



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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

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

October 23, 2003

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

☒

Text Amendment

☐

Map Amendment

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

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

C. VOTE:

NOEL ANDRESS	_____ AYE
MATT BIXLER	_____ AYE
SUSAN BROOKMAN	_____ AYE
DAN DeLISI	_____ AYE
RONALD INGE	_____ AYE
GORDON REIGELMAN	_____ ABSENT

**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:

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: September 5, 2003

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The DCA had no objections, recommendations or comments concerning this amendment.

B. STAFF RESPONSE

Adopt the amendment as transmitted.

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

DATE OF ADOPTION HEARING: October 23, 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 adopt the amendment as part of the consent agenda, on a motion by Commissioner Albion and a second by Commissioner Janes.
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

ABSENT

BOB JANES

AYE

RAY JUDAH

AYE

DOUG ST. CERNY

AYE

TABLE 2(a)
CONSTRAINED ROADS
STATE AND COUNTY ROADS

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

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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**BoCC Public Hearing Document
for the
October 23, 2003 Adoption Hearing**

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

October 3, 2003

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

☒

Text Amendment

☐

Map Amendment

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

STAFF REPORT PREPARATION DATE: 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.
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- 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:

NOEL ANDRESS	_____ AYE
MATT BIXLER	_____ AYE
SUSAN BROOKMAN	_____ AYE
DAN DeLISI	_____ AYE
RONALD INGE	_____ AYE
GORDON REIGELMAN	_____ ABSENT

**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:

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: September 5, 2003

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The DCA had no objections, recommendations or comments concerning this amendment.

B. STAFF RESPONSE

Adopt the amendment as transmitted.

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

DATE OF ADOPTION HEARING: October 23, 2003

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

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

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Estero Boulevard	Center Street/Big Carlos Pass	County	ROW, Scenic, Aesthetic
Hickory Boulevard	Big Carlos Pass/Bonita Beach Road	County	Scenic, Aesthetic, Environmental
McGregor Boulevard (SR 867)	Colonial Boulevard/College Parkway	State	ROW, Scenic, Aesthetic, Historic, Environmental
Pine Island Road (Matlacha)	Shoreview Drive/Little Pine Island	County	ROW, Scenic, Aesthetic, Environmental
San Carlos Boulevard (SR 865) (Matanzas Pass Bridge)	Center Street/Main Street	State	ROW, Scenic, Aesthetic, Environmental
US 41	South of Daniels Road/North Airport Road	State	ROW
Old 41	Bonita Beach Road/Terry Street	County	ROW, Scenic, Aesthetic, Historic
Gulf Boulevard	Boca Grande	County	Scenic, Aesthetic, Historic, Environmental

**CPA2002-15-T
CONSTRAINED ROAD
BoCC SPONSORED
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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*

June 25, 2003

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

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Text Amendment

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Map Amendment

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<input checked="" type="checkbox"/>	Staff Review
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	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
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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:

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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.

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- Table 2(a) needs to be revised to delete Old 41 now that it is no longer a County responsibility.

C. BACKGROUND INFORMATION

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

C. VOTE:

NOEL ANDRESS	AYE
MATT BIXLER	AYE
SUSAN BROOKMAN	AYE
DAN DeLISI	AYE
RONALD INGE	AYE
GORDON REIGELMAN	ABSENT

**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:

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUG ST. CERNY	<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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CONSTRAINED ROAD
BoCC SPONSORED
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TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**BoCC Transmittal Hearing Document
for the
June 25th, 2003 Public Hearing**

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

June 4, 2003

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

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Text Amendment

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Map Amendment

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STAFF REPORT PREPARATION DATE: April 10, 2003

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A. STAFF DISCUSSION

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B. CONCLUSIONS

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REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: April 28, 2003

A. LOCAL PLANNING AGENCY REVIEW

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1. **RECOMMENDATION:** The LPA unanimously recommended that the Board of County Commissioners transmit this proposed amendment, on a motion by Mr. Address and a second by Mr. Bixler.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	_____ AYE
MATT BIXLER	_____ AYE
SUSAN BROOKMAN	_____ AYE
DAN DeLISI	_____ AYE
RONALD INGE	_____ AYE
GORDON REIGELMAN	_____ ABSENT

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

DATE OF TRANSMITTAL HEARING: June 25, 2003

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

**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

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RAY JUDAH

DOUG ST. CERNY

TABLE 2(a)
CONSTRAINED ROADS
STATE AND COUNTY ROADS

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

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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**LPA Public Hearing Document
for the
April 28th, 2003 Public Hearing**

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

April 10, 2003

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

☒

Text Amendment

☐

Map Amendment

<input checked="" type="checkbox"/>	This Document Contains the Following Reviews:
<input checked="" type="checkbox"/>	Staff Review
<input type="checkbox"/>	Local Planning Agency Review and Recommendation
<input 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: 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

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS

MATT BIXLER

SUSAN BROOKMAN

DAN DeLISI

RONALD INGE

GORDON REIGELMAN

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

DATE OF TRANSMITTAL 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

**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

TABLE 2(a)
CONSTRAINED ROADS
STATE AND COUNTY ROADS

ROADWAY	SEGMENT	MAINTENANCE RESPONSIBILITY	CONSTRAINED CONDITIONS
Captiva Road	Blind Pass/South Seas Plantation	County	ROW, Scenic, Aesthetic, Environmental
Daniels Parkway	Metro Parkway/I-75	County	ROW
Estero Boulevard	Center Street/Big Carlos Pass	County	ROW, Scenic, Aesthetic
Hickory Boulevard	Big Carlos Pass/Bonita Beach Road	County	Scenic, Aesthetic, Environmental
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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

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.

Kieanna Henry

Sworn to and subscribed before me this

18th 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

Brenda Leighton

Print Name

My commission Expires:



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

COND. FLOOR
WRKS. CNTR.
OMN. DEV.

00:06 AM 12 21

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, 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.

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.

PO# 900565