak season. Peak season, peak hour, peak direction conditions shall be calculated using K-100 factors and "D" factors from the nearest, most appropriate county permanent traffic count station. (Amended by Ordinance No. 99-15, 00-08)

NON-REGULATORY STANDARDS

7. Recreation Facilities...

8. Libraries...

9. Emergency Medical Service...

B. CONCLUSIONS

The language in the two paragraphs dealing with backlogged roads and constrained roads is inconsistent with the changes approved last year as part of PAM/T 99-23. The paragraph on backlogged roads should be deleted in its entirety, just as the objective and policies in the Transportation Element dealing with backlogged roads and Table 2(a) were deleted by the previous amendment. Again, all of the backlogged roads that were subject to these conditions have been improved or are no longer level of service problems, and the district-averaging approach to transportation concurrency was eliminated in favor of a link-by-link approach. The paragraph on constrained roads simply needs to be updated to change the table references [due to the deletion of Table 2(a)] and to add a clarifying phrase that makes clear the regulatory level of service standard associated with constrained roads only applies to those in unincorporated Lee County, consistent with the changes made in the Transportation Element last year.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment. The proposed language is as follows:

Two classes of standards are established. "Regulatory" standards are those which apply to facilities identified in state law as being essential to support development. These consist of facilities for the provision of potable water, sanitary sewer, disposal of solid waste, stormwater management, community and regional parks, and transportation. (It is the intent of this element that these standards shall be the same as those established in the various relevant plan elements. If there are discrepancies between standards contained in the elements and standards as set forth herein, the standards set forth herein shall govern.) The second class, "non-regulatory" standards, are those which apply to other facilities for which the county desires to set standards for its own use; compliance with these standards shall not be a requirement for continued development permitting. (Amended by Ordinance 92-35)

- Hickey Creek to Hendry County	(2L)	(Rural Area)	C ⁽²⁾⁽³⁾
	(4L)	(Rural Area)	B ⁽³⁾
		(Transitioning Area)	C ⁽²⁾
		(Urbanized Area)	D ⁽²⁾

⁽¹⁾ The County may seek variances to the level of service standards for the FIHS facilities as authorized under Section 120.542, F.S. If granted, the level of service standards for I-75 and SR 80 will be as approved by FDOT in the Order Granting Petition for Variance.

⁽²⁾ If any portion of I-75 or SR 80 is determined to be within an urbanized area over 500,000 based on the year 2000 Census by FDOT pursuant to applicable rules, then the standard becomes "D" for any such area. If any portion of SR 80 east of Buckingham Road is determined to be within a transitioning urbanized area based on the year 2000 Census by FDOT pursuant to applicable rules, then the standard becomes "C" for any such area.

⁽³⁾ If the portion of SR 80 east of Hickey Creek is multi-laned and remains in the rural area after the year 2000 Census then the standard becomes "B".

~~The minimum acceptable levels of service specified above shall not apply on an interim basis to the backlogged roads identified in Table 2(a). It is the county's intent that these segments will be operating at the identified standard in the shortest period possible, but no later than December 31, 1999. During that period, however, growth on those backlogged roads may be permitted if it is consistent with the Traffic District Program (Policy 22.2.2)~~

Due to scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, Lee County has determined that certain roadway segments will not be widened. Therefore, reduced peak hour levels of service will be accepted on those constrained roads within unincorporated Lee County as a trade-off for the preservation of the scenic, historic, environmental, and aesthetic character of the community. These constrained roads are defined in Table 2(ba). Growth on those constrained roads will be permitted only within the volume-to-capacity (v/c) ratios established in this plan and only if consistent with the Operational Improvement Program for those constrained roads.

The minimum acceptable level of service as specified above for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is subject to Policy 14.2.1 and Policy 14.2.2.

For minimum acceptable levels of service determination, the peak season, peak hour, peak direction condition shall be defined as the 100th highest volume hour of the year in the predominant traffic flow direction. The 100th highest hour approximates the typical peak hour during the peak season. Peak season, peak hour, peak direction conditions shall be calculated using K-100 factors and "D" factors from the nearest, most appropriate county permanent traffic count station. (Amended by Ordinance No. 99-15, 00-08)

NON-REGULATORY STANDARDS

7. Recreation Facilities...

8. Libraries....

9. Emergency Medical Service....

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

DATE OF PUBLIC HEARING: March 26, 2001

A. LOCAL PLANNING AGENCY REVIEW

The LPA members asked some general questions about the status of the County's concurrency management system and discussions of changes with the Florida Department of Community Affairs, current roadway conditions and level of service standards, the benefits of a link-by-link approach to concurrency, and roadway functional classification. There were no comments from the general public.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** The LPA recommended that the Board of County Commissioners transmit this amendment.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	_____ AYE
SUSAN BROOKMAN	_____ AYE
BARRY ERNST	_____ AYE
RONALD INGE	_____ AYE
GORDON REIGELMAN	_____ AYE
VIRGINIA SPLITT	_____ AYE
GREG STUART	_____ AYE

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

DATE OF TRANSMITTAL HEARING: August 29, 2001

A. BOARD REVIEW: One Board member pulled this item from the consent agenda for discussion. This member questioned the 1.85 volume-to-capacity (v/c) ratio used as a regulatory standard for constrained roads, which staff explained had been in the plan for 11 years. This member asked that staff review that standard, which will be done as part of a future amendment cycle or as part of the Evaluation and Appraisal Report (EAR) process. This member also asked about coordination of facility needs across jurisdictional boundaries and was assured that such coordination does take place. Finally, this member suggested that the County may want to consider policies that allow for affordable housing even where roads are congested, referencing walk-to-work concepts and the on-going Smart Growth effort. There were no comments from the general public on this proposed amendment.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board voted unanimously to transmit this amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff.

C. VOTE:

JOHN ALBION

AYE

ANDREW COY

AYE

BOB JANES

AYE

RAY JUDAH

AYE

DOUG ST. CERNY

AYE

**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:

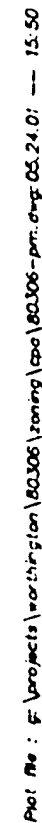
JOHN ALBION

ANDREW COY

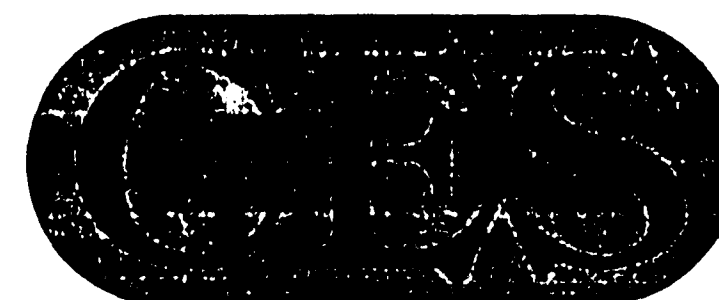
BOB JANES

RAY JUDAH

DOUG ST. CERNY



date 022801
drawn RHH
file name: PARCELMAP
job CPA

[illegible]

COMMUNITY ENGINEERING SERVICES, INC.
Civil Engineering • Surveying • Project Management

9200 Bonita Beach Road Suite 213
Bonita Springs, Florida 33923
Telephone (941) 495-0009 Fax (941) 495-7934

WORTHINGTON OF RENAISSANCE, LLC.
 PARCEL MAP

LEE COUNTY, FLORIDA

scale: $1'' = 300'$

SHEET

1 OF 1

date_

Boylan Environmental Consultants, Inc.

Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessments
11000 Metro Pkwy., Suite 4, Ft. Myers, Florida 33912

South Florida Water Management District
Wetland Jurisdictional Determination

Project: The Renaissance

Craig D. Schmittle 8-25-2000
Craig Schmittle Date

WETLANDS		APPROX. ACREAGE
FLUCCS		
211H	WET PASTURE	29.80
411H	FLATWOOD WETLANDS	3.46
424H	MELALEUCA WETLANDS	62.29
500	DITCHES - OPEN WATER	27.86
621	CYPRESS	30.09
621/424	CYPRESS - MELALEUCA	3.17
624	PINE - CYPRESS	4.70
624/424	PINE - CYPRESS - MELALEUCA	16.20
645	WET PRAIRIE	1.15
740H	DISTURBED WETLANDS	2.35
TOTAL		143.61

UPLANDS		APPROX. ACREAGE
FLUCCS		
100	RESIDENTIAL	1.77
211	IMPROVED PASTURE	253.20
320	WAX MYRTLE	10.79
321	PALMETTO	12.14
411	PINE FLATWOODS	26.33
424	MELALEUCA	1.45
432	MIXED HARDWOODS	1.62
437	AUSTRALIAN PINE	0.40
740	DISTURBED	0.98
743	SOIL	0.09
800	ROADS	14.68
TOTAL		335.45

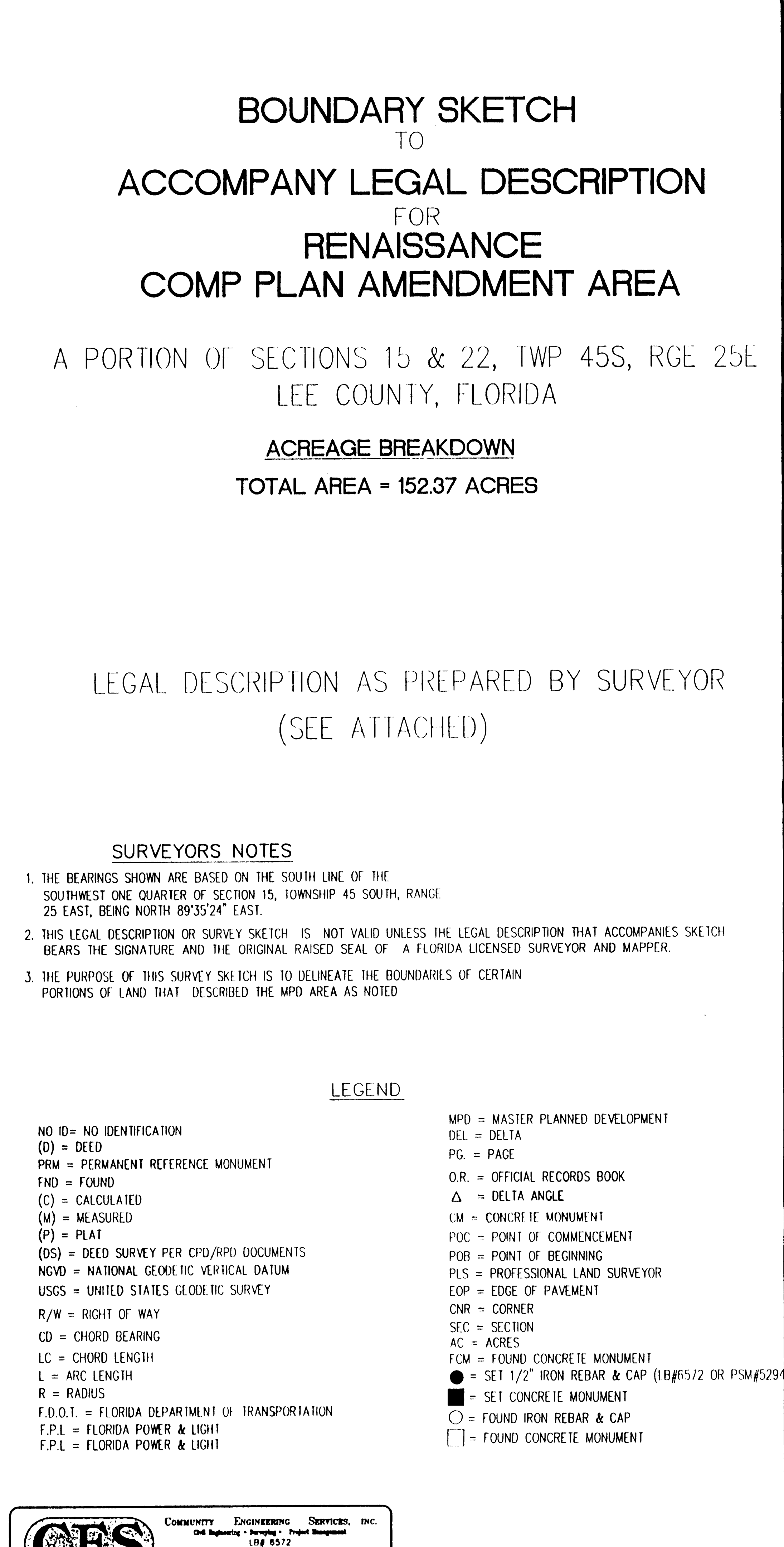
TOTAL UPLANDS = +/- 335.45 ACRES
TOTAL ACOE & SFWMD WETLANDS = +/- 143.61 ACRES
OPEN WATER = +/- 27.86 ACRES

JD Conducted
2-99

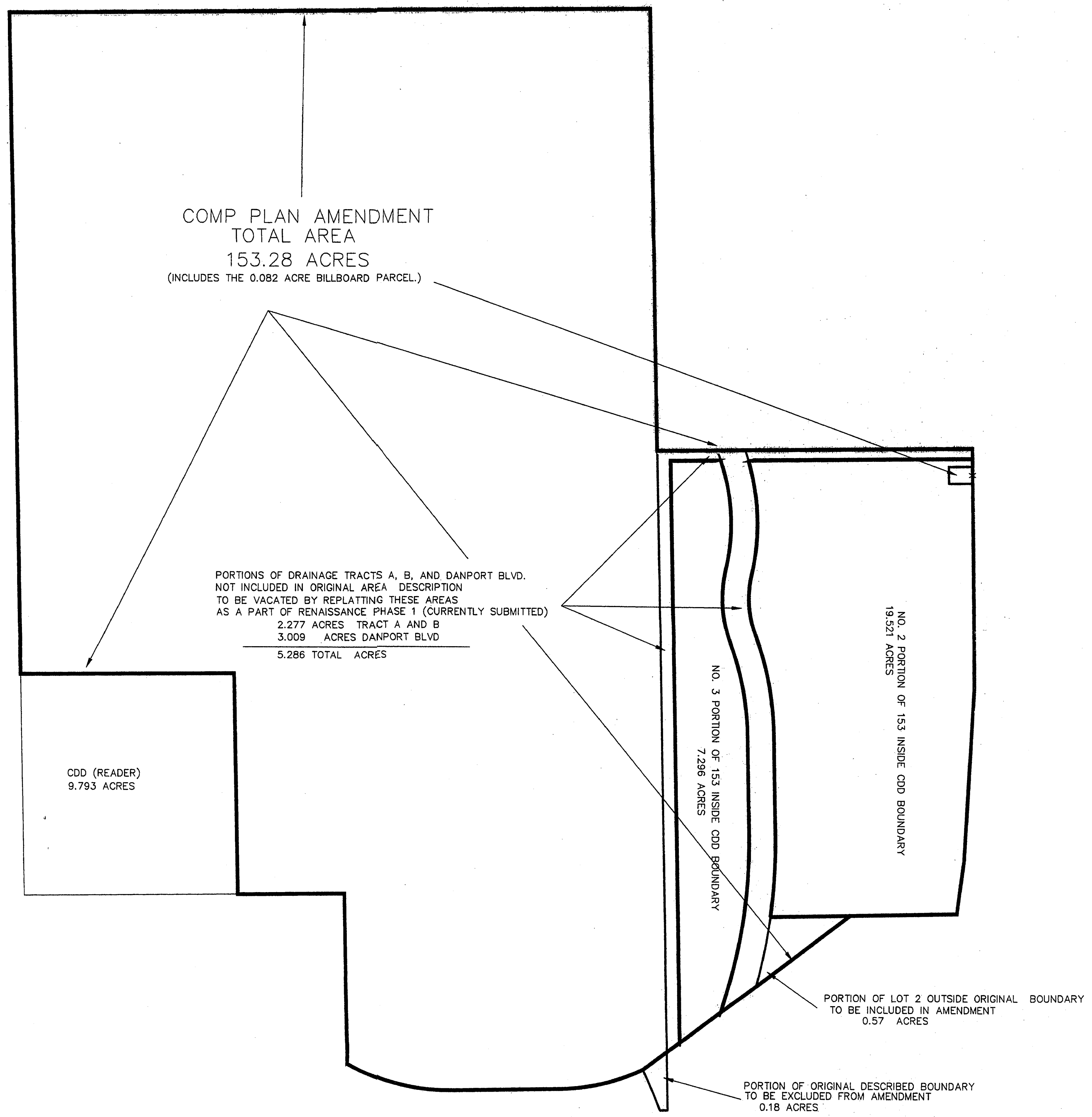
Wetlands
OSW, Swales

NOV 6 2000

File: \\Bac\Bac\Bac\The Renaissance\2000\16152130\16152130.dwg Submittal\16152130.dwg Printed: 2000-08-16 15:21:30



511.728 ACRES



COMP PLAN AMENDMENT
TOTAL AREA
153.28 ACRES
(INCLUDES THE 0.082 ACRE BILLBOARD PARCEL.)

PORTIONS OF DRAINAGE TRACTS A, B, AND DANPORT BLVD.
NOT INCLUDED IN ORIGINAL AREA DESCRIPTION
TO BE VACATED BY REPLATTING THESE AREAS
AS A PART OF RENAISSANCE PHASE 1 (CURRENTLY SUBMITTED)
2.277 ACRES TRACT A AND B
3.009 ACRES DANPORT BLVD
5.286 TOTAL ACRES

CDD (READER)
9.793 ACRES

NO. 2 PORTION OF 153 INSIDE CDD BOUNDARY
19.521 ACRES

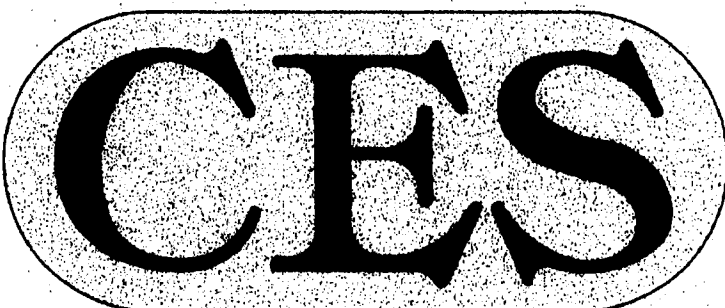
NO. 3 PORTION OF 153 INSIDE CDD BOUNDARY
7.296 ACRES

PORTION OF LOT 2 OUTSIDE ORIGINAL BOUNDARY
TO BE INCLUDED IN AMENDMENT
0.57 ACRES

PORTION OF ORIGINAL DESCRIBED BOUNDARY
TO BE EXCLUDED FROM AMENDMENT
0.18 ACRES

PLEASE NOTE THAT THE AREAS AS SHOWN ARE BASED ON
ACTUAL SURVEY DATA AND MAY VARY FROM THOSE AREAS AS
INDICATED ON PARCEL INFORMATION ON RECORD IN OFFICES OF LEE COUNTY FLORIDA.

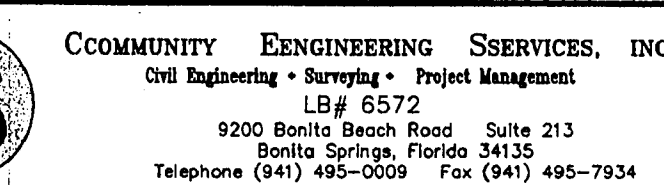
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drawn			
file name: AMEND_KEY			
job CDD/153			

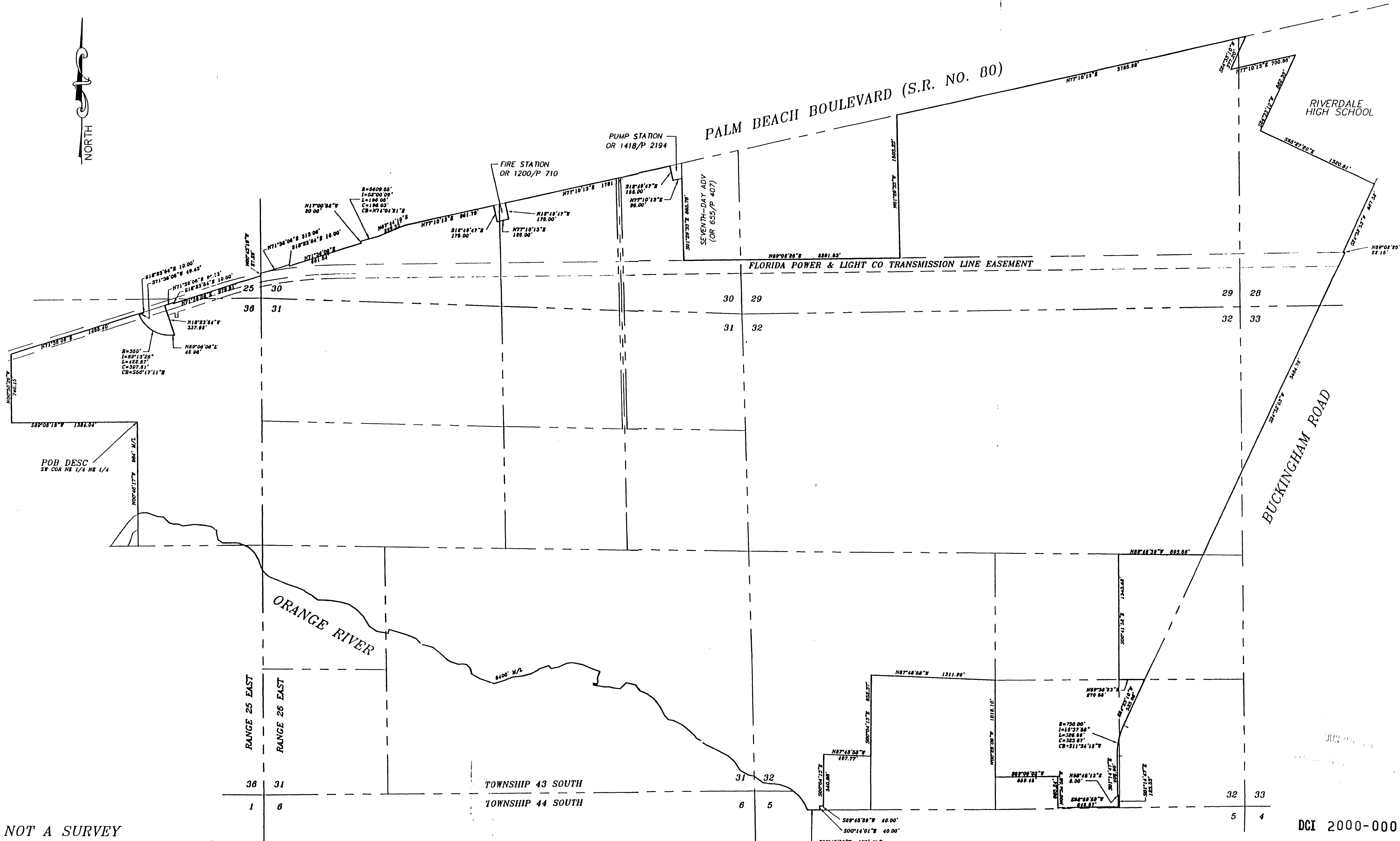


COMMUNITY ENGINEERING SERVICES, INC.
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9200 Bonita Beach Road Suite 213
Bonita Springs, Florida 33923
Telephone (941) 495-0009 Fax (941) 495-7934

COMP PLAN AMENDMENT AREAS
PARCEL KEY MAP

scale: 1"=200' 1"=10'	date
SHEET	
1 of 1	





THIS IS NOT A SURVEY

W. Britt Pomeroy, Jr.
W. BRITT POMEROY, JR. (FOR THE FIRM - LB#642)
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 4448

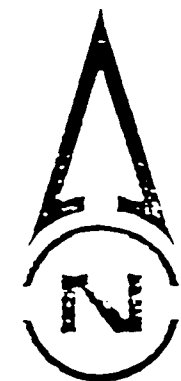
DATE SIGNED: 9-19-00

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

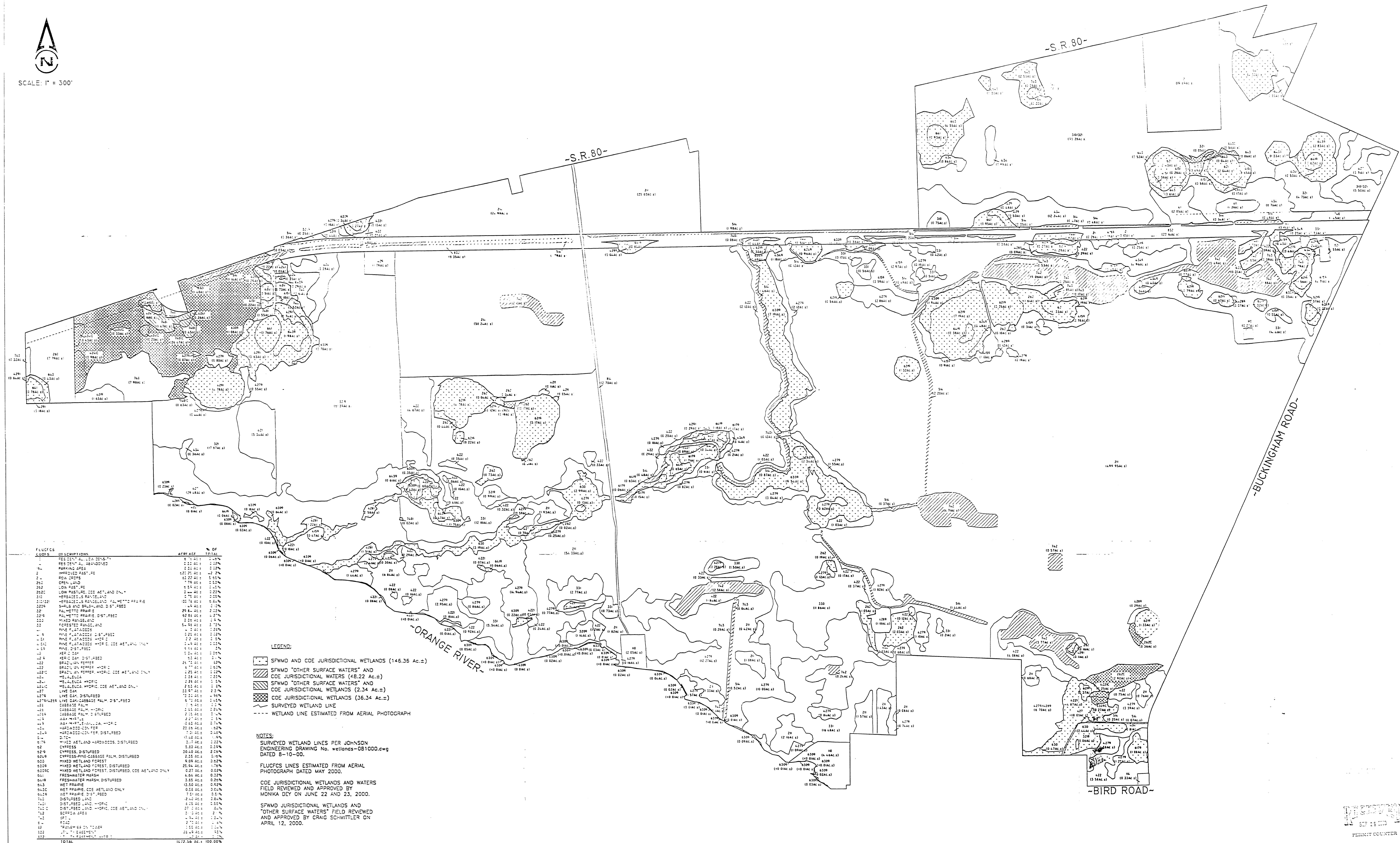
DCI 2000-00069

SKETCH TO ACCOMPANY DESCRIPTION
PARCEL IN
SECTIONS 25 & 36, T. 43 S., R. 25 E.
SECTIONS 28, 29, 30, 31, 32 & 33, T. 43 S., R. 26 E.
LEE COUNTY, FLORIDA

JOHNSON ENGINEERING, INC.				
ENGINEERS, SURVEYORS AND ECOLOGISTS				
2158 JOHNSON STREET, P.O. BOX 1550, FORT MYERS, FLORIDA 33902-1550, PHONE (941) 334-0046				
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
Sept., 2000	991536	25-43-25	1" = 500'	1 OF 1



SCALE: 1" = 300'



LEGEND:

- SPWMD AND COE JURISDICTIONAL WETLANDS (146.35 AC.±)
- SPWMD "OTHER SURFACE WATERS" AND COE JURISDICTIONAL WATERS (48.22 AC.±)
- SPWMD "OTHER SURFACE WATERS" AND COE JURISDICTIONAL WETLANDS (2.34 AC.±)
- COE JURISDICTIONAL WETLANDS (36.34 AC.±)
- SURVEYED WETLAND LINE
- WETLAND LINE ESTIMATED FROM AERIAL PHOTOGRAPH

NOTES:

SURVEYED WETLAND LINES PER JOHNSON ENGINEERING DRAWING No. wetlands-081000.dwg DATED 8-10-00.

FLUCFCS LINES ESTIMATED FROM AERIAL PHOTOGRAPH DATED MAY 2000.

COE JURISDICTIONAL WETLANDS AND WATERS FIELD REVIEWED AND APPROVED BY MONIKA DEY ON JUNE 22 AND 23, 2000.

SPWMD JURISDICTIONAL WETLANDS AND "OTHER SURFACE WATERS" FIELD REVIEWED AND APPROVED BY CRAIG SCHMITTLER ON APRIL 12, 2000.

REVISIONS	DESIGNED BY	DATE	HORIZONTAL SCALE
REVISED WETLANDS 11 AND 14	A.W.	9/14/00	1"=300'
REVISED BOUNDARY ALONG RIVER	K.C.P.	9/14/00	VERTICAL SCALE
	P.A.F.	9/14/00	N/A
			SEC./TWP./RNG.
			25.36/43S/25E
			29.30.31.32/43S/26E

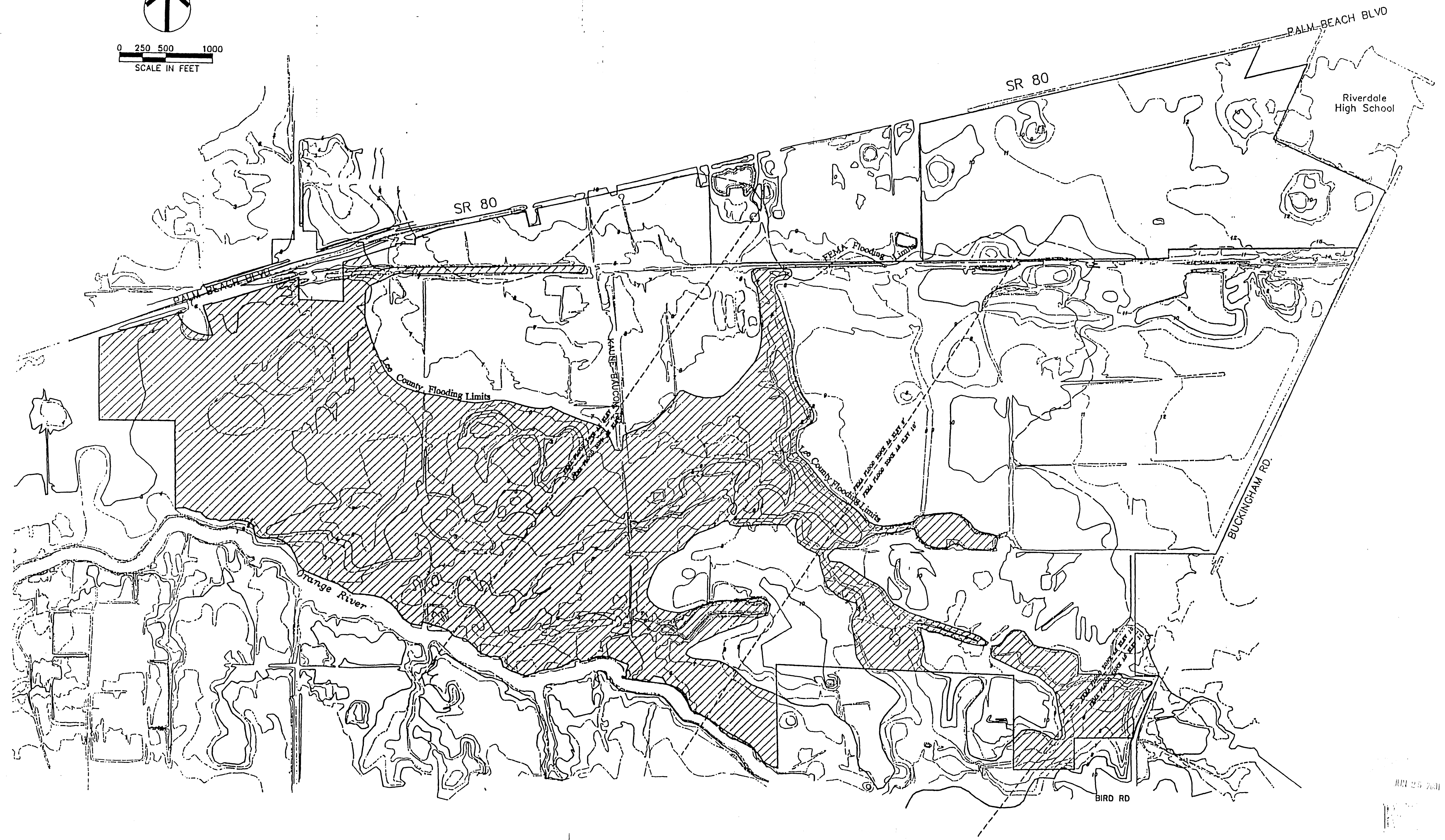
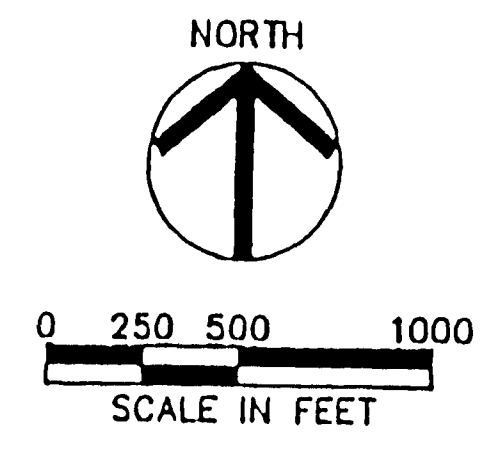
PASSARELLA and ASSOCIATES, INC.
Consulting Ecologists
4575 Via Royale Suite 201 Ft. Myers, FL 33919

BAUCOM PROPERTY
FLUCFCS AND WETLANDS MAP

EXHIBIT C.1

DRAWING No.:
99BBP402FW-1
SHEET No.:
1

DOI 2000-00069



1' CONTOUR BASED ON LEE COUNTY AERIAL DATA OF VARIOUS DATES.

EXHIBIT C.3 OCT 2000-00069

Lee County, Florida

Topographic Map
and Flooding Limits

JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS
2158 JOHNSON STREET, P.O. BOX 1350, FORT MYERS, FLORIDA 33902-1350, PHONE (813) 334-0048

DATE	PROJECT NO.	FILE NO.	SCALE
09/23/99	19991536	28-44-26	1" = 500'