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Copy - Board Agenda Item & File

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20060842

1. ACTION REQUESTED/PURPOSE: Discuss the options available for the formation of a Community Planning effort for the North Fort Myers Planning Community and give Staff direction on how to proceed. Options: (a.) Standard Community Plan approach or (b.) Modified Community Plan approach

2. WHAT ACTION ACCOMPLISHES: Determines the most appropriate way to proceed with this Community Planning effort.

3. **MANAGEMENT RECOMMENDATION:** Option a.

4. Departmental Category: 4 A4A		5. Meeting Date: June 27, 2006
6. Agenda:	7. Requirement/Purpose: *(specify)*	8. Request Initiated:
___ Consent	___ Statute ___	Commissioner ___
X Administrative	___ Ordinance ___	Department Community Development
___ Appeals	___ Admin. Code ___	Division MGibbs
___ Public	___ Other ___	By: Mary Gibbs/Jim Mudd
___ Walk-On		

9. Background: The North Fort Myers community is in the process of establishing a Community Planning Panel. To date, there have been several meetings among community leaders, residents, the District #4 Commissioner, Smart Growth Director and the Community Development Staff.

County Administrative Code 13-3 sets forth the process by which Community Planning Panels are assisted with a community planning effort. However, initial discussion about the best way to proceed with the plan for North Fort Myers have led the group towards an approach similar to that being undertaken in Lehigh Acres. Lehigh Acres involves unique circumstances and issues that led the Commission to direct staff to modify the standard Community Planning procedure. Rather than providing a grant to the Community Planning Panel, a hybrid approach was developed for Lehigh that involves the hiring of planning consultants with oversight by County Staff. This hybrid approach was meant to deal with the numerous issues involved with a rapidly growing 97 square mile pre-platted community. The expected costs for this hybrid process will be in excess of the $50,000 limitation included in AC 13-3.

North Fort Myers would also like to pursue a hybrid approach. The Community Planning effort is requested by petition of 25 North Fort Myers residents, who come from diverse locations within North Fort Myers. There are two options for the Board to choose from, (a.). Standard approach – Community selects its consultant and manages the project with a $50,000 County grant to offset the costs to the Community, (b.) Modified approach – County selects the consultant and manages the project paying the full cost with input from the Community Planning Panel and interested citizens.

Staff recommends the standard approach (Option a.). The Community Panel and the consultant will identify critical issues with potential geographic sub areas to receive potential specialized approaches as identified through the standard approach scoping plan. Any future funding requests regarding this planning effort will come back to the Board for review.

Attachment: North Fort Myers Statement of Purpose signed by 25 residents

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services afm 6/15				County Manager/P.W. Director
					Analyst afm 6/15	Risk afm 6/15	Grants afm 6/15	Mgr. 6/15/06	HS 6/15/06

11. Commission Action:

X **Approved** as amended
___ **Deferred** option A or B
___ **Denied** James/A
___ **Other**

Rec. by CoAtty
Date: 6/15/06
Time: 4:25pm
Forwarded To: Co. Admin 6-15-06 4:30pm

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20061330

1. ACTION REQUESTED/PURPOSE: Concur with the ranking of Consultants by the Competitive Negotiations Committee for CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY, in the following order of ranking and authorize contract negotiations with the number one ranked firm: (1) HDR Engineering, Inc.; (2) Land Design Innovations Inc., (3) LaRue Planning & Management Services Inc., and (4) Heidt & Associates Inc.

2. WHAT ACTION ACCOMPLISHES: Provides Lee County with a Consultant for purpose of a planning study is to assist the North Fort Myers Community in developing a vision for future development and redevelopment of their community and to identify major issues and to help the community identify a brand or identity for North Fort Myers that will help instill a positive image for residents and others.

3. MANAGEMENT RECOMMENDATION: Approval recommended.

4. Departmental Category: 4. Community Development		5. Meeting Date:
6. Agenda: X Consent ___ Administrative ___ Appeals ___ Public ___ Walk-On	7. Requirement/Purpose: *(specify)* ___ Statute ___ Ordinance X Admin. Code AC-4-4 ___ Other	8. Request Initiated: Commissioner Department Community Development Division By: Mary Gibbs, Director

9. Background:

Letters of Interest were solicited on behalf of the Board of County Commissioners for planning services for the North Fort Myers Community Planning Study.

The deadline for receipt of Letters of Interest was September 12, 2006. A total of ten (10) Letters of Interest were submitted by the established deadline. All ten (10) Letters of Interest were considered at the Competitive Negotiations Committee meeting on September 18, 2006. The Competitive Negotiations Committee consisted of the following members: Holly Schwartz, Assistant County Manager as Chairperson, Jim Mudd, Project Manager, Community Development and Laura Alvarez, N Ft Myers Community Representative. Based on the information submitted by all ten (10) firms, it was the consensus of the Committee to invite six (6) firms for written and oral presentations.

During the period from short-list notification and the date for scheduled presentations DeLisi Fitzgerald Inc., and WilsonMiller Inc. withdrew from the selection process. On the basis of the information submitted by the firms in the Letters of Interest and after conducting oral presentations on October 3, 2006, the Committee agreed to recommend to the Board the following order of ranking of Consultants: (1) HDR Engineering, Inc.; (2) Land Design Innovations Inc., (3) LaRue Planning & Management Services Inc., and (4) Heidt & Associates Inc. The negotiated Agreement will be brought back to the Board for approval.

Attachments: 1) Competitive Negotiations Committee Overall Ranking Sheet

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
M. Gibbs		N/A							

11. Commission Action:

____ Approved
____ Deferred
____ Denied
____ Other

COMPETITIVE NEGOTIATIONS COMMITTEE
OVERALL RANKING SHEET
INTERVIEWS/PRESENTATIONS
FOR
CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY
TUESDAY, OCTOBER 3, 2006
BEGINNING & 1:00 P.M.

COMPANY NAME	NUMBER RANKED
DeLisi Fitzgerald Inc.	———
Heidt & Associates Inc.	4
HDR Engineering Inc.	1
Land Design Innovations Inc.	2
LaRue Planning & Mgmt Services Inc.	3
WilsonMiller Inc.	———

COMMITTEE MEMBER SIGNATURE: _____ DATE: 10-3-06

PROJECT MANAGER

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20070078

1. ACTION REQUESTED/PURPOSE: Award Professional Services Agreement for CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY to HDR Engineering Inc., in the not-to-exceed amount of $50,000.00. Also, authorize Chairman to execute attached Agreement on behalf of the Board. Funds are available from the Planning Division operating budget.

2. WHAT ACTION ACCOMPLISHES: Provides Lee County with a Planning Consultant to develop a community plan for North Fort Myers.

3. MANAGEMENT RECOMMENDATION: Approval recommended.

4. Departmental Category: 04. Community Development				**5. Meeting Date:**
6. Agenda:	**7. Requirement/Purpose:** *(specify)*			**8. Request Initiated:**
X **Consent**	___ **Statute**			**Commissioner** ___
___ **Administrative**	___ **Ordinance**			**Department** Community Development
___ **Appeals**	X **Admin. Code**	**AC-4-4**		**Division** M. Gibbs
___ **Public**	___ **Other**			**By: Mary Gibbs, Director**
___ **Walk-On**				

9. Background: On October 24, 2006, the Board approved the ranking of consultants and authorized negotiations to commence with the number one ranked firm. The ranking was as follows: (1) HDR Engineering Inc.; (2) Land Design Innovations Inc.; (3) LaRue Planning & Management Services Inc., and (4) Heidt & Associates Inc.

Negotiations were successful with the number one ranked firm, HDR Engineering Inc. This now requires Board approval for the not-to-exceed amount of $50,000.00.

Funds are available in the following account: LB5150715500.508309.06 (Unincorporated MSTU)

Attached: Two Professional Services Agreements for execution

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
Mary Gibbs 1/22/06		N/A							

11. Commission Action:

___ **Approved**
___ **Deferred**
___ **Denied**
___ **Other**

INVOICE

HDR Engineering, Inc.
Suite 250
2202 North Westshore Blvd.
Tampa, Florida 33607
(813) 282-2300

To
Lee County
P.O.Box 398
Fort Myers, FL 33902-0398

Attn: Jim Mudd

202116

ORIGINAL

Invoice No.	M-225423
Invoice Date	March 31, 2007
Month Ending	March 31, 2007
Project No.	59963

$ 8,204.00

For Professional Engineering Services related to North Fort Myers Community Planning Study
Contract # 3786 with Lee County

N. Ft. Myers Community Planning Study	Lump Sum	To Date Billed	% Complete	Previously Invoiced	Current Invoice
Project Kick-Off	$ 1,870.00	$ 1,870.00	100%	$ -	$ 1,870.00
Field Reconnaissance	$ 1,350.00	$ 1,350.00	100%	$ -	$ 1,350.00
Data Evaluation	$ 7,250.00	$ 1,450.00	20%	$ -	$ 1,450.00
Public Meetings (2)	$ 8,835.00	$ 3,534.00	40%	$ -	$ 3,534.00
Work Session	$ 6,650.00	$ -	0%	$ -	$ -
Draft Community Plan	$ 8,895.00	$ -	0%	$ -	$ -
Final Plan and Presentation	$ 15,150.00	$ -	0%	$ -	$ -
Total Engineering Design Services	**$ 50,000.00**	**$ 8,204.00**		**$ -**	**$ 8,204.00**

For Billing Inquiries:
Renee Hadala
813-282-2432
renee.hadala@hdrinc.com

Check remittance
HDR, Inc.
P.O. Box 3480
Omaha, Nebraska, 68103-0480

Total **$ 8,204.00**

INVOICE

HDR Engineering, Inc.
Suite 250
2202 North Westshore Blvd.
Tampa, Florida 33607
(813) 282-2300

	Invoice No.	M-230739
To 202116		
Lee County	**Invoice Date**	April 28, 2007
P.O.Box 398		
Fort Myers, FL 33902-0398	**Month Ending**	April 28, 2007
Attn: Jim Mudd	**Project No.**	59963
		$ 1,087.50

For Professional Engineering Services related to North Fort Myers Community Planning Study
Contract # 3786 with Lee County

N. Ft. Myers Community Planning Study	Lump Sum	To Date Billed	% Complete	Previously Invoiced	Current Invoice
Project Kick-Off	$ 1,870.00	$ 1,870.00	100%	$ 1,870.00	$ -
Field Reconnaissance	$ 1,350.00	$ 1,350.00	100%	$ 1,350.00	$ -
Data Evaluation	$ 7,250.00	$ 2,537.50	35%	$ 1,450.00	$ 1,087.50
Public Meetings (2)	$ 8,835.00	$ 3,534.00	40%	$ 3,534.00	$ -
Work Session	$ 6,650.00	$ -	0%	$ -	$ -
Draft Community Plan	$ 8,895.00	$ -	0%	$ -	$ -
Final Plan and Presentation	$ 15,150.00	$ -	0%	$ -	$ -
Total Engineering Design Services	**$ 50,000.00**	**$ 9,291.50**		**$ 8,204.00**	**$ 1,087.50**

For Billing Inquiries:	**Check remittance**	**Total**	**$ 1,087.50**
Renee Hadala	HDR, Inc.		
813-282-2432	P.O. Box 3480		
renee.hadala@hdrinc.com	Omaha, Nebraska, 68103-0480		

LEE COUNTY

PROFESSIONAL SERVICE AGREEMENT/SERVICE PROVIDER AGREEMENT

INVOICE STATEMENT

Date: 04/28/07

CN No.: 06-19 Contract No.: 3786 Project No.:

Payment No.: 2 (☐ W.I.P.P. ☐ Final) for Period 04/28/07 to 04/28/07

Project Name: North Fort Myers Community Planning Study

Attachments ☐ Yes ☐ No

PAYEE: Consultants Name: HDR Engineering, Inc.

Mailing Address: 2202 North West Shore Blvd, Suite 250

City & State Tampa, FL ZIP CODE 33607

INSTRUCTIONS

Warrant will be mailed to Consultant's mailing address given, unless special instructions are provided to the immediate left of the Instructions.

Deliver Warrant: Special Instructions - If Other than Mail

Mail Payment to: HDR

P.O. Box 3480, Omaha, NE 68103-0480

CONTRACTUAL FINANCIAL DATA

LS

ORIGINAL PSA/SPA AMOUNT				$ 50,000.00
PLUS:	Change Order #		dated	
	Change Order #		dated	
	Change Order #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	Total Change Orders/S.T.A. ADDING to cost of Agreement			$ 50,000.00
Less:	Change Order #		dated	
	Change Order #		dated	
	Change Order #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	Total Change Orders/S.T.A. SUBTRACTING from cost of Agreement			$ -
Total Amount of Current PSA/SPA				$ 50,000.00
Total Amount Completed to Date				$ 9,291.50
Less Amounts Previously Invoiced				$ 8,204.00
Amount of this Invoice				$ 1,087.50
Total Amounts Paid to DBE's from above				
Name of DBE(s):				

CT#3786 Line 2 L0515071550.503190.05 VF 10287. $1087.50

Signed Project Manager: Jim Mudd Date: 5/18/07

Approved Dept/Div Director: Paul Morgan Date: 5/18/07

Approved Fiscal Person: Denise Steinke Date: 5/21/07

INVOICE

COPY

HDR Engineering, Inc.
Suite 250
2202 North Westshore Blvd.
Tampa, Florida 33607
(813) 282-2300

HDR

		Invoice No.	M-230739
To	202116		
Lee County		**Invoice Date**	April 28, 2007
P.O.Box 398			
Fort Myers, FL 33902-0398		**Month Ending**	April 28, 2007
Attn: Jim Mudd		**Project No.**	59963
			$ 1,087.50

For Professional Engineering Services related to North Fort Myers Community Planning Study
Contract # 3786 with Lee County

N. Ft. Myers Community Planning Study	**Lump Sum**	**To Date Billed**	**% Complete**	**Previously Invoiced**	**Current Invoice**
Project Kick-Off	$ 1,870.00	$ 1,870.00	100%	$ 1,870.00	$ -
Field Reconnaissance	$ 1,350.00	$ 1,350.00	100%	$ 1,350.00	$ -
Data Evaluation	$ 7,250.00	$ 2,537.50	35%	$ 1,450.00	$ 1,087.50
Public Meetings (2)	$ 8,835.00	$ 3,534.00	40%	$ 3,534.00	$ -
Work Session	$ 6,650.00	$ -	0%	$ -	$ -
Draft Community Plan	$ 8,895.00	$ -	0%	$ -	$ -
Final Plan and Presentation	$ 15,150.00	$ -	0%	$ -	$ -
Total Engineering Design Services	**$ 50,000.00**	**$ 9,291.50**		**$ 8,204.00**	**$ 1,087.50**

For Billing Inquiries:	**Check remittance**	**Total**	**$ 1,087.50**
Renee Hadala	HDR, Inc.		
813-282-2432	P.O. Box 3480		
renee.hadala@hdrinc.com	Omaha, Nebraska, 68103-0480		

LEE COUNTY

PROFESSIONAL SERVICE AGREEMENT/SERVICE PROVIDER AGREEMENT

INVOICE STATEMENT

Date: 09/13/07

CN No.: 06-19 Contract No.: 3786 Project No.:

Payment No.: (☐ W.I.P.P. ☐ Final) for Period 08/05/07 to 09/01/07

Project Name: North Fort Myers Community Planning Study

Attachments ☐ Yes ☐ No

PAYEE: Consultants Name: HDR Engineering, Inc.

Mailing Address: 2202 North West Shore Blvd, Suite 250

City & State Tampa, FL ZIP CODE 33607

Deliver Warrant: Special Instructions - If Other than Mail

Mail Payment to: HDR

P.O. Box 3480, Omaha, NE 68103-0480

INSTRUCTIONS

Warrant will be mailed to Consultant's mailing address given, unless special instructions are provided to the immediate left of the Instructions.

CONTRACTUAL FINANCIAL DATA

ORIGINAL PSA/SPA AMOUNT				$ 50,000.00
PLUS:	Change Order #		dated	
	Change Order #		dated	
	Change Order #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	Total Change Orders/S.T.A. ADDING to cost of Agreement			$ 50,000.00
Less:	Change Order #		dated	
	Change Order #		dated	
	Change Order #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	Total Change Orders/S.T.A. SUBTRACTING from cost of Agreement			$ -
Total Amount of Current PSA/SPA				$ 50,000.00
Total Amount Completed to Date				$ 37,820.75
Less Amounts Previously Invoiced				$ 34,751.25
Amount of this Invoice				$ 3,069.50
Total Amounts Paid to DBE's from above				
Name of DBE(s):				

Signed Project Manager: Jim Mudd Date: 9/21/07

Approved Dept/Div Director: Paul O'Connor Date: 9/25/07

Approved Fiscal Person: _____ Date: _____

HDR | ONE COMPANY *Many Solutions*℠

HDR Engineering, Inc.
Tampa, FL 33607
Phone: (813) 282-2300

Invoice

Please send remittance with copy of invoice to
P.O. Box 3480
Omaha, NE 68103-0480

To: 202116
Lee County
P.O.Box 398
Fort Myers, FL 33902-0398

Attn: Jim Mudd

Invoice No. M-257386
Invoice Date September 13, 2007
Month Ending September 1, 2007
Project No. 59963
$ 3,069.50

For Professional Engineering Services related to North Fort Myers Community Planning Study
Contract # 3786 with Lee County

N. Ft. Myers Community Planning Study	Lump Sum	To Date Billed	% Complete	Previously Invoiced	Current Invoice
Project Kick-Off	$ 1,870.00	$ 1,870.00	100%	$ 1,870.00	$ -
Field Reconnaissance	$ 1,350.00	$ 1,350.00	100%	$ 1,350.00	$ -
Data Evaluation	$ 7,250.00	$ 7,250.00	100%	$ 7,250.00	$ -
Public Meetings (2)	$ 8,835.00	$ 8,835.00	100%	$ 8,835.00	$ -
Work Session	$ 6,650.00	$ 5,652.50	85%	$ 4,987.50	$ 665.00
Draft Community Plan	$ 8,895.00	$ 7,560.75	85%	$ 6,671.25	$ 889.50
Final Plan and Presentation	$ 15,150.00	$ 5,302.50	35%	$ 3,787.50	$ 1,515.00
Total Engineering Design Services	**$ 50,000.00**	**$ 37,820.75**		**$ 34,751.25**	**$ 3,069.50**

Total **$ 3,069.50**

For Billing Inquiries:
Renee Hadala
813-282-2432
renee.hadala@hdrinc.com

LEE COUNTY
PROFESSIONAL SERVICE AGREEMENT/SERVICE PROVIDER AGREEMENT
INVOICE STATEMENT

Date: 08/04/07

CN No.: 06-19 Contract No.: 3786 Project No.:
Payment No.: (☐ W.I.P.P. ☐ Final) for Period 08/04/07 to 08/04/07
Project Nam North Fort Myers Community Planning Study
Attachments ☐ Yes ☐ No

PAYEE: Consultants Name: HDR Engineering, Inc.
Mailing Address: 2202 North West Shore Blvd, Suite 250
City & State Tampa, FL ZIP CODE 33607

INSTRUCTIONS
Warrant will be mailed to Consultant's mailing address given, unless special instructions are provided to the immediate left of the Instructions.

Deliver Warrant: Special Instructions - If Other than Mail

Mail Payment to: HDR
P.O. Box 3480, Omaha, NE 68103-0480

CONTRACTUAL FINANCIAL DATA

ORIGINAL PSA/SPA AMOUNT				$ 50,000.00
PLUS:	Change Order #		dated	
	Change Order #		dated	
	Change Order #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	Total Change Orders/S.T.A. ADDING to cost of Agreement			$ 50,000.00
Less:	Change Order #		dated	
	Change Order #		dated	
	Change Order #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	Total Change Orders/S.T.A. SUBTRACTING from cost of Agreement			$ -
Total Amount of Current PSA/SPA				$ 50,000.00
Total Amount Completed to Date				$ 34,751.25
Less Amounts Previously Invoiced				$ 23,534.00
Amount of this Invoice				$ 11,217.25
Total Amounts Paid to DBE's from above				
Name of DBE(s):				

Signed Project Manager: Jim Mudd Date: 9/21/07
Approved Dept/Div Director: Paul O'Connor Date: 9/25/07
Approved Fiscal Person: Date:

HDR | ONE COMPANY *Many Solutions*℠

HDR Engineering, Inc.
Tampa, FL 33607
Phone: (813) 282-2300

Invoice

Please send remittance with copy of invoice to
P.O. Box 3480
Omaha, NE 68103-0480

To: 202116
Lee County
P.O.Box 398
Fort Myers, FL 33902-0398

Attn: Jim Mudd

Invoice No. M-251240
Invoice Date August 4, 2007
Month Ending August 4, 2007
Project No. 59963
$ 11,217.25

For Professional Engineering Services related to North Fort Myers Community Planning Study
Contract # 3786 with Lee County

N. Ft. Myers Community Planning Study	Lump Sum	To Date Billed	% Complete	Previously Invoiced	Current Invoice
Project Kick-Off	$ 1,870.00	$ 1,870.00	100%	$ 1,870.00	$ -
Field Reconnaissance	$ 1,350.00	$ 1,350.00	100%	$ 1,350.00	$ -
Data Evaluation	$ 7,250.00	$ 7,250.00	100%	$ 7,250.00	$ -
Public Meetings (2)	$ 8,835.00	$ 8,835.00	100%	$ 7,951.50	$ 883.50
Work Session	$ 6,650.00	$ 4,987.50	75%	$ 665.00	$ 4,322.50
Draft Community Plan	$ 8,895.00	$ 6,671.25	75%	$ 4,447.50	$ 2,223.75
Final Plan and Presentation	$ 15,150.00	$ 3,787.50	25%	$ -	$ 3,787.50
Total Engineering Design Services	**$ 50,000.00**	**$ 34,751.25**		**$ 23,534.00**	**$ 11,217.25**

Total $ 11,217.25

For Billing Inquiries:
Renee Hadala
813-282-2432
renee.hadala@hdrinc.com

LEE COUNTY
PROFESSIONAL SERVICE AGREEMENT/SERVICE PROVIDER AGREEMENT
INVOICE STATEMENT

Date: 06/30/07

CN No.: 06-19 Contract No.: 3786 Project No.:
Payment No.: (☐ W.I.P.P. ☐ Final) for Period 05/27/07 to 06/30/07
Project Nam North Fort Myers Community Planning Study
Attachments ☐ Yes ☐ No

PAYEE: Consultants Name: HDR Engineering, Inc.
Mailing Address: 2202 North West Shore Blvd, Suite 250
City & State Tampa, FL ZIP CODE 33607

Deliver Warrant: Special Instructions - If Other than Mail

Mail Payment to: HDR
P.O. Box 3480, Omaha, NE 68103-0480

INSTRUCTIONS
Warrant will be mailed to Consultant's mailing address given, unless special instructions are provided to the immediate left of the Instructions.

CONTRACTUAL FINANCIAL DATA

ORIGINAL PSA/SPA AMOUNT				$ 50,000.00
PLUS:	Change Order #		dated	
	Change Order #		dated	
	Change Order #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	Total Change Orders/S.T.A. ADDING to cost of Agreement			$ 50,000.00
Less:	Change Order #		dated	
	Change Order #		dated	
	Change Order #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	Total Change Orders/S.T.A. SUBTRACTING from cost of Agreement			$ -
Total Amount of Current PSA/SPA				$ 50,000.00
Total Amount Completed to Date				$ 23,534.00
Less Amounts Previously Invoiced				$ 15,159.00
Amount of this Invoice				$ 8,375.00
Total Amounts Paid to DBE's from above				
Name of DBE(s):				

Signed Project Manager: Jim Mudd Date: 9/21/07
Approved Dept/Div Director: Paul O'Connor Date: 9/25/07
Approved Fiscal Person: Date:

HDR | ONE COMPANY *Many Solutions*℠

HDR Engineering, Inc.
Tampa, FL 33607
Phone: (813) 282-2300

Invoice

Please send remittance with copy of invoice to
P.O. Box 3480
Omaha, NE 68103-0480

To: 202116
Lee County
P.O.Box 398
Fort Myers, FL 33902-0398

Attn: Jim Mudd

Invoice No. M-243460
Invoice Date June 30, 2007
Month Ending June 30, 2007
Project No. 59963
$ 8,375.00

For Professional Engineering Services related to North Fort Myers Community Planning Study
Contract # 3786 with Lee County

N. Ft. Myers Community Planning Study	Lump Sum	To Date Billed	% Complete	Previously Invoiced	Current Invoice
Project Kick-Off	$ 1,870.00	$ 1,870.00	100%	$ 1,870.00	$ -
Field Reconnaissance	$ 1,350.00	$ 1,350.00	100%	$ 1,350.00	$ -
Data Evaluation	$ 7,250.00	$ 7,250.00	100%	$ 3,987.50	$ 3,262.50
Public Meetings (2)	$ 8,835.00	$ 7,951.50	90%	$ 7,951.50	$ -
Work Session	$ 6,650.00	$ 665.00	10%	$ -	$ 665.00
Draft Community Plan	$ 8,895.00	$ 4,447.50	50%	$ -	$ 4,447.50
Final Plan and Presentation	$ 15,150.00	$ -	0%	$ -	$ -
Total Engineering Design Services	**$ 50,000.00**	**$ 23,534.00**		**$ 15,159.00**	**$ 8,375.00**

Total **$ 8,375.00**

For Billing Inquiries:
Renee Hadala
813-282-2432
renee.hadala@hdrinc.com

LEE COUNTY
PROFESSIONAL SERVICE AGREEMENT/SERVICE PROVIDER AGREEMENT
INVOICE STATEMENT

Date: 05/26/07

CN No.: 06-19 Contract No.: 3786 Project No.:
Payment No.: (☐ W.I.P.P. ☐ Final) for Period 05/26/07 to 05/26/07
Project Name: North Fort Myers Community Planning Study
Attachments ☐ Yes ☐ No

PAYEE: Consultants Name: HDR Engineering, Inc.
Mailing Address: 2202 North West Shore Blvd, Suite 250
City & State Tampa, FL ZIP CODE 33607

INSTRUCTIONS
Warrant will be mailed to Consultant's mailing address given, unless special instructions are provided to the immediate left of the Instructions.

Deliver Warrant: Special Instructions - If Other than Mail

Mail Payment to: HDR
P.O. Box 3480, Omaha, NE 68103-0480

CONTRACTUAL FINANCIAL DATA

ORIGINAL PSA/SPA AMOUNT				$ 50,000.00
PLUS:	Change Order #		dated	
	Change Order #		dated	
	Change Order #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	Total Change Orders/S.T.A. ADDING to cost of Agreement			$ 50,000.00
Less:	Change Order #		dated	
	Change Order #		dated	
	Change Order #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	Total Change Orders/S.T.A. SUBTRACTING from cost of Agreement			$ -
Total Amount of Current PSA/SPA				$ 50,000.00
Total Amount Completed to Date				$ 15,159.00
Less Amounts Previously Invoiced				$ 9,291.50
Amount of this Invoice				$ 5,867.50
Total Amounts Paid to DBE's from above				
Name of DBE(s):				

Signed Project Manager: Jim Mudd Date: 9/21/07
Approved Dept/Div Director: Paul O'Connor Date: 9/25/07
Approved Fiscal Person: _____ Date: _____

HDR | ONE COMPANY *Many Solutions*℠

HDR Engineering, Inc.
Tampa, FL 33607
Phone: (813) 282-2300

Invoice

Please send remittance with copy of invoice to
P.O. Box 3480
Omaha, NE 68103-0480

To: 202116
Lee County
P.O.Box 398
Fort Myers, FL 33902-0398

Attn: Jim Mudd

Invoice No. M-237984
Invoice Date May 26, 2007
Month Ending May 26, 2007
Project No. 59963
$ 5,867.50

For Professional Engineering Services related to North Fort Myers Community Planning Study
Contract # 3786 with Lee County

N. Ft. Myers Community Planning Study	Lump Sum	To Date Billed	% Complete	Previously Invoiced	Current Invoice
Project Kick-Off	$ 1,870.00	$ 1,870.00	100%	$ 1,870.00	$ -
Field Reconnaissance	$ 1,350.00	$ 1,350.00	100%	$ 1,350.00	$ -
Data Evaluation	$ 7,250.00	$ 3,987.50	55%	$ 2,537.50	$ 1,450.00
Public Meetings (2)	$ 8,835.00	$ 7,951.50	90%	$ 3,534.00	$ 4,417.50
Work Session	$ 6,650.00	$ -	0%	$ -	$ -
Draft Community Plan	$ 8,895.00	$ -	0%	$ -	$ -
Final Plan and Presentation	$ 15,150.00	$ -	0%	$ -	$ -
Total Engineering Design Services	**$ 50,000.00**	**$ 15,159.00**		**$ 9,291.50**	**$ 5,867.50**

Total $ 5,867.50

For Billing Inquiries:
Renee Hadala
813-282-2432
renee.hadala@hdrinc.com

LEE COUNTY
PROFESSIONAL SERVICE AGREEMENT/SERVICE PROVIDER AGREEMENT
INVOICE STATEMENT

Date: 10/16/07

CN No.: 06-19 Contract No.: 3786 Project No.:
Payment No.: (☐ W.I.P.P. ☐ Final) for Period 09/02/07 to 09/29/07
Project Nam North Fort Myers Community Planning Study
Attachments ☐ Yes ☐ No

PAYEE: Consultants Name: HDR Engineering, Inc.
Mailing Address: 2202 North West Shore Blvd, Suite 250
City & State Tampa, FL ZIP CODE 33607

INSTRUCTIONS
Warrant will be mailed to Consultant's mailing address given, unless special instructions are provided to the immediate left of the Instructions.

Deliver Warrant: Special Instructions - If Other than Mail

Mail Payment to: HDR
P.O. Box 3480, Omaha, NE 68103-0480

CONTRACTUAL FINANCIAL DATA

ORIGINAL PSA/SPA AMOUNT				$ 50,000.00
PLUS:	Change Order #		dated	
	Change Order #		dated	
	Change Order #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	Total Change Orders/S.T.A. ADDING to cost of Agreement			$ 50,000.00
Less:	Change Order #		dated	
	Change Order #		dated	
	Change Order #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	Total Change Orders/S.T.A. SUBTRACTING from cost of Agreement			$ -

Total Amount of Current PSA/SPA	$ 50,000.00
Total Amount Completed to Date	$ 42,385.50
Less Amounts Previously Invoiced	$ 37,820.75
Amount of this Invoice	$ 4,564.75
Total Amounts Paid to DBE's from above	
Name of DBE(s):	

Signed Project Manager: Jim Mudd Date: 10/19/07
Approved Dept/Div Director: Paul O'Connor Date: 10/23/07
Approved Fiscal Person: Date:

HDR | ONE COMPANY *Many Solutions*℠

HDR Engineering, Inc.
Tampa, FL 33607
Phone: (813) 282-2300

Invoice

Please send remittance with copy of invoice to
P.O. Box 3480
Omaha, NE 68103-0480

To: 202116
Lee County
P.O.Box 398
Fort Myers, FL 33902-0398

Attn: Jim Mudd

ORIGINAL

Invoice No. M-266705
Invoice Date October 16, 2007
Month Ending September 29, 2007
Project No. 59963
$ 4,564.75

For Professional Engineering Services related to North Fort Myers Community Planning Study
Contract # 3786 with Lee County

N. Ft. Myers Community Planning Study	Lump Sum	To Date Billed	% Complete	Previously Invoiced	Current Invoice
Project Kick-Off	$ 1,870.00	$ 1,870.00	100%	$ 1,870.00	$ -
Field Reconnaissance	$ 1,350.00	$ 1,350.00	100%	$ 1,350.00	$ -
Data Evaluation	$ 7,250.00	$ 7,250.00	100%	$ 7,250.00	$ -
Public Meetings (2)	$ 8,835.00	$ 8,835.00	100%	$ 8,835.00	$ -
Work Session	$ 6,650.00	$ 5,985.00	90%	$ 5,652.50	$ 332.50
Draft Community Plan	$ 8,895.00	$ 8,005.50	90%	$ 7,560.75	$ 444.75
Final Plan and Presentation	$ 15,150.00	$ 9,090.00	60%	$ 5,302.50	$ 3,787.50
Total Engineering Design Services	**$ 50,000.00**	**$ 42,385.50**		**$ 37,820.75**	**$ 4,564.75**

Total **$ 4,564.75**

For Billing Inquiries:
Renee Hadala
813-282-2432
renee.hadala@hdrinc.com

LEE COUNTY
PROFESSIONAL SERVICE AGREEMENT/SERVICE PROVIDER AGREEMENT
INVOICE STATEMENT

Date: 12/05/07

CN No.: 06-19 Contract No.: 3786 Project No.:
Payment No.: 9 (☐ W.I.P.P. ☐ Final) for Period 10/28/07 to 11/24/07
Project Name: North Fort Myers Community Planning Study
Attachments ☐ Yes ☐ No

PAYEE: Consultants Name: HDR Engineering, Inc.
Mailing Address: 2202 North West Shore Blvd, Suite 250
City & State Tampa, FL ZIP CODE 33607

Deliver Warrant: Special Instructions - If Other than Mail

Mail Payment to: HDR
P.O. Box 3480, Omaha, NE 68103-0480

INSTRUCTIONS
Warrant will be mailed to Consultant's mailing address given, unless special instructions are provided to the immediate left of the Instructions.

CONTRACTUAL FINANCIAL DATA

ORIGINAL PSA/SPA AMOUNT				$ 50,000.00
PLUS:	Change Order #		dated	
	Change Order #		dated	
	Change Order #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	Total Change Orders/S.T.A. ADDING to cost of Agreement			$ 50,000.00
Less:	Change Order #		dated	
	Change Order #		dated	
	Change Order #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	Total Change Orders/S.T.A. SUBTRACTING from cost of Agreement			$ -
Total Amount of Current PSA/SPA				$ 50,000.00
Total Amount Completed to Date				$ 49,242.50
Less Amounts Previously Invoiced				$ 44,111.00
Amount of this Invoice				$ 5,131.50
Total Amounts Paid to DBE's from above				
Name of DBE(s):				

Signed Project Manager: Jim Mudd Date: 1/17/08
Approved Dept/Div Director: Date:
Approved Fiscal Person: Date:

HDR | ONE COMPANY *Many Solutions*℠

HDR Engineering, Inc.
Tampa, FL 33607
Phone: (813) 282-2300

Invoice

Please send remittance with copy of invoice to
P.O. Box 3480
Omaha, NE 68103-0480

To: 202116
Lee County
P.O.Box 398
Fort Myers, FL 33902-0398

Attn: Jim Mudd

Invoice No.	M-276676
Invoice Date	December 5, 2007
Month Ending	November 24, 2007
Project No.	59963

For Professional Engineering Services related to North Fort Myers Community Planning Study
Contract # 3786 with Lee County

For services through: November 24, 2007

N. Ft. Myers Community Planning Study	Lump Sum	To Date Billed	% Complete	Previously Invoiced	Current Invoice
Project Kick-Off	$ 1,870.00	$ 1,870.00	100%	$ 1,870.00	$ -
Field Reconnaissance	$ 1,350.00	$ 1,350.00	100%	$ 1,350.00	$ -
Data Evaluation	$ 7,250.00	$ 7,250.00	100%	$ 7,250.00	$ -
Public Meetings (2)	$ 8,835.00	$ 8,835.00	100%	$ 8,835.00	$ -
Work Session	$ 6,650.00	$ 6,650.00	100%	$ 6,650.00	$ -
Draft Community Plan	$ 8,895.00	$ 8,895.00	100%	$ 8,005.50	$ 889.50
Final Plan and Presentation	$ 15,150.00	$ 14,392.50	95%	$ 10,150.50	$ 4,242.00
Total Engineering Design Services	**$ 50,000.00**	**$ 49,242.50**		**$ 44,111.00**	**$ 5,131.50**

Total **$ 5,131.50**

For Billing Inquiries:
Renee Hadala
813-282-2432
renee.hadala@hdrinc.com

LEE COUNTY
PROFESSIONAL SERVICE AGREEMENT/SERVICE PROVIDER AGREEMENT
INVOICE STATEMENT

Date: 01/14/08

CN No.: 06-19 Contract No.: 3786 Project No.:
Payment No.: 10 (☐ W.I.P.P. ☐ Final) for Period 11/25/07 to 12/29/07
Project Name: North Fort Myers Community Planning Study
Attachments ☐ Yes ☐ No

PAYEE: Consultants Name: HDR Engineering, Inc.
Mailing Address: 2202 North West Shore Blvd, Suite 250
City & State Tampa, FL ZIP CODE 33607

INSTRUCTIONS
Warrant will be mailed to Consultant's mailing address given, unless special instructions are provided to the immediate left of the Instructions.

Deliver Warrant: Special Instructions - If Other than Mail

Mail Payment to: HDR
P.O. Box 3480, Omaha, NE 68103-0480

CONTRACTUAL FINANCIAL DATA

ORIGINAL PSA/SPA AMOUNT				$ 50,000.00
PLUS:	Change Order #		dated	
	Change Order #		dated	
	Change Order #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	Total Change Orders/S.T.A. ADDING to cost of Agreement			$ 50,000.00
Less:	Change Order #		dated	
	Change Order #		dated	
	Change Order #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	Total Change Orders/S.T.A. SUBTRACTING from cost of Agreement			$ -
Total Amount of Current PSA/SPA				$ 50,000.00
Total Amount Completed to Date				$ 50,000.00
Less Amounts Previously Invoiced				$ 49,242.50
Amount of this Invoice				$ 757.50
Total Amounts Paid to DBE's from above				
Name of DBE(s):				

Signed Project Manager: Jim Mudd Date: 1/18/08
Approved Dept/Div Director: Date:
Approved Fiscal Person: Date:

HDR | ONE COMPANY *Many Solutions*℠

HDR Engineering, Inc.
Tampa, FL 33607
Phone: (813) 282-2300

Invoice

Please send remittance with copy of invoice to
P.O. Box 3480
Omaha, NE 68103-0480

To: 202116
Lee County
P.O.Box 398
Fort Myers, FL 33902-0398

Attn: Jim Mudd

Invoice No.	M-285030
Invoice Date	January 14, 2008
Month Ending	December 29, 2007
Project No.	59963

For Professional Engineering Services related to North Fort Myers Community Planning Study
Contract # 3786 with Lee County

For services through: December 29, 2007

N. Ft. Myers Community Planning Study	Lump Sum	To Date Billed	% Complete	Previously Invoiced	Current Invoice
Project Kick-Off	$ 1,870.00	$ 1,870.00	100%	$ 1,870.00	$ -
Field Reconnaissance	$ 1,350.00	$ 1,350.00	100%	$ 1,350.00	$ -
Data Evaluation	$ 7,250.00	$ 7,250.00	100%	$ 7,250.00	$ -
Public Meetings (2)	$ 8,835.00	$ 8,835.00	100%	$ 8,835.00	$ -
Work Session	$ 6,650.00	$ 6,650.00	100%	$ 6,650.00	$ -
Draft Community Plan	$ 8,895.00	$ 8,895.00	100%	$ 8,895.00	$ -
Final Plan and Presentation	$ 15,150.00	$ 15,150.00	100%	$ 14,392.50	$ 757.50
Total Engineering Design Services	**$ 50,000.00**	**$ 50,000.00**		**$ 49,242.50**	**$ 757.50**

Balance unpaid throuty (30) days from invoice date subject to interst of 1.5% per month

Total Amount Due $ 757.50

For invoicing inquiries please contact:
Renee Hadala
813-282-2432
renee.hadala@hdrinc.com

LEE COUNTY
PROFESSIONAL SERVICE AGREEMENT/SERVICE PROVIDER AGREEMENT
INVOICE STATEMENT

Date: 01/14/08

CN No.: 06-19 Contract No.: 3786 Project No.:
Payment No.: 10 (☐ W.I.P.P. ☐ Final) for Period 11/25/07 to 12/29/07
Project Name: North Fort Myers Community Planning Study
Attachments ☐ Yes ☐ No

PAYEE: Consultants Name: HDR Engineering, Inc.
Mailing Address: 2202 North West Shore Blvd, Suite 250
City & State Tampa, FL ZIP CODE 33607

INSTRUCTIONS
Warrant will be mailed to Consultant's mailing address given, unless special instructions are provided to the immediate left of the Instructions.

Deliver Warrant: Special Instructions - If Other than Mail

Mail Payment to: HDR
P.O. Box 3480, Omaha, NE 68103-0480

CONTRACTUAL FINANCIAL DATA

ORIGINAL PSA/SPA AMOUNT				$ 50,000.00
PLUS:	Change Order #		dated	
	Change Order #		dated	
	Change Order #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	Total Change Orders/S.T.A. ADDING to cost of Agreement			$ 50,000.00
Less:	Change Order #		dated	
	Change Order #		dated	
	Change Order #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	S.T.A. #		dated	
	Total Change Orders/S.T.A. SUBTRACTING from cost of Agreement			$ -
Total Amount of Current PSA/SPA				$ 50,000.00
Total Amount Completed to Date				$ 50,000.00
Less Amounts Previously Invoiced				$ 49,242.50
Amount of this Invoice				$ 757.50
Total Amounts Paid to DBE's from above				
Name of DBE(s):				

Signed Project Manager: Jim Mudd Date: 2/19/08
Approved Dept/Div Director: Paul Oom Date: 2/25/08
Approved Fiscal Person: Date:

HDR | ONE COMPANY *Many Solutions*℠

HDR Engineering, Inc.
Tampa, FL 33607
Phone: (813) 282-2300

Invoice

Please send remittance with copy of invoice to
P.O. Box 3480
Omaha, NE 68103-0480

To: 202116
Lee County
P.O.Box 398
Fort Myers, FL 33902-0398

Attn: Jim Mudd

Invoice No.	M-285030
Invoice Date	January 14, 2008
Month Ending	December 29, 2007
Project No.	59963

For Professional Engineering Services related to North Fort Myers Community Planning Study
Contract # 3786 with Lee County

For services through: December 29, 2007

N. Ft. Myers Community Planning Study	Lump Sum	To Date Billed	% Complete	Previously Invoiced	Current Invoice
Project Kick-Off	$ 1,870.00	$ 1,870.00	100%	$ 1,870.00	$ -
Field Reconnaissance	$ 1,350.00	$ 1,350.00	100%	$ 1,350.00	$ -
Data Evaluation	$ 7,250.00	$ 7,250.00	100%	$ 7,250.00	$ -
Public Meetings (2)	$ 8,835.00	$ 8,835.00	100%	$ 8,835.00	$ -
Work Session	$ 6,650.00	$ 6,650.00	100%	$ 6,650.00	$ -
Draft Community Plan	$ 8,895.00	$ 8,895.00	100%	$ 8,895.00	$ -
Final Plan and Presentation	$ 15,150.00	$ 15,150.00	100%	$ 14,392.50	$ 757.50
Total Engineering Design Services	**$ 50,000.00**	**$ 50,000.00**		**$ 49,242.50**	**$ 757.50**

Balance unpaid throuty (30) days from invoice date subject to interst of 1.5% per month

Total Amount Due **$ 757.50**

For invoicing inquiries please contact:
Renee Hadala
813-282-2432
renee.hadala@hdrinc.com

Post by September 8th, 2008

PLANNING SIGN PICKUP SHEET

LEE COUNTY LOCAL PLANNING AGENCY MEETING

September 29th 2008

DATE	SIGNATURE	PLANNER	CASE NUMBER	CASE NAME
9/5/08	Lynda L Mu	Jim Mudd	CPA2007-56	North Fort Myers Community Plan

Please return to Internal Services Secretary: Janet Miller

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

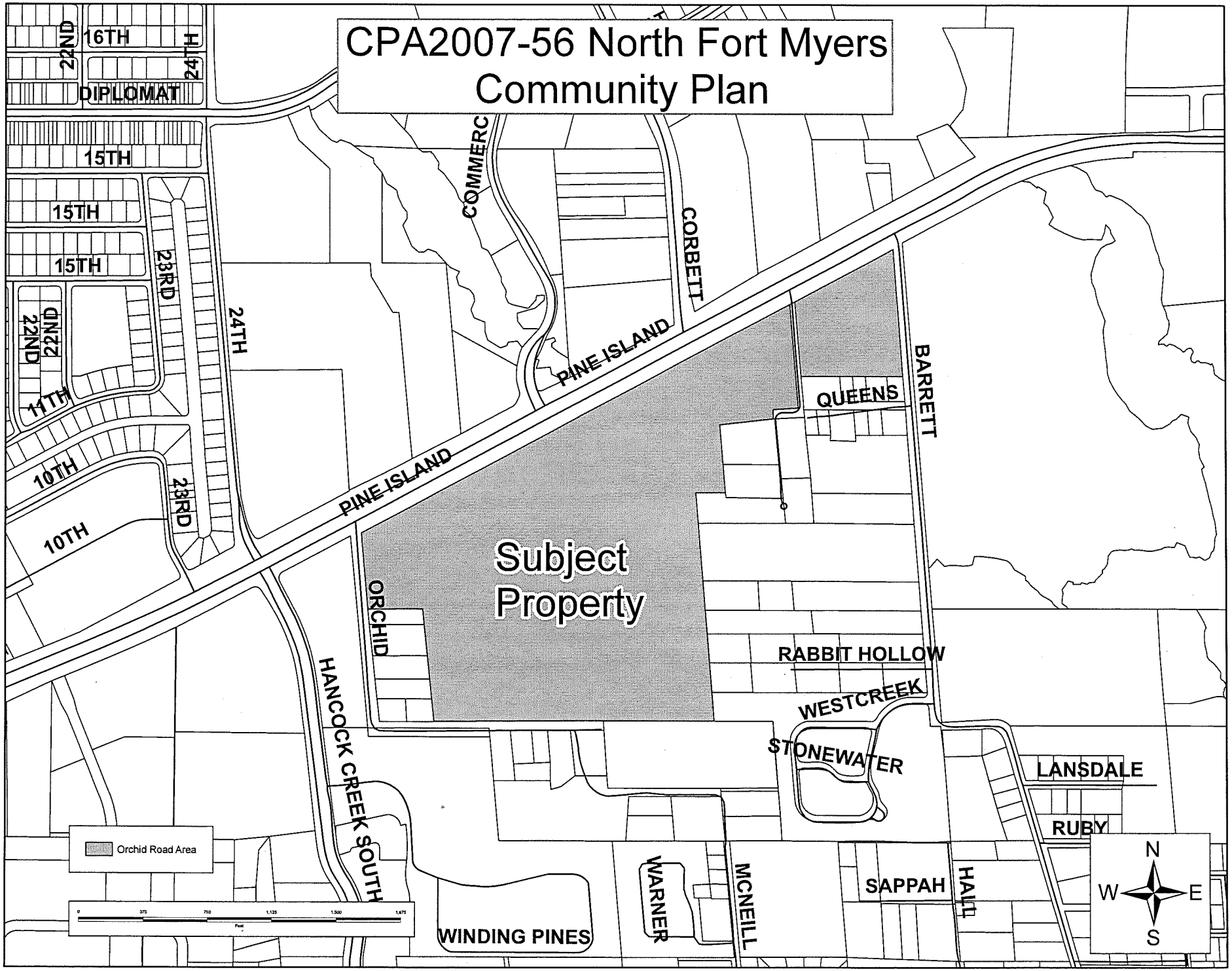
Hearing Date:	September 29, 2008
Case Number:	CPA2007-00056
Case Name:	North Fort Myers Community Plan
Request:	Amend the Future Land Use Map series, Map 1, Page 1 of 6, for specified parcels located east of Orchid Road, west of Barrett Rd. and south of Pine Island Road containing approximately 85.3 acres from Central Urban, Suburban, and Outlying Suburban to the Commercial and Conservation Lands Future Land Use Map categories.
Location:	The property is located in Section 4 of Township 44 South Range 24 East. The property is located east of Orchid Road, west of Barrett Road, and south of Pine Island Road.
PROPERTY OWNER'S REPRESENTATIVE:	Linda Miller Avalon Engineering, Inc 2503 Del Prado Bvld #200 Cape Coral, FL 33904
Lee County Planner:	Jim Mudd (239) 533-8180

The file may be reviewed Monday through Friday between the hours of 8:00 am and 4:30 pm at the Lee County, Planning Division, 1500 Monroe St., Fort Myers, FL 33901. Call (239) 533-8585 for additional information.

This is a courtesy notice. Please review the New-Press for Local Planning Agency meeting notices.

This case is anticipated to be reviewed by the Local Planning Agency on: 8:30 AM, September 29, 2008

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111
Internet address http://www.lee-county.com
Recycled Paper
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER


CPA2007-56 North Fort Myers Community Plan
Subject Property
PINE ISLAND
PINE ISLAND
COMMERC
CORBETT
BARRETT
QUEENS
24TH
23RD
22ND
16TH
15TH
11TH
10TH
ORCHID
HANCOCK CREEK SOUTH
RABBIT HOLLOW
WESTCREEK
STONEWATER
LANSDALE
RUBY
SAPPAH
HALL
MCNEILL
WARNER
WINDING PINES
DIPLOMAT
Orchid Road Area
N
W
E
S

AVALON ENGINEERING, INC.
•Architecture •Engineering •Planning

LETTER OF TRANSMITTAL

TO: Mr. James Mudd
Lee County Community Development
P.O. Box 298
Fort Myers, Florida 33902

PROJECT #: 05-115

PROJECT: Land Use Map Amendment / NFM Community Plan for parcels on Pine Island between Orchid Road & Barrette Road

FROM: Linda Miller, Senior Planner

DATE: September 5, 2008

WE ARE SENDING YOU THE FOLLOWING ITEMS:

☒ Attached Via **HAND DELIVER** ☐ Under Separate Cover Via _____

☐ Plans/Prints ☐ Shop Drawings ☐ Specifications ☐ Contract ☐ Disc

☐ Permit Applications ☒ Other

NO. OF COPIES	DESCRIPTION
2 sets	Mailing Labels for the Land Use Map Amendment (Pine Island Road NFM Community)

THIS DATA IS TRANSMITTED AS CHECKED BELOW:

☒ as requested ☐ for approval ☐ for signature ☒ for review & comment

☐ for your use/files/information ☐ for your distribution ☐ to be returned

REMARKS:

Jim,
As requested, please find mailing labels and maps for the Land Use Map Amendment. If you need anything else please let me know. Thank you!

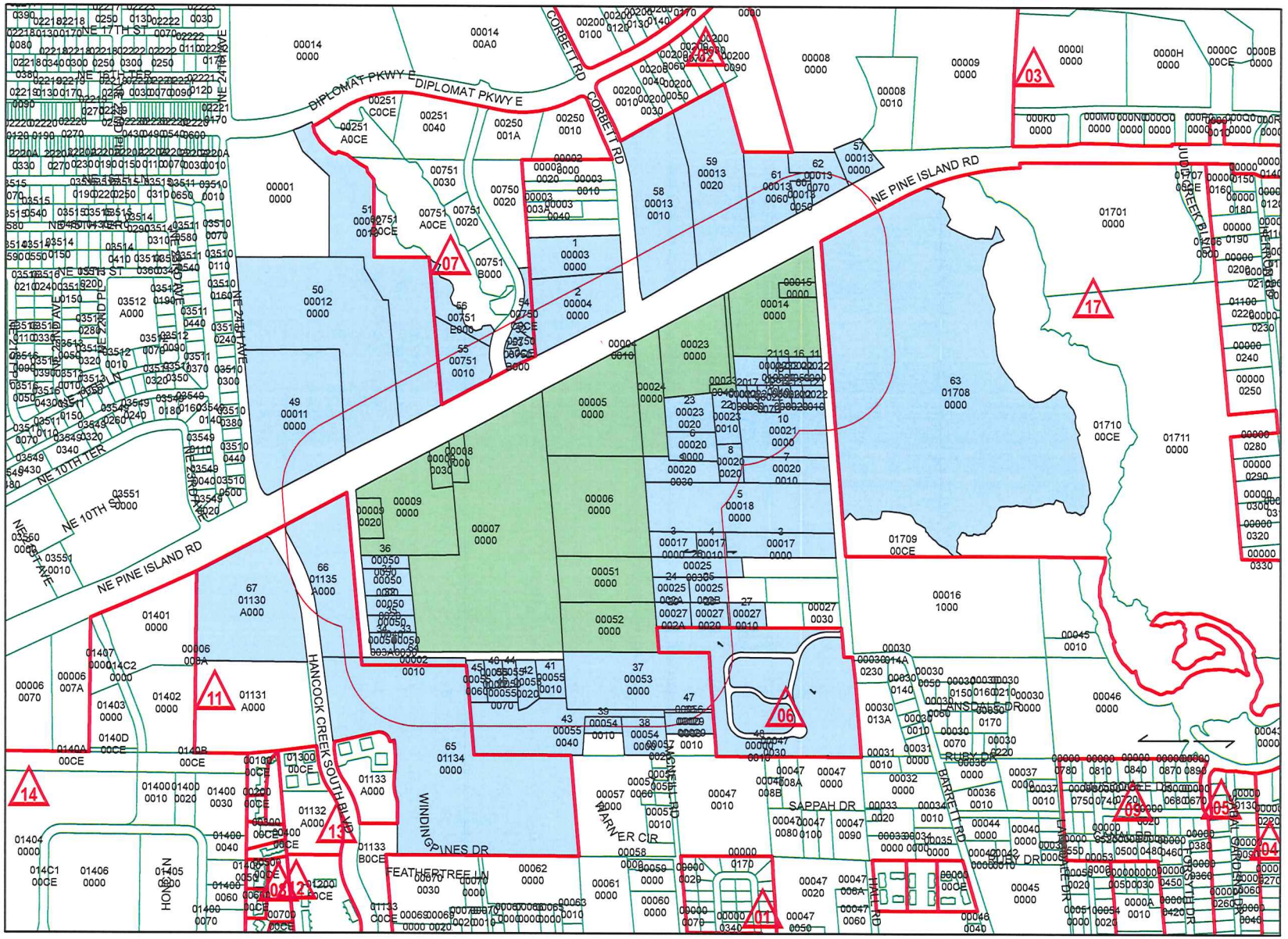
G:\2005\05-115\LC\mailinglabelsforpublichearingtrn.doc

2503 Del Prado Boulevard South, Ste. 200 Cape Coral, FL 33904 •Phone: (239) 573-2077 •Fax: (239) 573-2076

VARIANCE REPORT

9/5/2008

Subject Parcels : 15 Affected Parcels : 67 Buffer Distance : 500 ft



04-44-24-00-00004.0010 et al.

1,100 550 0 1,100 Feet

Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 533-6159 • Fax: (239) 533-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report: September 05, 2008

Buffer Distance: 500 ft

Parcels Affected: 67

Subject Parcel: 04-44-24-00-00004.0010, 04-44-24-00-00006.0000, 04-44-24-00-00009.0000, 04-44-24-00-00009.0020, 04-44-24-00-00009.0030, 04-44-24-00-00008.0000, 04-44-24-00-00007.0000, 04-44-24-00-00051.0000, 04-44-24-00-00052.0000, 04-44-24-00-00005.0000, 04-44-24-00-00024.0000, 04-44-24-00-00023.0000, 04-44-24-00-00023.0040, 04-44-24-00-00014.0000, 04-44-24-00-00015.0000

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
EARHART KRIS A L/E 1435 CORBETT RD CAPE CORAL FL 33909	**04-44-24-00-00003.0000** 1433 CORBETT RD CAPE CORAL FL 33909	PARL IN N W 1/4 OF SR 78 DESC IN OR 716 PG 184	1
MESSIAH LUTHERAN CHURCH OF 2691 NE PINE ISLAND RD CAPE CORAL FL 33909	**04-44-24-00-00004.0000** 2691 NE PINE ISLAND RD CAPE CORAL FL 33909	PARL IN SE 1/4 OF NE 1/4 OF NW 1/4 DESC OR 1378 PG 712 LESS SR 78	2
HILL WALTON E JR PER REP 1331 BARRETT RD NORTH FORT MYERS FL 33903	**04-44-24-00-00017.0000** 1331 BARRETT RD NORTH FORT MYERS FL 33903	N 200 FT OF S 2900 FT OF W 1250 FT OF E 2625 FT OF E 1/2 LESS PAR 17.1	3
HILL WALTON E JR + VICKI S 1335 BARRETT RD N FT MYERS FL 33903	**04-44-24-00-00017.0010** 1335 BARRETT RD NORTH FORT MYERS FL 33903	W 200 FT OF ELY 950 FT OF S 1/2 OF S 1/2 OF S 1/2 OF SW 1/4 OF NE 1/4	4
HEDGE SUSAN L 1/2 + 1337 BARRETT RD NORTH FORT MYERS FL 33903	**04-44-24-00-00018.0000** 1337 BARRETT RD NORTH FORT MYERS FL 33903	A PAR OF LAND IN SW 1/4 OF NE 1/4 AS DESC IN OR 1279 1361	5
GROSS DIANA M 14621 SMOKEY HOLLOW LN N FT MYERS FL 33903	**04-44-24-00-00020.0000** 14621 SMOKEY HOLLOW LN NORTH FORT MYERS FL 33903	PARC IN SW 1/4 OF NE 1/4 AS DESC IN OR 295 PG 558 LESS 20.1 THRU 20.3	6
FOWLER CARL + CATHERINE 14630 SMOKEY HOLLOW LN FORT MYERS FL 33903	**04-44-24-00-00020.0010** 1345 BARRETT RD NORTH FORT MYERS FL 33903	A PAR OF LAND IN SW 1/4 OF NE 1/4 AS DESC IN OR 1279/1360	7
FOWLER CARL C + CATHERINE M 14630 SMOKEY HOLLOW LN N FT MYERS FL 33903	**04-44-24-00-00020.0020** 14630 SMOKEY HOLLOW LN NORTH FORT MYERS FL 33903	PARL IN N E 1/4 AS DESC IN OR 1381 PG 181	8
FOWLER CARL C + CATHERINE M 14630 SMOKEY HOLLOW LN N FT MYERS FL 33903	**04-44-24-00-00020.0030** 14631 SMOKEY HOLLOW LN NORTH FORT MYERS FL 33903	PARC IN S SW 1/4 OF NE 1/4 AS DESC IN OR 1707 PG 2495	9
STOFFEL DENNIS + LAURA 1355 BARRETT RD NORTH FORT MYERS FL 33903	**04-44-24-00-00021.0000** 1355/1357 BARRETT RD NORTH FORT MYERS FL 33903	N 341 FT OF S 920 FT OF W 598 FT OF E 1975 FT OF NE 1/4 LESS PORTION DESCRIBED IN OR 2897 PG 4116	10
PILLES MARK CHARLES 1365 BARRETT RD NORTH FORT MYERS FL 33903	**04-44-24-00-00022.0000** 1365 BARRETT RD NORTH FORT MYERS FL 33903	PARL IN NE 1/4 DESC IN OR 711/458 LESS OR 1250/1875 + LESS OR 4465 PG 4449	11
DEMEYERE MARK E + CAROL A 1359 BARRETT RD NORTH FORT MYERS FL 33903	**04-44-24-00-00022.0010** 1359 BARRETT RD NORTH FORT MYERS FL 33903	W 150 FT OF E 1525 FT OF S 145 FT OF N 1685 FT OF NE 1/4	12

All data is current at time of printing and subject to change without notice.

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
WOOD FARRELL J + 703 QUEENS DR NORTH FORT MYERS FL 33903	**04-44-24-00-00022.0020** 703 QUEENS DR NORTH FORT MYERS FL 33903	W 80 FT OF E 1605 FT OF S 145 FT OF N 1685 FT OF NE 1/4	13
ATWOOD CHRISTOPHER L 707 QUEENS DR NORTH FORT MYERS FL 33903	**04-44-24-00-00022.0030** 707 QUEENS DR NORTH FORT MYERS FL 33903	W 80 FT OF E 1685 FT OF S 145 FT OF N 1685 FT OF NE 1/4	14
SAMBRATO JOAN E 1175 SW 57TH ST CAPE CORAL FL 33914	**04-44-24-00-00022.0040** 710 QUEENS DR NORTH FORT MYERS FL 33903	W 225FT OF E 1975FT OF S 145FT OF N 1510FT OF NE 1/4+ R/W DESC OR 2268/3182	15
GIBSON ALVIN D + DONNA 702 QUEENS DR NORTH FORT MYERS FL 33903	**04-44-24-00-00022.0050** 702 QUEENS DR NORTH FORT MYERS FL 33903	PARL IN NE 1/4 DESC OR 1194 PG 2107 + OR 1250 PG 1875 + OR 4465 PG 4449	16
DEMERE KEVIN L 713 QUEENS DR NORTH FORT MYERS FL 33903	**04-44-24-00-00022.0060** 711 QUEENS DR NORTH FORT MYERS FL 33903	W 72 FT OF E 1901 FT OF S 145 FT OF N 1685 FT OF NE 1/4	17
DECKER DORWIN D + VICTORIA J 709 QUEENS DR NORTH FORT MYERS FL 33903	**04-44-24-00-00022.0070** 709 QUEENS DR NORTH FORT MYERS FL 33903	W 144 FT OF E 1829 FT OF S 145 FT OF N 1685 FT OF NE 1/4 + PORTION DESCRIBED IN OR 2897 PG 4118	18
CAMPBELL DUDLEY M + 704 QUEENS DR NORTH FORT MYERS FL 33903	**04-44-24-00-00022.0080** 704 QUEENS DR NORTH FORT MYERS FL 33903	W 75 FT OF E 1675 FT OF S 145 FT OF N 1510 FT OF NE 1/4	19
DEMERE KEVIN L 713 QUEENS DR NORTH FORT MYERS FL 33903	**04-44-24-00-00022.0090** 713 QUEENS DR NORTH FORT MYERS FL 33903	W 72 FT OF E 1973 FT OF S 145 FT OF N 1685 FT OF NE 1/4	20
SAMBRATO JOAN E 1175 SW 57TH ST CAPE CORAL FL 33914	**04-44-24-00-00022.0100** 708 QUEENS DR NORTH FORT MYERS FL 33903	W 75 FT OF E 1750 FT OF S 145 FT OF N 1510 FT OF NE 1/4	21
PRESHER ROBERT K 14680 SMOKEY HOLLOW LN NORTH FORT MYERS FL 33903	**04-44-24-00-00023.0010** 14680 SMOKEY HOLLOW LN NORTH FORT MYERS FL 33903	PARL IN S W 1/4 OF N E 1/4 SEC 04 TWP 44 RGE 24 DESC IN OR 1400 PG 0968	22
LEEDY CHRISTINE B TR 17821 ACACIA DR NORTH FORT MYERS FL 33917	**04-44-24-00-00023.0020** 14671 SMOKEY HOLLOW LN NORTH FORT MYERS FL 33903	PARL IN SEC 4 T44 R24 DESC OR 1421 PG 1481	23
MARSHALL DAVID R 2922 YORK ROAD SAINT JAMES CITY FL 33956	**04-44-24-00-00025.002A** 9470 RABBIT HOLLOW TRL NORTH FORT MYERS FL 33903	PARL IN S 1/2 OF N 1/2 OF N 1/2 OF NW 1/4 OF SE 1/4 DESC IN OR 1602 PG 2387	24
MARSHALL DAVE 2922 YORK RD SAINT JAMES CITY FL 33956	**04-44-24-00-00025.002B** 9450 RABBIT HOLLOW TRL NORTH FORT MYERS FL 33903	COMM AT CENTER SEC COR S 169.70 E 257.55TOPOB TH E257 S170 W257 N170TOPOB	25
DAGGETT BILLI JO 4120 HANCOCK BRIDGE PKWY N FORT MYERS FL 33903	**04-44-24-00-00025.0030** 1329 BARRETT RD NORTH FORT MYERS FL 33903	PARL IN NW 1/4 OF SE 1/4 DESC IN OR 1787 PG 0310 PT LOT 13 SMOKEY HOLLOW	26
HARRELL BARBARA P 9391 RABBIT HOLLOW TRL NORTH FORT MYERS FL 33903	**04-44-24-00-00027.0010** 9391 RABBIT HOLLOW TRL NORTH FORT MYERS FL 33903	E 254 FT OF W 754 FT OF S 170 FT OF N 511 FT OF SE 1/4	27
HORNE DARRELL L + CONSTANCE E 1122 TRAVIS AVE NORTH FORT MYERS FL 33903	**04-44-24-00-00027.0020** 9449/51 RABBIT HOLLOW TRL NORTH FORT MYERS FL 33903	E 250 FT OF W 500 FT OF S 170 FT OF N 511 FT OF SE 1/4	28
MORGAN JOHN A 9491 RABBIT HOLLOW TRL FORT MYERS FL 33903	**04-44-24-00-00027.002A** 9491 RABBIT HOLLOW TRL NORTH FORT MYERS FL 33903	W 250 FT OF S 170 FT OF N 511 FT OF SE /4	29
DESROSIERS RICHARD A 1280 MCNEILL RD NORTH FORT MYERS FL 33903	**04-44-24-00-00029.0000** 1280 MCNEILL RD NORTH FORT MYERS FL 33903	N 1/2 OF S 290 FT OF W 1/2 OF S W 1/4 OF N W 1/4 OF S E 1/4 OF SEC 04 AKA LT 21 SMOKEY HOLLOW FARMS	30
DECICCO JESSE 1412 SW 5TH PL CAPE CORAL FL 33991	**04-44-24-00-00050.0000** 1550 ORCHID RD NORTH FORT MYERS FL 33903	PARL IN N E 1/4 OF N W 1/4 OF S W 1/4 DESC IN OR 1168 PG 1076 LESS PARL 50.0050	31

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
VOGEL PAUL L + 1540 ORCHID RD FORT MYERS FL 33903	**04-44-24-00-00050.0020** 1540 ORCHID RD NORTH FORT MYERS FL 33903	PARL IN N E 1/4 OF N W 1/4 OF S W 1/4 SEC 4 TWP 44 R 24 DESC IN OR 1206 PG 1063	32
JACKSON DOROTHEA ANN TR 1520 ORCHID ROAD N FT MYERS FL 33903	**04-44-24-00-00050.0030** 1516 ORCHID RD NORTH FORT MYERS FL 33903	PARL IN N E 1/4 OF N W 1/4 OF S W 1/4 DESC IN OR 1648 PG 1455 LESS PARL 50.003A	33
JACKSON DOROTHEA ANN TR 1520 ORCHID RD N FT MYERS FL 33903	**04-44-24-00-00050.003A** 1520 ORCHID RD NORTH FORT MYERS FL 33903	PARL IN NE 1/4 OF NW 1/4 OF SW 1/4 DESC IN OR 1682 PG 0652	34
NIPPER HUGH J 1530 ORCHID RD N FT MYERS FL 33903	**04-44-24-00-00050.0040** 1530 ORCHID RD NORTH FORT MYERS FL 33903	PARL IN NE1/4 OF NW1/4 OF SW1/4 S 4 T 44 R 24 DESC IN OR OR 1266 PG 50	35
COOPER PEGGY L/E + 1552 ORCHID RD NORTH FORT MYERS FL 33903	**04-44-24-00-00050.0050** 1552 ORCHID RD NORTH FORT MYERS FL 33903	PARL IN NE 1/4 OF NW 1/4 OF SW 1/4 DESC IN OR 1684 PG 3871	36
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	**04-44-24-00-00053.0000** 1397 ORCHID RD NORTH FORT MYERS FL 33903	S 370 FT OF N 1030 FT OF E 990 FT OF W 2960 FT OF S 1/2 SEC	37
WOOLLEY DAN + JUDY 1279 MCNEILL RD N FT MYERS FL 33903	**04-44-24-00-00054.0000** 1279 MCNEILL RD NORTH FORT MYERS FL 33903	THE ELY 295 FT OF SLY 260 FT OF SE 1/4 OF NE 1/4 OF SW 1/4	38
COLLINS ROBERT K 1291 MCNEILL RD NORTH FORT MYERS FL 33903	**04-44-24-00-00054.0010** 1291 MCNEILL RD NORTH FORT MYERS FL 33903	PARL IN SE 1/4 OF NE 1/4 OF SW 1/4 DESC IN OR 2231/1080	39
BURN GREGORY K + ANNE M 1435 ORCHID RD NORTH FORT MYERS FL 33903	**04-44-24-00-00055.0000** 1435 ORCHID RD NORTH FORT MYERS FL 33903	PAR IN W 1/2 OF SW 1/4 OF NE 1/4 OF SW 1/4 DESC IN OR 2009/3686	40
KNIESTEDT JOHN G 1401 ORCHID RD NORTH FORT MYERS FL 33903	**04-44-24-00-00055.0010** 1401 ORCHID RD NORTH FORT MYERS FL 33903	PARL IN SW 1/4 AS DESC IN OR 2137 PG 2750 AKA TRACT 2	41
VOGEL JACKIE S 911 HYACYNTH ST NORTH FORT MYERS FL 33903	**04-44-24-00-00055.0020** 1415 ORCHID RD NORTH FORT MYERS FL 33903	PARL IN N E 1/4 OF S W 1/4 DESC IN OR 1082 PG 358	42
MATHEWS LARRY W + LINDA A PO BOX 1551 FORT MYERS FL 33902	**04-44-24-00-00055.0040** 1445 ORCHID RD NORTH FORT MYERS FL 33903	S 1/2 OF W 1/2 OF SW 1/4 OF NE 1/4 OF SW 1/4 + PAR DESC IN OR 2137/2750 AKA TRACTS 3 + 1	43
PAPP MICHAEL S 1425 ORCHID RD NORTH FORT MYERS FL 33903	**04-44-24-00-00055.0050** 1425 ORCHID RD NORTH FORT MYERS FL 33903	PAR IN W1/2 OF SW1/4 OF NE14 OF SW1/4 SEC O4 DESC IN OR 1940 PG 2065	44
LERCH DALE L TR 1/2 INT + 1455 ORCHID RD N FT MYERS FL 33903	**04-44-24-00-00055.0060** 1455 ORCHID RD NORTH FORT MYERS FL 33903	FM NW COR OFNW1/4 OF SW1/4 OF NE1/4 OF SW1/4 E 122 S 340 W 122 N 340 TO POB	45
LERCH DALE L TR 1/2 INT + 1455 ORCHID RD N FT MYERS FL 33903	**04-44-24-00-00055.0070** ACCESS UNDETERMINED NORTH FORT MYERS FL 33903	FM NE COR OF NW1/4OFSW1/4 OF NE1/4 OF SW1/4 S 05DEG E 218.7 TO POB THEN S 121	46
LEE COUNTY HOUSING AUTHORITY 14170 WARNER CIR NW NORTH FORT MYERS FL 33903	**04-44-24-00-00056.0000** ACCESS UNDETERMINED NORTH FORT MYERS FL 33903	FR NW COR OF SW1/4 OF NW 1/4 OF SE1/4 RUN E 330 FT TH S 370 FT TO POB	47
LEE COUNTY HOUSING AUTHORITY 14170 WARNER CIR NW NORTH FORT MYERS FL 33903	**04-44-24-06-00000.0010** 9251-9500 WESTCREEK CIR NORTH FORT MYERS FL 33903	BARRETT PARK PB 50 PG 6 TRACTS A B C D LOTS 1 THRU 50	48
GARDEN PARKWAY LLC 3613 DEL PRADO BLVD CAPE CORAL FL 33904	**04-44-24-C1-00011.0000** ACCESS UNDETERMINED CAPE CORAL FL 33909	W 1/2 OF SW 1/4 OF NW 1/4 LYING N+W OF PINE ISLAND RD LESS ROW OR 2629 PG 0269	49
GARDEN PARKWAY LLC 3613 DEL PRADO BLVD CAPE CORAL FL 33904	**04-44-24-C1-00012.0000** ACCESS UNDETERMINED CAPE CORAL FL 33909	S1/2 OF NW1/4 OF NW1/4 + PT OF E1/2 OF SW1/4 OF NW1/4 NW OF R/W LES 2014/3390 LESS OR 4709/1831	50

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
KIRBY FAMILY LP #3 1406 SE 46TH LN #4 CAPE CORAL FL 33904	**04-44-24-C1-00012.0010** 2555 NE PINE ISLAND RD CAPE CORAL FL 33909	PARL IN NW 1/4 AS DESC IN OR 2014 PG 3390 + PAR LOC IN MULTI SEC DESC IN OR 4709/1829 + OR 4709/1831	51
HANCOCK CREEK OWNERS ASSN DENNIS J FULLENKAMP 2911 NE PINE ISLAND RD CAPE CORAL FL 33909	**04-44-24-C1-00750.A0CE** COMMON ELEMENTS CAPE CORAL FL 33909	HANCOCK CREEK COMMERCE PF PH 1 BLK 6950 PB 43 PG 10 TR A CONSERVATION C/E	52
SANDERS GEORGE TR DENNIS J FULLENKAMP 2911 NE PINE ISLAND RD CAPE CORAL FL 33909	**04-44-24-C1-00750.B000** RESERVED CAPE CORAL FL 33909	HANCOCK CREEK COMMERCE PK PH-I BLK 6950 PB 43 PG 10 TRACT B	53
HANCOCK CREEK OWNERS ASSN LEE COUNTY ELECTRIC CO-OP PO BOX 2455 NORTH FORT MYERS FL 33918	**04-44-24-C1-00750.C0CE** COMMERCE CREEK BLVD CAPE CORAL FL 33909	HANCOCK CREEK COMMERCE PK PH 1 BLK 6950 PB 43 PG 10 TR C LAKE COMMON ELEMENT	54
EAGLE GREGORY W TR 3818 DEL PRADO BLVD CAPE CORAL FL 33904	**04-44-24-C1-00751.0010** 1030 COMMERCE CREEK BLVD CAPE CORAL FL 33909	HANCOCK CREEK COMMERCE PK PH-I BLK 6951 PB 43 PG 10 LOT 1	55
SANDERS GEORGE TR DENNIS J FULLENKAMP 2911 NE PINE ISLAND RD CAPE CORAL FL 33909	**04-44-24-C1-00751.E000** COMMERCE CREEK BLVD CAPE CORAL FL 33909	HANCOCK CREEK COMMERCE PK PH-I BLK 6951 PB 43 PG 10 TRACT E	56
EAGLE GREGORY W TR EAGLE REALTY 3818 DEL PRADO BLVD CAPE CORAL FL 33904	**04-44-24-C2-00013.0000** 2915 NE PINE ISLAND RD CAPE CORAL FL 33909	PARL IN NE 1/4 N 78 LESS OR 1889 PG 2602 IN SEC 04 + SEC 33	57
ORCHID GROUP INVESTMENTS LLC 999 CAXAMBAS DR MARCO ISLAND FL 34145	**04-44-24-C2-00013.0010** 2745 NE PINE ISLAND RD CAPE CORAL FL 33909	W 412 FT OF NW1/4 OF NE1/4 LOC SEC 4+33 N OF PINE IS RD DESC OR 2564/0478	58
ORCHID GROUP INVESTMENTS LLC 999 CAXAMBAS DR MARCO ISLAND FL 34145	**04-44-24-C2-00013.0020** 2779 NE PINE ISLAND RD CAPE CORAL FL 33909	PARL DESC IN OR 2564/483 LOC SEC 4 + 33 N OF PINE IS RD + E OF CORBETT RD	59
EAGLE GREGORY W TR EAGLE REALTY 3818 DEL PRADO BLVD CAPE CORAL FL 33904	**04-44-24-C2-00013.0050** 2845 NE PINE ISLAND RD CAPE CORAL FL 33909	PAR IN NW 1/4 OF NE 1/4 N OF HWY DESC IN OR 1234 PG 1807	60
NEW TESTAMENT BAPTIST CHURCH 2805 NE PINE ISLAND RD CAPE CORAL FL 33909	**04-44-24-C2-00013.0060** 2805 NE PINE ISLAND RD CAPE CORAL FL 33909	PARL IN NE 1/4 N OF SR 78 DESC IN OR 1534 PG 526	61
EAGLE GREGORY W TR EAGLE REALTY 3818 DEL PRADO BLVD CAPE CORAL FL 33904	**04-44-24-C2-00013.0070** 2911 NE PINE ISLAND RD CAPE CORAL FL 33909	PARL IN NE 1/4 N OF SR 78 AS DESC OR 1889 PG 2602	62
REALMARK JUDD CREEK LLC 5789 CAPE HARBOUR DR STE 201 CAPE CORAL FL 33914	**04-44-24-C2-01708.0000** 2900 NE PINE ISLAND RD NORTH FORT MYERS FL 33903	JUDD CREEK PRESERVE DESC IN INST#2007-113064 TRACT 8	63
E C STERN ENTERPRISES INC PO BOX 2055 GLENVIEW IL 60025	**04-44-24-C4-00002.0010** RIGHT OF WAY CAPE CORAL FL 33909	R/W FOR OCCUPIED ORCHID RD	64
SUNSET CONCEPTS LLC 1266 GASPARILLA DR FORT MYERS FL 33901	**04-44-24-C4-01134.0000** 1051/1155 WINDING PINES CIR CAPE CORAL FL 33909	HANCOCK CREEK SOUTH CENTER PB 63 PGS 85 + 86 BLK 6634	65
FL LEE HANCOCK LLC 4001 TAMIAMI TRL N #350 NAPLES FL 34103	**04-44-24-C4-01135.A000** 1255 HANCOCK CREEK SOUTH BLVD CAPE CORAL FL 33903	HANCOCK CREEK SOUTH CENTER PB 63 PGS 85 + 86 BLK 6635 TRACT A	66
FL LEE HANCOCK LLC 4001 TAMIAMI TRAIL N STE 350 NAPLES FL 34103	**05-44-24-C3-01130.A000** 1250 HANCOCK CREEK SOUTH BLVD CAPE CORAL FL 33909	HANCOCK CREEK SOUTH CENTER PB 63 PGS 85 + 86 BLK 6630 TRACT A	67

67 RECORDS PRINTED

INSTRUCTIONS

(Section A.2.b., Lee County Administrative Code AC 13.7)

A Planning Division notification sign must be posted on a parcel(s) subject to any comprehensive plan map amendment application for a minimum of fifteen (15) calendar days in advance of the Local Planning Agency's Hearing and maintained through the Board of County Commissioners Hearing, if any. This sign will be provided by the Planning Division in the following manner:

a. Sign for case **#CPA2007-56 must be posted by September 8, 2008.**
b. The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
c. The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
d. The applicant must make a good faith effort to maintain the sign in place, and in a readable condition until the requested action has been heard and a final decision rendered.
e. If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Planning Division, and obtain duplicate copies of the sign from the Planning Division.

The Division may require the applicant to erect additional signs where large parcels are involved with street frontages extending over considerable distances. If required, such additional signs must be placed not more than three hundred (300) feet apart.

When a parcel abuts more than one (1) street, the applicant must post signs along each street.

When a subject parcel does not front a public road, the applicant must post the sign at a point on a public road which leads to the property, and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE HEARING DATE TO LEE COUNTY PLANNING DIVISION, 1500 Monroe Street, Fort Myers, FL 33901

(Return the completed Affidavit below to the Planning Division as indicated in previous paragraph.)

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED Linda Miller WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 34-236(b) OF THE LEE COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION REFERENCED BELOW:

RECEIVED
SEP 12 2008
COMMUNITY DEVELOPMENT

Linda L. Miller
SIGNATURE OF APPLICANT OR AGENT

Linda L. Miller
NAME (TYPED OR PRINTED)

2503 DelPrado Blvd S Suite 200
ST. OR PO BOX

Cape Coral, FL 33904
CITY, STATE & ZIP

CPA2007-00056 North Fort Myers Community Plan

date 9/8/08 initials LLM

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 8 day of September, 2008, by Linda Miller personally known to me or who produced _____ as identification and who did/did not take an oath.

Lynda G. Brooks
Commission # DD434771
Expires August 26, 2009
Bonded Troy Fain - Insurance, Inc. 800-385-7019

Signature of Notary Public

Lynda G. Brooks
Printed Name of Notary Public

My Commission Expires:
(Stamp with serial number)

S:\COMPREHENSIVE\Plan Amendments\07\CPA2007-00056\affidavit(CPA2007-56).frm

AVALON ENGINEERING, INC.
•Architecture •Engineering •Planning

LETTER OF TRANSMITTAL

TO: Janet Miller
Attn: Jim Mudd
Lee County Community Development
Second Floor
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
SEP 12 2008
COMMUNITY DEVELOPMENT

PROJECT #: 05-115

PROJECT: Land Use Map Amendment CPA2007-00056 NFM Community Plan for parcels on Pine Island between Orchid Road & Barrette Road

FROM: Linda Miller, Senior Planner

DATE: September 11, 2008

WE ARE SENDING YOU THE FOLLOWING ITEMS:

☒ Attached Via **HAND DELIVER** ☐ Under Separate Cover Via _____

☒ Plans/Prints ☐ Shop Drawings ☐ Specifications ☐ Contract ☐ Disc

☐ Permit Applications ☒ Other

NO. OF COPIES	DESCRIPTION
1	Affidavit of Posting Notice
1	Original North Fort Myers Community Plan
22	Submittal packets for public hearings/ staff/ and other agencies

THIS DATA IS TRANSMITTED AS CHECKED BELOW:

☒ as requested ☐ for approval ☐ for signature ☒ for review & comment

☐ for your use/files/information ☐ for your distribution ☐ to be returned

REMARKS:
Jim,
As requested, please find a final copy of the North Fort Myers Community Plan and twenty-two (22) submittal packets for your use. If you have any questions this weekend please call my cell phone at 239-789-7823. Thank you!

G:\2005\05-115\LC\Finalpublic hearing sets trn.doc

2503 Del Prado Boulevard South, Ste. 200 Cape Coral, FL 33904 •Phone: (239) 573-2077 •Fax: (239) 573-2076

STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Date: September 19, 2008
To: Jim Mudd, Principal Planner

From: Aaron Martin, Environmental Planner
Phone: (239) 533-8522
e-mail:amartin@leegov.com

Project: North Fort Myers Community Plan Amendment
Case: CPA2007-00056
STRAP: Multiple Straps

The Division of Environmental Sciences (ES) staff has reviewed the proposed North Fort Myers Community Plan amendment and offer the following analysis and recommended conditions:

PROJECT SITE:
The ± 85.3 acre project is located on the south side of Pine Island Rd approximately 1 mile west of US 41, and is zoned AG-2 and RS-1. The project is bordered to the north by Bayshore Rd, to the east by Barrett Rd and residential homes, and to the south and west by Orchid Rd and residential homes. The applicant's request is to change the Future Land Use Map from Suburban, Central Urban, and Sub-Outlying Suburban to Commercial land use.

The subject property consists of the following communities:5.7 acres Improved Pastures (FLUCCS 211), 17.1 acres Pine Flatwoods (FLUCCS 411), 2.4 acres Pine Flatwoods Disturbed (FLUCCS 411D), 0.7 acres Pine Mesic Oak (FLUCCS 414), 13.3 acres Pine Mesic Oak Disturbed (FLUCCS 414D), 1.4 acres Pine Mesic Oak Invaded by Exotics 11-25% (FLUCCS 414 E1), 0.4 acres Pine Mesic Oak Invaded by Exotics 76-90% (FLUCCS 414E4), 8.8 acres Brazillian Pepper (FLUCCS 422), 4.2 acres Live Oak Disturbed Invaded by Exotics 26-50% (FLUCCS 427DE2), 2.8 acres Cabbage Palm Invaded by Exotics 5-9% (FLUCCS 428E), 1.3 acres Hydric Cabbage Palm (428H), 0.6 acres Streams and Waterways (FLUCCS 510), 0.1 acres Ditches (FLUCCS 510D), 0.8 acres Willow (FLUCCS 618), 10.0 acres Disturbed Land (FLUCCS 740), 7.0 acres Borrow Areas (FLUCCS 742), and 6.9 acres Spoil Areas (FLUCCS 743).

The project area contains two tributaries. The first, Hancock Creek, connects underneath Bayshore Rd to the north, and runs through the property offsite to the southeast where it eventually connects to Yellow Fever Creek which out falls into the Caloosahatchee River. The second, is an unnamed tributary running east to west along the south project line which connects to Yellow Fever Creek. The indigenous vegetative community abutting Hancock Creek and is less than 25% exotics and consists of Pine Mesic Oak (FLUCCS 414E1), Pine Flatwoods (FLUCCS 411), Pine Mesic Oak

(FLUCCS 414), and Hydric Cabbage Palm (FLUCCS 428H). The indigenous vegetative community abutting the second tributary are less than 9% exotics and consists of Pine Flatwoods (FLUCCS 411) and Cabbage Palm (FLUCCS 428E). These areas are considered to be high quality indigenous areas, due to the low exotic infestation in the communities adjacent to these tributaries .

Per LeePlan **Objective 1.4 Policy 1.4.6**, the Conservation Lands land use categories were created to accurately depict the use of lands for conservation purposes. Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. The Conservation Lands FLUM category are for lands that are primarily used to conserve important natural resources, environmentally sensitive areas, significant archeological or historical resources, or other conservation uses. Conservation Lands typically include such uses as wildlife preserves; large wetland and upland mitigation areas; natural resource based parks; and water conservation lands such as aquifer recharge areas, flow-ways, flood prone areas and well fields.

The Conservation Lands objective is to put into the public domain private lands that provide the following public benefits:

- Sustain native plant and animal populations;
- Help protect people and property from flooding;
- Help replenish our underground drinking water supply;
- Help to improve or sustain the water quality of our coastal bays, inlets;
- Provide ecotourism opportunities, and
- Provide local environmentally oriented recreational and educational opportunities.

The Board of County Commissioners has provided policy guidance to staff to maintain wildlife corridors and green space connections to ensure the preservation of indigenous plant and animal habitat throughout the County.

The tributaries on site are natural water ways. Utilizing the conservation lands use category over a portion of the high quality indigenous areas adjacent to the tributaries would provide natural water-way buffers as well as buffers between portions of the adjacent residential and proposed commercial land use areas on site (see attached ES Staff Exhibit 1). In addition, ES staff recommends preservation of a 1.36 acre/Minimum 100' wide area in the NE corner of the project (see attached ES Staff Exhibit 1). This will serve as a buffer to the residents to the south. The utilization of the conservation land use category would also serve to protect the indigenous habitat while providing a wildlife corridor within the project boundaries. This would also ensure the long term protection of the natural waterways.

The following Comprehensive Plan Goals, Objectives and Policies further support ES Staff's recommendation for the conservation land use category for this project:

- **Policy 1.4.6:** *Conservation Lands land use category was created to accurately depict the use of lands for conservation purposes. Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. The Conservation Lands FLUM category is for lands that are primarily used to conserve important natural resources, environmentally sensitive areas, significant archeological or historical resources, or other conservation uses. Conservation Lands typically include such uses as wildlife preserves; large wetland and upland mitigation areas; natural resource based parks; and water conservation lands such as aquifer recharge areas, flow-ways, flood prone areas and well fields.*

  The staff has worked diligently with the applicant to designate conservation lands on the parcel, however we were unable to reach an agreement. Thus, staff has designated a conservation land use map (see the attached exhibit) which we feel meets the intent of the conservation land use policy along with LeePlan policies and the LDC. By utilizing the conservation land use category over the high quality indigenous areas adjacent to the tributaries and in the north east corner of the project would not only provide buffers, but also meet the intent of the conservation land use category by preserving flow-ways and wildlife habitat.

- **Policy 6.1.4:** *Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.*

  &

  Policy 6.1.6: *The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.*

  Utilizing the conservation land use category over the high quality indigenous areas adjacent to the tributaries and in the north east corner of the project would provide a transition between the adjacent residential and proposed commercial uses. In addition, the Board of County Commissioner's policy guidance urges staff to seek preservation of a minimum fifty foot buffer along all natural waterways.

- **Standard 11.4: Environmental Review Factors.** *In any case where there exists or there is the probability of environmentally sensitive areas the developer must propose means to protect, conserve, or preserve the environmental and natural resources.*

  The project site contains high quality indigenous habitat as well as natural water ways that flow into the larger coastal estuaries via the Caloosahatchee River.
  ES Staff recommends the use of conservation lands category to preserve these environmentally sensitive habitats and flow-ways.

- **Objective 60.5: Incorporation of Green Infrastructure into the Surface Water Management Plan.** *The long-term benefits of green infrastructure as part of the surface water management system includes improved water quality, improved infiltration, wild life habitat and recreational opportunities. Policy 60.5.3: states that the County encourages the preservation of existing natural flow-ways and restoration of historic natural flow-ways.*

  The two tributaries on site are natural flow-ways and as such should be placed in the conservation lands future land use category to provide a wildlife corridor and protect drainage flow in the area.

- **Objective 61.2: Mimicking the function of natural systems.** *Support a surface water management strategy that relies on natural features (flow-ways, sloughs, creeks, etc.) to help manage storm and surface water. Objective 61.3: Lee County will continue to provide design standards for development protective of the function of natural drainage systems.*

  The two tributaries on site, both natural waterways, should be incorporated into the surface water management system to help maintain the historic flow-way.

- **Objective 77.3:** *New developments must use innovative open space design to preserve existing native vegetation and buffer adjacent uses.* **Policy 77.3.3:** *The County encourages new developments to incorporate large contiguous open space areas in their development design.*

  Placing the high quality indigenous vegetation and tributaries into conservation land use category will provide interconnectivity between the adjacent flow-ways offsite and a buffer zone between the adjacent residential and proposed commercial land uses. This could provide for large open space areas, which may be utilized as wildlife corridors.

- **Goal 107: Resource Management Plan.** *The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydro ecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape.*

  The tributaries onsite are an important wildlife link between lands to the north and the Caloosahatchee River. The proposed land use change has the opportunity to provide a preserve that can provide wildlife habitat and a wildlife corridor, while maintaining natural flow-ways offsite.

Utilizing the conservation lands future land use category for the high quality indigenous habitat adjacent to the tributaries on site will provide:

- A natural buffer zone between adjacent residential and commercial use;
- An indigenous high quality wildlife habitat;
- The preserve of the natural flow-ways onsite;
- A wildlife connection and corridor through the wetlands allowing connectivity from the tributaries to Yellow Fever Creek and ultimately the Caloosahatchee River for water dependent wildlife, and

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

RECEIVED
OCT 26 2007
COMMUNITY DEVELOPMENT

DATE: October 25, 2007

TO: James Mudd, Principal Planner
Planning Division

FROM: Donna Marie Collins
Assistant County Attorney

RE: North Fort Myers Community Plan
LU-06-06-2090.M.1.a.

Thank you for the opportunity to review the contents of the proposed North Fort Myers Community Plan. Rob Spickerman and I reviewed the plan together. We enjoyed reviewing the document and look forward to the adoption of the plan in the future.

The scope of my review of the proposed plan was limited to the following three areas: 1) Legal; 2) Financial; and, 3) Internal consistency within the community plan. Our observations and recommendations on the Objectives and Policies are set forth below:

1. Objective: Land Use:

The meaning of the term "fair share" as used in this objective should be clarified.

2. Code Enforcement:

This policy proposes expansion of the Code Enforcement initiatives for North Fort Myers. Compliance with this policy will require additional staff time and financial resources to expand services and prepare reports. The funding source for this envisioned expansion and service has not been identified.

3. Housing Maintenance and Repair.

This policy proposes an expansion of Department of Human Services programs. Staff resources will be necessary to expand programs. The Planning Division should confer with the Department of Human Services to determine whether current staff levels can assume this responsibility, or will it be necessary to expand the department. In addition, the expansion of services will require both personnel and financial resources of the County to implement. What is the proposed funding source for the expansion of services?

Re: North Fort Myers Community Plan
LU-06-06-2090.M.1.a.

4. Conservation of Large-Lot Neighborhoods.

This policy would benefit from additional clarity. The terms "significant buffers" and "transitional density" are subject to interpretation.

5. Restricting Mobile Home and RV Parks.

The proposed prohibition on rezoning property to RVPD and MHPD within the North Fort Myers Community Planning area creates potential Bert J. Harris liability for the County. For this reason, the Office of the County Attorney recommends that the Planning Division inventory the property that would be subject to the prohibition so that the Board is informed of the magnitude of property affected by the prohibition. This information would also be needed to evaluate the scope of the County's exposure to liability under the Act. The inventory would include only those properties proposed for inclusion in the North Fort Myers Community Plan. Further, this policy appears to conflict with the proposed objective regarding neighborhoods and housing, which encourages the development of a fair share amount of low income, workforce, affordable, and senior housing in the North Fort Myers Community.

6. Fair Share Projections.

Staff resources will be necessary to estimate the North Fort Myers' "fair share" of need by housing type and to establish annual planning targets for the delivery of units. The Department of Community Development should comment on whether current staff levels can assume this responsibility, or will it be necessary to expand the Department to comply with the policy.

7. Site Assessment and Pilot Projects.

The Department of Community Development and the Department of Human Services staffs are required to conduct studies and prepare designs and financial analyses for the potential pilot or demonstration projects proposed by this policy. The Planning Division should confer with the Directors of the Department of Community Development and the Department of Human Services to ascertain whether current staff levels can assume these responsibilities or will it be necessary to expand the Departments to comply with this policy.

8. Evaluation of Incentives and Regulatory Barriers.

The evaluation contemplated by this proposed policy will require both personnel and financial resources of the Departments of Community Development and Human Services to implement. The funding source has not been identified for this effort.

Re: North Fort Myers Community Plan
LU-06-06-2090.M.1.a.

9. Proportionate Incentives and Assistance.

This policy would benefit from clarification.

10. Market Assessment and Planning Targets.

This policy requires the Department of Community Development to participate in an analysis of the market support for retail, office, hospitality, and moderate to high density residential uses in North Fort Myers. This effort will require the County to devote personnel and possibly financial resources to complete the analysis and prepare a report that would ultimately be used as a guide in future planning decisions. The Department of Community Development should comment on whether current staff levels can assume this responsibility or will it be necessary to expand the Department to comply with this policy.

11. Preliminary Designation of Town Centers.

This policy contemplates public squares and plazas, a public trail/promenade along the Caloosahatchee River, as well as conservation sites and trails along Yellow Fever Creek. The suggested designation of these areas do not identify funding sources for this endeavor. Compliance with this policy will require staff time and the financial resources of the County to develop and implement a plan. Funds will be needed to purchase property necessary to establish the envisioned public areas.

12. Town Center Sector Planning and Overlay District.

This policy contemplates the preparation of a Sector Plan, development regulations, and the implementation of plans by the planning panel, Department of Community Development, and the Smart Growth Department. Preparation of the Sector Plan, development regulations, and other plans will require both personnel and financial resources of the County to implement. Department of Community Development and the Smart Growth Department should provide comment on whether current staff levels can assume these responsibilities, or will it be necessary to expand the departments to comply with this policy.

13. Designation of Neighborhood Centers.

This policy would benefit from additional clarity as the term "moderate intensity" is subject to interpretation. What level of commercial intensity is contemplated by this policy? The reference to "neighborhood center" invokes the current Lee Plan definition set forth in Goal 6. Is that what is intended here?

Re: North Fort Myers Community Plan
LU-06-06-2090.M.1.a.

14. Neighborhood Center Overlay District.

This policy contemplates the County's preparation of a revised Neighborhood Overlay District. The Department of Community Development should comment on whether current staff levels can assume these responsibilities, or will it be necessary to expand the Department to accomplish this policy. The potential for liability under the Bert J. Harris Act exists if the range of uses currently available to property owners is limited as a result of the Overlay.

15. Corridor Overlay District.

This policy contemplates the participation of DCD and the Smart Growth Department staff in the preparation of a Corridor Overlay District. The Planning Division should confer with these department directors to determine whether current staff levels can assume this undertaking, or will it be necessary to expand staffing levels to accomplish compliance with this proposed policy.

16. Improving Older, Commercial Properties.

The development of incentives for bring older development into compliance with the new regulations adopted as a result of the North Fort Myers Community Plan will require staff resources to develop the incentives and incorporate those incentives into Lee County's development regulations. The Department of Community Development should comment on whether current staff levels can assume these responsibilities, or will it be necessary to expand the Department to accomplish this policy.

17. Use Compatibility.

This policy would benefit from clarification. The Land Development Code currently includes spacing requirements for many of these uses from schools, residential neighborhoods, etc. Accordingly, it is not clear what additional restriction would be sufficient in the context of this policy. Depending on the level of restriction contemplated, this policy may raise Bert J. Harris claims for properties that currently can accommodate the identified uses.

18. Gateway, Streetscape, and Landscape Improvements.

This policy contemplates streetscaping and landscape improvements at various locations within the North Fort Myers community. This policy does not identify a funding source for these improvements.

Re: North Fort Myers Community Plan
LU-06-06-2090.M.1.a.

19. Planning and Design of Arterial and Collectors.

I recommend that the Planning Division contact Lee County DOT so that DOT may comment on the proposed policy and its consistency with current practice.

20. Hancock Bridge Parkway Extension.

The initiation of the studies contemplated in this proposed policy will require the County to devote personnel and financial resources to accomplish. The Planning Division should confer with DOT to determine whether current staff levels can assume these additional responsibilities, or will it be necessary to expand the Department.

21. I-75 Interchange and Del Prado Extension.

A detailed analysis of the feasibility of a new I-75 Interchange and potential alignment for connection to Del Prado will require the County to devote personnel and financial resources to complete both the analysis and feasibility study. The Planning Division should confer with DOT to determine whether current staff levels can assume these responsibilities or will it be necessary to expand the Department to comply with the policy.

22. Medical District Planning.

This policy contemplates the County contributing funding for, and participating in, the exploration of a Medical District in the North Fort Myers community. Compliance with this policy will require County financial and staff resources to implement. There is no funding source specified for this endeavor.

23. Public Works Project Enhancements.

This policy contemplates landscape and esthetic enhancements beyond core level services without an identified funding source.

24. Water Conservation and Reuse.

This policy would benefit from clarification. What financial incentives are contemplated and what are the potential costs to the County for pursuing alternative sources for irrigation described in the policy?

Re: North Fort Myers Community Plan
LU-06-06-2090.M.1.a.

25. Parks, Recreation, and Conservation. (Objective)

This objective contemplates the County funding the expansion of recreational opportunities within the North Fort Myers Community. No funding source for the acquisition of park land, open space, and recreational improvements has been identified in the objectives or policies. Is an MSBU envisioned for property owners who will benefit from the improvements? If not, compliance with this objective and the policies that follow will require County staff time and financial resources to develop the plan and purchase the property necessary to make the envisioned improvements.

26. Conservation Policy Refinement.

This policy would benefit from clarification. Incentives need to be identified to encourage landowners to provide the setbacks and buffering contemplated by this policy. The proposed increase in riverbank setbacks and buffering raises potential taking claims.

27. Wildlife Movement Corridors.

This policy would benefit from additional clarification. By what method will wildlife movement corridors be established and protected? (Purchase, conservation easement, etc.?) To the extent this endeavor requires the purchase of property and conservation easements over private lands, compliance will require use of the County's financial resources to implement without an identified funding source.

28. Public Participation. Objective and Policies Thereunder.

This objective and the policies that follow would benefit from further clarification. It is not clear what level of notice would be sufficient in the context of the policies. Must the notice be advertised in the newspaper? Would posting a notice of meetings at the library or post office qualify as adequate notice? Does the planning panel envision mailed notice of informational meetings to residents that may be affected by the proposals? Also, the Board has been careful not to identify one group of citizens as the authorized entity for developers to meet with on pending development proposals. Rather, the preference has been that developers participate in at least one meeting in the community that is open to the public. For this reason, I encourage revisiting the policy to clarify that owners and agents must schedule a meeting with the community rather than designating the North Fort Myers Community Planning Panel as the sole entity that can host the informational meetings for the public.

Re: North Fort Myers Community Plan
LU-06-06-2090.M.1.a.

Once again, thank you for the opportunity to review the proposed plan amendments submitted by the North Fort Myers Community Planning Panel. As you can see from the comments above, several of the proposed policies and objectives will increase the County's financial involvement above core level services without identified funding sources. Others raise questions pertaining to potential liability under the Bert J. Harris, Jr., Act. I look forward to future submittals on the proposed Lee Plan Policies and Objectives affecting North Fort Myers.

DMC/amp

cc: Timothy Jones, Chief Assistant County Attorney
Robert D. Spickerman, Assistant County Attorney
Paul O'Connor, Director, Planning Division
Matt Noble, Principal Planner, Planning Division
David Loveland, Department of Transportation (*See* Paragraphs 19 - 21.)

From: Campbell, George G.
Sent: Thursday, March 06, 2008 8:25 AM
To: Mudd, James P.
Cc: Wilson, John; Saniter, David J.; Kelley, Terry M.
Subject: RE: NFM community plan
Lee County Emergency Management has reviewed the North Fort Myers Community Plan. We find no specific areas of concern for Emergency Management/Emergency Operations Center.

Gerald Campbell, FPEM
Chief of Planning
Lee County Emergency Management
PO Box 398
Fort Myers, FL 33902-0398
Telephone: 239-477-3620
Fax: 239-477-3636

From: Mudd, James P.
Sent: Friday, February 29, 2008 11:24 AM
To: O Connor, Paul S.; Noble, Matthew A.; Eckenrode, Peter J.; Houck, Pamela E.; Penfield, Rebecca W.; Sweigert, Rebecca H.; Derheimer, Suzanne; Stewart, Robert W.; Yarbrough, John H.; Newman, William T.; Pavese, Michael P.; Loveland, David M.; Boutelle, Stephen J.; Lehnert, Dawn; Wilson, John; Blackburn, Don R.; Richardson, Nettie M.; 'tpnfmfd@yahoo.com'; Daltry, Wayne E.; Hansen, Hans C.; Cranford, Richard M.; Campbell, George G.; Ottolini, Roland E.; Horsting, Michael S.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Campbell, George G.; Lavender, James H.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie ; Osterhout, Thom; 'DawnMGo@leeschools.net'; 'kfarrell@sheriffleefl.org'
Cc: Gibbs, Mary
Subject: NFM community plan

I've attached a final draft of the North Fort Myers Community Plan that we recently received. I would like your help in reviewing the plan and the proposed amendment to the Lee Plan that begins on page 42. We will be sending the plan and proposed Lee Plan amendment to the LPA shortly, so I would appreciate your comments no later than Friday, March 22. Thank you for your help.

James Mudd, AICP
Principal Planner, Division of Planning
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901-5500
P.O. Box 398
Fort Myers, FL 33902-0398

Phone: (239) 533-8180
Fax: (239) 485-8319

From: Cronyn, Edward
Sent: Tuesday, March 18, 2008 2:09 PM
To: Mudd, James P.
Subject: FW: NFM Community Plan Comments
The comments below are in addition to the ones provided verbally at our meeting a couple of weeks ago. Since our comments recommended eliminating all language that requires additional work from Environmental Sciences/DCD above and beyond our current level of service, the language below may not be all that applicable any more, since it deals with sections that were mostly cut at that meeting.

Thanks.

Ed Cronyn
Director, Environmental Sciences Division
Lee County Dept. of Community Development
1500 Monroe Street
Fort Myers, FL 33901
(239) 533-8389
(239) 485-8344 (fax)
ECronyn@leegov.com

http://www.lee-county.com/dcd/

Think Green & please print this e-mail only if necessary.

From: Sweigert, Rebecca H.
Sent: Friday, March 14, 2008 5:33 PM
To: Cronyn, Edward
Subject: NFM Community Plan Comments

Ed:

The following are my brief comments as I quickly looked over the NFM Community Plan.

1. Many of the policy require ES staff to coordinate with the Planning Panel but what happens if the Planning Panel is not active? Some of the proposed policies require ES staff to implement or utilize tools/maps/criteria beyond the scope of our services. For example, draft policy 5.8 references the Lee Master Mitigation Plan which is predominantly about CIP projects and not used much in the private development review. I think that policy should be revised to remove the reference to the Mitigation Plan and focus on the conservation practices.

2. Also, draft policy 5.9 should be revised to state "Project should be designed to provide wildlife connections between indigenous preserve". Or something similar to that affect rather than staff coordinating with the Planning Panel, in case the planning panel is not active. Also, referencing conservation easements is not inappropriate. Some indigenous preserve may not have a CE and the applicant will argue that a connection is not required since a conservation easement does not exist on the adjacent parcel.

3. And draft policy 5.7 confuses me. I am not sure what the action needed on this policy. But it directly relates to County Lands and Parks and Rec.

Thanks,
Becky S

Becky Sweigert
Principal Environmental Planner
Lee County Division of Environmental Sciences
PO Box 398
Fort Myers, FL 33902-0398
rsweigert@leegov.com

239-533-8562
239-485-8344 (fax)

From: Ottolini, Roland E.
Sent: Tuesday, March 04, 2008 2:19 PM
To: Mudd, James P.
Subject: RE: NFM community plan
Pg 38 under Water Conservation, should read "South Florida Water Management District" not Southwest
Same page under Public Education, drop reference to Lee County Water Supply Authority, it no longer exists

Pg 40, not all items are appropriate under a Habitat Conservation /Wildilfe category

In general, I 'm somewhat surprised to see drainage and flood protection were not of critical concern to the group. We have had serious issues in this area

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From: Mudd, James P.
Sent: Friday, February 29, 2008 11:24 AM
To: O Connor, Paul S.; Noble, Matthew A.; Eckenrode, Peter J.; Houck, Pamela E.; Penfield, Rebecca W.; Sweigert, Rebecca H.; Derheimer, Suzanne; Stewart, Robert W.; Yarbrough, John H.; Newman, William T.; Pavese, Michael P.; Loveland, David M.; Boutelle, Stephen J.; Lehnert, Dawn; Wilson, John; Blackburn, Don R.; Richardson, Nettie M.; tpnfmfd@yahoo.com; Daltry, Wayne E.; Hansen, Hans C.; Cranford, Richard M.; Campbell, George G.; Ottolini, Roland E.; Horsting, Michael S.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Campbell, George G.; Lavender, James H.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie ; Osterhout, Thom; DawnMGo@leeschools.net; kfarrell@sheriffleefl.org
Cc: Gibbs, Mary
Subject: NFM community plan

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James Mudd, AICP
Principal Planner, Division of Planning
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901-5500
P.O. Box 398
Fort Myers, FL 33902-0398

Phone: (239) 533-8180
Fax: (239) 485-8319

From: Newman, William T.
Sent: Tuesday, March 04, 2008 9:37 AM
To: Mudd, James P.
Cc: Sampson, Lindsey J.; Pavese, Michael P.
Subject: RE: NFM community plan

Mr. Mudd:
The Solid Waste Division has no objection to the NFM Community Plan or the proposed amendments to the Lee Plan at this time; however we request that the Division continue to review developments, including mixed use projects, to insure that best solid waste management practices are utilized.

Bill Newman
Operations Manager
Solid Waste Division
(239) 338-3302

From: Mudd, James P.
Sent: Friday, February 29, 2008 11:24 AM
To: O Connor, Paul S.; Noble, Matthew A.; Eckenrode, Peter J.; Houck, Pamela E.; Penfield, Rebecca W.; Sweigert, Rebecca H.; Derheimer, Suzanne; Stewart, Robert W.; Yarbrough, John H.; Newman, William T.; Pavese, Michael P.; Loveland, David M.; Boutelle, Stephen J.; Lehnert, Dawn; Wilson, John; Blackburn, Don R.; Richardson, Nettie M.; tpnfmfd@yahoo.com; Daltry, Wayne E.; Hansen, Hans C.; Cranford, Richard M.; Campbell, George G.; Ottolini, Roland E.; Horsting, Michael S.; Sampson, Lindsey J.; Newman, William T.; Smith, Regina Y.; Campbell, George G.; Lavender, James H.; Zettel, Mary S.; Roberts, Rickey G.; Collins, Donna Marie ; Osterhout, Thom; DawnMGo@leeschools.net; kfarrell@sheriffleefl.org
Cc: Gibbs, Mary
Subject: NFM community plan

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James Mudd, AICP
Principal Planner, Division of Planning
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901-5500
P.O. Box 398
Fort Myers, FL 33902-0398

Phone: (239) 533-8180
Fax: (239) 485-8319

From: Jones, Timothy J.
Sent: Monday, September 24, 2007 1:41 PM
To: Mudd, James P.; Collins, Donna Marie
Cc: O Connor, Paul S.
Subject: RE: Copy of 9-19-07 HDR draft of Goals, Objectives & policies for the Lee Plan - shell factory meeting handout's.
Note that the language on page 13 makes the North Fort Myers Design Review Committee a county advisory committee subject to the Sunshine Law, Public Records Act and Ethics rules.

Timothy Jones
Chief Assistant County Attorney
Lee County Attorney's Office
Phone: 239-533-2236
Fax: 239-485-2106
jonest@leegov.com

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and Officials regarding County business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.

From: Mudd, James P.
Sent: Monday, September 24, 2007 11:22 AM
To: Collins, Donna Marie ; Jones, Timothy J.
Cc: O Connor, Paul S.
Subject: FW: Copy of 9-19-07 HDR draft of Goals, Objectives & policies for the Lee Plan - shell factory meeting handout's.

I'm forwarding a proposed draft Goal, Objectives and Policies submitted by HDR who is working on the NFM community plan. We would like your comments so that I can forward them to the Consultant. One policy that I would like to bring to your attention concerns rezoning to RVPD or MHPD. It reads:

Restricting Mobile Home and RV Parks. No property within the North Fort Myers Community may be rezoned to RVPD or MHPD.

Can we do that? Thanks for your help.

From: Schukraft, Steve [mailto:Steve.Schukraft@hdrinc.com]
Sent: Thursday, September 20, 2007 2:01 PM
To: Scott Brenner; apmstm61@yahoo.com; seekow@aol.com; john@LCIQuotes.com; jaredbeck@wilsonmiller.com; thoolihan@tommyhoolihan.com; sbrenner@brennerrealty.com; johndcanter@hotmail.com; Hall, Tammy ; Mudd, James P.; sandrade9@yahoo.com; jamto@earthlink.net; Kelner, Bryan J.; bunnycanter@hotmail.com; Barbara Perez; DPaight@cityftmyers.com; jenniferg@northstarclub.info; mconn@news-press.com; nfmneighbor@breezenewspapers.com

Subject: RE: Copy of 9-19-07 HDR draft of Goals, Objectives & policies for the Lee Plan - shell factory meeting handout's.

Scott,

The attachment was missing a few pages so I've attached another copy for everyone's review.

Steve

Steve Schukraft, AICP
Section Manager
Community Planning & Urban Design

HDR | ONE COMPANY | ***Many Solutions***
2202 North West Shore Boulevard, Suite 250 | Tampa FL | 33607
Phone: 813.262.2736 | Fax: 813.262.2777 | Mobile: 813.857.2059 | Email: steve.schukraft@hdrinc.com

---

From: Scott Brenner [mailto:Scott.Brenner@brennerrealty.com]
Sent: Thursday, September 20, 2007 1:30 PM
To: apmstm61@yahoo.com; seekow@aol.com; john@LCIQuotes.com; jaredbeck@wilsonmiller.com; thoolihan@tommyhoolihan.com; sbrenner@brennerrealty.com; johndcanter@hotmail.com; THall@leegov.com; jmudd@leegov.com; sandrade9@yahoo.com; jamto@earthlink.net; kelnerbj@leegov.com; bunnycanter@hotmail.com; Schukraft, Steve; Barbara Perez; DPaight@cityftmyers.com; jenniferg@northstarclub.info; mconn@news-press.com; nfmneighbor@breezenewspapers.com
Subject: Copy of 9-19-07 HDR draft of Goals, Objectives & policies for the Lee Plan - shell factory meeting handout's.

NFMCPP Sub Committee Chairs and Concerned Citizens,

Please open the attachment, these are the hand out sheets from the Shell Factory meeting last night, we the sub committee chairs and concerned citizens are reviewing the HDR draft Goals, Objective & Policies for the Lee Plan outline Monday 4PM at Pine Lakes community room please consider this your reminder and/or invitation to attend and address any and all concerns you have with this initial draft and get your opinion on to the record.
According to Jim Mudd, Lee County Planer the NFM plan is already on the Sept 25th amendment to the Lee Comp Plan which the Lee County Planning department has attached and included with their other revisions, so we have more time to review and amend with our enhancements.
Sincerely
Scott Brenner
Chairman NFMCPP, Broker, Brenner Realty Inc.
12065 Metro Parkway Suite 201
Ft. Myers, FL 33966 USA
office 239-482-8070 fax 239-482-6309 cell 239-671-5929

"The true measure of a career is to be able to be content, even proud, that you succeeded through your own endeavors without leaving a trail of casualties in your wake"
ALAN GREENSPAN, Economist
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AVALON ENGINEERING, INC.
•Architecture •Engineering •Planning

LETTER OF TRANSMITTAL

TO: Mr. James Mudd
Lee County Community Development
P.O. Box 298
Fort Myers, Florida 33902

PROJECT #: 05-115

PROJECT: Land Use Map Amendment / NFM Community Plan for parcels on Pine Island between Orchid Road & Barrette Road

FROM: Linda Miller, Senior Planner

DATE: September 2, 2008

WE ARE SENDING YOU THE FOLLOWING ITEMS:

☒ Attached Via **HAND DELIVER** ☐ Under Separate Cover Via _____

☒ Plans/Prints ☐ Shop Drawings ☐ Specifications ☐ Contract ☐ Disc

☐ Permit Applications ☒ Other

NO. OF COPIES	DESCRIPTION
3	Requested Maps and Additional Information for Land Use Map Amendment

THIS DATA IS TRANSMITTED AS CHECKED BELOW:

☒ as requested ☐ for approval ☐ for signature ☒ for review & comment

☐ for your use/files/information ☐ for your distribution ☐ to be returned

REMARKS:

Jim,
As requested we have provided additional maps and analysis per the Planning staff's review of our information. Please find attached three entire sets. If you have any questions or need anything else please let me know. Thank you!

G:\2005\05-115\LC\FinaldraftNFMCommunityPlan trn.doc

RECEIVED
SEP 0 2 2008
COMMUNITY DEVELOPMENT

2503 Del Prado Boulevard South, Ste. 200 Cape Coral, FL 33904 •Phone: (239) 573-2077 •Fax: (239) 573-2076

CPA 2007-56

Linda Miller - RE: North Fort Myers Community Plan / LU for 80 acres onPineIsland Road

From: "Mudd, James P."
To: "Linda Miller"
Date: 8/25/2008 2:42 PM
Subject: RE: North Fort Myers Community Plan / LU for 80 acres onPineIsland Road
Attachments:

Both models are included in the attached PDF.

From: Linda Miller [mailto:Linda@AvalonEng.com]
Sent: Monday, August 25, 2008 2:26 PM
To: Mudd, James P.
Subject: RE: North Fort Myers Community Plan / LU for 80 acres onPineIsland Road

Great! Thank you! Could I get a copy of the model to include in my resubmittal, so that I have included everything or will you do that on your end?

>>> "Mudd, James P." <JMudd@leegov.com> 8/25/2008 2:19 PM >>>
Linda, DOT ran a revised model with a .225 FAR and the road passed at a level D.

From: Linda Miller [mailto:Linda@AvalonEng.com]
Sent: Monday, August 25, 2008 1:43 PM
To: Mudd, James P.
Subject: North Fort Myers Community Plan / LU for 80 acres on PineIsland Road

Hi Jim,
I am ready to submit to you early tomorrow morning the word document of the North Fort Myers Plan with our information including revised charts and our revised plan amendment application and the exhibits required along with a soils survey and report. The only thing I am waiting on is to see if a FAR of 0.225 would be acceptable for traffic levels. You were going to have that report run. Please let me know so I can finalized the documents in a few places. Thank you!

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SEP 02 2008
COMMUNITY DEVELOPMENT

SYNECOLOGICAL ANALYSTS

Environmental Evaluation and Advocacy

14 Jan 2009

Brad Browning
Lee County Community Development
1500 Monroe St.
Ft Myers, FL 33901

Dear Brad,

I have reviewed Steve Haywood's site along Pine Island Road, just outside the CC limits. As we have discussed previously Steve feels that there is a considerable and probably inequitable difference between the creek side setback north of Pine Island Road and the properties just south of Pine Island Road.I have reviewed plant communities, historical photos and topographic information. Based on this information, it seems to me that an area of 12-15 feet back from creek top of bank elevation is adequate to preserve riparian communities and allow a small buffer for them. This buffer is adequate for any wildlife that use this area now. I will discuss each area separately.

Plant Communities - The dominant native communities in the upland portion of the area in question is Slash Pine, Palmetto, Oak flatwoods. The same species of oak occur throughout the area, but are much larger near the water. The flatwoods extend naturally to an area 10-15' from the top of bank. Historic impacts such as houses, roads and logging trails account for almost all areas that are above top of bank and are not flatwoods.

Historical photos - Review of historic photos back to the 1940's show a variety of impacts over time. As mentioned earlier, these are generally houses, roads and logging trails. These typically followed the path of this creek, possibly be cause of the ready access to fresh water.

Topographic Info - A general topo map of the project is attached. The elevation change from the top of bank to the water level is not shown because the surveyor said he could not stack this many lines in that small an area. There are four and sometimes five contour lines between the top of bank and the water. These are not shown. In summary, the creek is well defined by top of bank and the rest of the site is somewhat flat.

I look forward to visiting w/you and others on your staff regarding this issue.

Very truly yours,

Brown Collins

Suite 200 2159 Morning Sun Lane, Naples, FL 34119
239-514-3998 Fax: 514-0955
brown@synecol.com

CREEK NEAR PI RD.

ABANDONED HOME SITE

TYPICAL FLATWOODS

Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

STEPHANIE KOPELOUSOS
SECRETARY

MEMORANDUM

Date: August 4, 2008

To: Rae Ann Boylan, Boylan Environmental

From: Sonshine Dupree, District One Drainage
for Carl Spirio, District Drainage Engineer

Copies: Ralph Bond, R&D Cattle Co.

Subject: **SR 80, Palm Beach Blvd.**
12020 M.P 11.270 – M.P. 11.802

The FDOT Drainage dept is fine with relocating the drainage easement for the above subject, however, the easement is to be maintained and preserved by Ralph Bond at R & D Cattle Co.

If you should need any other assistance, please call.

District One, Drainage Office
801 North Broadway Avenue * Post Office Box 1249 * Bartow, FL 33831-1249
(863) 519-2621 * (863) 534-7039 (Fax) * MS 1-37
www.shuana.dupree@dot.state.fl.us

Stephen W. Haywood
P.O. Box 101526
Cape Coral, FL 33910
(239) 945-1949 office
(239) 225-8684 cell
(239) 945-2956 fax

RECEIVED
DEC 1 1 2008
COMMUNITY DEVELOPMENT

December 9, 2008

Tammy Hall
Lee County Commissioner, District 4
Box 398
Fort Myers, FL 33902

Dear Tammy,

The partners in the two LLC's, Del Prado-Corbett, LLC and 8.8 Pine Island Road, LLC have approximately $3.6 Million in mortgages on these properties with the bank. They are willing to give both properties back to the bank. There is a great possibility that the two banks will come after the partnership on the promissory notes, at that time we will tell the bank that at the last moment with a strike of a pen the destroyed the value of our property! The partners are not willing to pay any more money on Attorney's, land planner's, surveyors, environmentalist, etc… and unless the county can come up with an equitable solution we see no alternative but to stop paying on the mortgages.

In closing here is an adjacent parcel where there was a house with electrical problem on it, we asked a contractor to tear the house down, and in doing so he had to clear some of the 9 acres. Here is a letter from the County saying we violated Lee County ordinances. If you'll check I bet that the same person that at the last minute put the conservation easement in gave us this code violation. Thank God this guy has an income coming from the county because soon no one else will have any money because they can't do anything!!

Sincerely,

Stephen W. Haywood
Tudor Villas Realty Corp.

P.S. This is regarding Pine Island Road land use changes.

STEPHEN W. HAYWOOD
P O BOX 101526
CAPE CORAL, FLORIDA 33910-1526
(239) 945-1949 OFFICE
(239) 945-2956 FAX
(239)-225-8684 CELL

Lee County Board of Commissioners
Attn: Bob Janes, District One
A. Brian Bigelow, District Two
Ray Judah, District Three
Tammy Hall, District Four
Frank Mann, District Five
Donald D. Stilwell, County Manager
David Owen, County Attorney
Diana M. Parker, County Hearing Examiner
Jim Mudd, Lee County Planner

September 18, 2008

Re: Comprehensive plan amendments
Case no. CPA2007-00056

Location: The property located in Section 4, of Township 44, South, Range 24 East. Located east of Orchid Road, west of Barrett Road, and south of Pine Island Road.

Dear Sir or Madam:

I am writing for the members of various limited liability companies who own six of the seven properties between Orchid Road and Barrett Road on Pine Island Road. We have received notification that the County plans to change the zoning on all of these properties. The taking of parts of these properties for conservation purposes, affects the value of the properties.

We want to withhold the change in zoning and we are requesting that this process be, at the present time stopped.

Attached is a copy of the following properties that we do not want included in this process.

Sincerely,

Stephen W Haywood

CC: David Ged, Attorney at Law
Linda Miller, Avalon Engineering
Charles J. Basinait
Chuck Felix
Gaylord, Merlin, Diaz, Esquires-Tampa

Tudor Villas Realty Corp.
Stephen W Haywood
3613 DelPrado Blvd.
Cape Coral, FL 33904

(239) 945-1949
(239) 945-2956 fax
(239) 225-8684 cell

To: Andrew Diaz

From: Steve Haywood

Re: Four LLC's between Orchid Road and Barrett Road on Pine Island Rd., Lee County, Florida

Date: September 17, 2008

==========

Dear Andrew:

I have marked on the Cape Coral map the four LLC's, and one parcel held by Talan Corp and me, as follows:

1. Orchid Pine Island Rd, LLC, There are three parcels
   Parcel I.D. no. 04-44-24-00-00009.0000 (2500 Pine Island Rd)
   04-44-24-00-00009.0020 (2560 Pine Island Rd)
   04-44-24-00-00009.0030 (1570 Orchid Road)

2. 8.8 Acres Pine Island Rd, LLC, (one parcel)
   Parcel I.D. no. 04-44-24-00-00005.0000 (2650 Pine Island Rd)

3. DelPrado Corbett, LLC (two parcels)
   Parcel I.D. no. 04-44-24-00-00024.0000 (2700 NE Pine Island Rd)
   04-44-24-00-00023.0000 (2750 NE Pine Island Rd)

4. Barrett Pine Island, LLC (two parcels)
   Parcel I.D. no. 04-44-24-00-00014.0000 (1481 Barrett Rd)
   04-44-24-00-00015.0000 (2800 NE Pine Island Rd)

5. Talan Corp. & Haywood 50/50 (one parcel)
   Parcel I.D. no. 04-44-24-00-00004.0010 (2690 Pine Island Rd)

These LLC's run from Orchid to Barrett on Pine Island Road (one parcel is not ours) totaling approximately 38 acres (including a lake between Orchid Pine Island LLC and 8.8 Acres Pine Island Rd LLC.

Steve Haywood

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

Hearing Date:	September 29, 2008
Case Number:	CPA2007-00056
Case Name:	North Fort Myers Community Plan
Request:	Amend the Future Land Use Map series, Map 1, Page 1 of 6, for specified parcels located east of Orchid Road, west of Barrett Rd. and south of Pine Island Road containing approximately 85.3 acres from Central Urban, Suburban, and Outlying Suburban to the Commercial and Conservation Lands Future Land Use Map categories.
Location:	The property is located in Section 4 of Township 44 South Range 24 East. The property is located east of Orchid Road, west of Barrett Road, and south of Pine Island Road.
PROPERTY OWNER'S REPRESENTATIVE:	Linda Miller Avalon Engineering, Inc 2503 Del Prado Bvld #200 Cape Coral, FL 33904
Lee County Planner:	Jim Mudd (239) 533-8180

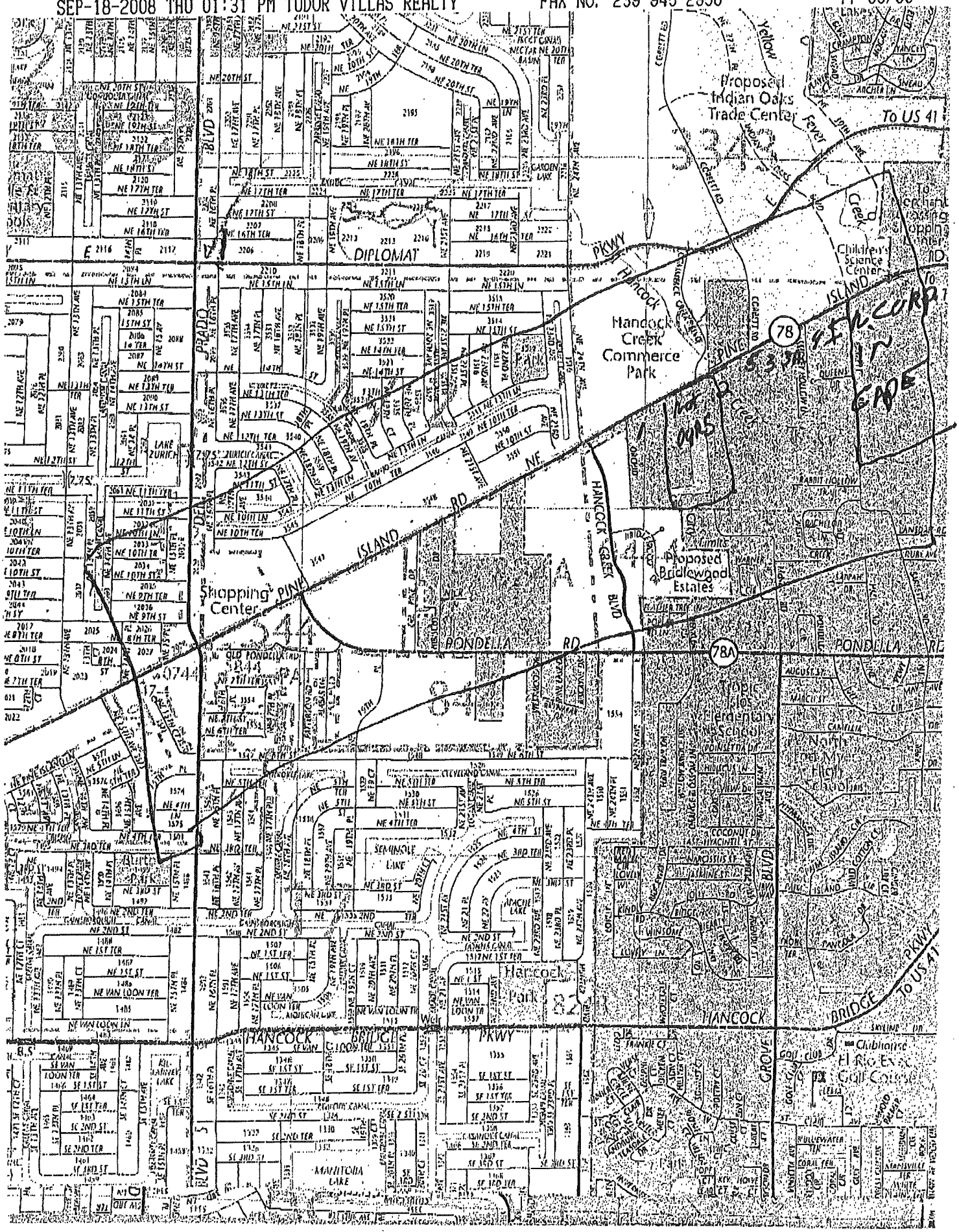
The file may be reviewed Monday through Friday between the hours of 8:00 am and 4:30 pm at the Lee County, Planning Division, 1500 Monroe St., Fort Myers, FL 33901. Call (239) 533-8585 for additional information.

This is a courtesy notice. Please review the New-Press for Local Planning Agency meeting notices.

This case is anticipated to be reviewed by the Local Planning Agency on: 8:30 AM, September 29, 2008

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111
Internet address http://www.lee-county.com
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

Recycled Paper


Proposed Indian Oaks Trade Center
To US 41
DIPLOMAT PKWY
Handock Creek Commerce Park
Children's Science Center
ISLAND
PINE
78
PRADO BLVD
LAKE ZURICH
Shopping Center
HANCOCK CREEK BLVD
Proposed Bridlewood Estates
PONDELLA RD
78A
Hancock Park
HANCOCK BRIDGE PKWY
Clubhouse
Golf Course

SEP-18-2008 THU 01:32 PM TUDOR VILLAS REALTY FAX NO. 239 945 2956 P. 06/06

159-1822

Tudor Villas Realty Corp

P O Box 101526
Cape Coral, FL 33910-1526

(239) 945-1949 Connie/Buffy/Mike/Fast Eddie
(239) 945-2956 (fax)
1-866-380-7653 toll free

PLEASE DELIVER THE FOLLOWING TO:

District 4

Name Tammy Hall From Steve Haywood

Date 9/18/08 Re Case No 2007-00056

Pages 6 Fax No. 485-2054

THIS COMMUNICATION IS CONFIDENTIAL AND INTENDED ONLY FOR THE ADDRESSEE. ANY DISTRIBUTION OR DUPLICATION OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU RECEIVE THIS TELECOPY IN ERROR, PLEASE TELEPHONE (239) 945-1949.

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 335-2183

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

December 22, 2006
SOLICITATION NO.: CN-06-19

RECEIVED
DEC 27 2006
COMMUNITY DEVELOPMENT

HDR Engineering Inc.
Mr. Ricardo Calvo
2202 N West Shore Blvd, Suite 250
Tampa FL 33607-5755

SUBJECT: NORTH FORT MYERS COMMUNITY PLANNING STUDY

Dear Mr. Calvo:

Enclosed are two (2) sets of Professional Service Agreements for your review, signature and corporate seal.

Upon completion please return both originals to our office along with a certificate of insurance with the limits and requirements specified in the agreement form.

We look forward to completing the negotiations for this project that we can present to the Board of County Commissioners for approval at the earliest possible date.

Sincerely,
CONTRACTS MANAGEMENT

Cindy Logan
Contracts Manager

c: Jim Mudd, Community Development

PROFESSIONAL SERVICES AGREEMENT

This PROFESSIONAL SERVICES AGREEMENT is made and entered into this _____ day of _____, 2007, between the Board of County Commissioners of LEE COUNTY, a political subdivision of the STATE OF FLORIDA hereinafter referred to as the "COUNTY", and HDR Engineering, Inc. hereinafter referred to as the "CONSULTANT".

WITNESSETH

WHEREAS, the COUNTY desires to obtain the professional consulting services of said CONSULTANT to provide and perform professional services as further described hereinafter concerning the Project to be referred to and identified as: CN-06-19 North Fort Myers Community Planning Study, and

WHEREAS, the CONSULTANT hereby certifies that CONSULTANT has been granted and possesses valid, current licenses to do business in the State of Florida and in Lee County, Florida, issued by the respective State Boards and Government Agencies responsible for regulating and licensing the professional services to be provided and performed by the CONSULTANT pursuant to this Agreement; and

WHEREAS, the CONSULTANT has reviewed the professional services required pursuant to this Agreement and is qualified, willing and able to provide and perform all such services in accordance with the provisions, conditions and terms hereinafter set forth; and

WHEREAS, the selection and engagement of the CONSULTANT has been made by the COUNTY in accordance with the provisions of the Consultants' Competitive Negotiation Act, Chapter 287.055, Florida Statutes, and in accordance with the provisions of the Lee County Contract Manual for Professional Services as approved and put into effect by the Lee County Board of County Commissioners, September 25, 2001, and as subsequently revised.

NOW, THEREFORE, in consideration of the mutual covenants, terms and provisions contained herein, the parties hereto agree that with the mutual acceptance of this Agreement as indicated hereinafter by the execution of this Agreement by both parties that a Contract shall exist between both parties consisting of:

ARTICLE 1.00 - SCOPE OF PROFESSIONAL SERVICES

CONSULTANT hereby agrees to provide and perform the professional services required and necessary to complete the services and work as set forth EXHIBIT "A", entitled "SCOPE OF PROFESSIONAL SERVICES", which EXHIBIT "A" is attached hereto and made a part of this Agreement.

ARTICLE 2.00 - DEFINITIONS

The following definition of terms associated with this Agreement is provided to establish a common understanding between both parties to this Agreement as to the intended usage, application, and interpretation of such terms pertaining to this Agreement.

2.01 COUNTY

The term COUNTY shall refer to the Board of County Commissioners of Lee County, a political subdivision of the State of Florida, and any official and/or employees thereof who shall be duly authorized to act on the COUNTY'S behalf relative to this Agreement.

2.02 CONSULTANT

The term CONSULTANT shall refer to the individual or firm offering professional services which by execution of this Agreement shall be legally obligated, responsible, and liable for providing and performing any and all of the services, work and materials, including services and/or work of sub-consultants and subcontractors, required under the covenants, terms and provisions contained in this Agreement and any and all Change Orders thereto.

2.03 PROFESSIONAL SERVICES

The term PROFESSIONAL SERVICES shall refer to all of the services, work, materials and all related professional, technical and administrative activities which are necessary to be provided and performed by the CONSULTANT and its employees and any and all sub-consultants and subcontractors the CONSULTANT may engage to provide, perform and complete the services required pursuant to the covenants, terms and provisions of this Agreement.

2.04 SUB-CONSULTANT

The term SUB-CONSULTANT shall refer to any individual or firm offering professional services which is engaged by the CONSULTANT to assist the CONSULTANT in providing and performing the professional services, work and materials for which the CONSULTANT is contractually obligated, responsible and liable to provide and perform under this Agreement. The COUNTY shall not be a party to, responsible or liable for, or assume any obligation whatever for any Agreement entered into between the CONSULTANT and any SUB-CONSULTANT.

2.05 SUBCONTRACTOR

The term SUBCONTRACTOR shall refer to any individual, company or firm providing other than professional services which is engaged by the CONSULTANT to assist the CONSULTANT in providing and performing services, work and materials for which the CONSULTANT is contractually obligated, responsible, and liable to provide and perform under this Agreement. The COUNTY shall not be a party to, responsible or liable for, or assume any obligation whatever for any Agreement entered into between the CONSULTANT and any SUBCONTRACTOR.

2.06 PROJECT

The term PROJECT shall refer to such facility, system, program or item as described in the summary statement set forth in the Preamble on Page One of this Agreement.

2.07 BASIC SERVICES

The term BASIC SERVICES shall refer to the professional services set forth and required pursuant to this Agreement and as described in further detail in the attached EXHIBIT "A", entitled "SCOPE OF PROFESSIONAL SERVICES", which EXHIBIT "A" is attached hereto and made a part of this Agreement.

2.08 ADDITIONAL SERVICES

The term ADDITIONAL SERVICES shall refer to such professional services as the COUNTY may request and authorize, in writing, the CONSULTANT to provide and perform relative to this Agreement which are not included in the BASIC SERVICES. Additional services shall be authorized by the execution of both parties to this Agreement by a Change Order Agreement.

2.09 CHANGE ORDER

The term CHANGE ORDER shall refer to a written document, CHANGE ORDER AGREEMENT, executed by both parties to this Agreement setting forth and authorizing changes to the agreed upon Scope of Professional Services and Tasks, Compensation and Method of Payment, Time and Schedule of Performance, or Project Guidelines and Criteria as such were set forth and agreed to in the initial AGREEMENT, SUPPLEMENTAL TASK AUTHORIZATION(S), or previous CHANGE ORDERS issued thereto. The CHANGE ORDER document, which shall be executed on a Lee County standard form, shall set forth the authorized changes to the: scope of professional services, tasks, work or materials to be performed or provided by the CONSULTANT; the compensation and method of payment; the schedule or time period for performance and completion, and the guidelines, criteria and requirements pertaining thereto.

The amount of the change in contract compensation and time set forth in any and all Change Orders executed and issued under this Agreement shall be understood and agreed by both Parties to this Agreement to be fair, equitable, adequate and complete. The changed compensation shall be understood and agreed to be the total of all costs associated with or impacted by the Change Order including, but not limited to any and all direct costs, indirect costs and associated costs which may result from or be caused by the Change Order, and shall be understood and agreed to include a fair, equitable and adequate adjustment to cover the CONSULTANT'S general administrative and overhead costs and profit.

In the event the County decides to delete all, or portions, of the Scope of Services, Task(s), or Requirements set forth in the initial Agreement, Supplemental Task Authorizations or previously authorized Change Orders, the COUNTY may do so by the unilateral issuance of a written Change Order to the CONSULTANT. Such a unilaterally issued Change Order shall set forth, if appropriate, (1) an agreement by both the COUNTY and the CONSULTANT establishing changes in the amount of compensation to be paid the CONSULTANT as a result of the deletion or decrease in services required, or (2) in the absence of such an agreement concerning compensation, the unilaterally issued Change Order shall set forth the basis to be used in subsequently considering, and reaching agreement on change(s) in the compensation to be paid the CONSULTANT. The failure on the part of the CONSULTANT to execute a Change Order issued unilaterally by the COUNTY to effect a deletion or decrease in the services required shall have no effect on, or otherwise prevent the COUNTY from exercising its rights to direct the stated deletion or decrease in the services to be provided or performed by the CONSULTANT.

2.10 SUPPLEMENTAL TASK AUTHORIZATION

The term Supplemental Task Authorization as used refers to a written document executed by both parties to an existing Professional Services Agreement, or Service Provider Agreement, setting forth and authorizing a limited number of Professional Services, tasks, or work. Such Supplemental Task Authorizations are consistent with and have previously been included within the scope of services in the initial Professional Services Agreement, or Service Provider Agreement, for which authorization has not been previously given or budgeted.

2.11 DEPARTMENT DIRECTOR

The term DEPARTMENT DIRECTOR shall refer to the Director of the Department requesting the service, employed by the Lee County Board of County Commissioners to serve and act on the COUNTY'S behalf, as it relates to this Project. The Chairman of the Board of County Commissioners, or his designated representative, shall act on behalf of the COUNTY to execute any

and all CHANGE ORDER(S) or SUPPLEMENTAL TASK AUTHORIZATION(S) approved by the COUNTY and issued to the CONSULTANT pursuant to this Agreement. The DEPARTMENT DIRECTOR, within the authority conferred by the Board of County Commissioners, acting as the COUNTY'S designated representative shall issue written notification to the CONSULTANT of any and all changes approved by the COUNTY in the CONSULTANT'S: (1) compensation (2) time and/or schedule of service delivery; (3) scope of services; or other change(s) relative to BASIC SERVICES and ADDITIONAL SERVICES pursuant to this Agreement, or CHANGE ORDER(S) or SUPPLEMENTAL TASK AUTHORIZATION(S) pertaining thereto. The DEPARTMENT DIRECTOR shall be responsible for acting on the COUNTY'S behalf to administer, coordinate, interpret and otherwise manage the contractual provisions and requirements set forth in this Agreement, CHANGE ORDER(S), or SUPPLEMENTAL TASK AUTHORIZATION(S) issued thereunder.

2.12 PROJECT MANAGER

The term PROJECT MANAGER shall refer to the person employed or retained by the COUNTY and designated, in writing, to serve and act on the COUNTY'S behalf to provide direct contact and communication between the COUNTY and CONSULTANT with respect to providing information, assistance, guidance, coordination, review, approval and acceptance of the professional services, work and materials to be provided and performed by the CONSULTANT pursuant to this Agreement and such written SUPPLEMENTAL TASK AUTHORIZATION(S) and CHANGE ORDER(S) as are authorized. The PROJECT MANAGER is not authorized to, and shall not, issue any verbal, or written, request or instruction to the CONSULTANT that would have the effect, or be interpreted to have the effect, of modifying or changing in any way whatever the: (1) Scope of Services to be provided and performed by the CONSULTANT; (2) The time the CONSULTANT is obligated to commence and complete all such services; (3) The amount of compensation the COUNTY is obligated or committed to pay the CONSULTANT. The PROJECT MANAGER shall review and make appropriate recommendations on all requests submitted by the CONSULTANT for payment for services and work provided and performed, and reimbursable costs and expense, as provided for in this Agreement and approved CHANGE ORDER(S),or SUPPLEMENTAL TASK AUTHORIZATION(S) thereto.

2.13 LUMP SUM FEE(S)

Lump Sum Fee(s), hereinafter identified as L.S., are understood and agreed to include all direct and indirect labor costs, personnel related costs, overhead and administrative costs, costs of sub-consultant(s) and/or subcontractor(s), out-of-pocket expenses and costs, professional service fee(s) and any other costs or expenses which may pertain to the services and/or work to be performed, provided and/or furnished by the Consultant as may be required and/or necessary to complete each and every task set forth in the Scope of Professional Services, Exhibit "A", or as may be set in subsequent Supplemental Task Authorizations, and/or Change Orders agreed to in writing by both parties to this Agreement.

2.14 NOT-TO-EXCEED FEE(S)

When all, or any portion, of the CONSULTANT'S compensation to provide and perform the services and work necessary and required pursuant to the Tasks set forth in Agreement Exhibit "A", and any Change Orders, Supplemental Task Authorizations, and Work Orders authorized thereto, is established to be made on a NOT-TO-EXCEED (N.T.E.) amount basis, it is mutually understood and agreed that such compensation for each completed Task shall be made on the following basis:

For the actual hours necessary, required and expended by the CONSULTANT'S professional and technical personnel, multiplied by the applicable hourly rates for each classification or position as set forth in Attachment No. 1 to Exhibit "B" to the above referenced Agreement and any Change Orders or Supplemental Task Authorizations authorized thereto; and

For the actual necessary, required and expended non-personnel reimbursable expenses and costs, multiplied by the applicable "Basis of Charges" for each item as set forth in Attachment No. 2 to Exhibit "B" to the above referenced Agreement and any Change Orders or Supplemental Task Authorizations authorized thereto; and

For the actual, necessary and required hours, and non-personnel expenses and costs, expended by Sub-Consultants and SubContractors engaged by the CONSULTANT, multiplied by such hourly rates and unit costs as are agreed to by the COUNTY and the CONSULTANT and as are set forth as a part of the above referenced Agreement and any Change Orders or Supplemental Task Authorizations authorized thereto; and

With the understanding and agreement that the COUNTY shall pay the CONSULTANT for all such costs and expenses within the established Not-to-Exceed amount for each Task or Sub-Task subject to the CONSULTANT presenting an itemized and detailed invoice with appropriate supporting documentation attached thereto to show evidence satisfactory to the COUNTY covering all such costs and expenses; and

With the understanding and agreement that the CONSULTANT'S invoices and all payments to be made for all Not-to-Exceed amounts shall be subject to the review, acceptance and approval of the COUNTY; and

With the understanding and agreement that when the CONSULTANT'S compensation is established on a Not-to-Exceed basis for a specific Task(s) or Sub-Task(s) the total amount of compensation to be paid the CONSULTANT to cover all personnel costs, non-personnel reimbursable expenses and costs, and Sub-Consultant and SubContractor costs for any such specific Task(s) or Sub-Task(s) shall not exceed the amount of the total Not-to-Exceed compensation established and agreed to for each specific Task(s) or Sub-Task(s). In the event the amount of compensation for any Task(s) or Sub-Task(s) to which the CONSULTANT is entitled on the Not-to-Exceed basis set forth above is determined to be necessary, required and actually expended and is determined to be actually less than the Not-to-Exceed amount established for the specific Task or Sub-Task, it is understood and agreed that any unexpended amount under a specific Task or Sub-Task may not be used, applied, transferred, invoiced or paid for services or work provided or performed on any other Task(s) or Sub-Task(s).

ARTICLE 3.00 - OBLIGATIONS OF THE CONSULTANT

The obligations of the CONSULTANT with respect to all the BASIC SERVICES and ADDITIONAL SERVICES authorized pursuant to this Agreement shall include, but not be limited to, the following:

3.01 LICENSES

The CONSULTANT agrees to obtain and maintain throughout the period this Agreement is in effect all such licenses as are required to do business in the State of Florida and in Lee County, Florida, including, but not limited to, licenses required by the respective State Boards and other governmental agencies responsible for regulating and licensing the professional services provided and performed by the CONSULTANT pursuant to this Agreement.

3.02 PERSONNEL

(1) QUALIFIED PERSONNEL

The CONSULTANT agrees when the services to be provided and performed relate to a professional service(s) which, under Florida Statutes, requires a license, certificate of authorization or other form of legal entitlement to practice such services, to employ and/or retain only qualified personnel to be in responsible charge of all BASIC SERVICES and ADDITIONAL SERVICES to be provided pursuant to this Agreement.

(2) CONSULTANT'S PROJECT DIRECTOR

The CONSULTANT agrees to employ and designate, in writing, a qualified and, if required by law, a licensed professional to serve as the CONSULTANT'S Project Director. The CONSULTANT'S Project Director shall be authorized and responsible to act on behalf of the CONSULTANT with respect to directing, coordinating and administering all aspects of the services to be provided and performed under this Agreement thereto. The CONSULTANT'S Project Director shall have full authority to bind and obligate the CONSULTANT on any matter arising under this Agreement unless substitute arrangements have been furnished to the COUNTY in writing. The CONSULTANT agrees that the Project Director shall devote whatever time is required to satisfactorily direct, supervise and manage the services provided and performed by the CONSULTANT throughout the entire period this Agreement is in effect. The person selected by the CONSULTANT to serve as the CONSULTANT'S Project Director shall be subject to the prior approval and acceptance of the COUNTY.

(3) REMOVAL OF PERSONNEL

The CONSULTANT agrees, within thirty (30) calendar days of receipt of a written request from the COUNTY, to promptly remove and replace the CONSULTANT'S Project Director, or any other personnel employed or retained by the CONSULTANT, or personnel of the sub-consultant(s) or subcontractor(s) engaged by the CONSULTANT to provide and/or perform services and/or work pursuant to the requirements of this Agreement, who the COUNTY shall request, in writing, be removed, which request may be made by the COUNTY with or without cause.

3.03 TIMELY ACCOMPLISHMENT OF SERVICES

The timely performance and completion of the required services, work and materials is vitally important to the interests of the COUNTY. Time is of the essence for all of the duties and obligations contained in this Agreement thereto. The COUNTY may suffer damages in the event that the CONSULTANT does not accomplish and complete the required services in a timely manner. The CONSULTANT agrees to employ, engage, retain and/or assign an adequate number of personnel throughout the period of this Agreement so that all BASIC SERVICES and ADDITIONAL SERVICES will be provided, performed and completed in a timely and diligent manner throughout.

3.04 STANDARDS OF PROFESSIONAL SERVICE

The work and/or services to be provided and/or performed by the CONSULTANT and by any Sub-Consultant(s) and/or SubContractor(s) engaged by the CONSULTANT as set forth in the Scope of Professional Services, Exhibit "A", shall be done in accordance with the generally accepted standards of professional practice and in accordance with the laws, rules, regulations, ordinances, codes, policies, standards or other guidelines issued by those governmental agencies which have jurisdiction over all or a portion of this project and which are in effect at the time the COUNTY approves this Agreement, or which may subsequently be changed or revised. Any subsequent change or revision to such laws, rules, regulations, ordinances, codes, policies, standards or other guidelines which requires the CONSULTANT to provide and/or perform work and/or services which are significantly different from that set forth in the Scope of Professional Services, Exhibit "A", shall serve as a basis for the COUNTY to consider the development and issuance of a Change Order to provide for a change to, or Additional Services to the services set forth in the Agreement.

3.05 CORRECTION OF ERRORS, OMISSIONS OR OTHER DEFICIENCIES

(1) RESPONSIBILITY TO CORRECT

The CONSULTANT agrees to be responsible for the professional quality, technical adequacy and accuracy, timely completion, and the coordination of all data, studies, surveys, designs, specifications, calculations, estimates, plans, drawings, construction documents, photographs, reports, memoranda, other documents and instruments, and other services, work and materials performed, provided, and/or furnished by CONSULTANT or by any sub-consultant(s) and/or subcontractor(s) retained or engaged by the CONSULTANT pursuant to this Agreement. The CONSULTANT shall, without additional compensation, correct or revise any errors, omissions or other deficiencies in such data, studies, surveys, designs, specifications, calculations, estimates, plans, drawings, construction documents and instruments, and other services, work and materials resulting from the negligent act, errors or omissions or intentional misconduct of CONSULTANT or any sub-consultant(s) or subcontractor(s) engaged by the CONSULTANT.

(2) COUNTY'S APPROVAL SHALL NOT RELIEVE CONSULTANT OF RESPONSIBILITY

Neither review, approval, or acceptance by the COUNTY of data, studies, surveys, designs, specifications, calculations, estimates, plans, drawings, construction documents, photographs, reports, memoranda, other documents and instruments, and incidental professional services, work and materials furnished hereunder by the CONSULTANT, or any sub-consultant(s) or subcontractor(s) engaged by the CONSULTANT, shall in any way relieve CONSULTANT of responsibility for the adequacy, completeness and accuracy of its services, work and materials and the services, work and materials of any and all sub-consultants and/or subcontractors engaged by the CONSULTANT to provide and perform services in connection with this Agreement. Neither the COUNTY'S review, approval or acceptance of, nor payment for, any of the CONSULTANT'S services, work and materials shall be construed to operate as a waiver of any of the COUNTY'S rights under this Agreement, or any cause of action it may have arising out of the performance of this Agreement.

3.06 LIABILITY

(1) CONSULTANT TO HOLD COUNTY HARMLESS

The CONSULTANT shall be liable and agrees to be liable for and shall indemnify and hold the COUNTY harmless for any and all claims, suits, judgements or damages, losses and expenses including court costs and attorney's fees arising out of the CONSULTANT'S errors, omissions, and/or negligence, or those of any and all sub-consultants and/or subcontractors engaged by the CONSULTANT during the providing, performing and furnishing of services, work and materials pursuant to this Agreement and any and all Change Orders, Supplemental Task Authorizations thereto. The CONSULTANT shall not be liable to nor indemnify the COUNTY for any portions of damages arising out of any error, omission, and/or negligence of the COUNTY, its employees, agents, or representatives or third parties. The CONSULTANT hereby acknowledges that the compensation to be paid the CONSULTANT by the COUNTY as set forth in Agreement Exhibit "B" entitled "COMPENSATION AND METHOD OF PAYMENT" includes compensation as consideration for the indemnification provided herein.

3.07 NOT TO DIVULGE CERTAIN INFORMATION

CONSULTANT agrees, during the term of this Agreement, not to divulge, furnish or make available to any third person, firm, or organization, without COUNTY'S prior written consent, or unless incident to the proper performance of CONSULTANT'S obligations hereunder, or in the course of judicial or legislative proceedings where such information has been properly subpoenaed, any non-public information concerning the services to be rendered by CONSULTANT or any sub-consultant(s) or subcontractor(s) pursuant to this Agreement. CONSULTANT shall require all of its employees, sub-consultant(s) and subcontractor(s) to comply with the provisions of this paragraph.

3.08 CONSULTANT TO REPAIR PROPERTY DAMAGE CAUSED BY THE CONSULTANT

CONSULTANT agrees to promptly repair and/or replace, or cause to have repaired and/or replaced, at its sole cost and expense and in a manner acceptable to and approved by the COUNTY, any property damage arising out of, or caused by, the willful or negligent acts of the CONSULTANT, or of its sub-consultants and/or subcontractors. This CONSULTANT'S obligation under this sub-article does not apply to property damage caused by any other Consultant or Contractor engaged directly by the COUNTY.

The COUNTY reserves the right, should the CONSULTANT fail to make such repairs and/or replacement within a reasonable period of time, to cause such repairs and/or replacement to be made by others and for all costs and expenses associated with having such repairs and/or replacement done to be paid for by the CONSULTANT, or by the CONSULTANT reimbursing the COUNTY for all such costs and expenses.

3.09 RESPONSIBILITY FOR ESTIMATES

(1) In the event the services required pursuant to this Agreement include the CONSULTANT preparing and submitting to the COUNTY, cost estimates, the CONSULTANT, by exercise of his experience, effort, knowledge and judgment, shall develop such cost estimates as are set forth in, or as may be required under the Agreement and shall be held accountable, responsible and liable for the accuracy, completeness, and correctness of any and all such cost estimates. For purposes of the Liability Provisions of this Article only, the CONSULTANT'S estimate(s) shall be considered valid and effective for a period of six (6) months from the date of the COUNTY'S acceptance of the estimate(s).

(2) The cost estimates of CONSULTANTS or SUB-CONSULTANTS engaged by CONSULTANTS, for the appraisal or valuation of property or easements, or the estimate of damages or costs associated with the acquisition of property or easements are exempted from the provisions of Article 3.09.

(3) Cost Estimates

(A) ORDER OF MAGNITUDE ESTIMATE

This is an approximate estimate made without detailed architect/engineering data. Examples include, but are not limited to, an estimate from cost-capacity curves, an estimate using scale-up or scale-down factors, and an approximate ratio estimate. This type of estimate shall be accurate within plus fifty percent (50.0%). If the bids, as described above, fail to meet this prescribed accuracy, the cost associated with the preparation and development of the ORDER OF MAGNITUDE ESTIMATE shall be recoverable by the COUNTY.

(B) BUDGET ESTIMATE

Budget in this case applies to the COUNTY'S budget and not to the budget as a project controlled document. A budget is prepared with the use of flowsheets, layouts, and equipment details. This

type of estimate shall be accurate within plus twenty-five percent (25.0%). If the bids, as described above, fail to meet this prescribed accuracy, the cost associated with the preparation and development of the BUDGET ESTIMATE shall be recoverable by the COUNTY.

(C) CONSTRUCTION COST ESTIMATE.

A construction cost estimate for purposes of this Agreement is an estimate prepared on the basis of well defined engineering/architectural data and on detailed information set forth in specifications, designs or drawings which are to be used as a basis for obtaining bids or price proposals for constructing the project. This type of estimate shall be accurate within plus or minus ten percent (10%) of the cost of the construction of the project. The accuracy and reliability of a CONSTRUCTION COST ESTIMATE is vital to the COUNTY'S interests because it may be used for such purposes as, but not limited to the following; budgeting, obtaining, allocating or obligating funds for the project; evaluating and determining the reasonableness and acceptableness of bids or price proposals for construction projects; or establishing the assessment amounts for Municipal Service Benefit Units (M.S.B.U.).

In the event the COUNTY solicits and receives bids or price proposals from contractors on a construction project based on specifications, design, drawings and a CONSTRUCTION COST ESTIMATE prepared by the CONSULTANT, and the lowest bid or price proposal, submitted by a responsive and responsible bidder or proposer, which bid or price proposal exceeds the amount of the CONSULTANT'S CONSTRUCTION COST ESTIMATE by more than the percent accuracy set forth hereinabove, the CONSULTANT shall, upon notification by the COUNTY, assume responsibility for and proceed to provide and perform the following service without additional compensation:

The CONSULTANT will, subject to the review and approval of the COUNTY, modify at its expense the specifications, design, drawings and related bidding and contract documents to the extent necessary to reduce the anticipated construction costs so that the re-solicitation of bids or price proposals will realize bids or price proposals being received that are within the range of accuracy established for the CONSTRUCTION COST ESTIMATE prepared by the CONSULTANT. Any such modifications made by the CONSULTANT shall not conflict with the functional or operational requirements established by the COUNTY for the project and set forth in the Agreement or Change Order(s) or Supplemental Task Authorization(s) issued thereto, nor shall any such modifications conflict with established rules, regulations, requirements or professional standards pertaining to the design, specifications or drawings prepared by the CONSULTANT, nor shall such modifications adversely affect the safe use or operation of the constructed project.

In the event (1) the CONSULTANT'S modification of the design, specifications, drawings and related bidding and contract documents, and (2) the re-solicitation of bids or price proposals do not result in bids or price proposals being received from a responsive and responsible bidder or proposer that are within the established percent accuracy of the CONSULTANT'S CONSTRUCTION COST ESTIMATE, the costs associated with the CONSULTANT'S preparation and development of the CONSTRUCTION

COST ESTIMATE shall be recoverable by the COUNTY by an appropriate reduction in the CONSULTANT'S invoice requesting payment for services rendered.

For determination of compliance with the accuracy requirement established for the CONSTRUCTION COST ESTIMATE prepared by the CONSULTANT, the amount of the CONSTRUCTION COST ESTIMATE submitted by the CONSULTANT shall be adjusted from the date the CONSTRUCTION COST ESTIMATE was received by the COUNTY until the date bids or price proposals are received by the COUNTY, by applying the percent change in the "20 Cities Cost Index" as published in the ENR (formerly ENGINEERING NEWS-RECORD) a McGraw-Hill, Inc. publication.

If, in response to its solicitation, the COUNTY receives less than three bids or priced proposals for a project, there is the potential that such bids or priced proposals may not be a realistic representation of the costs expected to be associated with the project. If under such circumstances, and if in the professional judgment of the CONSULTANT, the low bid or the low priced proposal received from a responsive bidder or proposer does not realistically represent the costs associated with the project, the CONSULTANT may deem it appropriate to recommend the COUNTY reject any such bid(s) or priced proposal(s). If under such circumstances the COUNTY concurs with the CONSULTANT'S recommendation and rejects the bid(s) or priced proposal(s), the COUNTY will not hold the CONSULTANT responsible to, nor will the COUNTY require the CONSULTANT to, modify the specifications, design, drawings and related bidding and contract documents as set forth hereinbefore.

3.10 PERMITS

The CONSULTANT will be responsible for preparing and submitting all required applications and other supportive information necessary to assist the COUNTY in obtaining all reviews, approvals and permits, with respect to the CONSULTANT'S design, drawings and specifications required by any governmental body having authority over the project. Any fees required for such reviews, approvals or permits will be covered by a check issued by the COUNTY and made payable to the respective governmental body upon the CONSULTANT furnishing the COUNTY satisfactory documentation of such fees. The CONSULTANT will be similarly responsible for preparing and submitting all required applications and other supportive information necessary to assist the COUNTY in obtaining any renewals and/or extensions of reviews, approvals or permits that may be required while this Agreement is in effect. The COUNTY shall, at the CONSULTANT'S request, assist in obtaining

required signatures and provide the CONSULTANT with all information known to be available to the COUNTY so as to assist the CONSULTANT in the preparation and submittal of any original, renewal or extension of required reviews, approvals or permits.

3.11 ADDITIONAL SERVICES

Should the COUNTY request the CONSULTANT to provide and perform professional services for this project which are not set forth in EXHIBIT "A", the CONSULTANT agrees to provide and perform such ADDITIONAL SERVICES as may be agreed to in writing by both parties to this Agreement.

Such ADDITIONAL SERVICES shall constitute a continuation of the professional services covered under this Agreement and shall be provided and performed in accordance with the covenants, terms, and provisions set forth in this Agreement thereto.

ADDITIONAL SERVICES shall be administered and authorized as "SUPPLEMENTAL TASK AUTHORIZATIONS" or "CHANGE ORDERS" under the Agreement. The CONSULTANT shall not provide or perform, nor shall the COUNTY incur or accept any obligation to compensate the CONSULTANT for any ADDITIONAL SERVICES unless and until a written "SUPPLEMENTAL TASK AUTHORIZATIONS" or "CHANGE ORDER" shall have been agreed to and executed by both parties.

Each such "SUPPLEMENTAL TASK AUTHORIZATION" or "CHANGE ORDER" shall set forth a comprehensive, detailed description of: (1) the Scope of the ADDITIONAL SERVICES requested; (2) the basis of compensation; and (3) the period of time and/or schedule for performing and completing said ADDITIONAL SERVICES.

3.12 TRUTH-IN-NEGOTIATIONS CERTIFICATE

The COUNTY may request the CONSULTANT to execute a Truth-in-Negotiations Certificate ("Certificate"), in a form attached as EXHIBIT "F". The Certificate shall state that wage rates and other factual unit costs supporting the compensation are accurate, complete and current at the time this Agreement is executed. The original contract price and any additions thereto shall be adjusted to exclude any significant sums by which the COUNTY determines the contract price was increased due to inaccurate, incomplete or non-current wage rates or other factual unit costs.

3.13 COMPLETION OF TASKS

Unless otherwise set forth in the Agreement the CONSULTANT shall be responsible for providing and performing whatever services, work, equipment, material, personnel, supplies, facilities, transportation and administrative support that are necessary and required to complete all of the tasks set forth in Agreement Exhibit "A" entitled "Scope of Professional Services" and Change Orders, and Supplemental Task Authorizations authorized. The compensation to be paid the CONSULTANT as set forth in Agreement Exhibit "B" entitled "Compensation and Method of Payment" and Change Orders, and Supplemental Task Authorizations authorized thereto shall be understood and agreed to adequately and completely compensate the CONSULTANT for providing and performing whatever services, work, equipment, material, personnel, supplies, facilities, transportation

and administrative support that are necessary and required to complete the tasks set forth in Agreement Exhibit "A" and Change Orders, Supplemental Task Authorizations, and Work Orders authorized thereto as stated above."

3.14 AFFIRMATIVE ACTION BY CONSULTANT WHEN ENGAGING SUB-CONSULTANTS

Florida Statute #287.042(4)(f) establishes that agencies, including Lee County, are encouraged to spend twenty-five (25%) percent of the monies actually spent for contractual services for the purpose of entering into contracts with certified Minority Business Enterprises. Accordingly, the CONSULTANT is encouraged, when selecting or engaging the services of sub-consultants or subcontractors pursuant to this Agreement, to spend twenty-five (25%) percent of the amount of compensation established in this Agreement and in subsequent CHANGE ORDERS, and SUPPLEMENTAL TASK AUTHORIZATIONS authorized thereto for the engagement of the services of certified Minority Business Enterprise sub-consultants or subcontractors.

In furtherance of this statutory goal the COUNTY expects the CONSULTANT to take affirmative action towards achieving this goal. "Affirmative Action" as used herein shall constitute a good faith effort by the CONSULTANT to achieve the stated goal of engaging certified Minority Business Enterprise sub-consultants or subcontractors to provide or perform services and/or work pursuant to the SCOPE OF SERVICES required under this Agreement. Efforts taken by the CONSULTANT to assist the COUNTY in meeting this statutory goal must be documented in detail, records of sub-consultants or subcontractors contacted maintained, including negotiation efforts, and written Agreements maintained for services or work awarded to sub-consultants or subcontractors.

The CONSULTANT, upon receipt of a written request by the COUNTY, shall within ten (10) calendar days thereafter submit to the COUNTY copies of records and supporting documentation to show evidence of its affirmative action efforts to achieve the above stated goal.

The CONSULTANT is encouraged to contact the Lee County Department of Equal Opportunity for information and assistance regarding the COUNTY'S Minority Business Enterprise certification program and listing of certified Minority Business Enterprises.

ARTICLE 4.00 - OBLIGATIONS OF THE COUNTY

4.01 DESIGNATION OF PROJECT MANAGER

The COUNTY agrees after the execution of this Agreement to promptly advise the CONSULTANT, in writing, of the person designated to serve and act as the COUNTY'S PROJECT MANAGER pursuant to the provisions of Article 2.13 of this Agreement. Such notification shall be provided to the CONSULTANT by the COUNTY'S DEPARTMENT DIRECTOR.

4.02 AVAILABILITY OF COUNTY INFORMATION

(1) PROJECT GUIDELINES AND CRITERIA

Guidelines to the CONSULTANT regarding requirements the COUNTY has established or suggests relative to the Project including, but not limited to such items as: goals, objectives, constraints, and any

special financial, budgeting, space, site, operational, equipment, technical, construction, time and scheduling criteria are set forth in EXHIBIT "E", entitled "PROJECT GUIDELINES AND CRITERIA", which EXHIBIT "E" is attached hereto and made a part of this Agreement.

(2) COUNTY TO PROVIDE PERTINENT REFERENCE MATERIAL

At the CONSULTANT'S request, the COUNTY agrees to provide to the CONSULTANT, at no cost to the CONSULTANT, all pertinent information known to be available to the COUNTY to assist the CONSULTANT in providing and performing the required professional services. Such information may include, but not be limited to: previous reports; plans, drawings and specifications; maps; property, boundary, easement, right-of-way, topographic, reference monuments, control points, plats and related survey data; data prepared or services furnished by others to the COUNTY such as sub-surface investigations, laboratory tests, inspections of natural and man-made materials, property appraisals, studies, designs and reports.

4.03 AVAILABILITY OF COUNTY'S DESIGNATED REPRESENTATIVES

The COUNTY agrees that the DEPARTMENT DIRECTOR and the PROJECT MANAGER shall be available within a reasonable period of time, with reasonable prior notice given by the CONSULTANT, to meet and/or consult with the CONSULTANT on matters pertaining to the services to be provided and performed by the CONSULTANT. The COUNTY further agrees to respond within a reasonable period of time to written requests submitted by the CONSULTANT.

4.04 ACCESS TO COUNTY PROPERTY

The COUNTY agrees, with reasonable prior written notice given by the CONSULTANT, to provide the CONSULTANT with access within a reasonable period of time to COUNTY property, facilities, buildings and structures to enable the CONSULTANT to provide and perform the required professional services and work pursuant to this Agreement. Such rights of access shall not be exercised in such a manner or to such an extent as to impede or interfere with COUNTY operations, or the operations carried on by others under a lease, or other contractual arrangement with the COUNTY, or in such a manner as to adversely affect the public health and safety. Such access may, or may not be, within the CONSULTANT'S normal office and/or field work days and/or work hours.

ARTICLE 5.00 - COMPENSATION AND METHOD OF PAYMENT

5.01 BASIC SERVICES

The COUNTY shall pay the CONSULTANT for all requested and authorized BASIC SERVICES rendered hereunder by the CONSULTANT and completed in accordance with the requirements, provisions, and/or terms of this Agreement and accepted by the COUNTY in accordance with the provisions for compensation and payment of said BASIC SERVICES set forth and prescribed in EXHIBIT "B", entitled "COMPENSATION AND METHOD OF PAYMENT", which EXHIBIT "B" is attached hereto and made a part of this Agreement, or on the basis of such changes to the established compensation as may be mutually agreed to by both parties to this Agreement as evidenced by a written Change Order executed by both parties.

5.02 ADDITIONAL SERVICES

The COUNTY shall pay the CONSULTANT for all such ADDITIONAL SERVICES as have been requested and authorized by the COUNTY and agreed to, in writing, by both parties to this Agreement and which have been rendered as ADDITIONAL SERVICES by the CONSULTANT and completed in accordance with the requirements, provisions, and/or terms of this Agreement and accepted by the COUNTY in accordance with the provisions for compensation and payment of said ADDITIONAL SERVICES as set forth and prescribed in EXHIBIT "B", entitled "COMPENSATION AND METHOD OF PAYMENT", which EXHIBIT "B" is attached hereto and made a part of this Agreement, or on the basis of such changes to the established compensation as may be mutually agreed to by both parties to this Agreement as evidenced by a written Change Order or Supplemental Task Authorization executed by both parties.

5.03 METHOD OF PAYMENT

(1) MONTHLY STATEMENTS

The CONSULTANT shall be entitled to submit not more than one invoice statement to the COUNTY each calendar month covering services rendered during the preceding calendar month. The CONSULTANT'S invoice statement(s) shall be itemized to correspond to the basis of compensation as set forth in the Agreement, or CHANGE ORDER(S), and SUPPLEMENTAL TASK AUTHORIZATION(S) thereunder. The CONSULTANT'S invoice statements shall contain a breakdown of charges, description of service(s) and work provided and/or performed, and where appropriate, supportive documentation of charges consistent with the basis of compensation set forth in the Agreement, or in CHANGE ORDER(S), and/or SUPPLEMENTAL TASK AUTHORIZATION(S) thereunder.

(2) PAYMENT FOR SERVICES PERFORMED

The COUNTY shall pay the CONSULTANT for services performed using either of the following methods, or using a combination thereof:

(A) The COUNTY shall pay the CONSULTANT on the basis of services completed for tasks set forth in Exhibits "A" and "B", as evidenced by work products such as reports, drawings, specifications, etc., submitted by the CONSULTANT and accepted by the COUNTY. No payments shall be made for CONSULTANT'S Work-in-Progress until service items for which payment amounts have been established and set forth in this Agreement have been completed by the CONSULTANT and accepted by the COUNTY. Whenever an invoice statement covers services for which no work product is required to be furnished by the CONSULTANT to the COUNTY, the COUNTY reserves the right to retain ten percent (10%) of the amount invoiced until such service requirements are fully completed.

(B) The COUNTY shall pay the CONSULTANT for services performed for tasks set forth in Exhibits "A" and "B" on the basis of an invoice statement covering CONSULTANT'S Work-in-Progress expressed as a percentage of the total cost of the service and/or work required for each task invoiced in this manner. All such Work-in-Progress percentages are subject to the review and approval of the COUNTY. The decision of the COUNTY shall be final as to the Work-in-Progress percentages

paid. Payment by the COUNTY for tasks on a Work-in-Progress percentage basis shall not be deemed or interpreted in any way to constitute an approval or acceptance by the COUNTY of any such service or Work-in-Progress. The CONSULTANT shall be responsible for correcting, re-doing, modifying or otherwise completing the services and work required for each task before receiving final, full payment whether or not previous Work-in-Progress payments have been made. All tasks to be paid for on a Work-in-Progress percentage basis shall be agreed to by both parties to the Agreement and each task to be paid in this manner shall be identified in Exhibit "B" with the notation (WIPP). Only tasks so identified will be paid on a Work-in-Progress percentage basis. The COUNTY reserves the right to retain ten percent (10%) of the amount invoiced until such service requirements are fully completed.

(3) PAYMENT SCHEDULE

The COUNTY shall issue payment to the CONSULTANT within thirty (30) calendar days after receipt of an invoice statement from the CONSULTANT in an acceptable form and containing the requested breakdown and detailed description and documentation of charges. Should the COUNTY object or take exception to the amount of any CONSULTANT'S invoice statement, the COUNTY shall notify the CONSULTANT of such objection or exception within the thirty (30) calendar day payment period set forth hereinbefore. If such objection or exception remains unresolved at the end of said thirty (30) calendar day period, the COUNTY shall withhold the disputed amount and make payment to the CONSULTANT of the amount not in dispute. Payment of any disputed amount, or adjustments thereto, shall be made within thirty (30) calendar days of the date such disputed amount is resolved by mutual agreement of the parties to this Agreement.

5.04 PAYMENT WHEN SERVICES ARE TERMINATED AT THE CONVENIENCE OF THE COUNTY

In the event of termination of this Agreement at the convenience of the COUNTY, not at the fault of the CONSULTANT, the COUNTY shall compensate the CONSULTANT only for: (1) all services performed prior to the effective date of termination; (2) reimbursable expenses then due; and (3) reasonable expenses incurred by the CONSULTANT in affecting the termination of services and work, and incurred by the submittal to the COUNTY of project drawings, plans, data, and other project documents.

5.05 PAYMENT WHEN SERVICES ARE SUSPENDED

In the event the COUNTY suspends the CONSULTANT'S services and work on all or part of the services required to be provided and performed by the CONSULTANT pursuant to this Agreement, the COUNTY shall compensate the CONSULTANT only for the services performed prior to the effective date of suspension and reimbursable expenses then due and any reasonable expenses incurred or associated with, or as a result of such suspension.

5.06 NON-ENTITLEMENT TO ANTICIPATED FEES IN THE EVENT OF SERVICE TERMINATION, SUSPENSION, ELIMINATION, CANCELLATION AND/OR DECREASE

In the event the services required pursuant to this Agreement are terminated, eliminated, cancelled, or decreased due to: (1) termination; (2) suspension in whole or in part; and (3) and/or are modified by the subsequent issuance of SUPPLEMENTAL TASK AUTHORIZATION(S) and/or CHANGE ORDER(S), other than receiving the compensation set forth in Sub-Articles 5.04 and 5.05, the CONSULTANT shall not be entitled to receive compensation for anticipated professional fees, profit, general and administrative overhead expenses or for any other anticipated income or expense which may be associated with the services which are terminated, suspended, eliminated, cancelled or decreased.

ARTICLE 6.00 - TIME AND SCHEDULE OF PERFORMANCE

6.01 NOTICE TO PROCEED

Following the execution of this Agreement by both parties, and after the CONSULTANT has complied with the insurance requirements set forth hereinafter, the COUNTY shall issue the CONSULTANT a WRITTEN NOTICE TO PROCEED. Following the issuance of such NOTICE TO PROCEED the CONSULTANT shall be authorized to commence work and the CONSULTANT thereafter shall commence work promptly and shall carry on all such services and work as may be required in a timely and diligent manner to completion.

6.02 TIME OF PERFORMANCE

The CONSULTANT agrees to complete the services required pursuant to this Agreement within the time period(s) for completion of the various phases and/or tasks of the project services set forth and described in this Agreement, as set forth in EXHIBIT "C", entitled "SCHEDULE OF PERFORMANCE, which EXHIBIT "C" is attached hereto and made a part of this Agreement.

Should the CONSULTANT be obstructed or delayed in the prosecution or completion of its obligations under this Agreement as a result of causes beyond the control of the CONSULTANT, or its sub-consultant(s) and/or subcontractor(s), and not due to their fault or neglect, the CONSULTANT shall notify the COUNTY, in writing, within five (5) calendar days after the commencement of such delay, stating the cause(s) thereof and requesting an extension of the CONSULTANT'S time of performance. Upon receipt of the CONSULTANT'S request for an extension of time, the COUNTY shall grant the extension if the COUNTY determines the delay(s) encountered by the CONSULTANT, or its sub-consultant(s) and/or subcontractor(s), is due to unforeseen causes and not attributable to their fault or neglect.

6.03 CONSULTANT WORK SCHEDULE

The CONSULTANT shall be required as a condition of this Agreement to prepare and submit to the COUNTY, on a monthly basis, commencing with the issuance of the NOTICE TO PROCEED, a CONSULTANT'S WORK SCHEDULE. The WORK SCHEDULE shall set forth the time and manpower scheduled for all of the various phases and/or tasks required to provide, perform and complete all of the services and work required completion of the various phases and/or tasks of the project services set forth and described in this Agreement, as

set forth in EXHIBIT "C", pursuant to this Agreement in such a manner that the CONSULTANT'S planned and actual work progress can be readily determined. The CONSULTANT'S WORK SCHEDULE of planned and actual work progress shall be updated and submitted by the CONSULTANT to the COUNTY on a monthly basis.

6.04 FAILURE TO PERFORM IN A TIMELY MANNER

Should the CONSULTANT fail to commence, provide, perform and/or complete any of the services and work required pursuant to this Agreement in a timely and diligent manner, the COUNTY may consider such failure as justifiable cause to terminate this Agreement. As an alternative to termination, the COUNTY at its option, may, upon written notice to the CONSULTANT, withhold any or all payments due and owing to the CONSULTANT, not to exceed the amount of the compensation for the work in dispute, until such time as the CONSULTANT resumes performance of his obligations in such a manner as to get back on schedule in accordance with the time and schedule of performance requirements set forth in this Agreement, or any CHANGE ORDER(S), or SUPPLEMENTAL TASK AUTHORIZATION(S) issued thereto.

ARTICLE 7.00 - SECURING AGREEMENT

The CONSULTANT warrants that the CONSULTANT has not employed or retained any company or person other than a bona fide, regular, full time employee working for the CONSULTANT to solicit or secure this Agreement and that the CONSULTANT has not paid or agreed to pay any person, company, corporation or firm other than a bona fide employee working solely for the CONSULTANT any fee, commission, percentage, gift or any other consideration contingent upon or resulting from the award or making of this Agreement.

ARTICLE 8.00 - CONFLICT OF INTEREST

The CONSULTANT represents that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance of services required hereunder. The CONSULTANT further agrees that no person having any such interest shall be employed or engaged by the CONSULTANT for said performance.

If CONSULTANT, for itself and on behalf of its subconsultants, is about to engage in representing another client, which it in good faith believes could result in a conflict of interest with the work being performed by CONSULTANT or such sub-consultant under this Agreement, then it will promptly bring such potential conflict of interest to the COUNTY'S attention, in writing. The COUNTY will advise the CONSULTANT, in writing, within ten (10) calendar days as to the period of time required by the COUNTY to determine if such a conflict of interest exists. If the COUNTY determines that there is a conflict of interest, CONSULTANT or such sub-consultant shall decline the representation upon written notice by the COUNTY.

If the COUNTY determines that there is not such conflict of interest, then the COUNTY shall give its written consent to such representation. If CONSULTANT or sub-consultant accepts such a representation without obtaining the COUNTY'S prior written consent, and if the COUNTY subsequently determines that there is a conflict of interest between such representation and the work being performed by CONSULTANT or such

sub-consultant under this Agreement, then the CONSULTANT or such sub-consultant agrees to promptly terminate such representation. CONSULTANT shall require each of such sub-consultants to comply with the provisions of this Section.

Should the CONSULTANT fail to advise or notify the COUNTY as provided hereinabove of representation which could, or does, result in a conflict of interest, or should the CONSULTANT fail to discontinue such representation, the COUNTY may consider such failure as justifiable cause to terminate this Agreement.

ARTICLE 9.00 - ASSIGNMENT, TRANSFER AND SUBCONTRACTS

The CONSULTANT shall not assign or transfer any of its rights, benefits or obligations hereunder, except for transfers that result from: (1) the merger or consolidation of CONSULTANT with a third party; or (2) the disestablishment of the CONSULTANT'S professional practice and the establishment of a successor consultant, or consulting organization. Nor shall the CONSULTANT subcontract any of its service obligations hereunder to third parties, except as otherwise authorized in this Agreement thereto, without prior written approval of the COUNTY. The CONSULTANT shall have the right, subject to the COUNTY'S prior written approval, to employ other persons and/or firms to serve as sub-consultants and/or subcontractors to CONSULTANT in connection with CONSULTANT providing and performing services and work pursuant to the requirements of this Agreement. The COUNTY shall have the right and be entitled to withhold such approval. Such approval shall not be unreasonably withheld.

In providing and performing the services and work required pursuant to this Agreement, CONSULTANT intends to engage the assistance of the sub-consultant(s) and/or subcontractor(s) set forth in EXHIBIT "D", entitled "CONSULTANT'S ASSOCIATED SUB-CONSULTANTS AND SUBCONTRACTORS", which EXHIBIT "D" is attached hereto and made a part of this Agreement.

ARTICLE 10.00 - APPLICABLE LAW

Unless otherwise specified, this Agreement shall be governed by the laws, rules, and regulations of the State of Florida, or the laws, rules, and regulations of the United States when providing services funded by the United States government.

ARTICLE 11.00 - COVENANTS AGAINST DISCRIMINATION

11.01 FOR PROJECTS WITH FUNDS APPROPRIATED FROM GENERAL LEE COUNTY REVENUES

The CONSULTANT for itself, its successors in interest, and assigns as part of the consideration thereof, does hereby covenant and agree that in the furnishing of services to COUNTY hereunder, no person on the grounds of race, color, national origin, handicap, or sex shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination. The CONSULTANT shall comply with Lee County's Affirmative Action Plan or state laws in the hiring of sub-consultants. CONSULTANTS who are uncertain of their obligation must obtain a copy of all relevant guidelines concerning Lee County's Affirmative Action Plan from the Lee County Department of Equal Opportunity.

11.02 FOR PROJECTS WITH FUNDS APPROPRIATED EITHER IN PART OR WHOLLY FROM FEDERAL OR STATE SOURCES

The CONSULTANT for itself, its successors in interest, and assigns as part of the consideration thereof, does hereby covenant and agree that in the furnishing of services to COUNTY hereunder, no person on the grounds of race, color, national origin, handicap, or sex shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination. The CONSULTANT shall make every effort to comply with any Disadvantaged Business Enterprise goals which have been established for this project. CONSULTANTS who are uncertain of their obligations regarding Disadvantaged Business Enterprises for this project must obtain a copy of all relevant federal or state guidelines from the Lee County Department of Equal Opportunity. The failure of the CONSULTANT to adhere to relevant guidelines shall subject the CONSULTANT to any sanctions which may be imposed upon the COUNTY.

ARTICLE 12.00 - WAIVER OF BREACH

Waiver by either party of a breach of any provision of this Agreement shall not be deemed to be a waiver of any other breach and shall not be construed to be a modification of the terms of this Agreement.

ARTICLE 13.00 - INSURANCE

13.01 INSURANCE COVERAGE TO BE OBTAINED

(1) The CONSULTANT shall obtain and maintain such insurance as will protect him from: (1) claims under workers' compensation laws, disability benefit laws, or other similar employee benefit laws; (2) claims for damages because of bodily injury, occupational sickness or disease or death of his employees including claims insured by usual personal injury liability coverage; (3) claims for damages because of bodily injury, sickness or disease, or death of any person other than his employees including claims insured by usual personal injury liability coverage; and (4) from claims for injury to or destruction of tangible property including loss or use resulting therefrom; any or all of which claims may arise out of, or result from, the services, work and operations carried out pursuant to and under the requirements of this Agreement, whether such services, work and operations be by the CONSULTANT, its employees, or by any sub-consultant(s), subcontractor(s), or anyone employed by or under the supervision of any of them, or for whose acts any of them may be legally liable.

(2) The insurance protection set forth hereinabove shall be obtained and written for not less than the limits of liability specified hereinafter, or as required by law, whichever is greater.

(3) The CONSULTANT, throughout the time this Agreement is in effect, shall require and ensure that any and all of its Sub-Consultants and/or SubContractors obtain, have, and maintain the insurance coverages required by law to be provided.

(4) The CONSULTANT shall obtain, have and maintain during the entire period of this Agreement all such insurance policies as are set forth and required herein.

(5) In the event that the CONSULTANT engages Sub-Consultants or Sub-Contractors to assist the CONSULTANT in providing or performing services or work pursuant to the requirements of this Agreement, the insurance coverages required under Article 13.03 to be provided by the CONSULTANT shall cover all of the services or work to be provided or performed by all of the Sub-Consultants or SubContractors engaged by the CONSULTANT. However, in the event the services or work of Sub-Consultants or Sub-Contractors engaged by the CONSULTANT is not covered by the CONSULTANT'S INSURANCE POLICY(s), it shall be the responsibility of the CONSULTANT to ensure that all Sub-Consultants or Sub-Contractors have fully complied with the COUNTY insurance requirements for: (1) Worker's Compensation; (2) Comprehensive General Liability; (3) Comprehensive Automobile Liability; or (4) Professional Liability as required and set forth in Agreement Article 13.00.

The services or work to be provided or performed by the following Sub-Consultant(s) or Sub-Contractor(s) identified in Agreement Exhibit "D" are exempted and excluded from the Professional Liability insurance coverage requirements set forth in this Agreement:

Service and/or work to be Provided and/or Performed	Indicate Name of Individual or Firm

(If none, enter the word "none" in the space below.)

(6) The insurance coverage to be obtained by the CONSULTANT or by Sub-Consultants or Sub-Contractors engaged by the CONSULTANT, as set forth in Agreement Article 13.03 for: (1) Workers' Compensation; (2) Comprehensive General Liability; (3) Comprehensive Automobile Liability; or (4) Professional Liability is understood and agreed to cover any and all of the services or work set forth in Agreement Exhibit "A" and all subsequent Change Order(s), or Supplemental Task Authorization(s). In the event the COUNTY shall execute and issue a written Change Order(s), or Supplemental Task Authorization(s) authorizing the CONSULTANT to provide or perform services or work in addition to those set forth in Agreement Exhibit "A", it is agreed that the COUNTY has the right to change the amount of insurance coverages required to cover the additional services or work. If the additional insurance coverages established exceeds the amount of insurance coverage carried by the CONSULTANT, the compensation established for the Change Order(s), or Supplemental Task Authorization(s) shall include consideration of any increased premium cost incurred by the CONSULTANT to obtain same.

13.02 CONSULTANT REQUIRED TO FILE INSURANCE CERTIFICATE(S)

(1) The CONSULTANT shall submit to the COUNTY'S RISK MANAGEMENT DIVISION all insurance certificates which are required under this Agreement for review and approval with respect to compliance with the insurance requirements. After approval by the RISK MANAGEMENT DIVISION, the COUNTY will execute this Agreement and issue a written Notice to Proceed. The CONSULTANT may then commence with any service or work pursuant to the requirements of this Agreement.

(2) All such insurance certificates shall be in a form and underwritten by an insurance company(s) acceptable to the COUNTY and licensed in the State of Florida.

(3) Each Certificate of Insurance submitted to the COUNTY shall be an original and shall be executed by an authorized representative of the insurance company affording coverage.

(4) Each Certificate of Insurance shall be addressed to the Lee County Board of County Commissioners, Attention: Lee County Contracts Management, P O Box 398, Fort Myers, Florida 33902-0398.

(5) Each Certificate of Insurance shall specifically include all of the following:

(A) The name and type of policy and coverages provided; and

(B) The amount or limit applicable to each coverage provided and the deductible amount, if any, applicable to each type of insurance coverage being provided; and

(C) The date of expiration of coverage; and

(D) The designation of the Lee County Board of County Commissioners both as an additional insured and as a certificate holder. (This requirement is excepted for Professional Liability Insurance and for Workers' Compensation Insurance); and

(E) A specific reference to this Agreement and the Project to which it pertains. (This requirement may be excepted for Professional Liability Insurance); or

In the event the CONSULTANT has, or expects to enter into an agreement for professional services other than those provided for in this Agreement, the CONSULTANT may elect to submit a certificate of insurance containing the following statement:

"This policy covers the services or work provided or performed by the Named Insured for any and all projects undertaken for Lee County pursuant to one or more written Professional Services Agreements, or written Supplemental Task Authorizations, or Change Orders thereto, and the limit(s) of liability shown shall not be intended or construed as applying to only one project."

Upon receipt and approval of such a certificate of insurance the COUNTY will administer the insurance required for all such agreements utilizing the single "multi-project" certificate of insurance and a separate certificate of insurance will not be required for each separate agreement.

(F) The following clause must appear on the Certificate of Insurance:

"Cancellation - Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail 30 days written notice to the Certificate Holder named."

(G) A statement indicating any services or work included in or required under Agreement Exhibit "A" Scope of Professional Services that is specifically excluded or exempted from coverage under the provisions, terms, conditions or endorsements of the CONSULTANT'S insurance policy(s). A statement which indicates any and all deductible amounts applicable to each type of insurance coverage required. In the absence of any such statements, the COUNTY will proceed with the understanding, stipulation and condition that there are no deductible amount(s), or exclusions or exemptions to the insurance coverage(s) provided.

(6) Each Certificate of Insurance shall be issued by an insurance agent and/or agency duly authorized to do so by and on behalf of the insurance company affording the insurance coverage(s) indicated on each Certificate of Insurance.

(7) If the initial, or any subsequently issued Certificate of Insurance expires prior to the completion of the work or termination of this Agreement, the CONSULTANT shall furnish to the COUNTY renewal or replacement Certificate(s) of Insurance, or Certified Binder(s), not later than fifteen (15) calendar days prior to the date of their expiration. Failure of the CONSULTANT to provide the COUNTY with such renewal certificate(s) shall be considered justification for the COUNTY to terminate this Agreement.

(8) If any of the insurance coverage(s) required by this Agreement shall reach the date of expiration indicated on the approved Certificate(s) of Insurance without the COUNTY having received satisfactory evidence of renewal or replacement, the CONSULTANT shall automatically and without further notice stop performing all previously authorized services and work. During any time period that the CONSULTANT'S services or work is suspended for failure to comply with the insurance requirements set forth in the Agreement, the CONSULTANT shall not be entitled to any additional compensation or time to provide and perform the required services or work and the COUNTY shall not be required to make payment on any invoices submitted by the CONSULTANT. Upon receipt and approval of renewal or replacement Certificates of Insurance, payment for any such invoices shall be made promptly by the COUNTY.

13.03 - INSURANCE COVERAGES REQUIRED

The CONSULTANT shall obtain and maintain the following insurance coverages as provided hereinbefore, and in the type, amounts and in conformance with the following minimum requirements:

(1) WORKERS' COMPENSATION

Coverage to comply for all employees for statutory limits in compliance with the applicable State and Federal laws. In addition, the policy must include the following:

(A) Employer's Liability with a minimum limit per accident in accordance with statutory requirements, or a minimum limit of $100,000 for each accident, whichever limit is greater.
(B) Notice of Cancellation and/or Restriction - The policy must be endorsed to provide the COUNTY with thirty (30) days prior written notice of cancellation and/or restriction.

(2) COMMERCIAL GENERAL LIABILITY

Coverage must be afforded on a form no more restrictive than the last edition of the Commercial General Liability Policy filed by the Insurance Services Office and must include the following:

(A) Minimum limits of $100,000 per occurrence and $300,000 aggregate for Bodily Injury Liability and a minimum limit of $100,000 for Property Damage Liability, or a minimum combined single limit of $300,000.

(B) Contractual coverage applicable to this specific Agreement including any hold harmless and/or such indemnification agreement.

(C) Such additional requirements as are set forth in Article 13.01 and 13.02 hereinabove.

(3) BUSINESS AUTOMOBILE LIABILITY

Coverage must be afforded on a form no more restrictive than the latest edition of the Business Automobile Liability Policy filed by the Insurance Services Office and must include the following:

(A) Minimum limits of $100,000 per person and $300,000 per accident for Bodily Injury Liability and a minimum limit of $100,000 for Property Damage Liability, or a minimum combined single limit of $300,000.

(B) Coverage shall include owned vehicles, hired and leased, or non-owned vehicles.

(C) Such additional requirements as are set forth in Articles 13.01

(4) PROFESSIONAL LIABILITY

Coverage must include the following:

(A) A minimum aggregate limit of $ n/a.

(B) Such additional requirements as are set forth in Articles 13.01 and 13.02 hereinabove.

(C) Should the Professional Liability Insurance Policy issued pursuant to the above requirements and limits be written so as to provide an applicable deductible amount, or other exclusion or limitation as to the amount of coverage to be provided within the minimum coverage limits set forth above, the COUNTY shall hold the CONSULTANT responsible and liable for any such difference in the amount of coverage provided by the insurance policy. In the event of any such deductible amount, exclusion or limitation, the CONSULTANT shall be required to provide written documentation that is acceptable to the COUNTY establishing that the CONSULTANT has the financial resources readily available to cover damages, injuries and/or losses which are not covered by the policy's deductible amounts, exclusions and/or limitations as stated above.

ARTICLE 14.00 - DUTIES AND OBLIGATIONS IMPOSED ON THE CONSULTANT

The duties and obligations imposed upon the CONSULTANT by this Agreement and the rights and remedies available hereunder shall be in addition to, and not a limitation of, any otherwise imposed or available by law or statute.

ARTICLE 15.00 - REPRESENTATION OF THE COUNTY

The CONSULTANT in providing and performing the services and work required pursuant to this Agreement thereto shall only represent the COUNTY in the manner and to the extent specifically set forth in writing in this Agreement or thereto, and as provided in any written SUPPLEMENTAL TASK AUTHORIZATION(S), and CHANGE ORDER(S) issued thereunder.

In the event the CONSULTANT'S services or work involves construction contract administrative support services, the CONSULTANT is not authorized to act on the COUNTY'S behalf, and shall not act on the COUNTY'S behalf, in such a manner as to result in change(s) to (1) the cost or compensation to be paid the construction contractor, or (2) the time for completing the work as required and agreed to in the construction contract, or (3) the scope of the work set forth in the construction contract documents, unless such representation is specifically provided for, set forth and authorized in this Agreement or thereto.

The COUNTY will neither assume nor accept any obligation, commitment, responsibility or liability which may result from representation by the CONSULTANT not specifically provided for and authorized as stated hereinabove.

ARTICLE 16.00 - OWNERSHIP OF DOCUMENTS

All documents such as drawings, tracings, notes, computer files, photographs, plans, specifications, maps, evaluations, reports and other records and data relating to this project, other than working papers, specifically prepared or developed by the CONSULTANT under this Agreement shall be property of the CONSULTANT until the CONSULTANT has been paid for providing and performing the services and work required to produce such documents.

Upon completion or termination of this Agreement, or upon the issuance by the COUNTY of a written Change Order deleting all or portions of the scope of services or task(s) to be provided or performed by the CONSULTANT, all of the above documents, to the extent requested in writing by the COUNTY, shall be delivered by the CONSULTANT to the COUNTY within seven (7) calendar days of the COUNTY making such a request. In the event the COUNTY gives the CONSULTANT a written Notice of Termination of all or part of the services or work required, or upon the issuance to the CONSULTANT by the COUNTY of a written Change Order deleting all or part of the services or work required, the CONSULTANT shall deliver to the COUNTY the requested documents as set forth hereinabove, with the mutual understanding and commitment by the COUNTY that compensation earned or owing to the CONSULTANT for services or work provided or performed by the CONSULTANT prior to the effective date of any such termination or deletion will be paid to the CONSULTANT within thirty (30) calendar days of the date of issuance of the Notice of Termination or Change Order.

The CONSULTANT, at its expense, may make and retain copies of all documents delivered to the COUNTY for reference and internal use. The CONSULTANT shall not, and agrees not to, use any of these documents, and data and information contained therein on any other project or for any other client without the prior expressed written permission of the COUNTY. Any use by the COUNTY of said documents, and data and information contained therein, obtained by the COUNTY under the provisions of this Agreement for any purpose not within the scope of this Agreement shall be at the risk of the COUNTY, and without liability to the CONSULTANT. The COUNTY shall be liable and agrees to be liable for and shall indemnify, defend and hold the CONSULTANT harmless for any and all claims, suits, judgments or damages, losses and expenses including court costs, expert witness and professional consultation services, and attorneys' fees arising out of the COUNTY'S use of such documents in a manner contrary to the provisions set forth hereinabove. The COUNTY hereby acknowledges receipt of $10.00 (ten and no hundreds dollars) and other good and valuable consideration from the CONSULTANT which has been paid as specific consideration for the indemnification provided herein.

ARTICLE 17.00 - MAINTENANCE OF RECORDS

The CONSULTANT will keep and maintain adequate records and supporting documentation applicable to all of the services, work, information, expense, costs, invoices and materials provided and performed pursuant to the requirements of this Agreement. Said records and documentation will be retained by the CONSULTANT for a minimum of five (5) years from the date of termination of this Agreement.

The COUNTY and its authorized agents shall, with reasonable prior notice, have the right to audit, inspect and copy all such records and documentation as often as the COUNTY deems necessary during the period of this Agreement, and during the period five (5) years thereafter; provided, however, such activity shall be conducted only during normal business hours and at the expense of the COUNTY, and provided further that to the extent provided by law the COUNTY shall retain all such records confidential.

ARTICLE 18.00 - HEADINGS

The HEADINGS of the Articles, Sections, Exhibits, Attachments, Phases or Tasks as contained in this Agreement are for the purpose of convenience only and shall not be deemed to expand, limit or change the provisions contained in such Articles, Sections, Exhibits, Attachments, Phases or Tasks.

ARTICLE 19.00 - ENTIRE AGREEMENT

This Agreement, including referenced Exhibits and Attachments hereto, constitutes the entire Agreement between the parties hereto and shall supercede, replace and nullify any and all prior agreements or understandings, written or oral, relating to the matters set forth herein, and any such prior agreements or understandings shall have no force or effect whatever on this Agreement.

The following listed documents, which are referred to hereinbefore, are attached to and are acknowledged, understood and agreed to be an integral part of this Agreement:

(1) EXHIBIT "A" entitled "Scope of Professional Services" dated October 24, 2006.

(2) EXHIBIT "B" entitled "Compensation and Method of Payment" dated October 24, 2006.

(3) EXHIBIT "C" entitled "Time and Schedule of Performance" dated October 24, 2006.

(4) EXHIBIT "D" entitled "Consultant's Associated Sub-Consultant(s) and SubContractor(s)", dated October 24, 2006.

(5) EXHIBIT "E" entitled "Project Guidelines and Criteria", dated October 24, 2006.

(6) EXHIBIT "F" entitled "Truth in Negotiation Certificate", dated October 24, 2006.

(7) EXHIBIT "G" entitled "Insurance". (Containing copies of applicable Certificates of Insurance)

(8) EXHIBIT "H" entitled "Amendment to Articles", dated October 24, 2006.

ARTICLE 20.00 - NOTICES AND ADDRESS OF RECORD

20.01 NOTICES BY CONSULTANT TO COUNTY

All notices required and/or made pursuant to this Agreement to be given by the CONSULTANT to the COUNTY shall be in writing and shall be given by the United States Postal Service Department first class mail service, postage prepaid, addressed to the following COUNTY address of record and sent to the attention of the County's Project Manager:

Lee County Board of County Commissioners
Post Office Box 398
Fort Myers, Florida 33902-0398
Department: Community Development

20.02 NOTICES BY COUNTY TO CONSULTANT

All notices required and/or made pursuant to this Agreement to be given by the COUNTY to the CONSULTANT shall be made in writing and shall be given by the United States Postal Service Department first class mail service, postage prepaid, addressed to the following CONSULTANT'S address of record:

HDR Engineering, Inc.
2202 N West Shore Blvd., Ste. 250
Tampa,FL 33607-5755
Phone: 800.473.5679
Fax: 813.262.2795
ATTENTION: Mr. Ricardo Calvo

20.03 CHANGE OF ADDRESS OF RECORD

Either party may change its address of record by written notice to the other party given in accordance with the requirements of this Article.

ARTICLE 21.00 - TERMINATION

This Agreement may be terminated by the COUNTY at its convenience, or due to the fault of the CONSULTANT, by the COUNTY giving thirty (30) day written notice to the CONSULTANT.

If the CONSULTANT is adjudged bankrupt or insolvent; if it makes a general assignment for the benefit of its creditors; if a trustee or receiver is appointed for the CONSULTANT or for any of its property; if it files a petition to take advantage of any debtor's act or to reorganize under the bankruptcy or similar laws; if it disregards the authority of the COUNTY'S designated representatives; if it otherwise violates any provisions of this Agreement; or for any other just cause, the COUNTY may, without prejudice to any other right or remedy, and after giving the CONSULTANT a thirty (30) calendar day written notice, terminate this Agreement.

In addition to the COUNTY'S contractual right to terminate this Agreement in its entirety as set forth above, the COUNTY may also, at its convenience, stop, suspend, supplement or otherwise change all, or any part of, the Scope of Professional Services as set forth in Exhibit "A", or the Project Guidelines and Criteria as set forth in Exhibit "E", or as such may be established by a Supplemental Task Authorization or Change Order Agreement. The COUNTY shall provide written notice to the CONSULTANT in order to implement a stoppage, suspension, supplement or change.

The CONSULTANT may request that this Agreement be terminated by submitting a written notice to the COUNTY dated not less than thirty (30) calendar days prior to the requested termination date and stating the reason(s) for such a request. However, the COUNTY reserves the right to accept or not accept the termination request submitted by the CONSULTANT, and no such termination request submitted by the CONSULTANT shall become effective unless and until CONSULTANT is notified, in writing, by the COUNTY of its acceptance.

21.01 CONSULTANT TO DELIVER MATERIAL

Upon termination, the CONSULTANT shall deliver to the COUNTY all papers, drawings, models, and other material in which the COUNTY has exclusive rights by virtue hereof or of any business done, or services or work performed or provided by the CONSULTANT on behalf of the COUNTY.

ARTICLE 22.00 - AMENDMENTS

The covenants, terms and provisions set forth and contained in all of the Articles to this Agreement may be amended upon the mutual acceptance thereof, in writing, by both parties to this Agreement, as evidenced by Exhibit H for amending articles. In the event of any conflicts between the requirements, provisions and/or terms of the Agreement and any written Amendment (Exhibit H), the requirements, provisions and/or terms of the Amendment shall take precedence.

ARTICLE 23.00 - MODIFICATIONS

Modifications to covenants, terms and provisions of this Agreement shall only be valid when issued in writing as a properly executed CHANGE ORDER(S) or SUPPLEMENTAL TASK AUTHORIZATION(S). In the event of any conflicts between the requirements, provisions, and/or terms of this Agreement and any written CHANGE ORDER(S), and/or SUPPLEMENTAL TASK AUTHORIZATIONS, the latest executed CHANGE ORDER(S), and/or SUPPLEMENTAL TASK AUTHORIZATION(S) shall take precedence.

In the event the COUNTY issues a purchase order, memorandum, letter, or other instruments covering the professional services, work and materials to be provided and performed pursuant to this Agreement, it is hereby specifically agreed and understood that such purchase order, memorandum, letter or other instruments are for the COUNTY'S internal control purposes only, and any and all terms, provisions and conditions contained therein, whether printed or written, shall in no way modify the covenants, terms and provisions of this Agreement and shall have no force or effect thereon.

No modification, waiver, or termination of the Agreement or of any terms thereof shall impair the rights of either party.

ARTICLE 24.00 - ACCEPTANCE

Acceptance of this Agreement shall be indicated by the signature of the duly authorized representative of the hereinabove named parties in the space provided hereinafter and being attested and witnessed as indicated.

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives, have executed this Agreement effective the day and year first written above.

ATTEST:
CLERK OF CIRCUIT COURT
Charlie Green, Clerk

BY:_____

COUNTY: LEE COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

BY:_____
Chair

DATE: _____

APPROVED AS TO FORM

BY:_____
County Attorney's Office

ATTEST:

_____

_____
(CONSULTANT)

_____
(Witness)

BY:_____
(Authorized Signature)

_____
(Witness)

_____
(Title)

DATE:_____

CORPORATE SEAL:

EXHIBIT A

Date: October 24, 2006

SCOPE OF SERVICES

For CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY

BASIC SERVICES

Section 1 GENERAL SCOPE STATEMENT

The CONSULTANT shall provide and perform the following services, which shall constitute the GENERAL SCOPE of the BASIC SERVICES under the covenants, terms, and provisions of this SERVICE PROVIDER AGREEMENT.

Task 1 - Project Kick-Off: Upon Notice to Proceed, CONSULTANT will convene a meeting with County personnel and North Fort Myers Community Planning Panel members to discuss the project objectives, timeline, and responsibilities of each party. During the kick-off meeting, the County will provide the consultant with pertinent data and information to support the project, including, among others, the following items:

- Census data, population projections, and other demographic data for the study area.
- Aerial photography, GIS data, and other readily available mapping data.
- Zoning, FLUM and property appraiser's data.
- Studies, reports, or raw data regarding current water supply sources, stormwater management facilities, wastewater systems, waste collection and disposal, and other utilities information.
- Readily available information regarding other community planning studies in Lee County, if available.

Task 2 – Field Reconnaissance and Photographic Documentation of the Study Area: CONSULTANT will complete a reconnaissance of the area and develop photographic documentation for the project. The field reconnaissance will be accomplished within the same day as the project kick-off meeting. We anticipate one or more representatives of the County and the Community Planning Panel will accompany and guide us in this reconnaissance.

Task 3 – Data Evaluation: With the exception of data generated in the public meetings, the County and Community Planning Panel will supply all necessary data for the project. CONSULTANT will evaluate the information in order to assist the County and the North Fort Myers Community in developing the vision, goals, objectives, and policies to be included in the Community Plan. CONSULTANT will not gather primary data in the field nor perform data manipulation or technical analyses of data provided by the County and Community Planning Panel. CONSULTANT will not prepare impact assessments related to potential changes in land use and development conditions. Should such analyses or assessments be required, the County will arrange for their completion.

Task 4 – Public Meetings: CONSULTANT will facilitate two public meetings. Meetings will be organized by the County or Community Planning Panel, including the location, invitations, and logistics. CONSULTANT will provide up to 50 copies of a final agenda and provide audiovisual materials including PowerPoint presentations, display boards, flipcharts, and ancillary materials. Each meeting will be three hours long.

- Meeting 1 (Vision) – The first meeting will focus on discussing the current conditions of the planning area and will include a participatory exercise to help the community identify its strengths, weaknesses, opportunities, and threats (SWOT). This exercise will lay the foundation for the community plan.
- Meeting 2 (Goals and Strategies) - The Consultant and County staff will conduct a meeting to identify community-wide goals and strategies for inclusion in the plan.

Within one week after each meeting, CONSULTANT will provide the County and Community Planning Panel with a summary of findings.

Task 5 – Community Plan Work Session: CONSULTANT will facilitate a 2-day technical workshop with the County and representatives of the Community Planning Panel, in which we will work together to develop the objectives and policies necessary to further the community's goals, in the context of the Lee Plan. Each Comp Plan element will be addressed as needed. CONSULTANT assumes that some elements will not be applicable.

Task 6 – Prepare and Deliver Draft Community Study: After the 2-day technical workshop, CONSULTANT will prepare the Draft Community Study Report. CONSULTANT will work with the County and the Community Planning Panel to develop an outline for the document. For each comp plan element addressed, there will be a brief discussion of current conditions, a brief discussion of the community needs, and then the goals, objectives and policies. Cost benefit analysis of policies will be limited to comparing alternatives based on a semi-quantitative basis for a set of 3-5 criteria. No econometric modeling, cost estimating, transportation analyses, or exhaustive funding or feasibility analyses are included.

We propose that the outline of the Community Plan be a streamlined version of the Lee Plan, including the following sections:

1. Introduction (background, relationship to County Comp Plan and State requirements, summary of current conditions). Approximately 10 pages.
2. Community Planning Process. A description of the community involvement process and results, including the goals. Approximately 4 pages.

3.X Sections for each pertinent Comp Plan element. For each goal pertinent to the element, the section will include:
- Summary of Current Conditions (pertinent to the goal). One to two pages.
- Summary of Community Needs. About one page.
- Objectives and Policies.

4.X Implementation Plan. A description of the implementation steps and general responsibilities to carry out the Community Plan.

CONSULTANT will submit the Draft Plan electronically, in a print-ready PDF format. The County will be responsible for reproducing and distributing the Draft Plan.

Task 7 – Prepare and Present Final Community Plan: The County and Community Planning Panel will review the draft plan and provide CONSULTANT with one set of consolidated comments. CONSULTANT will address the comments and finalize the plan. CONSULTANT, if requested by the County, will assist in presenting the plan to the Board of County Commissioners. CONSULTANT will submit the Final Plan electronically, in a print-ready PDF format. The County will be responsible for reproducing and distributing the Final Plan.

EXHIBIT B

Date: October 24, 2006

COMPENSATION AND METHOD OF PAYMENT

For CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY

Section 1. BASIC SERVICES/TASK(S)

The COUNTY shall compensate the CONSULTANT for providing and performing the Task(s) set forth and enumerated in EXHIBIT "A", entitled "SCOPE OF PROFESSIONAL SERVICES", as follows:

NOTE: A Lump Sum (L.S.) or Not-to-Exceed (N.T.E.) amount of compensation to be paid the CONSULTANT should be established and set forth below for each task or sub-task described and authorized in Exhibit "A". In accordance with Agreement Article 5.02(2) "Method of Payment", tasks to be paid on a Work-in-Progress payment basis should be identified (WIPP).

Task Number	Task Title	Amount of Compensation	Indicate Basis of Compensation LS or NTE	If Applicable Indicate (W.I.P.P.)
1	Project Kick-Off	$1,870.00	LS	
2	Field Reconnaissance	$1,350.00	LS	
3	Data Evaluation	$7,250.00	LS	
4	Public Meetings (2)	$8,835.00	LS	
5	Work Session	$6,650.00	LS	
6	Draft Community Plan	$8,895.00	LS	
7	Final Plan and Presentation	$15,150.00	LS	
		$50,000.00	LS	

TOTAL
(Unless list is continued on next page)

CMO:033
09/25/01

Section 2. ADDITIONAL SERVICES

The COUNTY shall compensate the CONSULTANT for such ADDITIONAL SERVICES as are requested and authorized in writing for such amounts or on such a basis as may be mutually agreed to in writing by both parties to this Agreement. The basis and/or amount of compensation to be paid the CONSULTANT for ADDITIONAL SERVICES requested and authorized in writing by the COUNTY shall be as set forth in Article 3.11 of this Agreement.

Should it be mutually agreed to base compensation for ADDITIONAL SERVICES on an hourly rate charge basis for each involved professional and technical employee's wage rate classification, the applicable hourly rates to be charged are as set forth and contained in ATTACHMENT NO. 1 hereto dated October 24, 2006, entitled "CONSULTANT'S PERSONNEL HOURLY RATE SCHEDULE".

Section 3. REIMBURSABLE EXPENSES AND COSTS

When the CONSULTANT'S compensation and method of payment is based on an hourly rate for professional and/or technical personnel, the CONSULTANT shall, in addition to such hourly rates as are set forth in Attachment No. 1 hereto, be entitled to reimbursement of out-of-pocket, non-personnel expenses and costs as set forth in ATTACHMENT NO. 2 hereto dated October 24, 2006, entitled "NON-PERSONNEL REIMBURSABLE EXPENSES AND COSTS".

ATTACHMENT NO. 1 TO EXHIBIT B

Date: October 24, 2006

CONSULTANT'S PERSONNEL HOURLY RATE SCHEDULE ***

for CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY

(Enter Project Name from Page 1 of the Agreement)

CONSULTANT OR SUB-CONSULTANT NAME HDR Engineering Inc.
(A separate Attachment No. 1 should be included for each Sub-Consultant)

(1) Project Position or Classification (Function to be Performed)	(2) Current Direct* Payroll Average Hourly Rate	(3) Multiplier**	(4) Hourly Rate To Be Charged (Column 2x3)
Principal	$68.00	2.6	$190.40
Sr. Planner	$60.00	3.1	$186.00
Jr. Planner	$33.00	3.1	$102.00
Planner Tech	$27.00	3.1	$84.00
Administrative	$19.00	3.1	$59.00

*NOTE: Direct Payroll hourly rate means the actual gross hourly wage paid.

**NOTE: Indicate applicable multiplier for indirect personnel costs, general administrative and overhead costs, and profit.

***NOTE: A separate personnel hourly rate schedule should also be attached for each Sub-Consultant listed in Exhibit "D".

CMO:033
09/25/01

ATTACHMENT NO. 2 TO EXHIBIT B

Date: October 24, 2006

NON-PERSONNEL REIMBURSABLE EXPENSES AND COSTS

for CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY

(Enter Project Name from Page 1 of the Agreement)

CONSULTANT OR SUB-CONSULTANT NAME HDR Engineering

(A separate Attachment No. 2 should be included for each Sub-Consultant)

ITEM	BASIS OF CHARGE
Telephone (Long Distance)	Actual Cost
Postage and Shipping	Actual Cost
Commercial Air Travel	Actual Cost (Coach)
Vehicle Travel Allowance (or)	$0.405/Mile
Vehicle Rental/Gas	Actual Cost
Lodging (Per Person)	Actual Cost or NTE $100.00
Meals: Breakfast Lunch Dinner In accordance with the Runzheimer rate service for Travel utilizing the "average", dated **October 24, 2006**	$12.01 $11.82 $24.72
Reproduction (Photocopy) 8 ½" x 11"	$0.15/Page
8 ½" x 14"	$0.20/Page
11" x 14"	$0.35/Page
Reproduction (Blue/White Prints)	$0.20/Sq. Ft.
Printing/Binding	Actual Cost
Mylar Sheets	Actual Cost
Photographic Supplies & Services	Actual Cost
Tolls	Actual Cost
*List other specific project related reimbursables (i.e. film/developing):	
NOTE: Receipts or in-house logs are required for all non-personnel reimbursable expenses unless exempt (such as meals).	
Administrative Services Fee – Applicable only when specifically authorized by the County, for administering the procurement of special additional services, equipment, reimbursables etc. not covered under the costs and/or changes established in the Agreement.	

NOTE: N.T.E. indicates Not-To-Exceed
CMO:033
09/25/01

EXHIBIT C

Date: October 24, 2006

TIME AND SCHEDULE OF PERFORMANCE

for CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY

(Enter Project Name from Page 1 of the Agreement)

This EXHIBIT C establishes times of completion for the various phases and tasks required to provide and perform the services and work set forth in EXHIBIT "A" of this Agreement. The times and schedule of performance set forth hereinafter is established pursuant to Article 6.00 of this Agreement.

Phase and/or Task Reference As Enumerated in EXHIBIT "A"	NAME OR TITLE Of Phase and/Task	Number Of Calendar Days For Completion Of Each Phase And/or Task	Cumulative Number Of Calendar Days For Completion From Date of Notice to Proceed
1	Project Kick-Off	30	30
2	Field Reconnaissance	15	45
3	Data Evaluation	45	90
4	Public Meetings (2)	30	120
5	Work Session	14	134
6	Draft Community Plan	30	164
7	Final Plan & Presentation	45	209

EXHIBIT D

Date: October 24, 2006

CONSULTANT'S ASSOCIATED SUB-CONSULTANT(S) AND SUBCONTRACTOR(S)

for CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY

(Enter Project Name From Page 1 of This Agreement)

CONSULTANT has identified the following Sub-Consultant(s) and/or SubContractor(s) which may be engaged to assist the CONSULTANT in providing and performing services and work on this Project:

(If none, enter the word "none" in the space below.)

Service and/or Work to be Provided or Performed	Name and Address of Individual or Firm	Disadvantaged, Minority or Women Business Enterprise, (If Yes, Indicate Type)			Sub-Consultant Services are Exempted from Prime Consultant's Insurance Coverage	
		Yes	No	Type	Yes	No

EXHIBIT E

Date: October 24, 2006

PROJECT GUIDELINES AND CRITERIA

for CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY

The COUNTY has established the following Guidelines, Criteria, Goals, Objectives, Constraints, Schedule, Budget and/or Requirements which shall serve as a guide to the CONSULTANT in performing the professional services and work to be provided pursuant to this Agreement:

(If none, enter the word "none" in the space below)

Item No. 1

NONE

CMO:036
09/25/01

EXHIBIT F
DATE: October 24, 2006

TRUTH IN NEGOTIATION CERTIFICATE

This Certificate is executed and given by the undersigned as a condition precedent to entering into a Professional Services Agreement with the Lee County Board of County Commissioners for the project known as: CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY

Before me, the undersigned authority personally appeared, who having personal knowledge as to the facts and statements contained herein after being duly sworn, deposes and states under oath that:

1. This Certificate shall be attached to and constitute an integral part of the above said Professional Services Agreement as provided in Article 3.11.

2. The undersigned hereby certifies that the wage rates and other factual unit costs supporting the compensation on which this Professional Services Agreement is established are accurate, complete, and current on the date set forth here-in-above.

3. The truth of statements made herein may be relied upon by the County and the undersigned is fully advised of the legal effect and obligations imposed upon him by the execution of this instrument under oath.

Executed on behalf of the Party to the Professional Services Agreement referred to as the CONSULTANT, doing business as:

_____

_____

BY: _____

TITLE: _____

The foregoing instrument was signed and acknowledged before me this _____ day of _____, _____, by _____ who has produced _____ as identification.
(Print or Type Name) (Type of Identification and Number)

_____
Notary Public Signature

_____
Printed Name of Notary Public

_____
Notary Commission Number/Expiration

CMO:
00/00/00

EXHIBIT H

Date: October 24, 2006

AMENDMENT TO ARTICLES

for CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY

For amending (i.e., changing, deleting from or adding to) the articles.

(NOTE: Each Article to be amended should be set forth and described in such a manner as to clearly indicate what the proposed changes, deletions or additions are with respect to the present Article provisions, and should set forth the wording of the Article resulting from the Amendment. The following identification system should be followed: Indicate additional (new) words or phrases by inserting the words in the text and then underline, (i.e., Months) and indicated words or phrases in the text to be deleted by striking over (i.e. ~~Weeks~~).

THE PROVISIONS HEREBY SUPERCEDE ANY PROVISIONS TO THE CONTRARY CONTAINED ELSEWHERE IN THE ARTICLES OR EXHIBITS.

AMENDMENT NO.

ARTICLE No._____ is hereby amended as follows:

None.

CMO:
09/25/01

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

(239) 479-8180

SOLICITATION NO.: **CN-06-19**

February 22, 2007

HDR Engineering, Inc.
Mr. Ricardo Calvo
2202 No. West Shore Blvd., Suite 250
Tampa, FL 33607-5755

SUBJECT: **NORTH FORT MYERS COMMUNITY PLANNING STUDY**

Dear Mr. Calvo:

This letter will act as your Notice To Proceed effective **February 22, 2007**, to Contract No. **3786** with Lee County. This contract number will also serve as your Purchase Order Number for this project and must be on all invoice statements. Deliverables and time schedule shall be in accordance with Exhibit C of your Agreement.

If you have any questions or comments, please call me.

Sincerely,

Jim Mudd

Jim Mudd, AICP
Project Manager

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

February 21, 2007

HDR Engineering Inc.
Mr. Ricardo Calvo
2202 N West Shore Blvd, Suite 250
Tampa FL 33607-5755

SUBJECT: CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY

ENCLOSURE (1): Executed Copy of Professional Services Agreement
ENCLOSURE (2): PSA/SPA Invoice Statement Form

Dear Mr. Calvo:

Enclosed is your executed copy of the Professional Services Agreement for the project known as "North Fort Myers Community Planning Study". Please note the contract number for this project is **3786**. This contract number will also serve as your Purchase Order Number for this project and must be on all invoice statements.

If you should have any questions, please contact our office at the above number.

Sincerely,
CONTRACTS MANAGEMENT

Cindy Logan
Contracts Manager

C: Jim Mudd, Community Development/Planning, Project Manager
Internal Services, Fiscal
Contracts Management

3786

PROFESSIONAL SERVICES AGREEMENT

This PROFESSIONAL SERVICES AGREEMENT is made and entered into this 6th day of February, 2007, between the Board of County Commissioners of LEE COUNTY, a political subdivision of the STATE OF FLORIDA hereinafter referred to as the "COUNTY", and HDR Engineering, Inc. hereinafter referred to as the "CONSULTANT".

WITNESSETH

WHEREAS, the COUNTY desires to obtain the professional consulting services of said CONSULTANT to provide and perform professional services as further described hereinafter concerning the Project to be referred to and identified as: CN-06-19 North Fort Myers Community Planning Study, and

WHEREAS, the CONSULTANT hereby certifies that CONSULTANT has been granted and possesses valid, current licenses to do business in the State of Florida and in Lee County, Florida, issued by the respective State Boards and Government Agencies responsible for regulating and licensing the professional services to be provided and performed by the CONSULTANT pursuant to this Agreement; and

WHEREAS, the CONSULTANT has reviewed the professional services required pursuant to this Agreement and is qualified, willing and able to provide and perform all such services in accordance with the provisions, conditions and terms hereinafter set forth; and

WHEREAS, the selection and engagement of the CONSULTANT has been made by the COUNTY in accordance with the provisions of the Consultants' Competitive Negotiation Act, Chapter 287.055, Florida Statutes, and in accordance with the provisions of the Lee County Contract Manual for Professional Services as approved and put into effect by the Lee County Board of County Commissioners, September 25, 2001, and as subsequently revised.

NOW, THEREFORE, in consideration of the mutual covenants, terms and provisions contained herein, the parties hereto agree that with the mutual acceptance of this Agreement as indicated hereinafter by the execution of this Agreement by both parties that a Contract shall exist between both parties consisting of:

ARTICLE 1.00 - SCOPE OF PROFESSIONAL SERVICES

CONSULTANT hereby agrees to provide and perform the professional services required and necessary to complete the services and work as set forth EXHIBIT "A", entitled "SCOPE OF PROFESSIONAL SERVICES", which EXHIBIT "A" is attached hereto and made a part of this Agreement.

ARTICLE 2.00 - DEFINITIONS

The following definition of terms associated with this Agreement is provided to establish a common understanding between both parties to this Agreement as to the intended usage, application, and interpretation of such terms pertaining to this Agreement.

2.01 COUNTY

The term COUNTY shall refer to the Board of County Commissioners of Lee County, a political subdivision of the State of Florida, and any official and/or employees thereof who shall be duly authorized to act on the COUNTY'S behalf relative to this Agreement.

2.02 CONSULTANT

The term CONSULTANT shall refer to the individual or firm offering professional services which by execution of this Agreement shall be legally obligated, responsible, and liable for providing and performing any and all of the services, work and materials, including services and/or work of sub-consultants and subcontractors, required under the covenants, terms and provisions contained in this Agreement and any and all Change Orders thereto.

2.03 PROFESSIONAL SERVICES

The term PROFESSIONAL SERVICES shall refer to all of the services, work, materials and all related professional, technical and administrative activities which are necessary to be provided and performed by the CONSULTANT and its employees and any and all sub-consultants and subcontractors the CONSULTANT may engage to provide, perform and complete the services required pursuant to the covenants, terms and provisions of this Agreement.

2.04 SUB-CONSULTANT

The term SUB-CONSULTANT shall refer to any individual or firm offering professional services which is engaged by the CONSULTANT to assist the CONSULTANT in providing and performing the professional services, work and materials for which the CONSULTANT is contractually obligated, responsible and liable to provide and perform under this Agreement. The COUNTY shall not be a party to, responsible or liable for, or assume any obligation whatever for any Agreement entered into between the CONSULTANT and any SUB-CONSULTANT.

2.05 SUBCONTRACTOR

The term SUBCONTRACTOR shall refer to any individual, company or firm providing other than professional services which is engaged by the CONSULTANT to assist the CONSULTANT in providing and performing services, work and materials for which the CONSULTANT is contractually obligated, responsible, and liable to provide and perform under this Agreement. The COUNTY shall not be a party to, responsible or liable for, or assume any obligation whatever for any Agreement entered into between the CONSULTANT and any SUBCONTRACTOR.

2.06 PROJECT

The term PROJECT shall refer to such facility, system, program or item as described in the summary statement set forth in the Preamble on Page One of this Agreement.

2.07 BASIC SERVICES

The term BASIC SERVICES shall refer to the professional services set forth and required pursuant to this Agreement and as described in further detail in the attached EXHIBIT "A", entitled "SCOPE OF PROFESSIONAL SERVICES", which EXHIBIT "A" is attached hereto and made a part of this Agreement.

2.08 ADDITIONAL SERVICES

The term ADDITIONAL SERVICES shall refer to such professional services as the COUNTY may request and authorize, in writing, the CONSULTANT to provide and perform relative to this Agreement which are not included in the BASIC SERVICES. Additional services shall be authorized by the execution of both parties to this Agreement by a Change Order Agreement.

2.09 CHANGE ORDER

The term CHANGE ORDER shall refer to a written document, CHANGE ORDER AGREEMENT, executed by both parties to this Agreement setting forth and authorizing changes to the agreed upon Scope of Professional Services and Tasks, Compensation and Method of Payment, Time and Schedule of Performance, or Project Guidelines and Criteria as such were set forth and agreed to in the initial AGREEMENT, SUPPLEMENTAL TASK AUTHORIZATION(S), or previous CHANGE ORDERS issued thereto. The CHANGE ORDER document, which shall be executed on a Lee County standard form, shall set forth the authorized changes to the: scope of professional services, tasks, work or materials to be performed or provided by the CONSULTANT; the compensation and method of payment; the schedule or time period for performance and completion, and the guidelines, criteria and requirements pertaining thereto.

The amount of the change in contract compensation and time set forth in any and all Change Orders executed and issued under this Agreement shall be understood and agreed by both Parties to this Agreement to be fair, equitable, adequate and complete. The changed compensation shall be understood and agreed to be the total of all costs associated with or impacted by the Change Order including, but not limited to any and all direct costs, indirect costs and associated costs which may result from or be caused by the Change Order, and shall be understood and agreed to include a fair, equitable and adequate adjustment to cover the CONSULTANT'S general administrative and overhead costs and profit.

In the event the County decides to delete all, or portions, of the Scope of Services, Task(s), or Requirements set forth in the initial Agreement, Supplemental Task Authorizations or previously authorized Change Orders, the COUNTY may do so by the unilateral issuance of a written Change Order to the CONSULTANT. Such a unilaterally issued Change Order shall set forth, if appropriate, (1) an agreement by both the COUNTY and the CONSULTANT establishing changes in the amount of compensation to be paid the CONSULTANT as a result of the deletion or decrease in services required, or (2) in the absence of such an agreement concerning compensation, the unilaterally issued Change Order shall set forth the basis to be used in subsequently considering, and reaching agreement on change(s) in the compensation to be paid the CONSULTANT. The failure on the part of the CONSULTANT to execute a Change Order issued unilaterally by the COUNTY to effect a deletion or decrease in the services required shall have no effect on, or otherwise prevent the COUNTY from exercising its rights to direct the stated deletion or decrease in the services to be provided or performed by the CONSULTANT.

2.10 SUPPLEMENTAL TASK AUTHORIZATION

The term Supplemental Task Authorization as used refers to a written document executed by both parties to an existing Professional Services Agreement, or Service Provider Agreement, setting forth and authorizing a limited number of Professional Services, tasks, or work. Such Supplemental Task Authorizations are consistent with and have previously been included within the scope of services in the initial Professional Services Agreement, or Service Provider Agreement, for which authorization has not been previously given or budgeted.

2.11 DEPARTMENT DIRECTOR

The term DEPARTMENT DIRECTOR shall refer to the Director of the Department requesting the service, employed by the Lee County Board of County Commissioners to serve and act on the COUNTY'S behalf, as it relates to this Project. The Chairman of the Board of County Commissioners, or his designated representative, shall act on behalf of the COUNTY to execute any

and all CHANGE ORDER(S) or SUPPLEMENTAL TASK AUTHORIZATION(S) approved by the COUNTY and issued to the CONSULTANT pursuant to this Agreement. The DEPARTMENT DIRECTOR, within the authority conferred by the Board of County Commissioners, acting as the COUNTY'S designated representative shall issue written notification to the CONSULTANT of any and all changes approved by the COUNTY in the CONSULTANT'S: (1) compensation (2) time and/or schedule of service delivery; (3) scope of services; or other change(s) relative to BASIC SERVICES and ADDITIONAL SERVICES pursuant to this Agreement, or CHANGE ORDER(S) or SUPPLEMENTAL TASK AUTHORIZATION(S) pertaining thereto. The DEPARTMENT DIRECTOR shall be responsible for acting on the COUNTY'S behalf to administer, coordinate, interpret and otherwise manage the contractual provisions and requirements set forth in this Agreement, CHANGE ORDER(S), or SUPPLEMENTAL TASK AUTHORIZATION(S) issued thereunder.

2.12 PROJECT MANAGER

The term PROJECT MANAGER shall refer to the person employed or retained by the COUNTY and designated, in writing, to serve and act on the COUNTY'S behalf to provide direct contact and communication between the COUNTY and CONSULTANT with respect to providing information, assistance, guidance, coordination, review, approval and acceptance of the professional services, work and materials to be provided and performed by the CONSULTANT pursuant to this Agreement and such written SUPPLEMENTAL TASK AUTHORIZATION(S) and CHANGE ORDER(S) as are authorized. The PROJECT MANAGER is not authorized to, and shall not, issue any verbal, or written, request or instruction to the CONSULTANT that would have the effect, or be interpreted to have the effect, of modifying or changing in any way whatever the: (1) Scope of Services to be provided and performed by the CONSULTANT; (2) The time the CONSULTANT is obligated to commence and complete all such services; (3) The amount of compensation the COUNTY is obligated or committed to pay the CONSULTANT. The PROJECT MANAGER shall review and make appropriate recommendations on all requests submitted by the CONSULTANT for payment for services and work provided and performed, and reimbursable costs and expense, as provided for in this Agreement and approved CHANGE ORDER(S),or SUPPLEMENTAL TASK AUTHORIZATION(S) thereto.

2.13 LUMP SUM FEE(S)

Lump Sum Fee(s), hereinafter identified as L.S., are understood and agreed to include all direct and indirect labor costs, personnel related costs, overhead and administrative costs, costs of sub-consultant(s) and/or subcontractor(s), out-of-pocket expenses and costs, professional service fee(s) and any other costs or expenses which may pertain to the services and/or work to be performed, provided and/or furnished by the Consultant as may be required and/or necessary to complete each and every task set forth in the Scope of Professional Services, Exhibit "A", or as may be set in subsequent Supplemental Task Authorizations, and/or Change Orders agreed to in writing by both parties to this Agreement.

2.14 NOT-TO-EXCEED FEE(S)

When all, or any portion, of the CONSULTANT'S compensation to provide and perform the services and work necessary and required pursuant to the Tasks set forth in Agreement Exhibit "A", and any Change Orders, Supplemental Task Authorizations, and Work Orders authorized thereto, is established to be made on a NOT-TO-EXCEED (N.T.E.) amount basis, it is mutually understood and agreed that such compensation for each completed Task shall be made on the following basis:

For the actual hours necessary, required and expended by the CONSULTANT'S professional and technical personnel, multiplied by the applicable hourly rates for each classification or position as set forth in Attachment No. 1 to Exhibit "B" to the above referenced Agreement and any Change Orders or Supplemental Task Authorizations authorized thereto; and

For the actual necessary, required and expended non-personnel reimbursable expenses and costs, multiplied by the applicable "Basis of Charges" for each item as set forth in Attachment No. 2 to Exhibit "B" to the above referenced Agreement and any Change Orders or Supplemental Task Authorizations authorized thereto; and

For the actual, necessary and required hours, and non-personnel expenses and costs, expended by Sub-Consultants and SubContractors engaged by the CONSULTANT, multiplied by such hourly rates and unit costs as are agreed to by the COUNTY and the CONSULTANT and as are set forth as a part of the above referenced Agreement and any Change Orders or Supplemental Task Authorizations authorized thereto; and

With the understanding and agreement that the COUNTY shall pay the CONSULTANT for all such costs and expenses within the established Not-to-Exceed amount for each Task or Sub-Task subject to the CONSULTANT presenting an itemized and detailed invoice with appropriate supporting documentation attached thereto to show evidence satisfactory to the COUNTY covering all such costs and expenses; and

With the understanding and agreement that the CONSULTANT'S invoices and all payments to be made for all Not-to-Exceed amounts shall be subject to the review, acceptance and approval of the COUNTY; and

With the understanding and agreement that when the CONSULTANT'S compensation is established on a Not-to-Exceed basis for a specific Task(s) or Sub-Task(s) the total amount of compensation to be paid the CONSULTANT to cover all personnel costs, non-personnel reimbursable expenses and costs, and Sub-Consultant and SubContractor costs for any such specific Task(s) or Sub-Task(s) shall not exceed the amount of the total Not-to-Exceed compensation established and agreed to for each specific Task(s) or Sub-Task(s). In the event the amount of compensation for any Task(s) or Sub-Task(s) to which the CONSULTANT is entitled on the Not-to-Exceed basis set forth above is determined to be necessary, required and actually expended and is determined to be actually less than the Not-to-Exceed amount established for the specific Task or Sub-Task, it is understood and agreed that any unexpended amount under a specific Task or Sub-Task may not be used, applied, transferred, invoiced or paid for services or work provided or performed on any other Task(s) or Sub-Task(s).

ARTICLE 3.00 - OBLIGATIONS OF THE CONSULTANT

The obligations of the CONSULTANT with respect to all the BASIC SERVICES and ADDITIONAL SERVICES authorized pursuant to this Agreement shall include, but not be limited to, the following:

3.01 LICENSES

The CONSULTANT agrees to obtain and maintain throughout the period this Agreement is in effect all such licenses as are required to do business in the State of Florida and in Lee County, Florida, including, but not limited to, licenses required by the respective State Boards and other governmental agencies responsible for regulating and licensing the professional services provided and performed by the CONSULTANT pursuant to this Agreement.

3.02 PERSONNEL

(1) QUALIFIED PERSONNEL

The CONSULTANT agrees when the services to be provided and performed relate to a professional service(s) which, under Florida Statutes, requires a license, certificate of authorization or other form of legal entitlement to practice such services, to employ and/or retain only qualified personnel to be in responsible charge of all BASIC SERVICES and ADDITIONAL SERVICES to be provided pursuant to this Agreement.

(2) CONSULTANT'S PROJECT DIRECTOR

The CONSULTANT agrees to employ and designate, in writing, a qualified and, if required by law, a licensed professional to serve as the CONSULTANT'S Project Director. The CONSULTANT'S Project Director shall be authorized and responsible to act on behalf of the CONSULTANT with respect to directing, coordinating and administering all aspects of the services to be provided and performed under this Agreement thereto. The CONSULTANT'S Project Director shall have full authority to bind and obligate the CONSULTANT on any matter arising under this Agreement unless substitute arrangements have been furnished to the COUNTY in writing. The CONSULTANT agrees that the Project Director shall devote whatever time is required to satisfactorily direct, supervise and manage the services provided and performed by the CONSULTANT throughout the entire period this Agreement is in effect. The person selected by the CONSULTANT to serve as the CONSULTANT'S Project Director shall be subject to the prior approval and acceptance of the COUNTY.

(3) REMOVAL OF PERSONNEL

The CONSULTANT agrees, within thirty (30) calendar days of receipt of a written request from the COUNTY, to promptly remove and replace the CONSULTANT'S Project Director, or any other personnel employed or retained by the CONSULTANT, or personnel of the sub-consultant(s) or subcontractor(s) engaged by the CONSULTANT to provide and/or perform services and/or work pursuant to the requirements of this Agreement, who the COUNTY shall request, in writing, be removed, which request may be made by the COUNTY with or without cause.

3.03 TIMELY ACCOMPLISHMENT OF SERVICES

The timely performance and completion of the required services, work and materials is vitally important to the interests of the COUNTY. Time is of the essence for all of the duties and obligations contained in this Agreement thereto. The COUNTY may suffer damages in the event that the CONSULTANT does not accomplish and complete the required services in a timely manner. The CONSULTANT agrees to employ, engage, retain and/or assign an adequate number of personnel throughout the period of this Agreement so that all BASIC SERVICES and ADDITIONAL SERVICES will be provided, performed and completed in a timely and diligent manner throughout.

3.04 STANDARDS OF PROFESSIONAL SERVICE

The work and/or services to be provided and/or performed by the CONSULTANT and by any Sub-Consultant(s) and/or SubContractor(s) engaged by the CONSULTANT as set forth in the Scope of Professional Services, Exhibit "A", shall be done in accordance with the generally accepted standards of professional practice and in accordance with the laws, rules, regulations, ordinances, codes, policies, standards or other guidelines issued by those governmental agencies which have jurisdiction over all or a portion of this project and which are in effect at the time the COUNTY approves this Agreement, or which may subsequently be changed or revised. Any subsequent change or revision to such laws, rules, regulations, ordinances, codes, policies, standards or other guidelines which requires the CONSULTANT to provide and/or perform work and/or services which are significantly different from that set forth in the Scope of Professional Services, Exhibit "A", shall serve as a basis for the COUNTY to consider the development and issuance of a Change Order to provide for a change to, or Additional Services to the services set forth in the Agreement.

3.05 CORRECTION OF ERRORS, OMISSIONS OR OTHER DEFICIENCIES

(1) RESPONSIBILITY TO CORRECT

The CONSULTANT agrees to be responsible for the professional quality, technical adequacy and accuracy, timely completion, and the coordination of all data, studies, surveys, designs, specifications, calculations, estimates, plans, drawings, construction documents, photographs, reports, memoranda, other documents and instruments, and other services, work and materials performed, provided, and/or furnished by CONSULTANT or by any sub-consultant(s) and/or subcontractor(s) retained or engaged by the CONSULTANT pursuant to this Agreement. The CONSULTANT shall, without additional compensation, correct or revise any errors, omissions or other deficiencies in such data, studies, surveys, designs, specifications, calculations, estimates, plans, drawings, construction documents and instruments, and other services, work and materials resulting from the negligent act, errors or omissions or intentional misconduct of CONSULTANT or any sub-consultant(s) or subcontractor(s) engaged by the CONSULTANT.

(2) COUNTY'S APPROVAL SHALL NOT RELIEVE CONSULTANT OF RESPONSIBILITY

Neither review, approval, or acceptance by the COUNTY of data, studies, surveys, designs, specifications, calculations, estimates, plans, drawings, construction documents, photographs, reports, memoranda, other documents and instruments, and incidental professional services, work and materials furnished hereunder by the CONSULTANT, or any sub-consultant(s) or subcontractor(s) engaged by the CONSULTANT, shall in any way relieve CONSULTANT of responsibility for the adequacy, completeness and accuracy of its services, work and materials and the services, work and materials of any and all sub-consultants and/or subcontractors engaged by the CONSULTANT to provide and perform services in connection with this Agreement. Neither the COUNTY'S review, approval or acceptance of, nor payment for, any of the CONSULTANT'S services, work and materials shall be construed to operate as a waiver of any of the COUNTY'S rights under this Agreement, or any cause of action it may have arising out of the performance of this Agreement.

3.06 LIABILITY

(1) CONSULTANT TO HOLD COUNTY HARMLESS

The CONSULTANT shall be liable and agrees to be liable for and shall indemnify and hold the COUNTY harmless for any and all claims, suits, judgements or damages, losses and expenses including court costs and attorney's fees arising out of the CONSULTANT'S errors, omissions, and/or negligence, or those of any and all sub-consultants and/or subcontractors engaged by the CONSULTANT during the providing, performing and furnishing of services, work and materials pursuant to this Agreement and any and all Change Orders, Supplemental Task Authorizations thereto. The CONSULTANT shall not be liable to nor indemnify the COUNTY for any portions of damages arising out of any error, omission, and/or negligence of the COUNTY, its employees, agents, or representatives or third parties. The CONSULTANT hereby acknowledges that the compensation to be paid the CONSULTANT by the COUNTY as set forth in Agreement Exhibit "B" entitled "COMPENSATION AND METHOD OF PAYMENT" includes compensation as consideration for the indemnification provided herein.

3.07 NOT TO DIVULGE CERTAIN INFORMATION

CONSULTANT agrees, during the term of this Agreement, not to divulge, furnish or make available to any third person, firm, or organization, without COUNTY'S prior written consent, or unless incident to the proper performance of CONSULTANT'S obligations hereunder, or in the course of judicial or legislative proceedings where such information has been properly subpoenaed, any non-public information concerning the services to be rendered by CONSULTANT or any sub-consultant(s) or subcontractor(s) pursuant to this Agreement. CONSULTANT shall require all of its employees, sub-consultant(s) and subcontractor(s) to comply with the provisions of this paragraph.

3.08 CONSULTANT TO REPAIR PROPERTY DAMAGE CAUSED BY THE CONSULTANT

CONSULTANT agrees to promptly repair and/or replace, or cause to have repaired and/or replaced, at its sole cost and expense and in a manner acceptable to and approved by the COUNTY, any property damage arising out of, or caused by, the willful or negligent acts of the CONSULTANT, or of its sub-consultants and/or subcontractors. This CONSULTANT'S obligation under this sub-article does not apply to property damage caused by any other Consultant or Contractor engaged directly by the COUNTY.

The COUNTY reserves the right, should the CONSULTANT fail to make such repairs and/or replacement within a reasonable period of time, to cause such repairs and/or replacement to be made by others and for all costs and expenses associated with having such repairs and/or replacement done to be paid for by the CONSULTANT, or by the CONSULTANT reimbursing the COUNTY for all such costs and expenses.

3.09 RESPONSIBILITY FOR ESTIMATES

(1) In the event the services required pursuant to this Agreement include the CONSULTANT preparing and submitting to the COUNTY, cost estimates, the CONSULTANT, by exercise of his experience, effort, knowledge and judgment, shall develop such cost estimates as are set forth in, or as may be required under the Agreement and shall be held accountable, responsible and liable for the accuracy, completeness, and correctness of any and all such cost estimates. For purposes of the Liability Provisions of this Article only, the CONSULTANT'S estimate(s) shall be considered valid and effective for a period of six (6) months from the date of the COUNTY'S acceptance of the estimate(s).

(2) The cost estimates of CONSULTANTS or SUB-CONSULTANTS engaged by CONSULTANTS, for the appraisal or valuation of property or easements, or the estimate of damages or costs associated with the acquisition of property or easements are exempted from the provisions of Article 3.09.

(3) Cost Estimates

(A) ORDER OF MAGNITUDE ESTIMATE

This is an approximate estimate made without detailed architect/engineering data. Examples include, but are not limited to, an estimate from cost-capacity curves, an estimate using scale-up or scale-down factors, and an approximate ratio estimate. This type of estimate shall be accurate within plus fifty percent (50.0%). If the bids, as described above, fail to meet this prescribed accuracy, the cost associated with the preparation and development of the ORDER OF MAGNITUDE ESTIMATE shall be recoverable by the COUNTY.

(B) BUDGET ESTIMATE

Budget in this case applies to the COUNTY'S budget and not to the budget as a project controlled document. A budget is prepared with the use of flowsheets, layouts, and equipment details. This

type of estimate shall be accurate within plus twenty-five percent (25.0%). If the bids, as described above, fail to meet this prescribed accuracy, the cost associated with the preparation and development of the BUDGET ESTIMATE shall be recoverable by the COUNTY.

(C) CONSTRUCTION COST ESTIMATE.

A construction cost estimate for purposes of this Agreement is an estimate prepared on the basis of well defined engineering/architectural data and on detailed information set forth in specifications, designs or drawings which are to be used as a basis for obtaining bids or price proposals for constructing the project. This type of estimate shall be accurate within plus or minus ten percent (10%) of the cost of the construction of the project. The accuracy and reliability of a CONSTRUCTION COST ESTIMATE is vital to the COUNTY'S interests because it may be used for such purposes as, but not limited to the following; budgeting, obtaining, allocating or obligating funds for the project; evaluating and determining the reasonableness and acceptableness of bids or price proposals for construction projects; or establishing the assessment amounts for Municipal Service Benefit Units (M.S.B.U.).

In the event the COUNTY solicits and receives bids or price proposals from contractors on a construction project based on specifications, design, drawings and a CONSTRUCTION COST ESTIMATE prepared by the CONSULTANT, and the lowest bid or price proposal, submitted by a responsive and responsible bidder or proposer, which bid or price proposal exceeds the amount of the CONSULTANT'S CONSTRUCTION COST ESTIMATE by more than the percent accuracy set forth hereinabove, the CONSULTANT shall, upon notification by the COUNTY, assume responsibility for and proceed to provide and perform the following service without additional compensation:

The CONSULTANT will, subject to the review and approval of the COUNTY, modify at its expense the specifications, design, drawings and related bidding and contract documents to the extent necessary to reduce the anticipated construction costs so that the re-solicitation of bids or price proposals will realize bids or price proposals being received that are within the range of accuracy established for the CONSTRUCTION COST ESTIMATE prepared by the CONSULTANT. Any such modifications made by the CONSULTANT shall not conflict with the functional or operational requirements established by the COUNTY for the project and set forth in the Agreement or Change Order(s) or Supplemental Task Authorization(s) issued thereto, nor shall any such modifications conflict with established rules, regulations, requirements or professional standards pertaining to the design, specifications or drawings prepared by the CONSULTANT, nor shall such modifications adversely affect the safe use or operation of the constructed project.

In the event (1) the CONSULTANT'S modification of the design, specifications, drawings and related bidding and contract documents, and (2) the re-solicitation of bids or price proposals do not result in bids or price proposals being received from a responsive and responsible bidder or proposer that are within the established percent accuracy of the CONSULTANT'S CONSTRUCTION COST ESTIMATE, the costs associated with the CONSULTANT'S preparation and development of the CONSTRUCTION.

COST ESTIMATE shall be recoverable by the COUNTY by an appropriate reduction in the CONSULTANT'S invoice requesting payment for services rendered.

For determination of compliance with the accuracy requirement established for the CONSTRUCTION COST ESTIMATE prepared by the CONSULTANT, the amount of the CONSTRUCTION COST ESTIMATE submitted by the CONSULTANT shall be adjusted from the date the CONSTRUCTION COST ESTIMATE was received by the COUNTY until the date bids or price proposals are received by the COUNTY, by applying the percent change in the "20 Cities Cost Index" as published in the ENR (formerly ENGINEERING NEWS-RECORD) a McGraw-Hill, Inc. publication.

If, in response to its solicitation, the COUNTY receives less than three bids or priced proposals for a project, there is the potential that such bids or priced proposals may not be a realistic representation of the costs expected to be associated with the project. If under such circumstances, and if in the professional judgment of the CONSULTANT, the low bid or the low priced proposal received from a responsive bidder or proposer does not realistically represent the costs associated with the project, the CONSULTANT may deem it appropriate to recommend the COUNTY reject any such bid(s) or priced proposal(s). If under such circumstances the COUNTY concurs with the CONSULTANT'S recommendation and rejects the bid(s) or priced proposal(s), the COUNTY will not hold the CONSULTANT responsible to, nor will the COUNTY require the CONSULTANT to, modify the specifications, design, drawings and related bidding and contract documents as set forth hereinbefore.

3.10 PERMITS

The CONSULTANT will be responsible for preparing and submitting all required applications and other supportive information necessary to assist the COUNTY in obtaining all reviews, approvals and permits, with respect to the CONSULTANT'S design, drawings and specifications required by any governmental body having authority over the project. Any fees required for such reviews, approvals or permits will be covered by a check issued by the COUNTY and made payable to the respective governmental body upon the CONSULTANT furnishing the COUNTY satisfactory documentation of such fees. The CONSULTANT will be similarly responsible for preparing and submitting all required applications and other supportive information necessary to assist the COUNTY in obtaining any renewals and/or extensions of reviews, approvals or permits that may be required while this Agreement is in effect. The COUNTY shall, at the CONSULTANT'S request, assist in obtaining

required signatures and provide the CONSULTANT with all information known to be available to the COUNTY so as to assist the CONSULTANT in the preparation and submittal of any original, renewal or extension of required reviews, approvals or permits.

3.11 ADDITIONAL SERVICES

Should the COUNTY request the CONSULTANT to provide and perform professional services for this project which are not set forth in EXHIBIT "A", the CONSULTANT agrees to provide and perform such ADDITIONAL SERVICES as may be agreed to in writing by both parties to this Agreement.

Such ADDITIONAL SERVICES shall constitute a continuation of the professional services covered under this Agreement and shall be provided and performed in accordance with the covenants, terms, and provisions set forth in this Agreement thereto.

ADDITIONAL SERVICES shall be administered and authorized as "SUPPLEMENTAL TASK AUTHORIZATIONS" or "CHANGE ORDERS" under the Agreement. The CONSULTANT shall not provide or perform, nor shall the COUNTY incur or accept any obligation to compensate the CONSULTANT for any ADDITIONAL SERVICES unless and until a written "SUPPLEMENTAL TASK AUTHORIZATIONS" or "CHANGE ORDER" shall have been agreed to and executed by both parties.

Each such "SUPPLEMENTAL TASK AUTHORIZATION" or "CHANGE ORDER" shall set forth a comprehensive, detailed description of: (1) the Scope of the ADDITIONAL SERVICES requested; (2) the basis of compensation; and (3) the period of time and/or schedule for performing and completing said ADDITIONAL SERVICES.

3.12 TRUTH-IN-NEGOTIATIONS CERTIFICATE

The COUNTY may request the CONSULTANT to execute a Truth-in-Negotiations Certificate ("Certificate"), in a form attached as EXHIBIT "F". The Certificate shall state that wage rates and other factual unit costs supporting the compensation are accurate, complete and current at the time this Agreement is executed. The original contract price and any additions thereto shall be adjusted to exclude any significant sums by which the COUNTY determines the contract price was increased due to inaccurate, incomplete or non-current wage rates or other factual unit costs.

3.13 COMPLETION OF TASKS

Unless otherwise set forth in the Agreement the CONSULTANT shall be responsible for providing and performing whatever services, work, equipment, material, personnel, supplies, facilities, transportation and administrative support that are necessary and required to complete all of the tasks set forth in Agreement Exhibit "A" entitled "Scope of Professional Services" and Change Orders, and Supplemental Task Authorizations authorized. The compensation to be paid the CONSULTANT as set forth in Agreement Exhibit "B" entitled "Compensation and Method of Payment" and Change Orders, and Supplemental Task Authorizations authorized thereto shall be understood and agreed to adequately and completely compensate the CONSULTANT for providing and performing whatever services, work, equipment, material, personnel, supplies, facilities, transportation

and administrative support that are necessary and required to complete the tasks set forth in Agreement Exhibit "A" and Change Orders, Supplemental Task Authorizations, and Work Orders authorized thereto as stated above."

3.14 AFFIRMATIVE ACTION BY CONSULTANT WHEN ENGAGING SUB-CONSULTANTS

Florida Statute #287.042(4)(f) establishes that agencies, including Lee County, are encouraged to spend twenty-five (25%) percent of the monies actually spent for contractual services for the purpose of entering into contracts with certified Minority Business Enterprises. Accordingly, the CONSULTANT is encouraged, when selecting or engaging the services of sub-consultants or subcontractors pursuant to this Agreement, to spend twenty-five (25%) percent of the amount of compensation established in this Agreement and in subsequent CHANGE ORDERS, and SUPPLEMENTAL TASK AUTHORIZATIONS authorized thereto for the engagement of the services of certified Minority Business Enterprise sub-consultants or subcontractors.

In furtherance of this statutory goal the COUNTY expects the CONSULTANT to take affirmative action towards achieving this goal. "Affirmative Action" as used herein shall constitute a good faith effort by the CONSULTANT to achieve the stated goal of engaging certified Minority Business Enterprise sub-consultants or subcontractors to provide or perform services and/or work pursuant to the SCOPE OF SERVICES required under this Agreement. Efforts taken by the CONSULTANT to assist the COUNTY in meeting this statutory goal must be documented in detail, records of sub-consultants or subcontractors contacted maintained, including negotiation efforts, and written Agreements maintained for services or work awarded to sub-consultants or subcontractors.

The CONSULTANT, upon receipt of a written request by the COUNTY, shall within ten (10) calendar days thereafter submit to the COUNTY copies of records and supporting documentation to show evidence of its affirmative action efforts to achieve the above stated goal.

The CONSULTANT is encouraged to contact the Lee County Department of Equal Opportunity for information and assistance regarding the COUNTY'S Minority Business Enterprise certification program and listing of certified Minority Business Enterprises.

ARTICLE 4.00 - OBLIGATIONS OF THE COUNTY

4.01 DESIGNATION OF PROJECT MANAGER

The COUNTY agrees after the execution of this Agreement to promptly advise the CONSULTANT, in writing, of the person designated to serve and act as the COUNTY'S PROJECT MANAGER pursuant to the provisions of Article 2.13 of this Agreement. Such notification shall be provided to the CONSULTANT by the COUNTY'S DEPARTMENT DIRECTOR.

4.02 AVAILABILITY OF COUNTY INFORMATION

(1) PROJECT GUIDELINES AND CRITERIA

Guidelines to the CONSULTANT regarding requirements the COUNTY has established or suggests relative to the Project including, but not limited to such items as: goals, objectives, constraints, and any

special financial, budgeting, space, site, operational, equipment, technical, construction, time and scheduling criteria are set forth in EXHIBIT "E", entitled "PROJECT GUIDELINES AND CRITERIA", which EXHIBIT "E" is attached hereto and made a part of this Agreement.

(2) COUNTY TO PROVIDE PERTINENT REFERENCE MATERIAL

At the CONSULTANT'S request, the COUNTY agrees to provide to the CONSULTANT, at no cost to the CONSULTANT, all pertinent information known to be available to the COUNTY to assist the CONSULTANT in providing and performing the required professional services. Such information may include, but not be limited to: previous reports; plans, drawings and specifications; maps; property, boundary, easement, right-of-way, topographic, reference monuments, control points, plats and related survey data; data prepared or services furnished by others to the COUNTY such as sub-surface investigations, laboratory tests, inspections of natural and man-made materials, property appraisals, studies, designs and reports.

4.03 AVAILABILITY OF COUNTY'S DESIGNATED REPRESENTATIVES

The COUNTY agrees that the DEPARTMENT DIRECTOR and the PROJECT MANAGER shall be available within a reasonable period of time, with reasonable prior notice given by the CONSULTANT, to meet and/or consult with the CONSULTANT on matters pertaining to the services to be provided and performed by the CONSULTANT. The COUNTY further agrees to respond within a reasonable period of time to written requests submitted by the CONSULTANT.

4.04 ACCESS TO COUNTY PROPERTY

The COUNTY agrees, with reasonable prior written notice given by the CONSULTANT, to provide the CONSULTANT with access within a reasonable period of time to COUNTY property, facilities, buildings and structures to enable the CONSULTANT to provide and perform the required professional services and work pursuant to this Agreement. Such rights of access shall not be exercised in such a manner or to such an extent as to impede or interfere with COUNTY operations, or the operations carried on by others under a lease, or other contractual arrangement with the COUNTY, or in such a manner as to adversely affect the public health and safety. Such access may, or may not be, within the CONSULTANT'S normal office and/or field work days and/or work hours.

ARTICLE 5.00 - COMPENSATION AND METHOD OF PAYMENT

5.01 BASIC SERVICES

The COUNTY shall pay the CONSULTANT for all requested and authorized BASIC SERVICES rendered hereunder by the CONSULTANT and completed in accordance with the requirements, provisions, and/or terms of this Agreement and accepted by the COUNTY in accordance with the provisions for compensation and payment of said BASIC SERVICES set forth and prescribed in EXHIBIT "B", entitled "COMPENSATION AND METHOD OF PAYMENT", which EXHIBIT "B" is attached hereto and made a part of this Agreement, or on the basis of such changes to the established compensation as may be mutually agreed to by both parties to this Agreement as evidenced by a written Change Order executed by both parties.

5.02 ADDITIONAL SERVICES

The COUNTY shall pay the CONSULTANT for all such ADDITIONAL SERVICES as have been requested and authorized by the COUNTY and agreed to, in writing, by both parties to this Agreement and which have been rendered as ADDITIONAL SERVICES by the CONSULTANT and completed in accordance with the requirements, provisions, and/or terms of this Agreement and accepted by the COUNTY in accordance with the provisions for compensation and payment of said ADDITIONAL SERVICES as set forth and prescribed in EXHIBIT "B", entitled "COMPENSATION AND METHOD OF PAYMENT", which EXHIBIT "B" is attached hereto and made a part of this Agreement, or on the basis of such changes to the established compensation as may be mutually agreed to by both parties to this Agreement as evidenced by a written Change Order or Supplemental Task Authorization executed by both parties.

5.03 METHOD OF PAYMENT

(1) MONTHLY STATEMENTS

The CONSULTANT shall be entitled to submit not more than one invoice statement to the COUNTY each calendar month covering services rendered during the preceding calendar month. The CONSULTANT'S invoice statement(s) shall be itemized to correspond to the basis of compensation as set forth in the Agreement, or CHANGE ORDER(S), and SUPPLEMENTAL TASK AUTHORIZATION(S) thereunder. The CONSULTANT'S invoice statements shall contain a breakdown of charges, description of service(s) and work provided and/or performed, and where appropriate, supportive documentation of charges consistent with the basis of compensation set forth in the Agreement, or in CHANGE ORDER(S), and/or SUPPLEMENTAL TASK AUTHORIZATION(S) thereunder.

(2) PAYMENT FOR SERVICES PERFORMED

The COUNTY shall pay the CONSULTANT for services performed using either of the following methods, or using a combination thereof:

(A) The COUNTY shall pay the CONSULTANT on the basis of services completed for tasks set forth in Exhibits "A" and "B", as evidenced by work products such as reports, drawings, specifications, etc., submitted by the CONSULTANT and accepted by the COUNTY. No payments shall be made for CONSULTANT'S Work-in-Progress until service items for which payment amounts have been established and set forth in this Agreement have been completed by the CONSULTANT and accepted by the COUNTY. Whenever an invoice statement covers services for which no work product is required to be furnished by the CONSULTANT to the COUNTY, the COUNTY reserves the right to retain ten percent (10%) of the amount invoiced until such service requirements are fully completed.

(B) The COUNTY shall pay the CONSULTANT for services performed for tasks set forth in Exhibits "A" and "B" on the basis of an invoice statement covering CONSULTANT'S Work-in-Progress expressed as a percentage of the total cost of the service and/or work required for each task invoiced in this manner. All such Work-in-Progress percentages are subject to the review and approval of the COUNTY. The decision of the COUNTY shall be final as to the Work-in-Progress percentages

paid. Payment by the COUNTY for tasks on a Work-in-Progress percentage basis shall not be deemed or interpreted in any way to constitute an approval or acceptance by the COUNTY of any such service or Work-in-Progress. The CONSULTANT shall be responsible for correcting, re-doing, modifying or otherwise completing the services and work required for each task before receiving final, full payment whether or not previous Work-in-Progress payments have been made. All tasks to be paid for on a Work-in-Progress percentage basis shall be agreed to by both parties to the Agreement and each task to be paid in this manner shall be identified in Exhibit "B" with the notation (WIPP). Only tasks so identified will be paid on a Work-in-Progress percentage basis. The COUNTY reserves the right to retain ten percent (10%) of the amount invoiced until such service requirements are fully completed.

(3) PAYMENT SCHEDULE

The COUNTY shall issue payment to the CONSULTANT within thirty (30) calendar days after receipt of an invoice statement from the CONSULTANT in an acceptable form and containing the requested breakdown and detailed description and documentation of charges. Should the COUNTY object or take exception to the amount of any CONSULTANT'S invoice statement, the COUNTY shall notify the CONSULTANT of such objection or exception within the thirty (30) calendar day payment period set forth hereinbefore. If such objection or exception remains unresolved at the end of said thirty (30) calendar day period, the COUNTY shall withhold the disputed amount and make payment to the CONSULTANT of the amount not in dispute. Payment of any disputed amount, or adjustments thereto, shall be made within thirty (30) calendar days of the date such disputed amount is resolved by mutual agreement of the parties to this Agreement.

5.04 PAYMENT WHEN SERVICES ARE TERMINATED AT THE CONVENIENCE OF THE COUNTY

In the event of termination of this Agreement at the convenience of the COUNTY, not at the fault of the CONSULTANT, the COUNTY shall compensate the CONSULTANT only for: (1) all services performed prior to the effective date of termination; (2) reimbursable expenses then due; and (3) reasonable expenses incurred by the CONSULTANT in affecting the termination of services and work, and incurred by the submittal to the COUNTY of project drawings, plans, data, and other project documents.

5.05 PAYMENT WHEN SERVICES ARE SUSPENDED

In the event the COUNTY suspends the CONSULTANT'S services and work on all or part of the services required to be provided and performed by the CONSULTANT pursuant to this Agreement, the COUNTY shall compensate the CONSULTANT only for the services performed prior to the effective date of suspension and reimbursable expenses then due and any reasonable expenses incurred or associated with, or as a result of such suspension.

5.06 NON-ENTITLEMENT TO ANTICIPATED FEES IN THE EVENT OF SERVICE TERMINATION, SUSPENSION, ELIMINATION, CANCELLATION AND/OR DECREASE

In the event the services required pursuant to this Agreement are terminated, eliminated, cancelled, or decreased due to: (1) termination; (2) suspension in whole or in part; and (3) and/or are modified by the subsequent issuance of SUPPLEMENTAL TASK AUTHORIZATION(S) and/or CHANGE ORDER(S), other than receiving the compensation set forth in Sub-Articles 5.04 and 5.05, the CONSULTANT shall not be entitled to receive compensation for anticipated professional fees, profit, general and administrative overhead expenses or for any other anticipated income or expense which may be associated with the services which are terminated, suspended, eliminated, cancelled or decreased.

ARTICLE 6.00 - TIME AND SCHEDULE OF PERFORMANCE

6.01 NOTICE TO PROCEED

Following the execution of this Agreement by both parties, and after the CONSULTANT has complied with the insurance requirements set forth hereinafter, the COUNTY shall issue the CONSULTANT a WRITTEN NOTICE TO PROCEED. Following the issuance of such NOTICE TO PROCEED the CONSULTANT shall be authorized to commence work and the CONSULTANT thereafter shall commence work promptly and shall carry on all such services and work as may be required in a timely and diligent manner to completion.

6.02 TIME OF PERFORMANCE

The CONSULTANT agrees to complete the services required pursuant to this Agreement within the time period(s) for completion of the various phases and/or tasks of the project services set forth and described in this Agreement, as set forth in EXHIBIT "C", entitled "SCHEDULE OF PERFORMANCE, which EXHIBIT "C" is attached hereto and made a part of this Agreement.

Should the CONSULTANT be obstructed or delayed in the prosecution or completion of its obligations under this Agreement as a result of causes beyond the control of the CONSULTANT, or its sub-consultant(s) and/or subcontractor(s), and not due to their fault or neglect, the CONSULTANT shall notify the COUNTY, in writing, within five (5) calendar days after the commencement of such delay, stating the cause(s) thereof and requesting an extension of the CONSULTANT'S time of performance. Upon receipt of the CONSULTANT'S request for an extension of time, the COUNTY shall grant the extension if the COUNTY determines the delay(s) encountered by the CONSULTANT, or its sub-consultant(s) and/or subcontractor(s), is due to unforeseen causes and not attributable to their fault or neglect.

6.03 CONSULTANT WORK SCHEDULE

The CONSULTANT shall be required as a condition of this Agreement to prepare and submit to the COUNTY, on a monthly basis, commencing with the issuance of the NOTICE TO PROCEED, a CONSULTANT'S WORK SCHEDULE. The WORK SCHEDULE shall set forth the time and manpower scheduled for all of the various phases and/or tasks required to provide, perform and complete all of the services and work required completion of the various phases and/or tasks of the project services set forth and described in this Agreement, as

set forth in EXHIBIT "C", pursuant to this Agreement in such a manner that the CONSULTANT'S planned and actual work progress can be readily determined. The CONSULTANT'S WORK SCHEDULE of planned and actual work progress shall be updated and submitted by the CONSULTANT to the COUNTY on a monthly basis.

6.04 FAILURE TO PERFORM IN A TIMELY MANNER

Should the CONSULTANT fail to commence, provide, perform and/or complete any of the services and work required pursuant to this Agreement in a timely and diligent manner, the COUNTY may consider such failure as justifiable cause to terminate this Agreement. As an alternative to termination, the COUNTY at its option, may, upon written notice to the CONSULTANT, withhold any or all payments due and owing to the CONSULTANT, not to exceed the amount of the compensation for the work in dispute, until such time as the CONSULTANT resumes performance of his obligations in such a manner as to get back on schedule in accordance with the time and schedule of performance requirements set forth in this Agreement, or any CHANGE ORDER(S), or SUPPLEMENTAL TASK AUTHORIZATION(S) issued thereto.

ARTICLE 7.00 - SECURING AGREEMENT

The CONSULTANT warrants that the CONSULTANT has not employed or retained any company or person other than a bona fide, regular, full time employee working for the CONSULTANT to solicit or secure this Agreement and that the CONSULTANT has not paid or agreed to pay any person, company, corporation or firm other than a bona fide employee working solely for the CONSULTANT any fee, commission, percentage, gift or any other consideration contingent upon or resulting from the award or making of this Agreement.

ARTICLE 8.00 - CONFLICT OF INTEREST

The CONSULTANT represents that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance of services required hereunder. The CONSULTANT further agrees that no person having any such interest shall be employed or engaged by the CONSULTANT for said performance.

If CONSULTANT, for itself and on behalf of its subconsultants, is about to engage in representing another client, which it in good faith believes could result in a conflict of interest with the work being performed by CONSULTANT or such sub-consultant under this Agreement, then it will promptly bring such potential conflict of interest to the COUNTY'S attention, in writing. The COUNTY will advise the CONSULTANT, in writing, within ten (10) calendar days as to the period of time required by the COUNTY to determine if such a conflict of interest exists. If the COUNTY determines that there is a conflict of interest, CONSULTANT or such sub-consultant shall decline the representation upon written notice by the COUNTY.

If the COUNTY determines that there is not such conflict of interest, then the COUNTY shall give its written consent to such representation. If CONSULTANT or sub-consultant accepts such a representation without obtaining the COUNTY'S prior written consent, and if the COUNTY subsequently determines that there is a conflict of interest between such representation and the work being performed by CONSULTANT or such

sub-consultant under this Agreement, then the CONSULTANT or such sub-consultant agrees to promptly terminate such representation. CONSULTANT shall require each of such sub-consultants to comply with the provisions of this Section.

Should the CONSULTANT fail to advise or notify the COUNTY as provided hereinabove of representation which could, or does, result in a conflict of interest, or should the CONSULTANT fail to discontinue such representation, the COUNTY may consider such failure as justifiable cause to terminate this Agreement.

ARTICLE 9.00 - ASSIGNMENT, TRANSFER AND SUBCONTRACTS

The CONSULTANT shall not assign or transfer any of its rights, benefits or obligations hereunder, except for transfers that result from: (1) the merger or consolidation of CONSULTANT with a third party; or (2) the disestablishment of the CONSULTANT'S professional practice and the establishment of a successor consultant, or consulting organization. Nor shall the CONSULTANT subcontract any of its service obligations hereunder to third parties, except as otherwise authorized in this Agreement thereto, without prior written approval of the COUNTY. The CONSULTANT shall have the right, subject to the COUNTY'S prior written approval, to employ other persons and/or firms to serve as sub-consultants and/or subcontractors to CONSULTANT in connection with CONSULTANT providing and performing services and work pursuant to the requirements of this Agreement. The COUNTY shall have the right and be entitled to withhold such approval. Such approval shall not be unreasonably withheld.

In providing and performing the services and work required pursuant to this Agreement, CONSULTANT intends to engage the assistance of the sub-consultant(s) and/or subcontractor(s) set forth in EXHIBIT "D", entitled "CONSULTANT'S ASSOCIATED SUB-CONSULTANTS AND SUBCONTRACTORS", which EXHIBIT "D" is attached hereto and made a part of this Agreement.

ARTICLE 10.00 - APPLICABLE LAW

Unless otherwise specified, this Agreement shall be governed by the laws, rules, and regulations of the State of Florida, or the laws, rules, and regulations of the United States when providing services funded by the United States government.

ARTICLE 11.00 - COVENANTS AGAINST DISCRIMINATION

11.01 FOR PROJECTS WITH FUNDS APPROPRIATED FROM GENERAL LEE COUNTY REVENUES

The CONSULTANT for itself, its successors in interest, and assigns as part of the consideration thereof, does hereby covenant and agree that in the furnishing of services to COUNTY hereunder, no person on the grounds of race, color, national origin, handicap, or sex shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination. The CONSULTANT shall comply with Lee County's Affirmative Action Plan or state laws in the hiring of sub-consultants. CONSULTANTS who are uncertain of their obligation must obtain a copy of all relevant guidelines concerning Lee County's Affirmative Action Plan from the Lee County Department of Equal Opportunity.

11.02 FOR PROJECTS WITH FUNDS APPROPRIATED EITHER IN PART OR WHOLLY FROM FEDERAL OR STATE SOURCES

The CONSULTANT for itself, its successors in interest, and assigns as part of the consideration thereof, does hereby covenant and agree that in the furnishing of services to COUNTY hereunder, no person on the grounds of race, color, national origin, handicap, or sex shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination. The CONSULTANT shall make every effort to comply with any Disadvantaged Business Enterprise goals which have been established for this project. CONSULTANTS who are uncertain of their obligations regarding Disadvantaged Business Enterprises for this project must obtain a copy of all relevant federal or state guidelines from the Lee County Department of Equal Opportunity. The failure of the CONSULTANT to adhere to relevant guidelines shall subject the CONSULTANT to any sanctions which may be imposed upon the COUNTY.

ARTICLE 12.00 - WAIVER OF BREACH

Waiver by either party of a breach of any provision of this Agreement shall not be deemed to be a waiver of any other breach and shall not be construed to be a modification of the terms of this Agreement.

ARTICLE 13.00 - INSURANCE

13.01 INSURANCE COVERAGE TO BE OBTAINED

(1) The CONSULTANT shall obtain and maintain such insurance as will protect him from: (1) claims under workers' compensation laws, disability benefit laws, or other similar employee benefit laws; (2) claims for damages because of bodily injury, occupational sickness or disease or death of his employees including claims insured by usual personal injury liability coverage; (3) claims for damages because of bodily injury, sickness or disease, or death of any person other than his employees including claims insured by usual personal injury liability coverage; and (4) from claims for injury to or destruction of tangible property including loss or use resulting therefrom; any or all of which claims may arise out of, or result from, the services, work and operations carried out pursuant to and under the requirements of this Agreement, whether such services, work and operations be by the CONSULTANT, its employees, or by any sub-consultant(s), subcontractor(s), or anyone employed by or under the supervision of any of them, or for whose acts any of them may be legally liable.

(2) The insurance protection set forth hereinabove shall be obtained and written for not less than the limits of liability specified hereinafter, or as required by law, whichever is greater.

(3) The CONSULTANT, throughout the time this Agreement is in effect, shall require and ensure that any and all of its Sub-Consultants and/or SubContractors obtain, have, and maintain the insurance coverages required by law to be provided.

(4) The CONSULTANT shall obtain, have and maintain during the entire period of this Agreement all such insurance policies as are set forth and required herein.

(5) In the event that the CONSULTANT engages Sub-Consultants or Sub-Contractors to assist the CONSULTANT in providing or performing services or work pursuant to the requirements of this Agreement, the insurance coverages required under Article 13.03 to be provided by the CONSULTANT shall cover all of the services or work to be provided or performed by all of the Sub-Consultants or SubContractors engaged by the CONSULTANT. However, in the event the services or work of Sub-Consultants or Sub-Contractors engaged by the CONSULTANT is not covered by the CONSULTANT'S INSURANCE POLICY(s), it shall be the responsibility of the CONSULTANT to ensure that all Sub-Consultants or Sub-Contractors have fully complied with the COUNTY insurance requirements for: (1) Worker's Compensation; (2) Comprehensive General Liability; (3) Comprehensive Automobile Liability; or (4) Professional Liability as required and set forth in Agreement Article 13.00.

The services or work to be provided or performed by the following Sub-Consultant(s) or Sub-Contractor(s) identified in Agreement Exhibit "D" are exempted and excluded from the Professional Liability insurance coverage requirements set forth in this Agreement:

Service and/or work to be Provided and/or Performed	Indicate Name of Individual or Firm

(If none, enter the word "none" in the space below.)

none

PB
1/2/07

(6) The insurance coverage to be obtained by the CONSULTANT or by Sub-Consultants or Sub-Contractors engaged by the CONSULTANT, as set forth in Agreement Article 13.03 for: (1) Workers' Compensation; (2) Comprehensive General Liability; (3) Comprehensive Automobile Liability; or (4) Professional Liability is understood and agreed to cover any and all of the services or work set forth in Agreement Exhibit "A" and all subsequent Change Order(s), or Supplemental Task Authorization(s). In the event the COUNTY shall execute and issue a written Change Order(s), or Supplemental Task Authorization(s) authorizing the CONSULTANT to provide or perform services or work in addition to those set forth in Agreement Exhibit "A", it is agreed that the COUNTY has the right to change the amount of insurance coverages required to cover the additional services or work. If the additional insurance coverages established exceeds the amount of insurance coverage carried by the CONSULTANT, the compensation established for the Change Order(s), or Supplemental Task Authorization(s) shall include consideration of any increased premium cost incurred by the CONSULTANT to obtain same.

L3.02 CONSULTANT REQUIRED TO FILE INSURANCE CERTIFICATE(S)

(1) The CONSULTANT shall submit to the COUNTY'S RISK MANAGEMENT DIVISION all insurance certificates which are required under this Agreement for review and approval with respect to compliance with the insurance requirements. After approval by the RISK MANAGEMENT DIVISION, the COUNTY will execute this Agreement and issue a written Notice to Proceed. The CONSULTANT may then commence with any service or work pursuant to the requirements of this Agreement.

(2) All such insurance certificates shall be in a form and underwritten by an insurance company(s) acceptable to the COUNTY and licensed in the State of Florida.

(3) Each Certificate of Insurance submitted to the COUNTY shall be an original and shall be executed by an authorized representative of the insurance company affording coverage.

(4) Each Certificate of Insurance shall be addressed to the Lee County Board of County Commissioners, Attention: Lee County Contracts Management, P O Box 398, Fort Myers, Florida 33902-0398.

(5) Each Certificate of Insurance shall specifically include all of the following:

(A) The name and type of policy and coverages provided; and

(B) The amount or limit applicable to each coverage provided and the deductible amount, if any, applicable to each type of insurance coverage being provided; and

(C) The date of expiration of coverage; and

(D) The designation of the Lee County Board of County Commissioners both as an additional insured and as a certificate holder. (This requirement is excepted for Professional Liability Insurance and for Workers' Compensation Insurance); and

(E) A specific reference to this Agreement and the Project to which it pertains. (This requirement may be excepted for Professional Liability Insurance); or

In the event the CONSULTANT has, or expects to enter into an agreement for professional services other than those provided for in this Agreement, the CONSULTANT may elect to submit a certificate of insurance containing the following statement:

"This policy covers the services or work provided or performed by the Named Insured for any and all projects undertaken for Lee County pursuant to one or more written Professional Services Agreements, or written Supplemental Task Authorizations, or Change Orders thereto, and the limit(s) of liability shown shall not be intended or construed as applying to only one project."

Upon receipt and approval of such a certificate of insurance the COUNTY will administer the insurance required for all such agreements utilizing the single "multi-project" certificate of insurance and a separate certificate of insurance will not be required for each separate agreement.

(F) The following clause must appear on the Certificate of Insurance:

"Cancellation - Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail 30 days written notice to the Certificate Holder named."

(G) A statement indicating any services or work included in or required under Agreement Exhibit "A" Scope of Professional Services that is specifically excluded or exempted from coverage under the provisions, terms, conditions or endorsements of the CONSULTANT'S insurance policy(s). A statement which indicates any and all deductible amounts applicable to each type of insurance coverage required. In the absence of any such statements, the COUNTY will proceed with the understanding, stipulation and condition that there are no deductible amount(s), or exclusions or exemptions to the insurance coverage(s) provided.

(6) Each Certificate of Insurance shall be issued by an insurance agent and/or agency duly authorized to do so by and on behalf of the insurance company affording the insurance coverage(s) indicated on each Certificate of Insurance.

(7) If the initial, or any subsequently issued Certificate of Insurance expires prior to the completion of the work or termination of this Agreement, the CONSULTANT shall furnish to the COUNTY renewal or replacement Certificate(s) of Insurance, or Certified Binder(s), not later than fifteen (15) calendar days prior to the date of their expiration. Failure of the CONSULTANT to provide the COUNTY with such renewal certificate(s) shall be considered justification for the COUNTY to terminate this Agreement.

(8) If any of the insurance coverage(s) required by this Agreement shall reach the date of expiration indicated on the approved Certificate(s) of Insurance without the COUNTY having received satisfactory evidence of renewal or replacement, the CONSULTANT shall automatically and without further notice stop performing all previously authorized services and work. During any time period that the CONSULTANT'S services or work is suspended for failure to comply with the insurance requirements set forth in the Agreement, the CONSULTANT shall not be entitled to any additional compensation or time to provide and perform the required services or work and the COUNTY shall not be required to make payment on any invoices submitted by the CONSULTANT. Upon receipt and approval of renewal or replacement Certificates of Insurance, payment for any such invoices shall be made promptly by the COUNTY.

3.03 - INSURANCE COVERAGES REQUIRED

The CONSULTANT shall obtain and maintain the following insurance coverages as provided hereinbefore, and in the type, amounts and in conformance with the following minimum requirements:

(1) WORKERS' COMPENSATION

Coverage to comply for all employees for statutory limits in compliance with the applicable State and Federal laws. In addition, the policy must include the following:

(A) Employer's Liability with a minimum limit per accident in accordance with statutory requirements, or a minimum limit of $100,000 for each accident, whichever limit is greater.

(B) Notice of Cancellation and/or Restriction - The policy must be endorsed to provide the COUNTY with thirty (30) days prior written notice of cancellation and/or restriction.

(2) COMMERCIAL GENERAL LIABILITY

Coverage must be afforded on a form no more restrictive than the last edition of the Commercial General Liability Policy filed by the Insurance Services Office and must include the following:

(A) Minimum limits of $100,000 per occurrence and $300,000 aggregate for Bodily Injury Liability and a minimum limit of $100,000 for Property Damage Liability, or a minimum combined single limit of $300,000.

(B) Contractual coverage applicable to this specific Agreement including any hold harmless and/or such indemnification agreement.

(C) Such additional requirements as are set forth in Article 13.01 and 13.02 hereinabove.

(3) BUSINESS AUTOMOBILE LIABILITY

Coverage must be afforded on a form no more restrictive than the latest edition of the Business Automobile Liability Policy filed by the Insurance Services Office and must include the following:

(A) Minimum limits of $100,000 per person and $300,000 per accident for Bodily Injury Liability and a minimum limit of $100,000 for Property Damage Liability, or a minimum combined single limit of $300,000.

(B) Coverage shall include owned vehicles, hired and leased, or non-owned vehicles.

(C) Such additional requirements as are set forth in Articles 13.01

(4) PROFESSIONAL LIABILITY

Coverage must include the following:

(A) A minimum aggregate limit of $ n/a.

(B) Such additional requirements as are set forth in Articles 13.01 and 13.02 hereinabove.

(C) Should the Professional Liability Insurance Policy issued pursuant to the above requirements and limits be written so as to provide an applicable deductible amount, or other exclusion or limitation as to the amount of coverage to be provided within the minimum coverage limits set forth above, the COUNTY shall hold the CONSULTANT responsible and liable for any such difference in the amount of coverage provided by the insurance policy. In the event of any such deductible amount, exclusion or limitation, the CONSULTANT shall be required to provide written documentation that is acceptable to the COUNTY establishing that the CONSULTANT has the financial resources readily available to cover damages, injuries and/or losses which are not covered by the policy's deductible amounts, exclusions and/or limitations as stated above.

ARTICLE 14.00 - DUTIES AND OBLIGATIONS IMPOSED ON THE CONSULTANT

The duties and obligations imposed upon the CONSULTANT by this Agreement and the rights and remedies available hereunder shall be in addition to, and not a limitation of, any otherwise imposed or available by law or statute.

ARTICLE 15.00 - REPRESENTATION OF THE COUNTY

The CONSULTANT in providing and performing the services and work required pursuant to this Agreement thereto shall only represent the COUNTY in the manner and to the extent specifically set forth in writing in this Agreement or thereto, and as provided in any written SUPPLEMENTAL TASK AUTHORIZATION(S), and CHANGE ORDER(S) issued thereunder.

In the event the CONSULTANT'S services or work involves construction contract administrative support services, the CONSULTANT is not authorized to act on the COUNTY'S behalf, and shall not act on the COUNTY'S behalf, in such a manner as to result in change(s) to (1) the cost or compensation to be paid the construction contractor, or (2) the time for completing the work as required and agreed to in the construction contract, or (3) the scope of the work set forth in the construction contract documents, unless such representation is specifically provided for, set forth and authorized in this Agreement or thereto.

The COUNTY will neither assume nor accept any obligation, commitment, responsibility or liability which may result from representation by the CONSULTANT not specifically provided for and authorized as stated hereinabove.

ARTICLE 16.00 - OWNERSHIP OF DOCUMENTS

All documents such as drawings, tracings, notes, computer files, photographs, plans, specifications, maps, evaluations, reports and other records and data relating to this project, other than working papers, specifically prepared or developed by the CONSULTANT under this Agreement shall be property of the CONSULTANT until the CONSULTANT has been paid for providing and performing the services and work required to produce such documents.

Upon completion or termination of this Agreement, or upon the issuance by the COUNTY of a written Change Order deleting all or portions of the scope of services or task(s) to be provided or performed by the CONSULTANT, all of the above documents, to the extent requested in writing by the COUNTY, shall be delivered by the CONSULTANT to the COUNTY within seven (7) calendar days of the COUNTY making such a request. In the event the COUNTY gives the CONSULTANT a written Notice of Termination of all or part of the services or work required, or upon the issuance to the CONSULTANT by the COUNTY of a written Change Order deleting all or part of the services or work required, the CONSULTANT shall deliver to the COUNTY the requested documents as set forth hereinabove, with the mutual understanding and commitment by the COUNTY that compensation earned or owing to the CONSULTANT for services or work provided or performed by the CONSULTANT prior to the effective date of any such termination or deletion will be paid to the CONSULTANT within thirty (30) calendar days of the date of issuance of the Notice of Termination or Change Order.

The CONSULTANT, at its expense, may make and retain copies of all documents delivered to the COUNTY for reference and internal use. The CONSULTANT shall not, and agrees not to, use any of these documents, and data and information contained therein on any other project or for any other client without the prior expressed written permission of the COUNTY. Any use by the COUNTY of said documents, and data and information contained therein, obtained by the COUNTY under the provisions of this Agreement for any purpose not within the scope of this Agreement shall be at the risk of the COUNTY, and without liability to the CONSULTANT. The COUNTY shall be liable and agrees to be liable for and shall indemnify, defend and hold the CONSULTANT harmless for any and all claims, suits, judgments or damages, losses and expenses including court costs, expert witness and professional consultation services, and attorneys' fees arising out of the COUNTY'S use of such documents in a manner contrary to the provisions set forth hereinabove. The COUNTY hereby acknowledges receipt of $10.00 (ten and no hundreds dollars) and other good and valuable consideration from the CONSULTANT which has been paid as specific consideration for the indemnification provided herein.

ARTICLE 17.00 - MAINTENANCE OF RECORDS

The CONSULTANT will keep and maintain adequate records and supporting documentation applicable to all of the services, work, information, expense, costs, invoices and materials provided and performed pursuant to the requirements of this Agreement. Said records and documentation will be retained by the CONSULTANT for a minimum of five (5) years from the date of termination of this Agreement.

The COUNTY and its authorized agents shall, with reasonable prior notice, have the right to audit, inspect and copy all such records and documentation as often as the COUNTY deems necessary during the period of this Agreement, and during the period five (5) years thereafter; provided, however, such activity shall be conducted only during normal business hours and at the expense of the COUNTY, and provided further that to the extent provided by law the COUNTY shall retain all such records confidential.

ARTICLE 18.00 - HEADINGS

The HEADINGS of the Articles, Sections, Exhibits, Attachments, Phases or Tasks as contained in this Agreement are for the purpose of convenience only and shall not be deemed to expand, limit or change the provisions contained in such Articles, Sections, Exhibits, Attachments, Phases or Tasks.

ARTICLE 19.00 - ENTIRE AGREEMENT

This Agreement, including referenced Exhibits and Attachments hereto, constitutes the entire Agreement between the parties hereto and shall supercede, replace and nullify any and all prior agreements or understandings, written or oral, relating to the matters set forth herein, and any such prior agreements or understandings shall have no force or effect whatever on this Agreement.

The following listed documents, which are referred to hereinbefore, are attached to and are acknowledged, understood and agreed to be an integral part of this Agreement:

(1) EXHIBIT "A" entitled "Scope of Professional Services" dated October 24, 2006.

(2) EXHIBIT "B" entitled "Compensation and Method of Payment" dated October 24, 2006.

(3) EXHIBIT "C" entitled "Time and Schedule of Performance" dated October 24, 2006.

(4) EXHIBIT "D" entitled "Consultant's Associated Sub-Consultant(s) and SubContractor(s)", dated October 24, 2006.

(5) EXHIBIT "E" entitled "Project Guidelines and Criteria", dated October 24, 2006.

(6) EXHIBIT "F" entitled "Truth in Negotiation Certificate", dated October 24, 2006.

(7) EXHIBIT "G" entitled "Insurance". (Containing copies of applicable Certificates of Insurance)

(8) EXHIBIT "H" entitled "Amendment to Articles", dated October 24, 2006.

ARTICLE 20.00 - NOTICES AND ADDRESS OF RECORD

20.01 NOTICES BY CONSULTANT TO COUNTY

All notices required and/or made pursuant to this Agreement to be given by the CONSULTANT to the COUNTY shall be in writing and shall be given by the United States Postal Service Department first class mail service, postage prepaid, addressed to the following COUNTY address of record and sent to the attention of the County's Project Manager:

Lee County Board of County Commissioners
Post Office Box 398
Fort Myers, Florida 33902-0398
Department: Community Development

20.02 NOTICES BY COUNTY TO CONSULTANT

All notices required and/or made pursuant to this Agreement to be given by the COUNTY to the CONSULTANT shall be made in writing and shall be given by the United States Postal Service Department first class mail service, postage prepaid, addressed to the following CONSULTANT'S address of record:

HDR Engineering, Inc.
2202 N West Shore Blvd., Ste. 250
Tampa,FL 33607-5755
Phone: 800.473.5679
Fax: 813.262.2795
ATTENTION: Mr. Ricardo Calvo

20.03 CHANGE OF ADDRESS OF RECORD

Either party may change its address of record by written notice to the other party given in accordance with the requirements of this Article.

ARTICLE 21.00 - TERMINATION

This Agreement may be terminated by the COUNTY at its convenience, or due to the fault of the CONSULTANT, by the COUNTY giving thirty (30) day written notice to the CONSULTANT.

If the CONSULTANT is adjudged bankrupt or insolvent; if it makes a general assignment for the benefit of its creditors; if a trustee or receiver is appointed for the CONSULTANT or for any of its property; if it files a petition to take advantage of any debtor's act or to reorganize under the bankruptcy or similar laws; if it disregards the authority of the COUNTY'S designated representatives; if it otherwise violates any provisions of this Agreement; or for any other just cause, the COUNTY may, without prejudice to any other right or remedy, and after giving the CONSULTANT a thirty (30) calendar day written notice, terminate this Agreement.

In addition to the COUNTY'S contractual right to terminate this Agreement in its entirety as set forth above, the COUNTY may also, at its convenience, stop, suspend, supplement or otherwise change all, or any part of, the Scope of Professional Services as set forth in Exhibit "A", or the Project Guidelines and Criteria as set forth in Exhibit "E", or as such may be established by a Supplemental Task Authorization or Change Order Agreement. The COUNTY shall provide written notice to the CONSULTANT in order to implement a stoppage, suspension, supplement or change.

The CONSULTANT may request that this Agreement be terminated by submitting a written notice to the COUNTY dated not less than thirty (30) calendar days prior to the requested termination date and stating the reason(s) for such a request. However, the COUNTY reserves the right to accept or not accept the termination request submitted by the CONSULTANT, and no such termination request submitted by the CONSULTANT shall become effective unless and until CONSULTANT is notified, in writing, by the COUNTY of its acceptance.

21.01 CONSULTANT TO DELIVER MATERIAL

Upon termination, the CONSULTANT shall deliver to the COUNTY all papers, drawings, models, and other material in which the COUNTY has exclusive rights by virtue hereof or of any business done, or services or work performed or provided by the CONSULTANT on behalf of the COUNTY.

ARTICLE 22.00 - AMENDMENTS

The covenants, terms and provisions set forth and contained in all of the Articles to this Agreement may be amended upon the mutual acceptance thereof, in writing, by both parties to this Agreement, as evidenced by Exhibit H for amending articles. In the event of any conflicts between the requirements, provisions and/or terms of the Agreement and any written Amendment (Exhibit H), the requirements, provisions and/or terms of the Amendment shall take precedence.

ARTICLE 23.00 - MODIFICATIONS

Modifications to covenants, terms and provisions of this Agreement shall only be valid when issued in writing as a properly executed CHANGE ORDER(S) or SUPPLEMENTAL TASK AUTHORIZATION(S). In the event of any conflicts between the requirements, provisions, and/or terms of this Agreement and any written CHANGE ORDER(S), and/or SUPPLEMENTAL TASK AUTHORIZATIONS, the latest executed CHANGE ORDER(S), and/or SUPPLEMENTAL TASK AUTHORIZATION(S) shall take precedence.

In the event the COUNTY issues a purchase order, memorandum, letter, or other instruments covering the professional services, work and materials to be provided and performed pursuant to this Agreement, it is hereby specifically agreed and understood that such purchase order, memorandum, letter or other instruments are for the COUNTY'S internal control purposes only, and any and all terms, provisions and conditions contained therein, whether printed or written, shall in no way modify the covenants, terms and provisions of this Agreement and shall have no force or effect thereon.

No modification, waiver, or termination of the Agreement or of any terms thereof shall impair the rights of either party.

ARTICLE 24.00 - ACCEPTANCE

Acceptance of this Agreement shall be indicated by the signature of the duly authorized representative of the hereinabove named parties in the space provided hereinafter and being attested and witnessed as indicated.

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives, have executed this Agreement effective the day and year first written above.

ATTEST:
CLERK OF CIRCUIT COURT
Charlie Green, Clerk
BY: Kathleen A. Motz

COUNTY: LEE COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS
BY: _____
Chair
DATE: 2/6/07

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

APRROVED AS TO FORM
BY: _____
County Attorney's Office

ATTEST:

HDR Engineering, Inc.
(CONSULTANT)

_____
(Witness)

BY: _____
(Authorized Signature)

_____
(Witness)

Senior Vice President
(Title)

DATE: 1-2-07

CORPORATE SEAL:

EXHIBIT A

Date: October 24, 2006

SCOPE OF SERVICES

For CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY

BASIC SERVICES

Section 1 GENERAL SCOPE STATEMENT

The CONSULTANT shall provide and perform the following services, which shall constitute the GENERAL SCOPE of the BASIC SERVICES under the covenants, terms, and provisions of this SERVICE PROVIDER AGREEMENT.

Task 1 - Project Kick-Off: Upon Notice to Proceed, CONSULTANT will convene a meeting with County personnel and North Fort Myers Community Planning Panel members to discuss the project objectives, timeline, and responsibilities of each party. During the kick-off meeting, the County will provide the consultant with pertinent data and information to support the project, including, among others, the following items:

- Census data, population projections, and other demographic data for the study area.
- Aerial photography, GIS data, and other readily available mapping data.
- Zoning, FLUM and property appraiser's data.
- Studies, reports, or raw data regarding current water supply sources, stormwater management facilities, wastewater systems, waste collection and disposal, and other utilities information.
- Readily available information regarding other community planning studies in Lee County, if available.

Task 2 – Field Reconnaissance and Photographic Documentation of the Study Area: CONSULTANT will complete a reconnaissance of the area and develop photographic documentation for the project. The field reconnaissance will be accomplished within the same day as the project kick-off meeting. We anticipate one or more representatives of the County and the Community Planning Panel will accompany and guide us in this reconnaissance.

Task 3 – Data Evaluation: With the exception of data generated in the public meetings, the County and Community Planning Panel will supply all necessary data for the project. CONSULTANT will evaluate the information in order to assist the County and the North Fort Myers Community in developing the vision, goals, objectives, and policies to be included in the Community Plan. CONSULTANT will not gather primary data in the field nor perform data manipulation or technical analyses of data provided by the County and Community Planning Panel. CONSULTANT will not prepare impact assessments related to potential changes in land use and development conditions. Should such analyses or assessments be required, the County will arrange for their completion.

Task 4 – Public Meetings: CONSULTANT will facilitate two public meetings. Meetings will be organized by the County or Community Planning Panel, including the location, invitations, and logistics. CONSULTANT will provide up to 50 copies of a final agenda and provide audiovisual materials including PowerPoint presentations, display boards, flipcharts, and ancillary materials. Each meeting will be three hours long.

- Meeting 1 (Vision) – The first meeting will focus on discussing the current conditions of the planning area and will include a participatory exercise to help the community identify its strengths, weaknesses, opportunities, and threats (SWOT). This exercise will lay the foundation for the community plan.
- Meeting 2 (Goals and Strategies) - The Consultant and County staff will conduct a meeting to identify community-wide goals and strategies for inclusion in the plan.

Within one week after each meeting, CONSULTANT will provide the County and Community Planning Panel with a summary of findings.

Task 5 – Community Plan Work Session: CONSULTANT will facilitate a 2-day technical workshop with the County and representatives of the Community Planning Panel, in which we will work together to develop the objectives and policies necessary to further the community's goals, in the context of the Lee Plan. Each Comp Plan element will be addressed as needed. CONSULTANT assumes that some elements will not be applicable.

Task 6 – Prepare and Deliver Draft Community Study: After the 2-day technical workshop, CONSULTANT will prepare the Draft Community Study Report. CONSULTANT will work with the County and the Community Planning Panel to develop an outline for the document. For each comp plan element addressed, there will be a brief discussion of current conditions, a brief discussion of the community needs, and then the goals, objectives and policies. Cost benefit analysis of policies will be limited to comparing alternatives based on a semi-quantitative basis for a set of 3-5 criteria. No econometric modeling, cost estimating, transportation analyses, or exhaustive funding or feasibility analyses are included.

We propose that the outline of the Community Plan be a streamlined version of the Lee Plan, including the following sections:

1. Introduction (background, relationship to County Comp Plan and State requirements, summary of current conditions). Approximately 10 pages.
2. Community Planning Process. A description of the community involvement process and results, including the goals. Approximately 4 pages.

3.X Sections for each pertinent Comp Plan element. For each goal pertinent to the element, the section will include:
- Summary of Current Conditions (pertinent to the goal). One to two pages.
- Summary of Community Needs. About one page.
- Objectives and Policies.

4.X Implementation Plan. A description of the implementation steps and general responsibilities to carry out the Community Plan.

CONSULTANT will submit the Draft Plan electronically, in a print-ready PDF format. The County will be responsible for reproducing and distributing the Draft Plan.

Task 7 – Prepare and Present Final Community Plan: The County and Community Planning Panel will review the draft plan and provide CONSULTANT with one set of consolidated comments. CONSULTANT will address the comments and finalize the plan. CONSULTANT, if requested by the County, will assist in presenting the plan to the Board of County Commissioners. CONSULTANT will submit the Final Plan electronically, in a print-ready PDF format. The County will be responsible for reproducing and distributing the Final Plan.

EXHIBIT B

Date: October 24, 2006

COMPENSATION AND METHOD OF PAYMENT

For CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY

Section 1. BASIC SERVICES/TASK(S)

The COUNTY shall compensate the CONSULTANT for providing and performing the Task(s) set forth and enumerated in EXHIBIT "A", entitled "SCOPE OF PROFESSIONAL SERVICES", as follows:

NOTE: A Lump Sum (L.S.) or Not-to-Exceed (N.T.E.) amount of compensation to be paid the CONSULTANT should be established and set forth below for each task or sub-task described and authorized in Exhibit "A". In accordance with Agreement Article 5.02(2) "Method of Payment", tasks to be paid on a Work-in-Progress payment basis should be identified (WIPP).

Task Number	Task Title	Amount of Compensation	Indicate Basis of Compensation LS or NTE	If Applicable Indicate (W.I.P.P.)
1	Project Kick-Off	$1,870.00	LS	
2	Field Reconnaissance	$1,350.00	LS	
3	Data Evaluation	$7,250.00	LS	
4	Public Meetings (2)	$8,835.00	LS	
5	Work Session	$6,650.00	LS	
6	Draft Community Plan	$8,895.00	LS	
7	Final Plan and Presentation	$15,150.00	LS	
		$50,000.00	LS	

TOTAL
(Unless list is continued on next page)

CMO:033
09/25/01

Section 2. ADDITIONAL SERVICES

The COUNTY shall compensate the CONSULTANT for such ADDITIONAL SERVICES as are requested and authorized in writing for such amounts or on such a basis as may be mutually agreed to in writing by both parties to this Agreement. The basis and/or amount of compensation to be paid the CONSULTANT for ADDITIONAL SERVICES requested and authorized in writing by the COUNTY shall be as set forth in Article 3.11 of this Agreement.

Should it be mutually agreed to base compensation for ADDITIONAL SERVICES on an hourly rate charge basis for each involved professional and technical employee's wage rate classification, the applicable hourly rates to be charged are as set forth and contained in ATTACHMENT NO. 1 hereto dated October 24, 2006, entitled "CONSULTANT'S PERSONNEL HOURLY RATE SCHEDULE".

Section 3. REIMBURSABLE EXPENSES AND COSTS

When the CONSULTANT'S compensation and method of payment is based on an hourly rate for professional and/or technical personnel, the CONSULTANT shall, in addition to such hourly rates as are set forth in Attachment No. 1 hereto, be entitled to reimbursement of out-of-pocket, non-personnel expenses and costs as set forth in ATTACHMENT NO. 2 hereto dated October 24, 2006, entitled "NON-PERSONNEL REIMBURSABLE EXPENSES AND COSTS".

ATTACHMENT NO. 1 TO EXHIBIT B

Date: October 24, 2006

CONSULTANT'S PERSONNEL HOURLY RATE SCHEDULE ***

for CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY

(Enter Project Name from Page 1 of the Agreement)

CONSULTANT OR SUB-CONSULTANT NAME HDR Engineering Inc.
(A separate Attachment No. 1 should be included for each Sub-Consultant)

(1) Project Position or Classification (Function to be Performed)	(2) Current Direct* Payroll Average Hourly Rate	(3) Multiplier**	(4) Hourly Rate To Be Charged (Column 2x3)
Principal	$68.00	2.6	$190.40
Sr. Planner	$60.00	3.1	$186.00
Jr. Planner	$33.00	3.1	$102.00
Planner Tech	$27.00	3.1	$84.00
Administrative	$19.00	3.1	$59.00

*NOTE: Direct Payroll hourly rate means the actual gross hourly wage paid.

**NOTE: Indicate applicable multiplier for indirect personnel costs, general administrative and overhead costs, and profit.

***NOTE: A separate personnel hourly rate schedule should also be attached for each Sub-Consultant listed in Exhibit "D".

CMO:033
09/25/01

ATTACHMENT NO. 2 TO EXHIBIT B

Date: October 24, 2006

NON-PERSONNEL REIMBURSABLE EXPENSES AND COSTS

for CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY

(Enter Project Name from Page 1 of the Agreement)

CONSULTANT OR SUB-CONSULTANT NAME HDR Engineering

(A separate Attachment No. 2 should be included for each Sub-Consultant)

ITEM	BASIS OF CHARGE
Telephone (Long Distance)	Actual Cost
Postage and Shipping	Actual Cost
Commercial Air Travel	Actual Cost (Coach)
Vehicle Travel Allowance (or)	$0.445/Mile
Vehicle Rental/Gas	Actual Cost
Lodging (Per Person)	Actual Cost or NTE $100.00
Meals: Breakfast Lunch Dinner In accordance with the Runzheimer rate service for Travel utilizing the "average", dated **October 24, 2006**	$12.01 $11.82 $24.72
Reproduction (Photocopy) 8 ½" x 11"	$0.15/Page
8 ½" x 14"	$0.20/Page
11" x 14"	$0.35/Page
Reproduction (Blue/White Prints)	$0.20/Sq. Ft.
Printing/Binding	Actual Cost
Mylar Sheets	Actual Cost
Photographic Supplies & Services	Actual Cost
Tolls	Actual Cost
*List other specific project related reimbursables (i.e. film/developing):	
NOTE: Receipts or in-house logs are required for all non-personnel reimbursable expenses unless exempt (such as meals).	
Administrative Services Fee – Applicable only when specifically authorized by the County, for administering the procurement of special additional services, equipment, reimbursables etc. not covered under the costs and/or changes established in the Agreement.	

NOTE: N.T.E. indicates Not-To-Exceed
CMO:033
09/25/01

EXHIBIT C

Date: October 24, 2006

TIME AND SCHEDULE OF PERFORMANCE

for CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY

(Enter Project Name from Page 1 of the Agreement)

This EXHIBIT C establishes times of completion for the various phases and tasks required to provide and perform the services and work set forth in EXHIBIT "A" of this Agreement. The times and schedule of performance set forth hereinafter is established pursuant to Article 6.00 of this Agreement.

Phase and/or Task Reference As Enumerated in EXHIBIT "A"	NAME OR TITLE Of Phase and/Task	Number Of Calendar Days For Completion Of Each Phase And/or Task	Cumulative Number Of Calendar Days For Completion From Date of Notice to Proceed
1	Project Kick-Off	30	30
2	Field Reconnaissance	15	45
3	Data Evaluation	45	90
4	Public Meetings (2)	30	120
5	Work Session	14	134
6	Draft Community Plan	30	164
7	Final Plan & Presentation	45	209

EXHIBIT D

Date: October 24, 2006

CONSULTANT'S ASSOCIATED SUB-CONSULTANT(S) AND SUBCONTRACTOR(S)

for CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY

(Enter Project Name From Page 1 of This Agreement)

CONSULTANT has identified the following Sub-Consultant(s) and/or SubContractor(s) which may be engaged to assist the CONSULTANT in providing and performing services and work on this Project:

(If none, enter the word "none" in the space below.)

Service and/or Work to be Provided or Performed	Name and Address of Individual or Firm	Disadvantaged, Minority or Women Business Enterprise, (If Yes, Indicate Type)			Sub-Consultant Services are Exempted from Prime Consultant's Insurance Coverage	
		Yes	No	Type	Yes	No
	none PB 1/2/07					

EXHIBIT E

Date: October 24, 2006

PROJECT GUIDELINES AND CRITERIA

for CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY

The COUNTY has established the following Guidelines, Criteria, Goals, Objectives, Constraints, Schedule, Budget and/or Requirements which shall serve as a guide to the CONSULTANT in performing the professional services and work to be provided pursuant to this Agreement:

(If none, enter the word "none" in the space below)

Item No. 1

NONE

CMO:036
09/25/01

EXHIBIT F
DATE: October 24, 2006

TRUTH IN NEGOTIATION CERTIFICATE

This Certificate is executed and given by the undersigned as a condition precedent to entering into a Professional Services Agreement with the Lee County Board of County Commissioners for the project known as: CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY

Before me, the undersigned authority personally appeared, who having personal knowledge as to the facts and statements contained herein after being duly sworn, deposes and states under oath that:

1. This Certificate shall be attached to and constitute an integral part of the above said Professional Services Agreement as provided in Article 3.11.

2. The undersigned hereby certifies that the wage rates and other factual unit costs supporting the compensation on which this Professional Services Agreement is established are accurate, complete, and current on the date set forth here-in-above.

3. The truth of statements made herein may be relied upon by the County and the undersigned is fully advised of the legal effect and obligations imposed upon him by the execution of this instrument under oath.

Executed on behalf of the Party to the Professional Services Agreement referred to as the CONSULTANT, doing business as:

_____

_____

BY: Paul Bowdoin

TITLE: Senior Vice President

The foregoing instrument was signed and acknowledged before me this 2 day of January, 2007, by Paul Bowdoin who has produced _____ as
(Print or Type Name) (Type of Identification and Number)
identification.

Judith A. Mack-Adams
Notary Public Signature

Judith A. Mack-Adams
Printed Name of Notary Public

Judith A Mack-Adams
Notary Commission Number/Expiration
Commission # DD 0228
Expires April 13, 2007

CMO:
00/00/00

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

06/01/2007

DATE (MM/DD/YY) 01/03/2007

PRODUCER
Lockton Companies
444 W. 47th Street, Suite 900
Kansas City Mo 64112-1906
(816) 960-9000

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURED
1013472
HDR ENGINEERING, INC.
ATTN: LOUIS J. PACHMAN
8404 INDIAN HILLS DRIVE
OMAHA, NE 68114-4049

INSURER A: ZURICH AMERICAN INS CO - O.P. KS
INSURER B: AMERICAN GUARANTEE & LIAB (ZURICH)
INSURER C: SENTRY INSURANCE A MUTUAL COMPANY
INSURER D: CONTINENTAL CAS (V.O. SCHINNERER)
INSURER E:

THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER AND THE CERTIFICATE HOLDER.

COVERAGES SA

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS MADE [X] OCCUR X Contractual Liab. GEN'L AGGREGATE LIMIT APPLIES PER: POLICY [X] PRO-JECT [X] LOC	GLO3504583	06/01/2006	06/01/2007	EACH OCCURRENCE FIRE DAMAGE (Any one fire) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 1,000,000 $ 10,000 $ 1,000,000 $ 2,000,000 $ 2,000,000
B	AUTOMOBILE LIABILITY X ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS X HIRED AUTOS X NON-OWNED AUTOS	BAP3504584	06/01/2006	06/01/2007	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 2,000,000 $ XXXXXXX $ XXXXXXX $ XXXXXXX
	GARAGE LIABILITY ANY AUTO	NOT APPLICABLE			AUTO ONLY - EA ACCIDENT OTHER THAN AUTO ONLY: EA ACC AGG	$ XXXXXXX $ XXXXXXX $ XXXXXXX
B	EXCESS LIABILITY X OCCUR CLAIMS MADE DEDUCTIBLE [X] UMBRELLA FORM RETENTION $	AUC3808400 (EXCLUDES PROF. LIAB)	06/01/2006	06/01/2007	EACH OCCURRENCE AGGREGATE	$ 1,000,000 $ 1,000,000 $ XXXXXXX $ XXXXXXX $ XXXXXXX
C C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	90-14910-01 90-14910-02	06/01/2006 06/01/2006	06/01/2007 06/01/2007	X WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 1,000,000 $ 1,000,000 $ 1,000,000
D	OTHER ARCHS & ENGS PROFESSIONAL LIABILITY	PLA113978408	06/01/2006	06/01/2007	PER CLAIM: $1,000,000. AGG: $1,000,000.	

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
RE: CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY

CERTIFICATE HOLDER
2754470
LEE COUNTY BOARD OF COUNTY COMMISSIONERS
ATTN: LEE COUNTY CONTRACTS MANAGEMENT
PO BOX 398
FORT MYERS FL 33902-0398

X ADDITIONAL INSURED; INSURER LETTER:

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ~~ENDEAVOR TO~~ MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, ~~BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.~~

AUTHORIZED REPRESENTATIVE

© ACORD CORPORATION 1988

EXHIBIT H

Date: October 24, 2006

AMENDMENT TO ARTICLES

for CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY

For amending (i.e., changing, deleting from or adding to) the articles.

(NOTE: Each Article to be amended should be set forth and described in such a manner as to clearly indicate what the proposed changes, deletions or additions are with respect to the present Article provisions, and should set forth the wording of the Article resulting from the Amendment. The following identification system should be followed: Indicate additional (new) words or phrases by inserting the words in the text and then underline, (i.e., Months) and indicated words or phrases in the text to be deleted by striking over (i.e. ~~Weeks~~).

THE PROVISIONS HEREBY SUPERCEDE ANY PROVISIONS TO THE CONTRARY CONTAINED ELSEWHERE IN THE ARTICLES OR EXHIBITS.

AMENDMENT NO.

ARTICLE No._____ is hereby amended as follows:

None.

CMO:
09/25/01

CERTIFICATE

The undersigned hereby certifies that he is the Secretary of HDR Engineering, Inc., a Nebraska corporation, and that, as such, has custody of the minute books of the Corporation, and that, by Consent and Agreement of the Board of Directors dated May 17, 2006, the following resolutions were unanimously adopted:

> "**RESOLVED,** that effective immediately and until June 20, 2007, or until termination of said individual from the Corporation, or until recision by the Corporation's Board of Directors, whichever occurs first, the following individuals are hereby granted the nondelegable authority to execute or approve on behalf of the Corporation, contracts for engineering services and architectural services incidental to engineering services to be rendered by the Corporation, . . . or releases of claim or lien in connection with such services, such contracts or releases so executed or approved shall be binding upon the Corporation:
>
> . . . William H. Wadsworth - Executive Vice President . . .
> . . . Paul A. Bowdoin - Senior Vice President . . .
> . . . James W. Lee – Senior Vice President . . .
> . . . Harold E. Lewis, Jr. - Senior Vice President . . .
> . . . Larry D. Low - Senior Vice President . . .
> . . . Charles T. Sinclair – Senior Vice President . . .
> . . . Robert E. Kellner – Vice President . . .
> . . . Steven A. Keyes - Vice President. . .
> . . . Guillermo (Will) J. Suero – Vice President . . ."
>
> "**RESOLVED,** that the following are elected officers of the Corporation for the ensuing year and until their successors are elected and qualified:
>
> . . . William H. Wadsworth - Executive Vice President . . .
> . . . Paul A. Bowdoin - Senior Vice President . . .
> . . . Greg M. Goodwin - Senior Vice President . . .
> . . . James W. Lee – Senior Vice President . . .
> . . . Harold E. Lewis, Jr. – Senior Vice President . . .
> . . . Larry D. Low - Senior Vice President . . .
> . . . Kent L. McWaters – Senior Vice President . . .
> . . . Charles T. Sinclair – Senior Vice President . . .
> . . . Kirk A. Stull - Senior Vice President . . .
> . . . Thomas W. Atkins - Vice President . . .
> . . . Douglas L. Butler - Vice President . . .
> . . . Ricardo N. Calvo – Vice President . . .
> . . . Donald J. Castro - Vice President . . .
> . . . Robert E. Cone – Vice President . . .
> . . . C. Edwin Copeland, Jr. - Vice President . . .
> . . . Kevin Delange - Vice President . . .

. . . George T. Eliason - Vice President . . .
. . . Kenneth A. Hartmann – Vice President . . .
. . . Lewis R. Herrington – Vice President . . .
. . . Donald R. Holcomb – Vice President . . .
. . . Tracy A. Hood - Vice President . . .
. . . Marilyn D. Jackson - Vice President . . .
. . . Robert E. Kellner – Vice President . . .
. . . Steven A. Keyes – Vice President . . .
. . . Chad A. Luedtke – Vice President . . .
. . . James A. Moore - Vice President . . .
. . . Bruce N. (Neal) Poteet - Vice President . . .
. . . Kristina M. Price – Vice President . . .
. . . Ray E. Reissener - Vice President . . .
. . . Lawrence S. Romaine – Vice President . . .
. . . Joseph W. Schilli – Vice President . . .
. . . Bradford M. Stone – Vice President . . .
. . . Guillermo (Will) J. Suero – Vice President . . .
. . . Theunis A. Vanderveen - Vice President . . .
. . . Stephen C. Wilson - Vice President . . .
. . . Carol C. Worsham – Vice President . . .
. . . Louis J. Pachman - Secretary . . .
. . . Bonnie J. Kudron - Assistant Secretary."

The undersigned further certifies that the foregoing resolutions have been spread in full upon the minute books of the Corporation and are in full force and effect.

DATED June 12, 2006.

(CORPORATE SEAL)

Louis J. Pachman, Secretary

STATE OF NEBRASKA

COUNTY OF DOUGLAS

On this 12th day of June, 2006, before me, Bonnie J. Kudron, personally appeared Louis J. Pachman, known to me to be the person who executed the within instrument as Secretary of and on behalf of the corporation therein named and acknowledged to me that the corporation executed it.

(NOTARY SEAL) GENERAL NOTARY - State of Nebraska BONNIE J. KUDRON My Comm. Exp. Dec. 20, 2008

Bonnie J. Kudron, Notary Public

LEE COUNTY
PROFESSIONAL SERVICE AGREEMENT/SERVICE PROVIDER AGREEMENT
INVOICE STATEMENT

Date: _____

CN No.: _____ Contract No.: _____ Project No.: _____

Payment No.: _____ (☐ W.I.P.P. ☐ Final) for Period _____ to _____

Project Name: _____

Attachments ☐ Yes ☐ No _____

PAYEE: Consultants Name: _____
Mailing Address: _____
City & State _____ ZIP CODE _____

INSTRUCTIONS
Warrant will be mailed to Consultant's mailing address given, unless special instructions are provided to the immediate left of these instructions.

Deliver Warrant: Special Instructions - If Other than Mail

_____

_____

CONTRACTUAL FINANCIAL DATA

ORIGINAL PSA/SPA Amount $ _____

PLUS:
Change Order # _____ dated _____ $ _____
Change Order # _____ dated _____ $ _____
Change Order # _____ dated _____ $ _____
S.T.A. # _____ dated _____ $ _____
S.T.A. # _____ dated _____ $ _____
S.T.A. # _____ dated _____ $ _____

Total Change Orders/S.T.A. ADDING to cost of Agreement . . . . . $ _____

LESS:
Change Order # _____ dated _____ $ _____
Change Order # _____ dated _____ $ _____
Change Order # _____ dated _____ $ _____
S.T.A.# _____ dated _____ $ _____
S.T.A. # _____ dated _____ $ _____
S.T.A. # _____ dated _____ $ _____

Total Change Orders/S.T.A. SUBTRACTING from cost of Agreement. . . . . $ _____

Total Amount of Current PSA/SPA. . . . . $ _____

Total Amount Completed to Date. . . . . $ _____

Less Amounts Previously Invoiced . . . . . $ _____

Amount of this Invoice. . . . . $ _____

Total Amount Paid to DBE's from above . . . . . $

Name of DBE(s):

Signed Project Manager: _____ Date: _____

Approved Dept/Div Director: _____ Date: _____

Approved Fiscal Person: _____ Date: _____

CMO:024
09/25/01

MEMORANDUM
FROM
CONTRACTS MANAGEMENT

RECEIVED
SEP 2 2 2006
COMMUNITY DEVELOPMENT

DATE: September 21, 2006

TO: Competitive Negotiation Selection Committee

FROM: Cindy Logan
Contracts Manager

SUBJECT: NOTICE OF COMPETITIVE NEGOTIATION SELECTION COMMITTEE MEETING **CN-06-19, NORTH FORT MYERS COMMUNITY PLANNING STUDY**

The Competitive Negotiations Selection Committee is scheduled to meet

On - **Tuesday, October 3, 2006**
At - **Beginning @ 1:00 p.m.**
In - **1500 Monroe Street, 4th FL**
Conference Room 4D

Item of Business #1: **Land Design Innovations Inc.**
1:00 p.m. – 1:20 p.m. Presentation
1:20 p.m. - 1:30 p.m. Question Period

Item of Business #2: **DeLisi Fitzgerald Inc.**
1:35 p.m. – 1:55 p.m. Presentation
1:55 p.m. - 2:05 p.m. Question Period

Item of Business #3 **LaRue Planning & Management Services Inc.**
2:10 p.m. – 2:30 p.m. Presentation
2:30 p.m. - 2:40 p.m. Question Period

Item of Business #4 **WilsonMiller Inc.**
2:45 p.m. – 3:05 p.m. Presentation
3:05 p.m. - 3:15 p.m. Question Period

Item of Business #5 **Heidt & Associates Inc.**
3:20 p.m. – 3:40 p.m. Presentation
3:40 p.m. - 3:50 p.m. Question Period

Item of Business #6 **HDR Engineering Inc.**
3:55 p.m. – 4:15 p.m. Presentation
4:15 p.m. - 4:25 p.m. Question Period

Reasonable Accommodations will be made upon request. If you are in need of a Reasonable Accommodation please contact the Contracts Management Office at (239) 335-2183.

c: **Members of the Competitive Negotiations Committee**
Holly Schwartz, Assistant County Manager, Chairperson
Jim Mudd, Community Development, Project Manager
Laura Alvarez, N Ft Myers Community Representative

c: **Invited Participants**
Mary Gibbs, Director Community Development
Paul O-Connor, Planning
Wayne Daltry, Smarth Growth
Kristi Kroslack, Legal Advisor
Public Works Receiptionist

AGENDA

REQUEST FOR WRITTEN PROPOSALS AND ORAL PRESENTATIONS

FOR

CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY

Date: TUESDAY, OCTOBER 3, 2006

COMPETITIVE NEGOTIATION COMMITTEE
Holly Schwartz, Assistant County Manager, Chairperson
Jim Mudd, Community Development
Laura Alvarez, N Ft Myers Representative

INVITED
Mary Gibbs, Community Development Director
Paul O'Connor, Planning
Wayne Daltry, Smart Growth
Melody Bowers, Legal Advisor

CONSULTANT FIRMS
DeLisi Fitzgerald Inc.
Heidt & Associates Inc.
HDR Engineering Inc.
Land Design Innovations Inc.
LaRue Planning & Management Services
WilsonMiller Inc.

TECHNICAL PROPOSAL INSTRUCTIONS

INDEX

Section		Page
	GENERAL PURPOSE OF WRITTEN AND/OR ORAL PRESENTATIONS	3
	WRITTEN PRESENTATION MATERIAL	3
	ORAL PRESENTATION	3
	PURPOSE	4
	PROJECT ASSIGNED	4
	SCOPE OF CONSULTANT SERVICES	4
	WRITTEN PROPOSAL	4
	WRITTEN PROPOSAL CONTENT	5
1.0	Approach to the Project	5
2.0	Proposed Staffing Plan	5
3.0	Schedule of Events	5
4.0	Quality Control	5
5.0	DBE Participation	6
	WRITTEN PROPOSAL PACKAGE	6
	SUBMITTAL OF WRITTEN PROPOSAL	6
	ORDER OF ORAL PRESENTATION	6
	CONSULTANT EVALUATION AND SELECTION	6
	CONFLICT OF INTEREST	7
	CONTRACT RESTRICTIONS	7
1.	Professional Liability	7
2.	Subcontractual Services	7
	SPECIFIC POINTS TO BE ADDRESS FOR ORAL PRESENTATION	8

Exhibits

A	SCOPE OF SERVICES	

LEE COUNTY
GUIDELINES FOR CONSULTANTS INVITED BY THE
COMPETITIVE NEGOTIATIONS COMMITTEE FOR
WRITTEN MATERIALS AND ORAL PRESENTATIONS FOR

CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY

GENERAL PURPOSE OF WRITTEN AND/OR ORAL PRESENTATION

The Consultant has been invited for an interview after a determination by the County's Competitive Negotiations Committee that the Consultant appears to be qualified to provide and perform the required professional services for THIS project. This determination was based primarily on the general information about the Consultant's personnel, experience and approach as submitted with the Consultant's Letter of Interest.

CONSULTANT has been invited to meet with the Competitive Negotiations Committee for the purpose of presenting and discussing information to demonstrate that the Consultant understands the requirements of THIS project. In the Presentation, the consultant is provided an opportunity to present a comprehensive statement describing how the Consultant proposes to approach, organize, schedule, provide, perform, and accomplish the services required to complete THIS project in a timely, efficient, economical, and effective manner.

Written Presentation Material

The Consultant is requested to prepare a written presentation setting forth a summary of the information presented during the interview. Consultant is requested to submit **eight (8)** copies of the written material to the Contracts Management Office, 1500 Monroe Street, 4th FL, Fort Myers FL 33901, by **10:30 a.m.** on **Friday, September 29, 2006.** Written materials are to be received by hand delivery.

Oral Presentation

Oral Presentations are scheduled to be conducted in at the Community Development/ Public Works Center, 1500 Monroe Street, 4th FL, Conference Room 4D, Fort Myers, Florida, on **Tuesday, October 3, 2006.**

A **twenty (20)** minute period has been scheduled for the Consultant's presentation, to be followed by a **ten (10)** minute discussion period. It is suggested that Consultant's **oral presentation during the interview should be limited to the specific points stated in the Consultant guidelines.**

It is preferred that the presentation be made primarily by the professional person who will be designated by the Consultant as Project Manager and who will be responsible for directing and coordinating all of the services to be provided and performed on THIS project. The Project Manager may be assisted in the presentation by one other key person who will be assisting the Project Manager on THIS project.

PURPOSE:

The Lee County Board of County Commissioners (LCBoCC) requires consultant services to assist the **Department of Community Development** in the **North Fort Myers Community Planning Study.**

Six Consultant firm's are being considered for the final selection by the Competitive Negotiations Committee. Additional information is necessary to complete the evaluation of each firm's ability to provide the desired services. As a result, the firms shall be requested to submit a written proposal for the anticipated work and participate in an Oral Interview. The written proposals shall include data about the probable job performance and manpower application.

PROJECTS ASSIGNED:

The following project(s) shall be assigned to the selected consultant firm:

Solicitation #	CN-06-19 N Ft Myers Community Planning Study
Length of Service	TBD
Project Manager	Jim Mudd, Community Development

SCOPE OF CONSULTANT SERVICES:

For a detailed description of the required consultant services, refer to Exhibit "A", Scope of Services.

WRITTEN PROPOSAL:

The short-listed firms shall submit a detailed written proposal for the project before participating in an Oral Interview. The proposal shall include sufficient information to enable the Competitive Negotiations Committee to fully evaluate the capabilities of the firm and its proposed approach to providing the specified services. Unnecessarily elaborate or voluminous proposals are neither required nor wanted. Discussion of the firm's past experience, which is not germane to the specified services of this project should not be included.

The interview will be project specific with the proposed project manager in attendance. The consultant shall be prepared to discuss the technical abilities as it relates to this contract.

WRITTEN PROPOSAL CONTENT: The written proposal shall address the following items:

1.0 Approach to the Project

The consultant firm shall present a more detailed proposed approach for completing the desired work. The consultant shall discuss the firm's understanding of the objectives and the means by which these objectives will be attained. Also, innovative approaches for providing services. Coordination for the project should detail efficient use of manpower and materials, methods to minimize LCBoCC project support and the flow of information exchange between the Department and other agencies.

2.0 Proposed Staffing Plan

The consultant shall identify the responsible office and submit a staffing plan, which clearly illustrates the key elements of the organizational structure proposed to accomplish the management, technical and administrative services required. Project management and key technical personnel within each discipline shall be identified and past experience of each, as it relates to this project, shall be discussed. Other items to be included in the discussion of the staffing plan are:

1. Personnel requirements for the job (both quality and quantity).

2. Capabilities of the firm.

3. Personnel availability for the project.

4. Subconsultants: The consultant shall address the desirability and necessity of subconsultant services on the project. Where subconsultant services are proposed, the information specified above shall also be furnished for the subconsultant firm(s).

5. Resumes – Not to exceed two (2) pages in length.

3.0 Schedule of Events

The consultant shall submit a schedule showing major events and the proposed time-frames required to develop functional activities and project deliverables. A Bar Chart supported by a CPM and utilizing realistic LCBoCC review schedule is desired.

4.0 DBE Participation

The LCBoCC encourages DBE firms to compete for Department professional services projects, and also encourages non-DBE consultants to use DBE firms as subconsultants. However, use of DBE sub-consultants is not mandatory and no preference will be given in the selection process for DBE participation. Consultants are required to indicate their intention regarding DBE participation in the DBE Participation and to submit as part of their technical proposal.

WRITTEN PROPOSAL PACKAGE: The written proposal shall be submitted on standard 8 1/2" x 11" paper included in some sort of binder. Charts/Graphs and exhibits may be of a larger size but must be folded to the standard size. The proposal shall have major work areas tabbed for easy identification and use.

SUBMITTAL OF WRITTEN PROPOSAL: The Written proposals must be received in Contracts Management by 10:30 a.m. on or before Friday, September 29, 2006.

ORAL PRESENTATION:

Date:	Tuesday, October 3, 2006
Time:	Beginning @ 1:00 p.m.
Location:	1500 Monroe Street, 4th FL, Conf. Room 4D

CONSULTANT EVALUATION AND SELECTION:

The selection of the CONSULTANT to provide and perform the professional services required for this project and compensation for the services to be provided and performed by the Consultant selected for this project will be arranged in accordance with the Florida Consultants Competitive Negotiations Act and the provisions of the Lee County Contract Manual for Professional Services as approved and put into effect by the Lee County Board of County Commissioners on September 25, 2001, and as subsequently amended. The written proposals received from the consultants being considered for final selection, shall be reviewed by the Competitive Negotiations Committee, prior to the oral presentations.

The Competitive Negotiations Committee will review the capabilities of the consultant firm. At the discretion of the Committee, other persons may be requested to provide information at the meeting.

Upon completion of the oral presentations the Competitive Negotiation Committee shall establish a ranking order of the firms to provide the desired services.

Immediately after the selection, the consultant firms shall be notified of the selection results by letter. The results shall also be published on the Internet at www.lee-county.com/contracts.

NOTE: At the interview, in addition to the members of the Lee County Competitive Negotiations Committee, there may be representatives of other interested County Departments and possibly representatives of local, state, and federal agencies who may be involved in the development, approval, and implementation of various aspects of THIS project. The Interview/Presentation is also open to the public.

CONFLICT OF INTEREST

The Scope of Services for this project is such that depending on the Consultant's interest, or the interest of clients represented by the Consultant, some Consultants may have a potential conflict of interest in representing and/or performing the services required of this project for the County. Article 8.00 of the Lee County Professional Services Agreement provides that the Consultant (1) Represents that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance of services required hereunder, and, (2) The Consultant further agrees that no person having any such interest shall be employed or engaged by the Consultant for said performance at the time of the Interview/Presentation. Consultant is requested to submit a written statement addressing the question of whether or not the Consultant has any financial interest(s), or is representing clients with any interest in the outcome of this project that might constitute a conflict(s) of interest if selected by the County to perform the services required on this project.

INCLUDE AS PART OF YOUR CONFLICT OF INTEREST STATEMENT: STAFF OR FAMILY MEMBERS WORKING FOR YOUR FIRM THAT RESIDE IN NORTH FORT MYERS AND ANY PROPERTY THAT IS OWNED BY ANY OF YOUR STAFF MEMBERS/FAMILY WITHIN NORTH FORT MYERS.

CONTRACT RESTRICTIONS

The following information is furnished to the consultant firm for consideration during the preparation of the written proposal:

1. WORKER'S COMPENSATION, GENERAL AND AUTOMOBILE LIABILITY: The consultant firm selected to perform the desired services must have workers' compensation, general liability and auto liability insurance coverage. If the present coverage is insufficient, the selected consultant firm must obtain additional coverage prior to the initiation of the work.

2. SUBCONTRACTUAL SERVICES: Services assigned to sub-consultants must be approved in advance by the project manager. The sub-consultants must be qualified to perform all work assigned to them.

PROJECT: CN-06-19 NORTH FORT MYERS COMMUNITY PLANNING STUDY

SPECIFIC POINTS TO BE ADDRESSED BY THE CONSULTANT
DURING INTERVIEW/PRESENTATION FOR THIS PROJECT

1. Please discuss your understanding of major issues in North Fort Myers that will be addressed by the Community Plan.

2. Please elaborate on similar types of projects you have undertaken and discuss your ability to assist the community in developing a comprehensive vision for the North Fort Myers community. Also describe your methodology for assisting the community in the visioning process.

3. Please discuss how the Consultant will work with the North Fort Myers Community Planning Panel, stakeholder groups and community residents to incorporate existing community character into recommendations for remediation and improvement of community needs.

4. The community has expressed a desire to develop a brand or identity for North Fort Myers that will create a positive image of the community for both its residents and for others. Please describe your ability to assist them in that effort.

5. If using sub-consultants, please describe the areas of expertise they bring to the planning process and how they will compliment your firm's ability to successfully complete the project.

6. The North Fort Myers Community Plan may result in amendments to the Lee County Comprehensive Plan and land development regulations. Please describe your experience in working on similar amendments.

The anticipated budget for this project is $50,000.

Jim Toth

From: "Jim Toth" <jamto@earthlink.net>
To: "Peg Crishal" <peg.crishal@juno.com>; "Margaret Ruhe Lincoln" <mlincoln@leegov.com>; "Jim Lattman" <obvinc@earthlink.net>; "Frank O'Neill" <oneillfk@aol.com>; "Dick Kurcina" <rakworldwide@comcast.net>; "Alan Weis" <ajweisfam@aol.com>; "Dave James" <djames43@comcast.net>
Cc: <sbrenner@brennerrealty.com>
Sent: Monday, April 23, 2007 3:27 PM
Subject: Infrastructure Sub-Committee Concerns

Please review my compilation as taken from our Meeting Minutes and other documentation available.

!.Water and Sewer services
A.There are two sources for these srevices in NFM;Lee County Utilities(a public utility) and North Fort Myers Utilities(a private utility).Both provide water and sewer services to some portions of NFM.There should be a method for coordinating the activities of these apperently competing entities.Perhaps consideration should be given to combining them int a single entity.
B.Develop a plan to control reuse water returned from both utilities to be sure NFM gets its fair share.Use of this resource for irrigation purposes will help us conserve potable water useage.
C.Establish standards for private wells and septic tanks;perhaps tied to population densitiesand environmentally sensitive areas such as along the Caloosahachee River.Prohibit new installations in populated areas.Require developers of new communities to provide for utility service only not private systems.
D.Improve water supplies for fire protection purposes in populated areas such as Suncoast Estates.
E.Improve sewer systems in Waterway Estates area.
F.Plan for better uase of sewer plant solid waste which is now carted away and dispersed in agricultural areas to the North and East.Such material can be converted to a useful product and sold with proceeds used to reduce utility costs to taxpayers.

2.Storm water drainage
A.All development should be required to coordinate with Lee County Department of Natural Resources to be sure that adequate provision is made for storm water drainage."Diking" caused byroad construction should be prohibited.
B.Consider possibility of including neighborhood level storm water systems in new developments.
C.Improve roads in areas such as Suncoast Estates to allow for reasonable access by emergency vehicles during rainy periods.
D.Provide for access to private lands for maintenance of storm water run off systems;by legislation if necessary.
3.Roads
A.Will probably need to plan for furthur improvements to our main East/West corridor,Bayshore/Pine Island Rd.It's already heavily traveled and furthur development along this corridor in the City of Cape Coral will add additional stress.Planned development to our East will also add stress there is also potential for more increqas arising out of the Babcock Ranch plans.Be sure that this developer pays his fair share of these costs.This is a main ecacuation route and we need to stay ahead of the curve in our planning.
B.Our main North/South corridor is US41 and it will soon feel the impact of new developments(Magnolia Landing,new communities both East and West along Del Prado Extension,etc.).Cape Coral plans to access this corridor thru the Zemel property across from Heron's Glen to service it's plan for additional commercial/industrial development.It's not too soon to begin planning to improve this important evacuation route.

4.Emergency services
A.Encourage establishment of smaller zones for the Sheriff's Dept.to allow for quicker response times and to better utilize available personnel.Consider need for additional substations and perhaps additional personnel.
B.Encourage utilization of people other than highly trained deputies for preparation of necessary paper work thus relieving these people for duty on the streets.
C.Need improved medical services so as to provide ready access to emergency services every day including weekends and holidays.
D.Try to develop plan to allow for County certification of clubhouses,etc.in gated communities as emergency shelters so as to ease the need for publically maintained shelters.
5.Development
A.Riverfront from Cape Coral on the West to Bayshore on the East is crucial to our community.We should

encourage preservation of as much "green space" as remains and control development so that it doesn't become another Miami Beach.Area South of Pondella between the 41's seems to be a logical place to establish a core attraction such as the Riverwalk project being recommended by our Land Use Sub-Committee.

B.Preserve as much as possible of our remaining "green space"(all would be nice).

C.Don't allow US41 to become one long strip mall similar to Del Prado in Cape Coral.

D.Redevelopment targets include Weaver's Corner,Palmona Park,and Suncoast Estates.

E.Bayshore Rd. East of US41 should be developed carefully similar to what we suggest for US41.

Please let me have your comments and suggestions.
Thanks,Jim Toth

Mudd, James P.

From: John Canter [johndcanter@hotmail.com]
Sent: Thursday, October 19, 2006 8:05 AM
To: bunnycanter@hotmail.com; jrendrag@earthlink.net; sandrade9@yahoo.com; jaredbeck@wilsonmiller.com; apmstm61@yahoo.com; seekow@aol.com; jamto@earthlink.net
Cc: Hall, Tammy ; Mudd, James P.; Daltry, Wayne E.
Subject: NFMCPP - Economic Development
Importance: High

To All Addressees:

Some weeks ago, I sent out an urgent message to all NFMCPP participants requesting self or other-party nominations to fill the position of Economic Development Subcommittee Chair, a need that was precipitated by my removing the then-responsible individual from that position.

Paul Nash, a member of the H&HS Subcommittee, and President of the North Fort Myers Lions Club, gamely stepped forward and agreed to take on the responsibilities of this extremely important and central Subcommittee Chairmanship. He, and I, both recognized that it would be a significant added burden to his already heavy involvement in community and charitable activities .. but that is the type of person that Paul is, always willing to extend himself, to go the extra mile, to help out wherever he is asked, to volunteer regardless of personal implications.

Shortly into his tenure, Tom Hoolihan, who has an extensive background in Economic Development, and is well known for his business acumen throughout the greater Fort Myers area, returned home from a Scandinavian vacation and placed his name into consideration for the NFMCPP Economic Development Subcommittee Chair. I welcomed Tom's volunteering for this position, but informed him that the Chair was already taken. Graciously, Tom agreed to serve in whatever capacity he might to assist the NFMCPP in its progress.

In the course of events, Paul and Tom got together to discuss roles and responsibilities, and decided that perhaps it would be in the best interests of the NFMCPP of they reversed their roles. I approved of their decision. The consequence is that I am today informing you that Paul Hoolihan is now the Chairman of the NFMCPP Economic Development Subcommittee, and that he will be most ably assisted by Paul Nash. Paul's extremely gracious note follows immediately below.

I hope that all of you will welcome Tom Hoolihan into his new position within the NFMCPP, and will assist him in carrying out this most significant function.

Many thanks to all of you.

John

From: *"paul nash" <kinglion42@msn.com>*
To: *"John Canter" <johndcanter@hotmail.com>*
Date: *Thu, 19 Oct 2006 07:02:57 -0400*

Good Morning John,

Yesterday I had a two hour meeting with Tom Hoolihan. It became a reality to me that he has far superior knowledge of Economic Development than I could possibly hope to accomplish in the short time period we have to prepare. Therefore I asked Tom if he would be willing to head the panel and he agreed. I will be stepping down as the chair of the panel and Tom will assume this position immediately if that is acceptable to all. With your permission I would like to stay working with this panel, and help wherever possible.

I thank you for the opportunity to try my hand at being a chair, but we all realize what an important undertaking this panel is, and that we have to have the most qualified people at the helm.

my best to you, Paul

Stay in touch with old friends and meet new ones with Windows Live Spaces

Mudd, James P.

From: Jared Beck [JaredBeck@wilsonmiller.com]

Sent: Friday, August 18, 2006 9:18 AM

To: Mudd, James P.; Bonnie Makepeace; Bunny Canter; Cury Mumm; James Gillespie; Jared Beck; Jody Anderson; Linda Looker; Lisa Ziegler; Mary Alice Pierce; Sandra Horvath

Subject: Monday Meeting

Attachments: Discussion-Summary.pdf

Good Morning All,

As a reminder we will be meeting this coming Monday at 6:30 and will run until 8:00 or so if need be. Jim Mudd will be attending to walk us through our next steps, and we'll meet this time at the Heron's Glenn Clubhouse. I will send specifics on the room location Monday. For those of you that not able to download files, the document has been pasted at the end of this e-mail, a pdf is also at the very end of this e-mail if you prefer to print a clean document.

Jared T. Beck
Land Planner
WilsonMillerDesign
4571 Colonial Boulevard
Fort Myers, Florida 33966
ph: 239.939.1020
ph: 800.649.4336
wilsonmiller.com

NFMCPP - COMMUNITY CHARACTER

Discussion June 19, 2006

1. Parks, Open Space, Recreation

- **Parks**

  - Both passive and active
  - Based on the number of people/residents
  - Both new and revitalized - should be walkable by neighborhood
  - Regional and Neighborhood

- **Recreation**

  - Waterfront with boardwalks, sand beach, "native" information, canoes, kayaks
  - Concerts/platform, civic auditorium, bike trails, nature walks, pool, tennis, "Olympic", shuffleboard
  - YMCA-type Facility
  - Theme park - wet or dry

- Fishing piers
- Open-air bandstand on River; Boardwalk possibility; nature system ("overlook point" - Yankee Beach); City owns
- Auditorium - Olympic pool - Theme Park; construction

- **Riverfront Parcels**

  - Shoreline protection
  - Public boardwalk (access along waterfront required for all new development)
  - Promote Community-to-Community - retail, parks, access, etc.
  - Boat Ramp
  - Public Access

2. Beautification and Trees / Ordinances

- Preserve existing vegetation; greater "tree city"; adhere to restrictions on new development
- Guidelines for re-vitalization, redevelopment and roadways
- Greater restrictions on new communities
- Upgrade maintenance
- Corridor designations and required trees
- "Tree City" Arbor Foundation - lack of proper maintenance

3. Public Spaces (Interaction)

- Public Play Areas
- Art Spaces
- Redevelopment and requirements in new spaces
- Future Commercial

4. Arts and Culture

- Artists Space / Building
- Dance, Theatre, Musical
- Maybe the County or FGCU could participate to make possible

5. Image/Stigma/Community Promotion/Public Partnerships/NFM Representation and Leadership

- Greater "maintenance" restrictions during construction
- Relationship with Lee County and relationship with existing organizations outside of North Fort Myers
- Community Center
- Positive Public Relations/Advertising

6. Historic Preservation, Retain Distinct Atmosphere

- Shell Factory
- New Prospect Cemetery
- Bayline
- Sawmill
- Wertzel
- Spanish Trail Loop (behind Office Depot) (behind Price Cutter)
- Should Continue to Research:

  - Subcommittee for Historical Research
  - Distinct Neighborhoods
  - Land of Significance - Famous owners or activities

7. Architecture and Re-Development Guidelines/Overlay Districts

- Pamona
- Camp Seminola
- Weavers Corners
- Cleveland Avenue Corridor
- Business 41 Corridor
- East-West Bayshore
- Hancock Bridge Parkway
- Melton Drive
- Major Thoroughfares

8. Civic Infrastructure (Community Building, Public Partnerships, North Fort Myers Representation and Leadership)

- YMCA
- Museum/Children's Museum
- Public Meeting Space
- Civic Center
- Library
- Recreation, Athletic, Children's Facilities
- Fairgrounds
- Dog Park
- Community Pools
- Bus Routes to Library
- Bus Shelters

9. Road Development

- Street Lighting
- Medians / Streetscape Plantings
- Sidewalks
- Sidewalk Overpass

- Street Trees

10. Pedestrian Access

- Strip Mall Pedestrian Access / Redevelopment
- Redevelopment and Development of Public Plazas
- Water Taxi
- Connections between existing/new residential and business developments

<<Discussion-Summary.pdf>>

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MEMORANDUM
FROM
CONTRACTS MANAGEMENT

RECEIVED
SEP 28 2006
COMMUNITY DEVELOPMENT

DATE: September 27, 2006

TO: Competitive Negotiation Selection Committee

FROM: Cindy Logan
Contracts Manager

SUBJECT: NOTICE OF COMPETITIVE NEGOTIATION SELECTION COMMITTEE MEETING
CN-06-19, NORTH FORT MYERS COMMUNITY PLANNING STUDY

The Competitive Negotiations Selection Committee is scheduled to meet

On - **Tuesday, October 3, 2006**
At - **Beginning @ 1:00 p.m.**
In - **1500 Monroe Street, 4th FL**
Conference Room 4D

Our office has had 2 short-listed firms withdraw from the process (DeLisi Fitzgerald Inc and WilsonMiller Inc.) for the North Fort Myers Community Planning Study. We therefore find it necessary to revise the presentation times on Tuesday, October 3, 2006 as follows:

Land Design Innovations Inc.
1:00 p.m. – 1:20 p.m. Presentation
1:20 p.m. - 1:30 p.m. Question Period

Heidt & Associates Inc.
1:35 p.m. – 1:55 p.m. Presentation
1:55 p.m. - 2:05 p.m. Question Period

HDR Engineering Inc.
2:10 p.m. – 2:30 p.m. Presentation
2:30 p.m. - 2:40 p.m. Question Period

LaRue Planning & Management Services Inc.
2:45 p.m. – 3:05 p.m. Presentation
3:05 p.m. - 3:15 p.m. Question Period

Reasonable Accommodations will be made upon request. If you are in need of a Reasonable Accommodation please contact the Contracts Management Office at (239) 335-2183.

c: **Members of the Competitive Negotiations Committee**
Holly Schwartz, Assistant County Manager, Chairperson
Jim Mudd, Community Development, Project Manager
Laura Alvarez, N Ft Myers Community Representative

c: **Invited Participants**
Mary Gibbs, Director Community Development
Paul O-Connor, Planning
Wayne Daltry, Smart Growth
Kristi Kroslack, Legal Advisor
Public Works Receiptionist

REVISED NOTICE

WilsonMiller
New Directions In Planning, Design & Engineering

50

September 27, 2006

Ms. Cindy Logan
Mr. Jim Mudd
Community Development/Public Works Center
1500 Monroe Street, 4th Floor
Fort Myers, Florida 33901

RECEIVED
SEP 2 8 2006
COMMUNITY DEVELOPMENT

Re: North Fort Myers Community Planning Study
Solicitation No.: CN-06-19

Dear Ms. Logan and Mr. Mudd:

We would first like to thank you for your consideration of WilsonMiller, Inc. participating in the North Fort Myers Community Planning Study thus far.

In consideration of the corporate interest to participate further in this planning study and my involvement as a panel member and committee chair for the North Fort Myers Community Plan, we have received interpretation upon our request this week from the Lee County Assistant Attorney that this potentially constitutes a conflict of interest for WilsonMiller.

While we are disappointed in this interpretation and do not feel we have the time to properly address this issue, we regret WilsonMiller Inc. must withdraw from the planning study solicitation. We support Lee County's actions to manage further growth and development with the consideration of community input. Unfortunately in this case I happen to be one of the active members from the public side, however we do strongly believe in WilsonMiller's ability to successfully manage projects such as this in the interest of Lee County in the future.

Again, we greatly appreciate your consideration and certainly look forward to upcoming efforts with Lee County.

Sincerely,

WILSONMILLER, INC.

Jared T. Beck, ASLA
Project Manager

Matthew D. Horton, ASLA
Project Manager for North Fort Myers
Community Planning Study

cc: Lee County BOCC
Pam Kennedy, WilsonMiller, Inc.

Parcel Information

Parcel Area

85.3 Acres

Parcel Location

The parcels are located in Section 4, Township 44 South, Range 24 East, Lee County, Florida on Pine Island Road lying between Orchid Road and Barrett Road and north of Pondella Road.

Parcel Strap Numbers

04-44-24-00-00004.0010
04-44-24-00-00009.0000
04-44-24-00-00009.0020
04-44-24-00-00009.0030
04-44-24-00-00008.0000
04-44-24-00-00007.0000
04-44-24-00-00051.0000
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04-44-24-00-00015.0000

Parcel Address

2500 - 2800 N.E. Pine Island Road, North Fort Myers, Florida
1570 Orchid Road, North Fort Myers, Florida
1481 Barrett Road, North Fort Myers, Florida

Parcel Ownership Information

Orchid-Pine Island, LLC
8.8 Pine Island Road, LLC
Somerset Properties, LLC
Barrett Pine Island Road, LLC
Del Prado Corbett, LLC
Robert K. Presher,
Stephen W. Haywood 50% & /Talan Corporation 50%
James H. Whitehead and Joseph P Johns

Agent Information

Charles Basinait, P.A
Henderson, Franklin, Starnes & Hoit
17145 Monroe Street, Fort Myers, Florida 33902
(239) 344-1204 Fax: (239) 344-1580

Cliff Repperger, A.I.C.P.
Avalon Engineering
2503 Del Prado Boulevard, South Suite 200, Cape Coral, Florida 33904
(239) 573-2077 Fax: (239) 573-2076

Current Land Use

Suburban	1350 linear feet X 300 feet of depth on Pine Island Road or	9.29 Acres
Central Urban	2150 linear feet X 300 feet of depth on Pine Island Road or	14.80 Acres
Outlying Suburban		61.21 Acres

Current Zoning

Special Commercial Office District (CS-2)	0.21 Acres
Agriculture (AG-2)	60.89 Acres
Single Family Residential (RS-1)	24.2 Acres

Surrounding Zoning

North: Corridor, Industrial (City of Cape Coral) and Agriculture (AG-2)
South: Single Family (RS-1)
East: Single Family (RS-1), Agriculture (AG-2), Multi-family (R-3) City of Cape Coral
West: Corridor (City of Cape Coral)

Surrounding Future Land Use

North: Pine Island Road District, Industrial (City of Cape Coral), Central Urban
South: Outlying Suburban
East: Mixed Use (City of Cape Coral), Outlying Suburban
West: Pine Island Road District (City of Cape Coral)

Soil Types

The soil types vary throughout the project site; starting from the western property line to the eastern you will find the following soil types:

Wabasso sand, limestone substratum - 42
Matlacha gravelly fine sand - 69
Felda fine sand – 12
Boca fine sand - 13
Oldsmar sand – 33
Immokalee sand – 28

Summary of Request

Proposed change to the Subject Property:

Subject Property to be included North Fort Myers Community Plan, Centers and Corridors (Objective #) and within the Corridor Overlay District (Policy #)

The applicant request a Future Land Use Map amendment of the northern 61.1 acres along Pine Island Road to Commercial Land Use and the southern 24.2 acres to Central Urban Land Use.

Amendment to Map 7 to include subject property within Future Sewer service area

Proposed development of the Subject Property:

Calculation of maximum allowable development under existing:

Residential Units/Density: 3 dwellings per acre (3 x 61.21 aces) or 183 dwelling units
Commercial Intensity: 4.81 aces that would yield 52,380.90 square feet of retail/office/restaurant uses 0.25 FAR
Industrial Intensity: None

Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density: 10 dwelling per acre (10 x 24.2) or 242 dwelling units
Commercial intensity: 61.1 acres that would yield 532,303 square feet of retail/ office/ restaurant uses
Industrial intensity: None

History of the Subject Property

In 1992, the North Fort Myers Homeowners Association requested a Land Use Map Amendment the changed the project site to Outlying Suburban while preserving the existing Land Use (Suburban and Central Urban) on a 300 foot in depth strip of land along Pine Island Road. According to the staff report, the area proposed in this amendment was planned as an urban designation and as such several public improvements have occurred in this area and were planned for in the future. Prior to this amendment and continuing after Lee County improved and or expanded services, i.e., Fire, Police and Emergency, Water Availability, and Road and Surface Water to this area in accordance with the Lee Plan. In addition to the public facilities and public services provided in and around the project site since this Land Use Map Amendment, in 2006 the Judd Creek Subdivision was annexed into the City of Cape Coral reducing the original 502 acres proposed in this Land Use Map Amendment by 192 acres. The Judd Creek subdivision is a mixed-use urban development proposing a 22.8 acre commercial parcel for the development of 200,000 square feet of retail/office/ restaurant uses and 117.08 acres of residential uses for 1,100 multi-family units, a project density of 9 dwelling units per acre. Since the approval of the Pine Island Road District within the City of Cape Coral Pine Island Road has seen colossal Commercial Development to the west of the project site, i.e. Coral Walk Shopping Center, Northpoint Shopping Center, Lee Memorial Medical Office Building, National Restaurants, and a flex-space office complex (East Cape Commerce Center).

Environmental Impacts

An Environmental Survey will be undertaken and mitigation performed to minimize the impacts of the development, if any, on the protected species habitat.

Public Facilities Impacts

Water

The parcels are shown within the Future Water Service Area (Lee Plan Map 6)

Sewer

The parcels are not shown within the Future Sewer Service Areas. We request that the Lee Plan Map 7 be amended to include this future development area.

Type of Access

The parcels have access to a Principle Arterial Roadway (Pine Island Road – SR 78) and four (4) Local Roadways (Orchid Road, Smokey Hollow Lane, Queen's Drive and Barrett Road).

Surface Drainage / Drainage Basins

The property will be developed in accordance with SFWMD regulations. No amendments to the Lee Plan are necessary.

Impacts on Community and Regional Parks

The 2007 Concurrency Inventory indicates there are 166 acres of existing park acres within the North Fort Myers District #42 (Table 15). The "Regulatory" standard (47.7 acres in 2006) and the "Desired" standard (119.2 acres in 2006) were met in 2006 and will continue to be met through the year 2010. No amendments to the CIE or the Parks and Recreation element will be necessary as a result of this map change.

Internal Consistency with the Lee Plan

The proposed amendment will have a potential of increasing the number of dwelling units by 59 on the subject property. At an assumed person per household rate of 2.09, the request would add approximately 123 persons to the capacity of the FLUM.

Effect on adjoining Local Governments

All of the property in the City of Cape Coral, which directly abuts Pine Island Road, is designated for intense commercial uses. Cape Coral Future Land Use Map also classifies property located south of Pine Island Road as residential at approximately 4 units per acres, while the property north of Pine Island Road is Industrial. The proposed Amendment will eliminate a portion of an enclave of rural property within this overwhelmingly urban environment. The requested uses (commercial and residential up to 10 units per acre) are consistent with the City of Cape Coral Future Land Use Map designations abutting and around Pine Island Road.

Urban Sprawl Analysis

The requested amendment from a non-urban to an urban category does not constitute urban sprawl because the subject property is part of an enclave of rural property that is surrounded by urban lands at much higher densities and intensities. The property has access to an arterial road and public water. The project has requested a Map Amendment to the Lee Plan Map 7 (Future Sewer Service Area), to amend the service area to include sewer service to the project site.

Response to the indicators in the urban sprawl rule:

- The Commercial Land Use will provide a mixture of commercial uses adjacent to Pine Island Road and the City of Cape Coral Pine Island Road District. The Central Urban Land Use proposed for the southern project site will allow for up to 10 units per acre and provide a variety of residential housing choices.

- This amendment will not result in leapfrog development. The property is located in a commercial corridor. The residential component of the project will abut

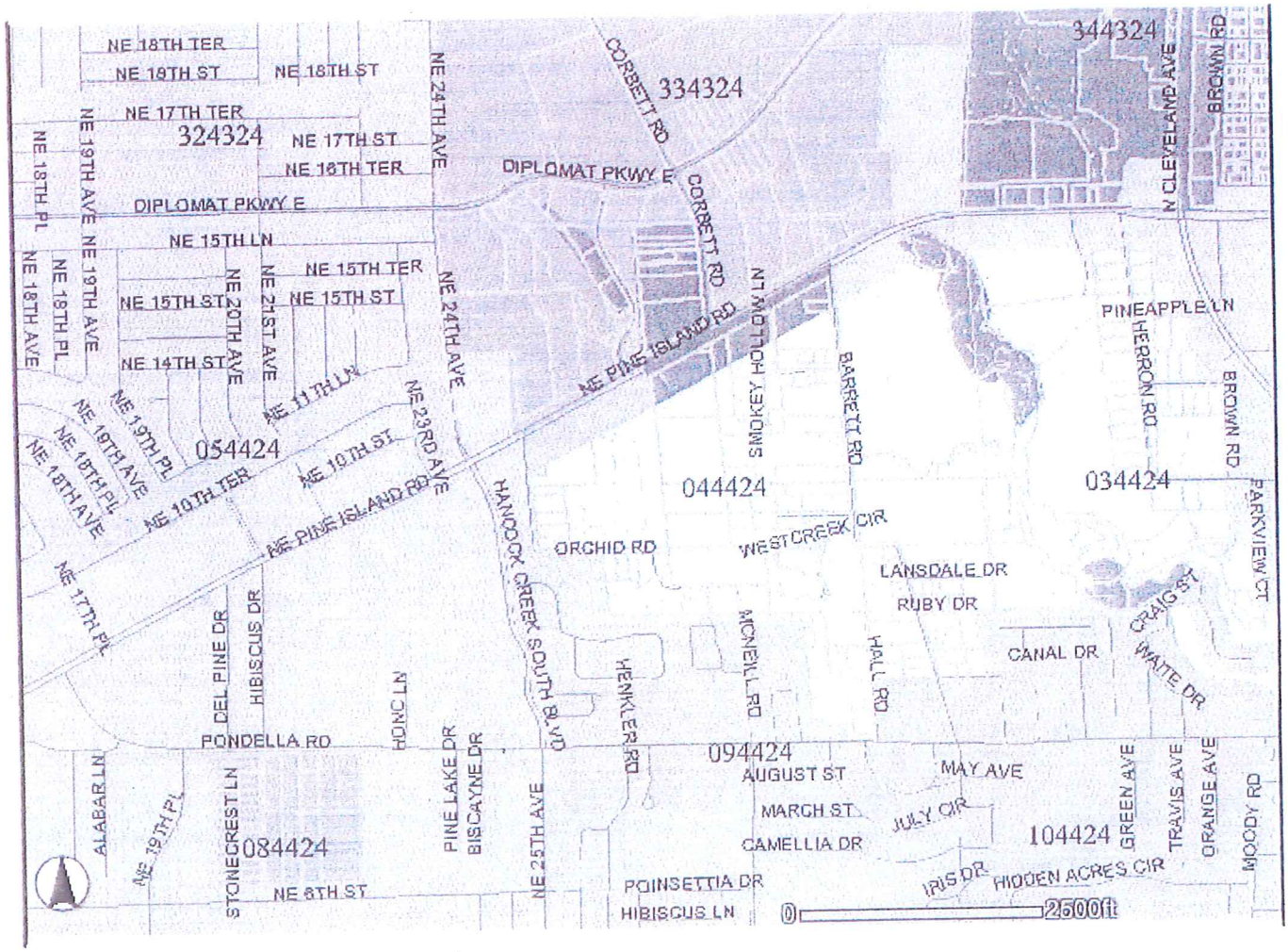
existing residential lots. Commercial development is proposed to the west of the project site, Intensive Commercial and Industrial uses are proposed to the North and the property owner to the East has an application into the City to rezone 20 acres adjacent to Pine Island Road to Commercial.

- The request does not constitute strip or ribbon development. The project site consists of 61 + acres of commercial with a minimum frontage depth of 800 feet.

- There are no valuable natural resources or agricultural uses on the site.

- The proposal will permit urban infill in lieu of an enclave of rural uses.

General Location and Area Maps (will be Named and Labeled as Exhibits if staff would like to include)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ORCHID RD
WEST CREEK CIR
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SMOKEY HOLLOW LN
BARRETT RD
PINEAPPLE LN
HERRON RD
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BROWN RD
PARKVIEW CT
LANSDALE DR
RUBY DR
CRAIG ST
WATE DR
CANAL DR
MCNEILL RD
HALL RD
HENKLER RD
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DEL PINE DR
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CAMELLIA DR
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GREEN AVE
TRAVIS AVE
ORANGE AVE
MOODY RD
ALABAR LN
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STONECREST LN
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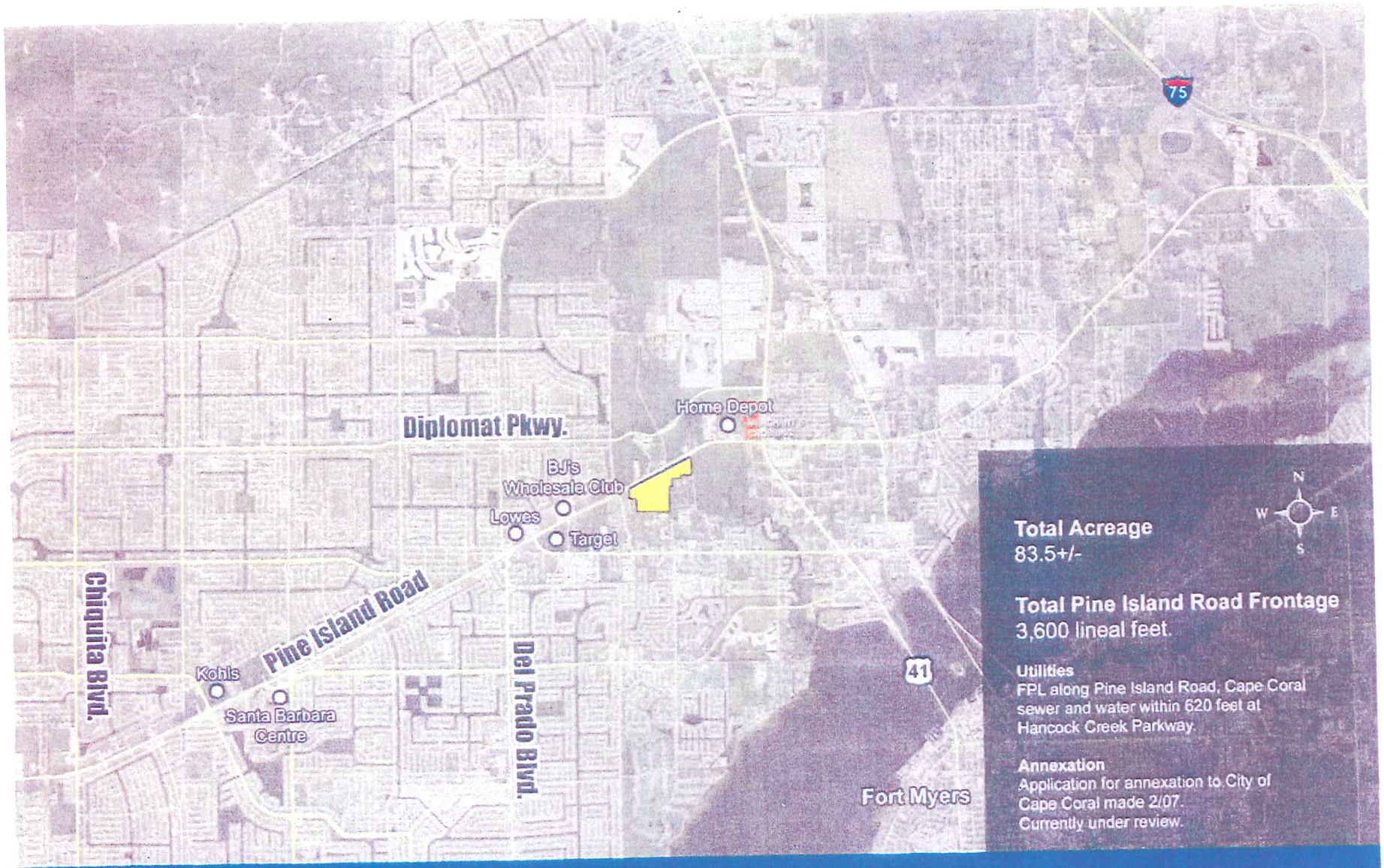

Total Acreage
83.5+/-

Total Pine Island Road Frontage
3,600 lineal feet.

Utilities
FPL along Pine Island Road. Cape Coral sewer and water within 620 feet at Hancock Creek Parkway.

Annexation
Application for annexation to City of Cape Coral made 2/07. Currently under review.

Contacts
Charles R. Felix Phone 239-213-8878 e-mail crf@charlesrfelix.com
Daniel Kelly Phone 239-229-7019 e-mail dan@gdqllc.net

Cape Coral, Florida

Total Acreage
83.5+/-

Total Pine Island Road Frontage
3,600 lineal feet.

Utilities
FPL along Pine Island Road, Cape Coral sewer and water within 620 feet at Hancock Creek Parkway.

Annexation
Application for annexation to City of Cape Coral made 2/07. Currently under review.

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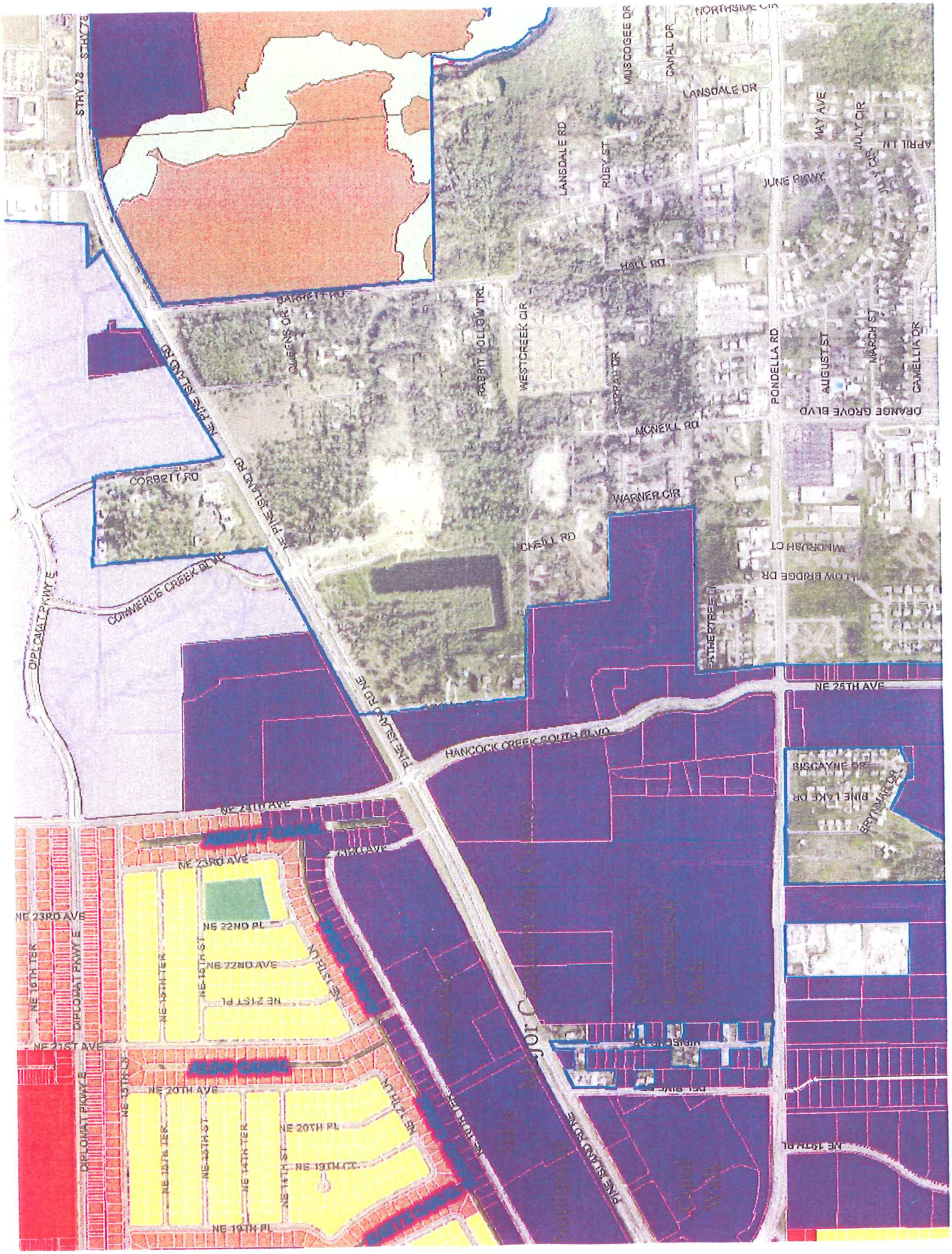
STHY 78
NE PINE ISLAND RD
DIPLOMAT PKWY E
CORBETT RD
COMMERCE CREEK BLVD
BARRETT RD
QUEENS DR
RABBIT HOLLOW TRL
WESTCREEK CIR
MCNEILL RD
WARNER CIR
HALL RD
LANSDALE RD
RUBY ST
MUSCOGEE DR
CANAL DR
LANSDALE DR
NORTHSIDE CIR
MAY AVE
JULY CIR
APRIL LN
JUNE PKWY
PONDELLA RD
AUGUST ST
MARCH ST
CAMELLIA DR
ORANGE GROVE BLVD
WINDRUSH CT
WILLOW BRIDGE DR
PINE ISLAND RD NE
HANCOCK CREEK SOUTH BLVD
NE 25TH AVE
BISCAYNE DR
PINE LAKE DR
NE 24TH AVE
ARDITI CANAL
NE 23RD AVE
NE 22ND PL
NE 22ND AVE
NE 21ST PL
NE 21ST AVE
ALDO CANAL
NE 20TH AVE
NE 20TH PL
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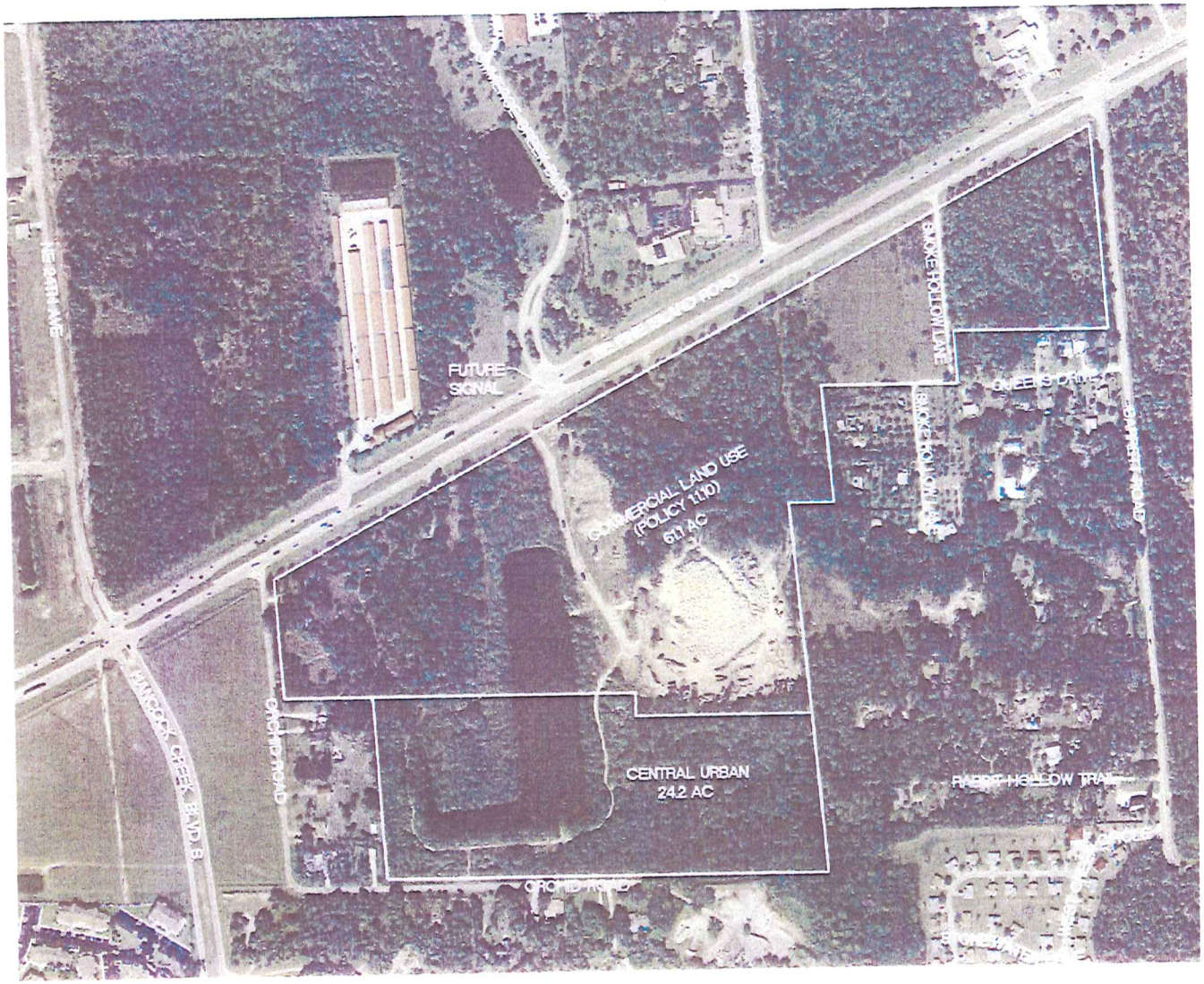


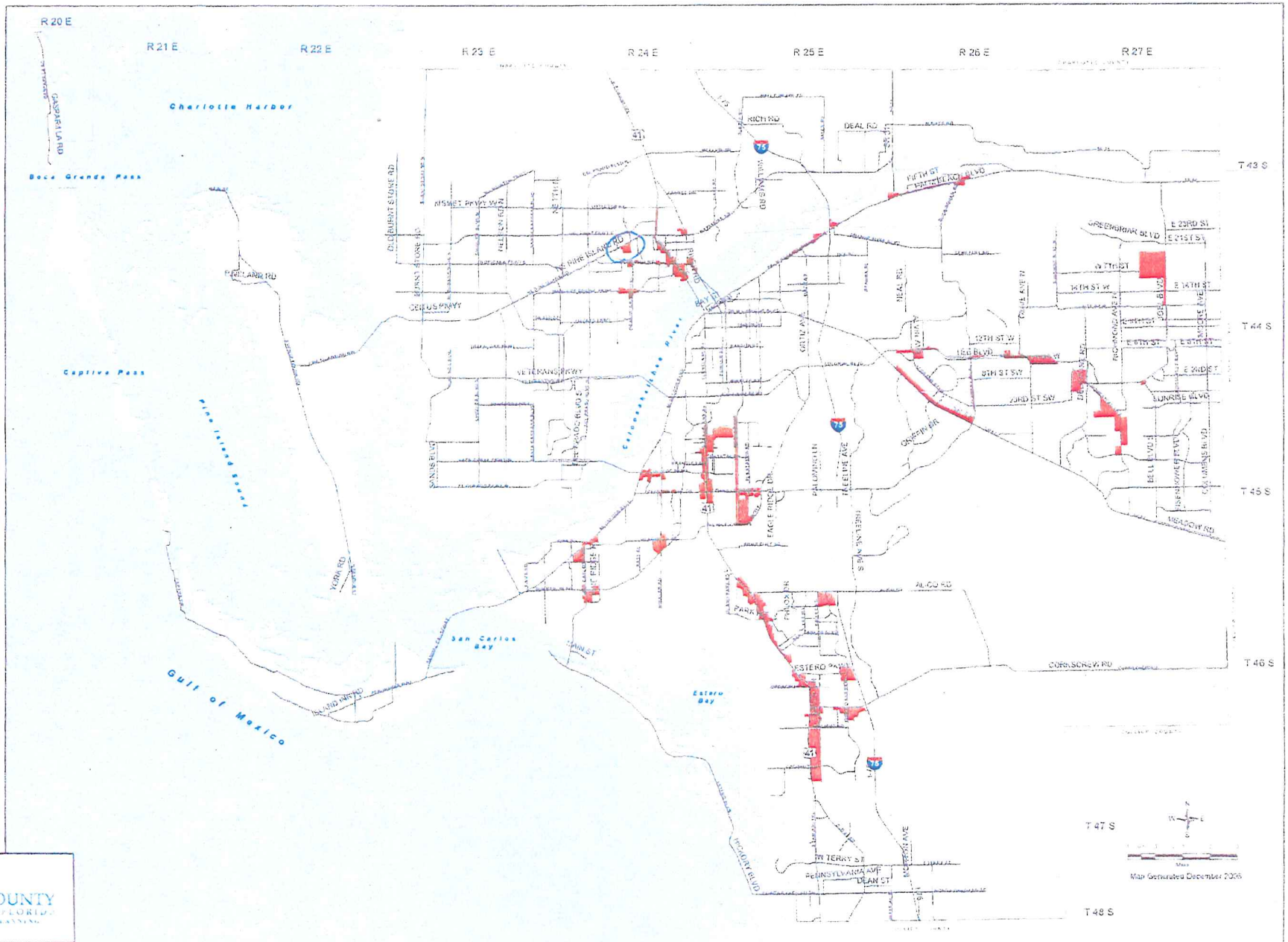
TOTAL ACREAGE
85.3±

TOTAL PINE ISLAND ROAD FRONTAGE
3500 LINEAR FEET

UTILITIES
FPL ALONG PINE ISLAND ROAD.
CAPE CORAL SEWER AND WATER WITHIN 620 FEET AT HANCOCK CREEK PARKWAY.

P:\CAD\2005\05-115\EXHIBITS\EXHIBIT_2-COLOR.dwg, Layout1, 5/14/2008 8:46:14 AM, Avalon Engineering Inc.

SPECIAL TREATMENT AREAS
PROPOSED MIXED USE OVERLAY MAP



LEE COUNTY
SOUTHWEST FLORIDA
DEPARTMENT OF COMMUNITY PLANNING

LEE COUNTY
SOUTHWEST FLORIDA
PLANNING DEPARTMENT
LEGEND
Future Water Service Area
City Limits
sde.GIS.CountyBoundary

LEE COUNTY
SOUTHWEST FLORIDA

LEGEND
Future Sewer Service Areas
City Limits
Lee GIS County Boundary

Comment Sheet

The Planning Team invites you to share your comments on your community and the planning process. Please record your thoughts on this form and turn it in at the end of the workshop or mail it to the County at the address on the bottom of the page.

Ron Weisburg, 656-0781 — 7/18/07

Name — Date

Waterway Estates

Comments, Ideas & Concerns

Appears like a good start is efforts to upgrade by code compliance. Can citizens get access to codes? Can they play any active role in "encouraging" Neighbors to comply? Are there any success stories with neighborhood activism leading to higher levels of compliance? How do we educate the community on "code"? How to begin? Do we have a system to place placards on lawns showing residential owners their Grade (A+, C-, D+, etc.) IN improving the Neighborhood?

OR must it all be done by paid county ordinance enforcement officers with citation tickets and firearms? Maybe a mix of both?

Ie, how can residents of NFM influence those around them to make a visibly more beautiful community with Florida Friendly landscapes, tidiness. Maybe some examples or forms to show people on how they CAN increase the value of their property by doing 10 specific things, doing it all in dollars & cents, cost-value Analysis?

P.S. Our neighborhood is filled with many many homes that drag down our property values & my wife And I don't want to be busy bodies but just wish we could teach or encourage "them" to upgrade their misbehavior.

The North Ft. Myers community planning process is sponsored by Lee County. The plan is a collaborative effort between the County and neighborhood residents, property owners, business owners and institutions. Questions or comments? Contact Jim Mudd at Lee County by phone at (239) 479-8180 or by e-mail at JMUDD@leegov.com . Mail comments to Lee County, Department of Community Development, PO Box 398, Ft. Myers, FL 33902-0398. Website coming soon!

We don't have any community association or community center to facilitate action, as far as we know.

2007 Vision for HDR Consultant/ Lee Plan

Health and Human Services subcommittee

- American FactFinder census tract
  http://factfinder.census.gov/servlet/DTSubjectShowTables
- Beyond 20-20 Trends from Health Stats
  http://209.217.72.34/aging/ReportFolders.aspx
- CDC – Data & Statistics www.cdc.gov/node.do/id/
- Community Health Assessment Data
  www.floridacharts.com/charts/mapp_report.aspx
- Comprehensive Planning map administrative interpretations
  http://lee-county/dcd/ComprehensivePlanning/planningmain.htm
- Health & Humans Services NFM Fla. web search results

  www.answers.com/health%20and%20human%services%20in%20no
- Lee County GIS Mapping Program Demographics–Age & Income for NFM www.lee-county.org/GIS
- Lee County Health Dept Report-1.pdf
  www.lee-county.com/healthdept
- Lee Memorial Health System On Line Survey
  www.leememorial.org
- National Assoc. of Counties – Prescription discount program
  www.NACO.com
  http://dhs.lee-county.com/AP_Family_T4_R168.html
- NCHS –Aging Activities
  www.cdc.gov/nchs/about/otheract/aging/know.htm

- NFM Official Lee County Government Planning website

http://leegov.com/

- NFMCPP Planning website

ww.nfmflorida.us/home

- OCPHP – National Public Health Performance Standards Program

www.cdc.gov/od/ocphp/nphpsp/

- USA Counties Census information

http://censtats.census.gov/usa/usa.shtml

WEBSITE RESEARCH by Health & Human Services Chair ~ Sandra Horvath RN

NFM HEALTH & HUMAN SERVICES **committee**

The following information was developed by the H & HS steering committee to summarize for Lee County, the Senior Planner and staff, and HDR Consultant group

Mission Statement

Identify the health and human service needs within North Fort Myers; determine the availability of current services; project future community needs, develop a proctive approach to healthcare service delivery that is developed in incremental stages.

OBJECTIVES

- ***Establish a health care advisory board to update legislature on health care issues specific to NFM.***
- **Identify the current provision of health and human services available for the North Ft. Myers residents including the demographic and geographic information, utilizing the County GIS Mapping system.**
- **Forecast future needs based on the current population growth, demographic profiles of healthcare and aging, projected infrastructure and land usage.**
- **Identify current and future trends for medically needed Adult Assisted Living facility and additional in home health services; establish site location within medical corridor.**
- **Coordinate with the (other appropriate committees) to establish enticements for health and human services to "establish a comprehensive array of health and human services within a NFM medical corridor location.**
- **Identify availability, outreach, and accessibility and quality of health and human services.**
- **Establish a comprehensive community network of providers that will meet the medical, surgical, diagnostic, therapeutic, rehabilitative and mental health components within a designated medical corridor in North Fort Myers, Fla.**

- **Cordinating and collaborating with existing services currently available in south and central Lee County. This would include collaboration with LMHS Hospital network and the cooperation to participate in a Focus Group facilitated by LMHS to involve the Health & Human Services committee, County Planner, HDR and past guest speakers, identified in the monthly minutes of the committee.**

The Health and Human Services has met # 9 times. We are currently working on select objectives giving us the basis for meeting with the Community Planner and HDR to receive input and direction. (All meeting notes were copied to the Chair Pro Tem as meetings minutes were distributed to the members.)

A comprehensive and rather volumenous file of articles, notes, names and phone numbers of significant contact folks and resources, data, website information for statistical data, et al. are in the possession of the Chairperson, S. Horvath RN.

These will be made available to the Consultant and the County along with a detailed narrative by contacting...the Chairperson at 239 770 5875

email to health_rfm@yahoo.com

re identifying the geographic and demographic information and utilizing the GIS and 2000 Census information to demonstrate areas of need and services. Currently we have identified age and income indicators within our specific area.

Sandie

Sandra Horvath RN ~ Chair and committee members of Health & Human Services

cc:
James Mudd
HDR
Commissioner T. Hall
H & HS committee

Notes from the April 9th Workshop

North Ft Myers Community Plan
HDR | 06.08.07

Introduction

The following comments, ideas, issues, and concerns were expressed by members of the North Ft Myers Community Planning Panel and interested stakeholders during a public workshop held April 9, 2007 at the Shell Factory. These comments came from the mapping exercise and comment sheets distributed to participants. Images of the maps are included as attachments.

Summary of Comments

Image & Character

- Create an identity for NFM – it is not just a place between two places
- Create Architectural Review/Architectural Standards – Old Florida Style
- Better delineation between urban and rural

Town Center & Waterfront Development

- NFM needs a downtown
- Area between two bridges could be a community park with some high rises back from the water
- Develop the river district as an economic engine for NFM
- Create a mixed use district from the river north to US 41 between the two bridges
- Graduated development at the waterfront, no high rises right on the riverfront
- Set-back density 400' along riverfront
- Develop Master Plan for riverfront district south of Bayshore Road
- Limited access along riverfront
- Provide cross access between commercial sites and interconnectivity between residential developments

Mixed Use Centers & Commercial Corridors

- Desire mixed use development through out study area
- Bundle commercial development at intersections
- Encourage mixed use with retail on the ground floor and small apartments above
- Determine community's business and commercial needs and desires
- Create pedestrian friendly areas with destinations - drive only to center
- Encourage small businesses, restaurants, and shops along Bayshore Road. No more gas stations, auto parts stores and convenience stores.
- Maintain commercial corridors along both US 41's and Bayshore
- Create a brownfield redevelopment plan and incentives
- Need a medical complex/facility in NFM area

Neighborhoods & Affordable Housing

- Desire more affordable housing
- Concentrate housing
- Provide multifamily housing options
- Maintain residential where it currently is

- Focus on individual neighborhood needs
- Identify single family areas where mother-in-law apartments can be allowed
- Clean up Suncoast

Mobility

- Desire bike paths
- Take bike paths off roadways – too dangerous
- Connect US 41/Bus. 41 to Del Tura Plaza with sidewalks and bike paths
- Add sidewalks and bike paths on US 41/Cleveland from the Shell Factory to Bus. 41
- Open through roads as much as possible
- Traffic calming – conduct a study to determine where it can be provided
- Widen I-75 to handle Babcock Ranch development
- Concerned about one way toll roads and the impact on US 41 and bridges
- Better designed roads to human scale – so walking is possible
- Use railroad for transportation
- Improve public transportation
- Access to I-75 must improve
- New development on Del Prado will tax two lane roadway system and then further impact US 41 North.
- Babcock Ranch development will overload roadway system at Palm Beach Blvd. and I-75
- Widen Slater Road to Bayshore Road
- Widen Del Prado Road extension/Mellow Road
- At the intersection of Pondella and Business 41 there needs to be two turn lanes going south on US 41
- Connect Hancock Bridge Road through to Business 41
- Review 41/41 overlay and Hancock Bridge Parkway extension to Business 41
- Need a traffic light at Bayshore and Shawn Road due to increased development at Slater and Samville
- Add a stop light at Daughtris Creek
- Too many trucks on Slater Road – make it a "No Truck" route
- Enforce 45 mile hour speed limit

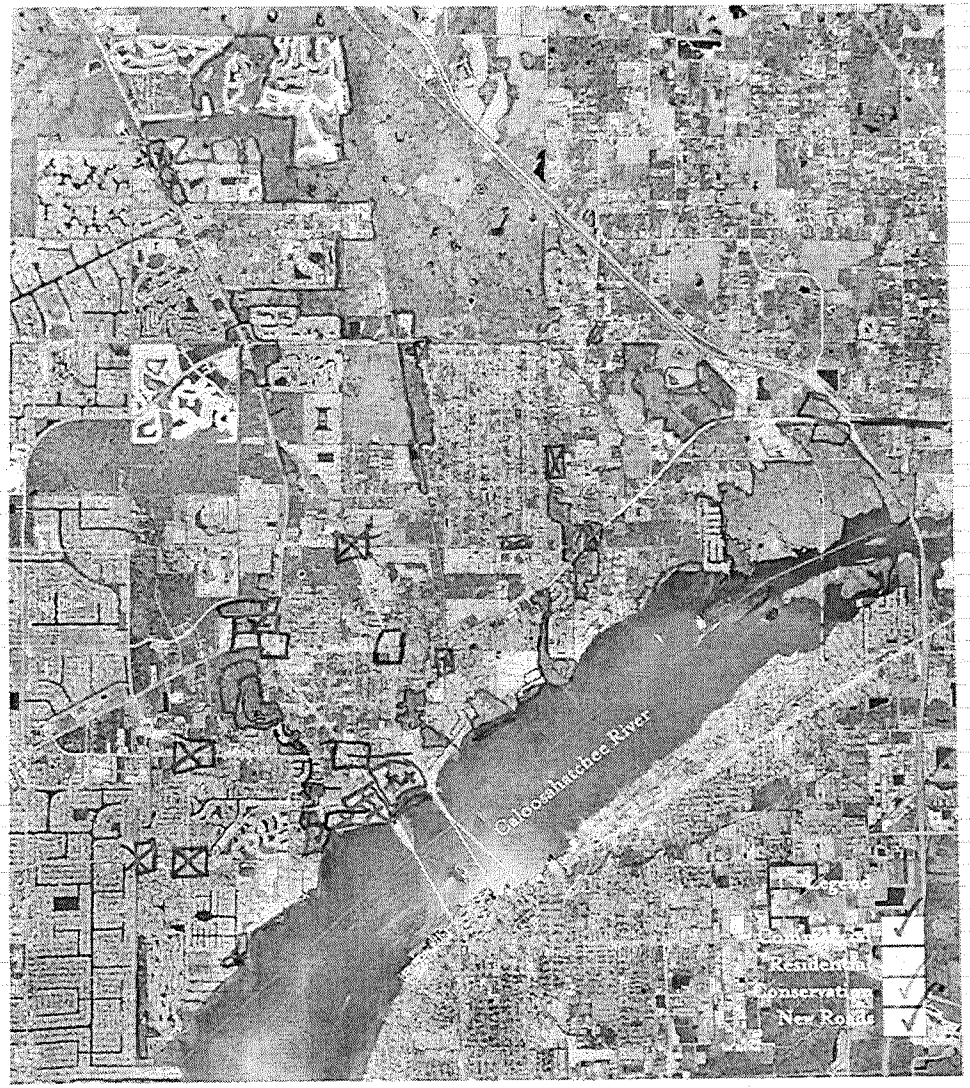
Public Facilities/Utilities

- New water treatment plant is necessary for future growth.
- Upgrade/provide public sewer system for the entire NFM area. Remove septic tanks.
- Uniform utilities throughout NFM service area
- Need a high school
- Need additional fire stations and police substations
- Desire neighborhood sidewalks
- Sheet flow and water quality issues
- Sheet flow is causing flooding on Mellow Road, Rich Road, Slater Road, and Suncoast Estates
- Need hurricane shelters
- Community center with government, safety services, and hurricane shelter
- Need more sidewalks

Conservation/Recreation

- Protect the waterfront so water access is assured
- Keep existing 20/20 lands and add additional greenspace
- Keep large tracts (5 acres or more) intact
- Preserve native vegetation and heritage trees including live oaks

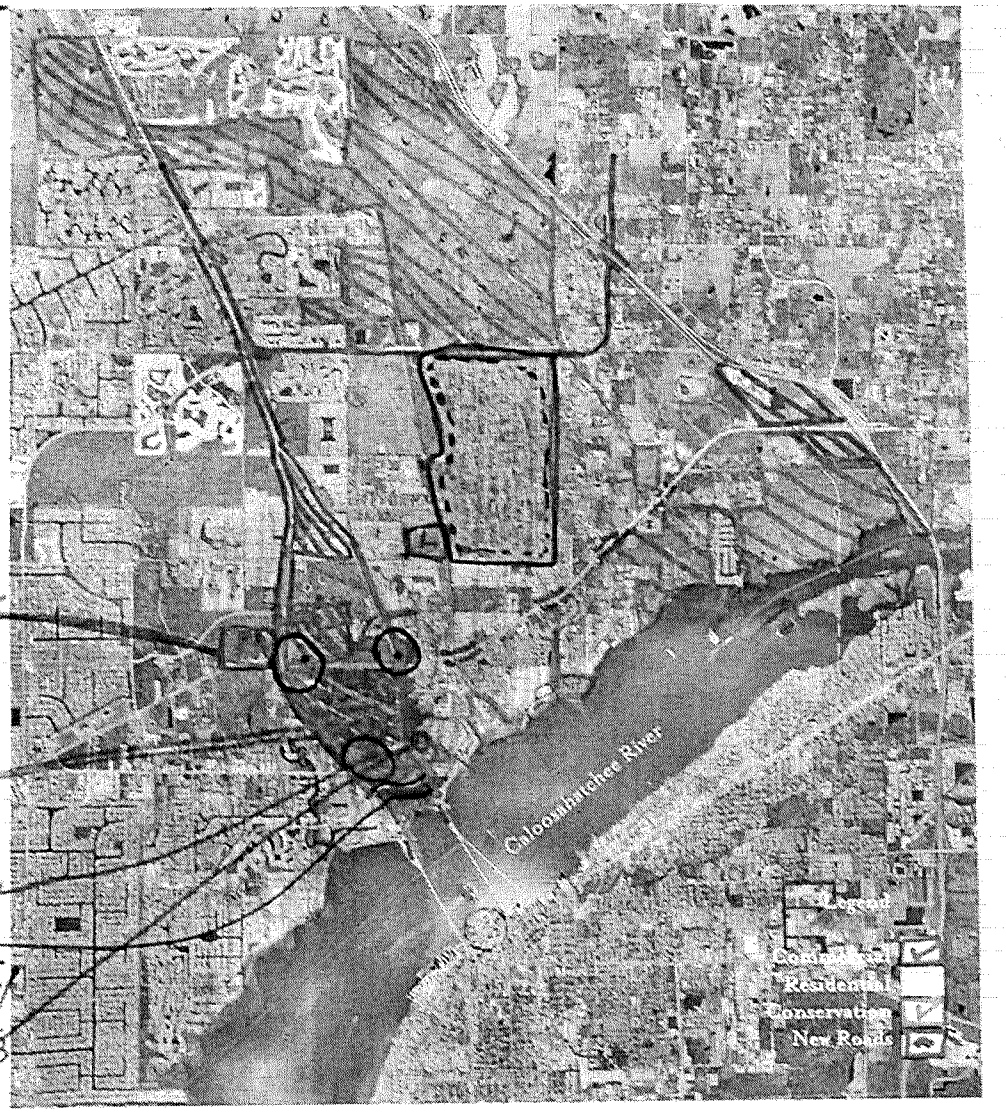
- Establish animal corridors
- Provide more nature trails, kayak launches, and boat ramps
- Provide nature walks along riverfront
- Riverfront access with activity pier, parks, boat ramps
- Develop water retention ponds along both US 41 and Business 41 as public areas with native vegetation and flowers
- Enhance 20/20 lands
- Desire more parks
- Desire dog friendly and family friendly parks
- Hiking/Biking trails – Rails to Trails
- Preserve coastline
- Do not build on creeks, allow them to drain on Circle B Webb area
- FGCU would like an aquatic research preserve on the river which could include a nature center or Mote Marine Laboratory



North Ft. Myers
Community Plan

X-MAP

HDR

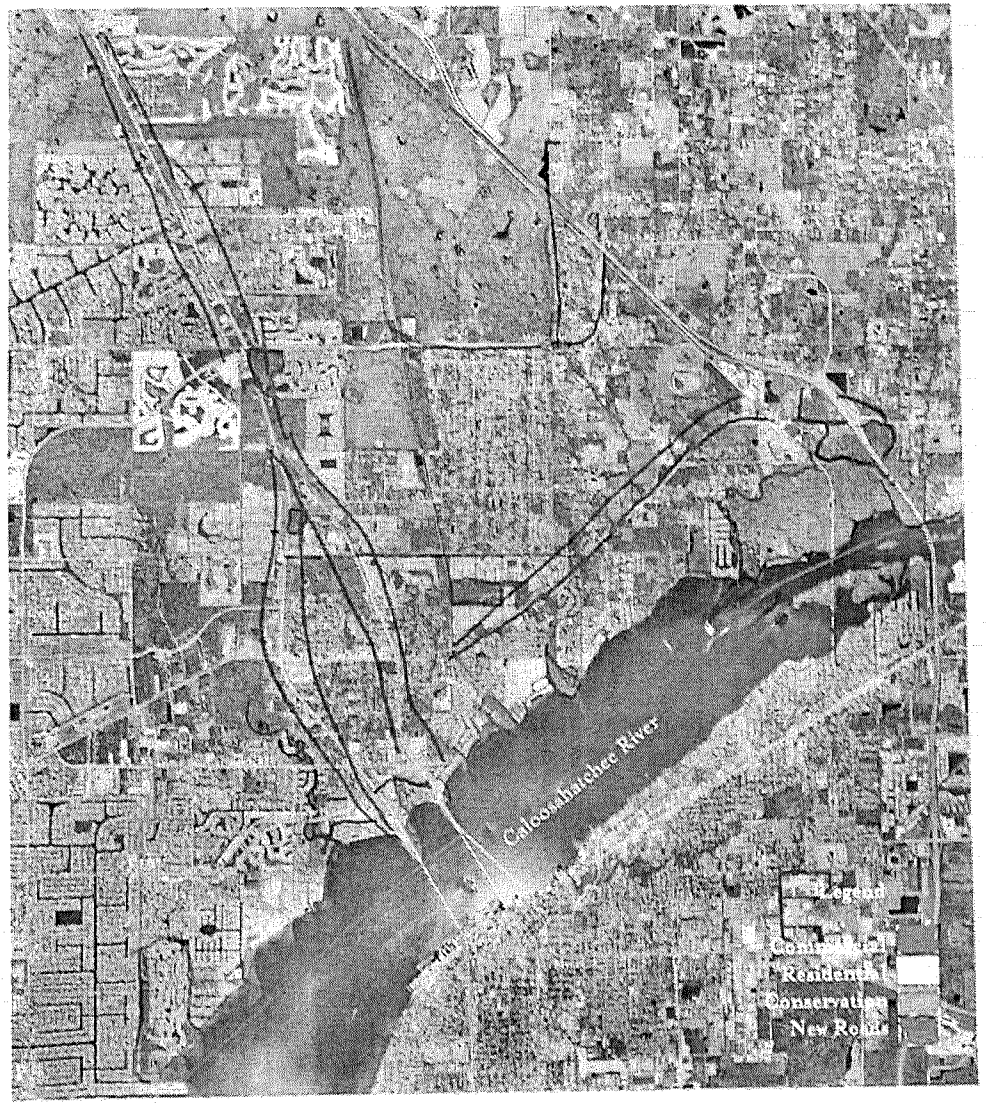


North Ft. Myers
Community Plan

HDR

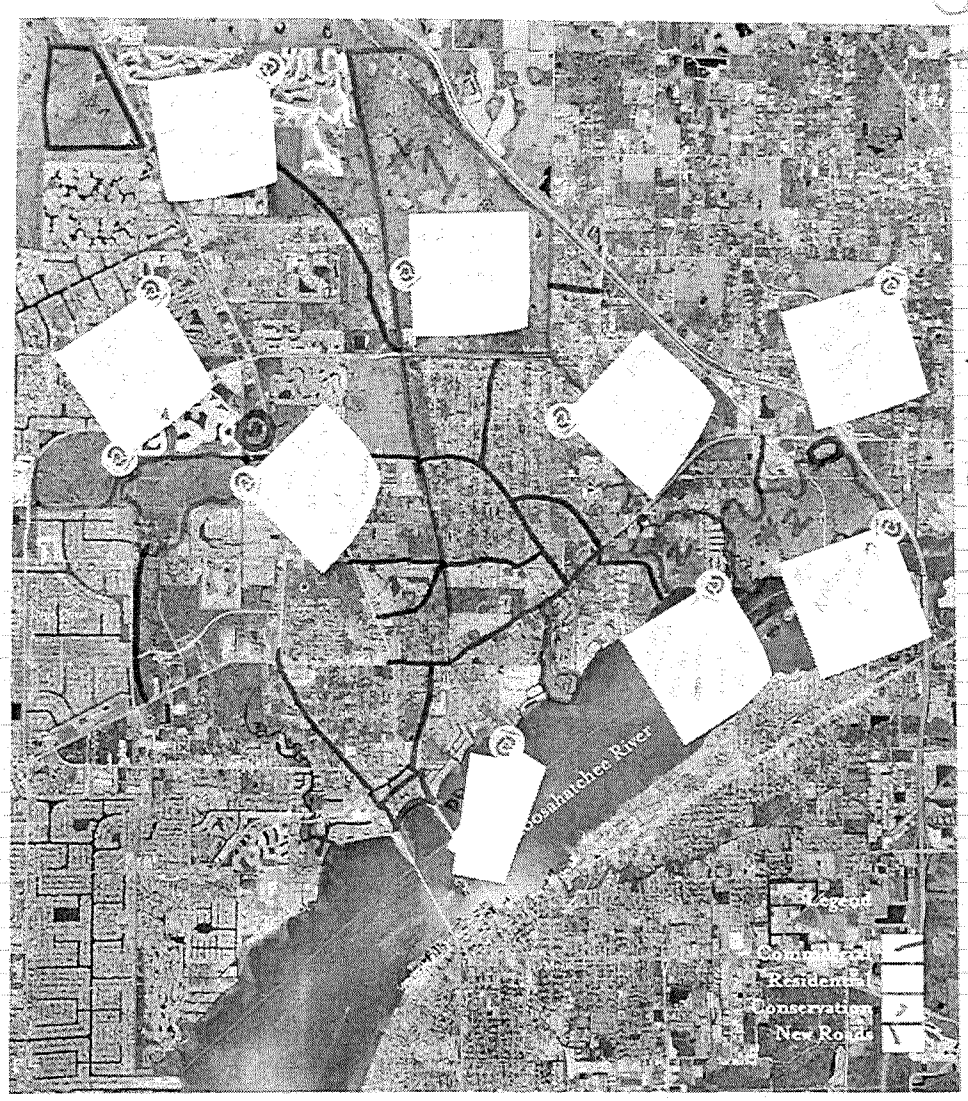
North Ft. Myers
Community Plan

HDR



North Ft. Myers
Community Plan

HDR



Please do not build on the creeks and allow them to continue to drain the Circle B Webb Area.

North Ft. Myers Community Plan

HDR

PRELIMINARY DRAFT:

The North Fort Myers Community Plan

Establishing a Guiding Vision for the Future

An Application for Amendment of the
Lee County Comprehensive Plan

Spring 2007

Prepared for:
HDR & Lee County Planning

Prepared by:
North Fort Myers Community Planning Panel
North Fort Myers, FL 33917
Chairman Scott Brenner Phone: (239) 995-2301
Fax: (239) 482-6309
sbrenner@brennerrealty.com

North Fort Myers Community Planning Panel Sub Committee's

Community Character,	Chair Jared Beck
Communications,	Chair John Canter
Environmental Subcommittee,	Chair Debbie Seekow
Land Use,	Chair Alec Mylan
Transportation,	Chair John Gardner
Health and Human Services,	Chair Sandra Horvath
Economic Development,	Chair Thomas Hoolihan
Infrastructure,	Chair Jim Toth
Design and Review Board,	Director Scott Brenner

And
The Citizens of North Fort Myers

With Input from:
North Fort Myers Chamber of Commerce

6/21/2007- 51368 Ver: 01!- JBECK
CA#43
00007-00F-000- LWRK- 10005

Section One: Background

The North Fort Myers Community Plan process was generated by a grass roots effort and coordinated by the North Fort Myers Community Planning Panel (NFMCPP) with the support of the local Chamber of Commerce through the direction of the NFMCPP Committee that provided equal representation to members of the Chamber, the development community, and the North Fort Myers concerned citizens.

The Community Plan is partially funded by Lee County administrated through a $50,000 grant program, while the total cost has yet to be determined, remaining fees and expenses are also thought to be funded through the use of several public commitments of (Lee County) Commissioner Tammy Hall who has repeatedly stated that her office and the Lee County Board of Commissioners (BoC) will support another $100,000 towards this effort. The NFMCPP are seeking to ensure that the task at hand can be completed within the Lee County's total commitment of $150,000 and should/if necessary private contributions and funds will be managed by the NFMCPP after the Lee County's funding commitment has been expended. 35

The North Fort Myers Community Plan actively solicited input and direction from the residents of North Fort Myers through several public meetings at which the public was invited to participate in NFMCPP sub committee to form a vision thought holding meetings and workshops beginning to be held in the early summer of 2006 continuing on through today. The NFMCPP Plan will include four phases, as outlined below:

Phase I: Phase I is a preliminary evaluation of the major issues facing the future growth management of the North Fort Myers Community. This evaluation will include collection of data and analysis, public input, and coordination with Lee County representatives and the consulting firm HDR. The result of this initial effort will be the establishment of a Community Vision Statement and the submission of a Lee County Comprehensive Plan Amendment to add Goals, Objectives and Policies to the Lee Plan to provide additional direction in evaluating future development approval requests.

Phase II: Phase II includes the preparation of detailed Land Development Code Regulations addressing issues ranging from landscaping and signage to the development approval process itself. It is anticipated that Phase II may include some detailed master planning for key areas within the community, resulting from direction incorporated in Phase I. Phase II is anticipated to begin 2007, with approval anticipated in early 2008.

Phase III: Phase III is anticipated to include very specific amendments to the Future Land Use Map of the Lee Plan. This may include the identification of necessary roadway improvements, modifications to land use categories, and the creation of specific land use overlays. This Phase will be a detailed evaluation and will build upon the foundation established by the Phase I amendments. Phase III is preliminarily scheduled for submittal in 2007, with approval expected in the fall of 2008.

Section Two: Intent

The North Fort Myers Community Plan Phase 1 aims to begin addressing the future growth, character and quality of life within the North Fort Myers Community by adopting guiding principles into the Lee Plan. These guiding principles will provide direction on land use and infrastructure decisions, thereby ensuring that future development remain consistent with the stated vision of the community and encourage approved development to strive towards achieving these goals.

This amendment marks an important first step in a long-term process. The provisions recommended by this Community Plan will guide the development of future Land Development Code regulations, as well as future site specific Land Use Map Amendments. As identified above, the anticipated schedule for Phase I include submittal by summer, 2007, with adoption expected by the fall of 2007 or winter 2008.

Section Three: Process

The following section outlines the process that was followed in the preparation of the recommendations associated with Phase I of the North Fort Myers Community Plan. It is important to note that this process was intentionally compressed in order to meet the September 2006 deadline. Therefore, much of the data and analysis is based on existing information, development approvals or projections. However, there was a significant effort to obtain community input from residents and Key Stakeholders to identify community issues, concerns and desires.

1. **Identification of Key Community Issues**
   Based on preliminary input from the North Fort Myers Committee Planning Panel sub committees, the Lee County Planning Department, Key stakeholders within the community, and personal contact with the residents of North Fort Myers, we have established the following Key Community issues as underlying concepts for the first phase of the North Fort Myers Community Plan.

   - **Community Character**
     Identify what issues the community feels are important for the protection and/or enhancement of the beauty, quality of life and visual impact of North Fort Myers.

   - **Residential Land Uses**
     Determine areas within North Fort Myers that the community should encourage for residential uses and begin to discuss the desired character, density and community interface.

   - **Commercial Land Uses**
     Determine areas within North Fort Myers that the community should encourage or discourage for commercial uses, and begin to discuss the desired character, intensity and community interface. Further, we received input on what uses the residents perceive as inappropriate due to their potential lack of compatibility with the community vision.

   - **Natural Resources**
     Identify natural resources within North Fort Myers that should be considered for public access, protection, enhancement or acquisition.

- **Public Participation**
  Solicit input from the Community on how to best provide more meaningful public participation opportunities during the development approval process. Ideally, this concept should provide more direct input to the developers on community expectations, as well as provide developers with more certainty in respect to community support. A copy of the North Fort Myers Community Plan Questionnaire is attached in Appendix A.

2. **Preliminary Evaluation of Existing Conditions:**
In order to maintain the schedule to submit the necessary documentation by the 2007 deadline, NFMCPP undertook an abbreviated Evaluation of Existing Conditions. This included identification of the Community Boundaries, a review of the density categories and permitted uses, the approved Planned Development Zonings (including uses, intensities and internal configurations, and natural resources). When possible, we used existing information to establish, or corroborate, conclusions. The preliminary findings are outlined below:

- **Project Boundaries:**
  The Community NFMCPP and the cooperation of Lee County Commissioner, Tammy Hall, District 4, Jim Mudd Planner with Lee County Planning Department and the NFMCPP established the project boundaries by comparing several existing documents that identify the North Fort Myers Community. These included the North Fort Myers Fire District and Sheriffs Department, the North Fort Myers – Lee County Planning, the North Fort Myers Census Tract, the Zip Code Districts, Geographic areas as identified by the local Greater Fort Myers and the Beach Board of Realtors and the Cape Coral Board of Realtors official land maps and the School Boundaries.

  The actual community boundaries are difficult to identify, except for the northern and southern boundaries, which are established by the Charlotte County & Lee County border, and the Caloosahatchee River respectively. No clear geographic boundary can be used to separate North Fort Myers from Cape Coral to the west other then Lee County and local board of Realtor maps and Bay Shore area as the area just to the East of Interstate Highway I-75 is recognized as the Eastern demarcation line, between Bay Shore and North Fort Myers.
  And that to the west the City Bounders of Cape Coral and North Fort Myers as demarked on the Lee County Zoning & Planning maps, and board of Realtor maps. However it is interesting to note that the City of Cape Coral is in the process of annexing into the City of Cape Coral property which now is clearly in North Fort Myers border in the area north and west of Highway 41 known as the "Zemmel" land, which they (Cape Coral) plan(s) to use for proposed commercial and industrial land use. The NFMCPP has concerns as the city of Cape Corals future land usage and that the North Fort Myers Fire District's are with in this area and providing service to the area as well as who will be providing these and other essential services to the annexation area of question.

  Similarly, east of I-75, and to the north just over the Charlotte –Lee County line, presents a challenge with regards to the future Babcock Ranch development. The generally recognized line runs along the northern edge of Lee County, which also corresponds to the northern boundary of the North Fort Myers Fire District and Sheriffs Department. Have a significant influence with both the North Fort

Myers and future growth of the Lee County, particularly due to Charlotte County's the role with the Babcock Ranches development of water shed and environmental areas will have to our environmental concerns as to existing and the future growth of the North Fort Myers Community and required enhancements to our existing infrastructure and transportation systems.

To the west, the county line provides a less clear boundary. However, the timing and nature of the annexing in of the "Zemmel" land and it's future development use and zoning clearly impacts the NFMCPP for several miles on the west side of the state highway 41 and the unknown impact if/when the property becomes annexed into the City of Cape Coral and it influence on the near and long term growth of North Fort Myers area.

Because of the complexities associated with identifying the boundaries, and the limited scope of the initial phase of this Community Plan, we have prepared three exhibits. The first Exhibit shows the Study Area as defined earlier.

Exhibit I,

Exhibit II,

Exhibit III,

3. **Identification of Key Community Issues**
   Based on preliminary input from the North Fort Myers Chamber of Commerce, the Lee County Department of Community Development, and personal contact with the residents of North Fort Myers, established the following Key Community issues as underlying concepts for the first phase of the North Fort Myers Community Plan.

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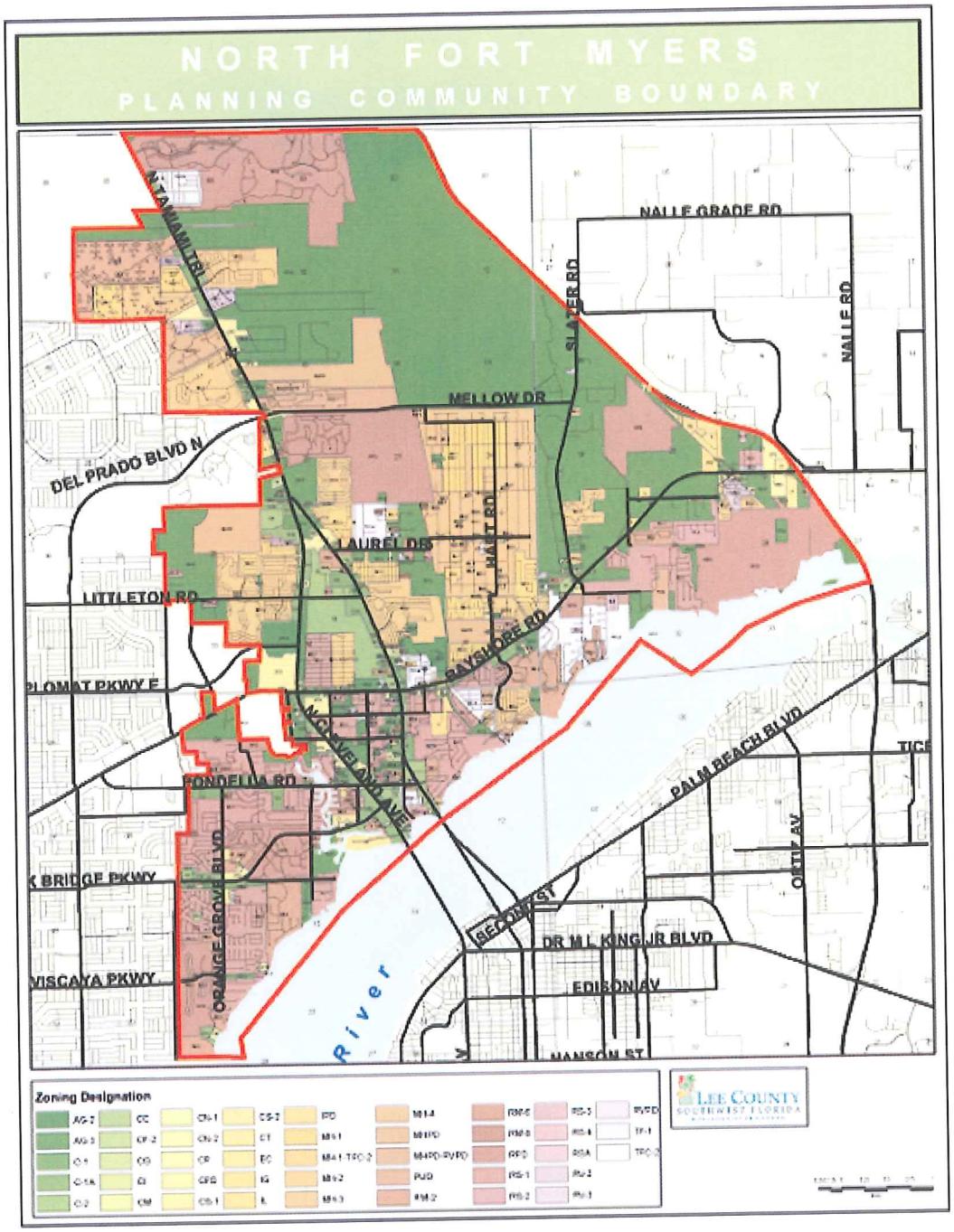
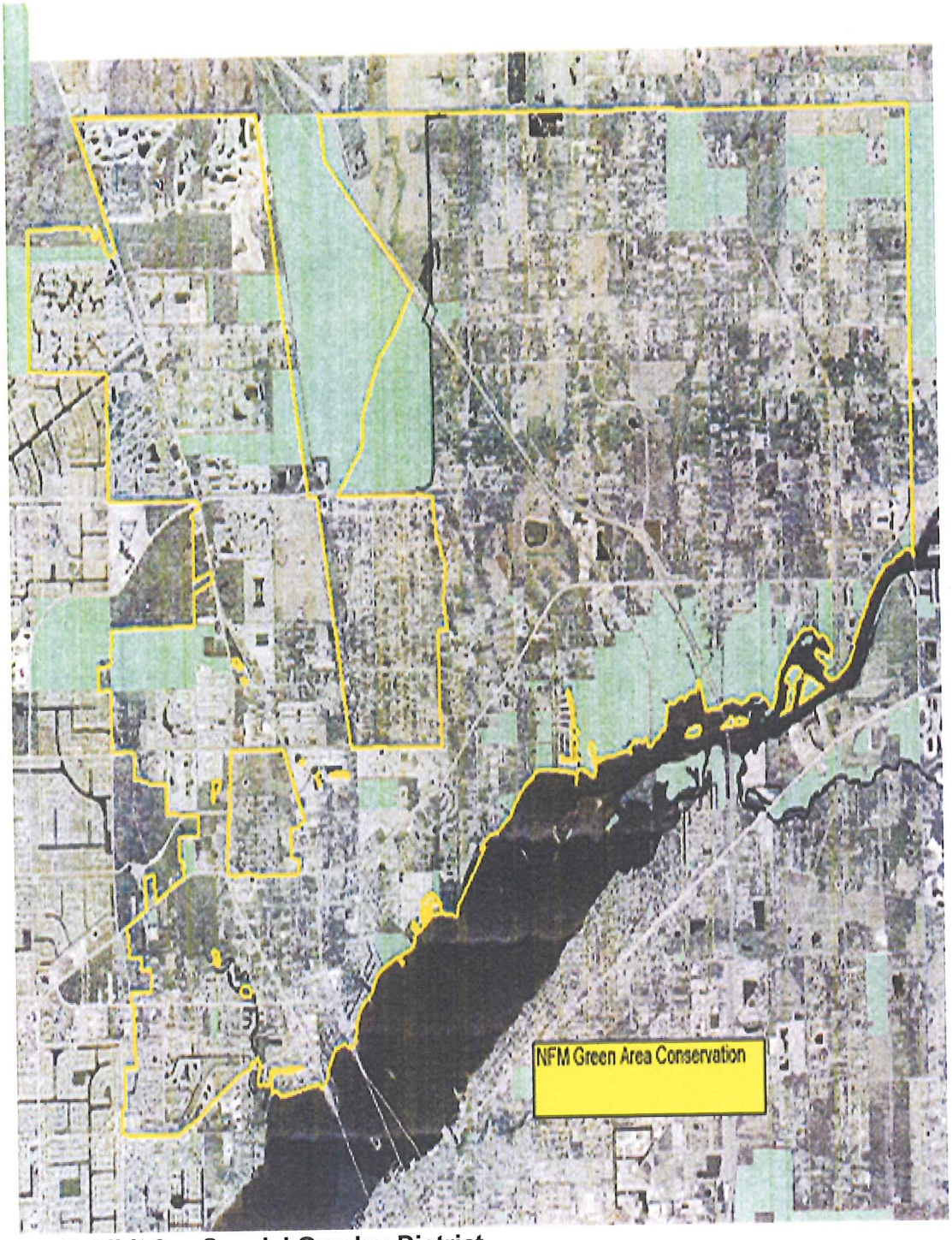
- **Project Boundaries:**
The NFMCPP and the Lee County Department of Community Development established the project boundaries by comparing several existing documents that identify the North Fort Myers Community. These included the North Fort Myers Fire District, the North Fort Myers Planning Community, the North Fort Myers Census Tract, the Zip Code Districts and the Elementary School Boundaries, Lee County Planning, Geographic areas as identified by the local Greater Fort Myers and the Beach Board of Realtors and the Cape Coral Board of Realtors official land maps and the School Boundaries.

  The actual community boundaries are difficult to identify, except for the northern and southern boundaries, which are established by the Charlotte County & Lee County border, and the Caloosahatchee River respectively. No clear geographic boundary can be used to separate North Fort Myers from Cape Coral to the west other then Lee County and local board of Realtor maps and Bay Shore area as the area just to the East of Interstate Highway I-75 is recognized as the Eastern demarcation line, between Bay Shore and North Fort Myers.
  And that to the west the City Bounders of Cape Coral and North Fort Myers as demarked on the Lee County Zoning & Planning maps, and board of Realtor maps. Annexed into the City of Cape Coral and it influence on the near and long term growth of North Fort Myers area.

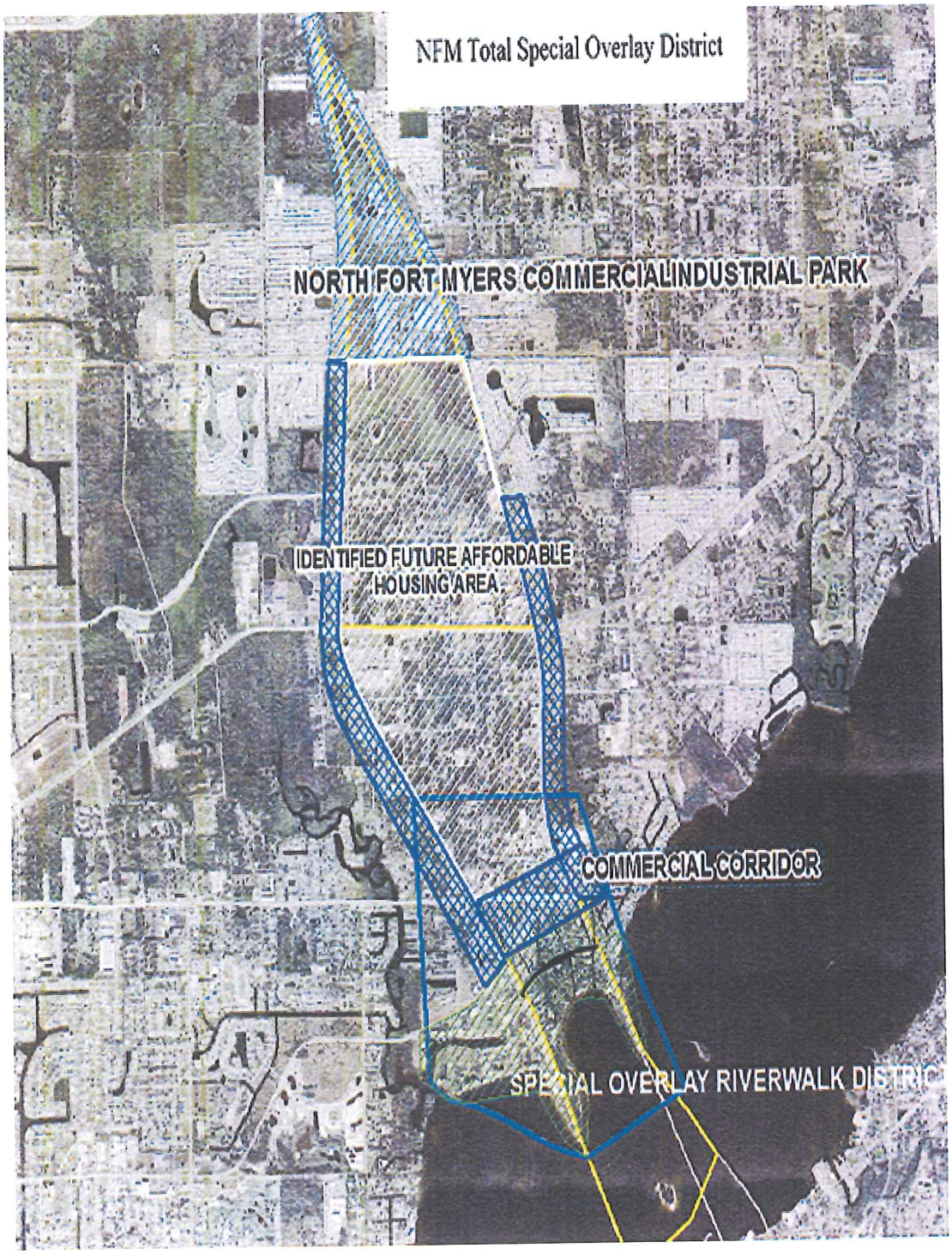
- **Exhibit 1 – Study Area/ Boundaries**



- **Exhibit 2- Green area Conservation**



- **Exhibit 3 – Special Overlay District**


NFM Total Special Overlay District
NORTH FORT MYERS COMMERCIAL/INDUSTRIAL PARK
IDENTIFIED FUTURE AFFORDABLE HOUSING AREA
COMMERCIAL CORRIDOR
SPECIAL OVERLAY RIVERWALK DISTRICT

- **Population:**
  Based on an analysis of the approved dwelling units, county population projections, and a detailed count of existing homes prepared by the North Fort Myers Fire District, the existing and projected populations within the North Fort Myers Core Community are as follows:

Table 1: 2003 Population Projections Based on Data and Analysis:

	Dwelling Units			Population		
	Total	Permanently Occupied	Seasonally Occupied	Permanent	Seasonal	Functional
North Fort Myers	27,513	21,801	4,316	45,783	8,633	54,416

Source: Lee County Department of Community Development

Table 2: 2020 Population Projections Based on Data and Analysis

Table 3: Community Expected Population by 2020:

Answer	Average	Number of Answers	Multiplied
No Answer		27	
5,000	5,000	1	5,000
10,000	10,000	5	50,000
10,000 - 15,000	12,500	3	37,500
13,000 - 14,000	13,500	1	13,500
15,000	15,000	7	105,000
15,000 - 20,000	17,500	3	52,500
15,000 - 25,000	20,000	1	20,000
20,000	20,000	6	120,000
20,000 - 25,000	22,500	2	45,000
20,000 - 30,000	25,000	3	75,000
25,000	25,000	4	100,000
25,000 - 30,000	27,500	1	27,500
30,000	30,000	7	210,000
30,000 - 35,000	32,500	1	32,500
30,000 - 40,000	35,000	4	140,000
30,000 - 50,000	40,000	1	40,000
35,000	35,000	1	35,000
35,000 - 50,000	42,500	1	42,500
40,000	40,000	7	280,000
40,000 - 50,000	45,000	1	45,000
50,000	50,000	14	700,000
50,000 - 60,000	55,000	2	110,000
50,000 - 75,000	62,500	1	62,500
60,000	60,000	4	240,000
60,000 - 75,000	67,500	1	67,500
70,000	70,000	1	70,000
70,000 - 100,000	85,000	2	170,000
75,000	75,000	1	75,000
75,000 - 100,000	87,500	1	87,500
80,000	80,000	1	80,000
80,000 - 100,000	90,000	1	90,000
100,000	100,000	4	400,000
100,000 - 150,000	125,000	1	125,000

TOTALS	121	3,753,500

AVERAGE POPULATION ANSWER	30,994

It is interesting to note that based on the public input through the North Fort Myers Community Questionnaire, the mean population (as reflected in Table 2) is ## with the current projected population for the year 2020.

- **Future Land Use Map:**
The Future Land Use Map (FLUM) within the Core Community has a center point at the land between the Old and new Highway 41 from the river north to where these two highways intersect. This point represents the highest intensity land uses and highest concentration of density and mixed use residential and commercial, height of residential uses and the southern point of the future overlay corridor, with various land uses, density and height intensity reducing as you proceed away from the river. Ideally this area will incorporate a public river front park and recreation area. The transition into a retail mixed use development node is identifiable at the intersection of proposed Hancock Bridge Parkway extension to extend from new US 41 to Old Hwy 41 where an existing community shopping center already exists, where new enhanced mixed use retail and high rise residential zoning entitlement will encourage and allow future development. Similar to concepts which the Wayne Daltry Lee County Smart Growth concepts and in sync with embracing the CPA2005-37 NEW URBANISM AND SMART GROWTH AMENDENT TO THE LEE PLAN, LEE COUNTY COMPREHENSE PLAN which the BoCC sponsored The Future Land Uses within the North Fort Myers Community are reflected on Exhibit 3. Special Overlay – River District.

  The majority of the land within the Overlay - Core Community is designated "urban redevelopment", with surrounding existing residential, commercial and mixed use neighborhoods much of the areas neighborhoods are of transient residents, with high crime, drug use and prostitution issues. It is the NFMCPP desired effect to entitle these Overlay areas - land usage, zoning, mixed use, and offer enhanced permitting and density incentives to attract investors into the area to invest in redeveloping this area into destination area offering shopping, dinning and Riverfront Park and recreational opportunities events which will draw from across the river and west into Cape Coral. We support these efforts by working with Lee County, State and Federal programs to secure funding and seek streamlined approved Lee County permitting process, reduced impact and permitting fees, so long as the development-construction is within the overall future growth guidelines, design and review guidelines the projects located within the overlay district.

  By condensing the growth to "redevelopment" this will conserve rather then continue to consuming the majority of the outlying suburban and/or rural designations. The "suburban" category allows for moderate residential densities, and limits commercial intensities to developments less than 100,000 square feet.

  As depicted on the FLUM, the most dominant natural features are the rural areas located near I-75, or along the edges of North Fort Myers and the Caloosahatchee River. The notable exceptions include the commercial growth near I-75 and Bayshore Boulevard, and the future Neal Grade I-75 access located at the northeast quadrant of Lee County and a future east –west evacuation route from US 41 to I-75. It is vital to preserve the wetland and surface water sheet flow way system that has been integrated into North Fort

Myers water shed areas. The water management/preserve system preserves and will continue the rural natural beauty area of the community.
Generally, the existing designations are appropriate for guiding the future growth of the community, provided that Lee County give further direction on where and how commercial uses should be developed, and a methodology to encourage a mix of residential uses and community uses in the smaller parcels along key future overlay corridors.

Based on these findings, we anticipated that Lee County could adopt a Community Overlay into the Lee Plan to provide this direction, without requiring a significant predestination of the underlying Future Land Use Categories. The "Overlay" will initially be implemented through the proposed Goals, Objectives and Policies recommended in Phase I, while specific "Overlay" regulations may be adopted through Phase 2 and 3 of the Community Plan.

- **Planned Development Approvals:**
  Much of the support for undertaking this amendment is generated out of frustration with, or a mis-understanding of the Planned Development Approval Process, or the entitlements obtained in earlier Planned Developments.

  Based on input from the community, we have found that residents perceive that significant development has recently been approved for the community, outpacing the actual demand. This perception is strengthened by conducting an thorough evaluation of all of the Planned Residential Development Approvals that have been granted within the area identified above as the North Fort Myers Community, in order to determine what has actually been approved, and how that compares with the projected population. Based on a detailed review of the zoning resolutions and Planned Development Summary (which are provided in Appendix B) Table 3 has been prepared to summarize the current residential, service and retail
  Exhibit 4: Future Land Use Map
  Inset Map here

  Exhibit 5: Planned Development Map
  Insert map here
  Approvals granted through the Planned Development Process. It is important to note, that the date of each approval has also been provided.

  Table 3: Planned Development Approval Summary:
  Based on the approved commercial does not exceed the ratio established by the Lee Plan. This is not intended to suggest that all of the commercial is compatible with surrounding uses, or that it is appropriately located, but simply that based on the approved residential units, there is not an excess of commercial approved within the North Fort Myers Community.

  Another source of frustration for residents has been the perceived uncertainty when projects are approved using Master Concept Plan (MCP). However, in reviewing a significant sample of the Community Core MCPs, most projects are adequately articulated to provide sufficient assurance for adjacent uses. Frequently it is not that the uses being developed differs from those requested,

but residents simply would prefer to see other uses. Of course, there have been some notable exceptions to this conclusion, primarily in conjunction with several recent developments that approved intensive uses, which were not consistent with the community's expectations for commercial development within the community. In light of this conflict between adequate assurance for the community, and reasonable flexibility for the development community, this Community Plan recommends some additional restrictions on uses, as well as increased submittal requirements for specific "high intensity" uses. These recommendations are contained in the Recommendations Section of this report.

- **Natural Resources:**
  In evaluating the public input residents cited Water Resources as one of their primary concerns, with a vast number of respondents identifying this as one of the top several issues. The main justification for this concern is the occurrence of pollution of the Caloosahatchee River. It is important to note that the SFWMD has instituted studies of the Caloosahatchee River for over next several years. This Community Plan recommends that Lee County work with the SFWMD to implement Caloosahatchee River "Conservation Program" that encourages smart use of water resources, while eliminating the pollution associated with the water run off into the Caloosahatchee River in an ongoing basis.
  Of equal importance as members of the FMCPP pointed out that we need to also protect our threatened and endangered species and their habitats. With the destruction of our native plants and trees, our endangered and threatened species habitat is also destroyed, leading to their decline. Their food sources, nesting sites, and dens are destroyed. When they are listed as threatened and endangered, they should be protected, to ensure they survive and thrive. There should be connected animal corridors for them to travel through, so that they are not left isolated, or killed by vehicles. These corridors should go up to Charlotte County, so that they can connect to Cecil Webb Wildlife Preserve and Babcock Ranch. Green space and buffer zones incorporated.
  The endangered, protected, and threatened species that live in North Fort Myers include:
  1, Florida Sandhill Cranes
  2. Gopher Tortoises
  3. Indigo Snakes
  4. Florida Black Bears
  5. Florida Panthers
  6. Wood Storks
  7. Southern Bald Eagles
  8. Red-cockaded Woodpeckers
  9. Big Cypress Fox Squirrels
  10. Numerous kinds of Herons, Egrets, and other wading birds.

  One of the desired results of the Community Plan is to encourage Lee County Department of Public Works, Lee County Water Supply Authority and the South Florida Water Management District to begin an educational program to outline the actual status of potable water planning, treatment and availability in Lee County. Again, the perception is that the community is on the brink of running out of water supply, when in reality, the above mentioned agencies have established a long term plans, adopted regulations to enforce those plans, and

are continuing to work with private developers to undertake Aquifer Storage and Recovery Wells, restoration of flow ways, and long term protection of potable sources, etc. This Community Plan recognizes those efforts, as well as the understandable desire to protect these resources. Phase I includes provisions to encourage the implementation of existing regulations, as well as conduct additional evaluations during the Phase III amendments.

- **Planned Development Approvals:**
  Much of the support for undertaking this amendment is generated out of frustration with, or a mis-understanding of the Planned Development Approval Process, or the entitlements obtained in earlier Planned Developments.

  Based on input from the community, we have found that residents perceive that significant development has recently been approved for the community, outpacing the actual demand. This perception is strengthened by conducting an thorough evaluation of all of the Planned Residential Development Approvals that have been granted within the area identified above as the North Fort Myers Community, in order to determine what has actually been approved, and how that compares with the projected population. Based on a detailed review of the zoning resolutions and Planned Development Summary (which are provided in Appendix B) Table 3 has been prepared to summarize the current residential, service and retail
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  Inset Map here

  Exhibit 5: Planned Development Map
  Insert map here
  Approvals granted through the Planned Development Process. It is important to note, that the date of each approval has also been provided.

  Table 3: Planned Development Approval Summary:

  Insert Table Here
  This is text from the North Fort Myers plan – untouched.
  This table graphically demonstrates that there is approximately 7,779,076 square feet of approved commercial entitlements, while there are 25,656 approved residential units. This results in a ratio of 303.2 square feet per dwelling unit. The original Roberts Overlay (2010 Overlay) estimated a commercial demand of .0323 acres (or 1,400 square feet) per dwelling unit for all of Lee County in 1987 and a projection of .0418 acres (or 1,800 square feet) per dwelling unit in the year 2010. Based on this evaluation, the approved commercial does not exceed the ratio established by the Lee Plan. This is not intended to suggest that all of the commercial is compatible with surrounding uses, or that it is appropriately located, but simply that based on the approved residential units, there is not an excess of commercial approved within the North Fort Myers Community.

  Another source of frustration for residents has been the perceived uncertainty when projects are approved using a "bubble" Master Concept Plan (MCP). However, in reviewing a significant sample of the Community Core MCPs, most projects are adequately articulated to provide sufficient assurance for adjacent

uses. Frequently it is not that the uses being developed differs from those requested, but residents simply would prefer to see other uses. Of course, there have been some notable exceptions to this conclusion, primarily in conjunction with several recent developments that approved intensive uses, which were not consistent with the community's expectations for commercial development within the community. In light of this conflict between adequate assurance for the community, and reasonable flexibility for the development community, this Community Plan recommends some additional restrictions on uses, as well as increased submittal requirements for specific "high intensity" uses. These recommendations are contained in the Recommendations Section of this report.

- **Natural Resources:**
  In evaluating the public input provided through the Workshop Questionnaire, 45% of the respondents cited Water Resources as their primary concern, with a vast number of the remaining respondents identifying this as one of the top several issues. The main justification for this concern is the reoccurring restrictions implemented by the Water Management District, and the occurrence of dry wells in certain communities. It is important to note that the SFWMD has instituted water restrictions on a regular basis for over ## years. The result is the perception that the restrictions are solely the result of new development, when in reality; they have been a regular occurrence for many years. This Community Plan recommends that Lee County work with the SFWMD to implement a year-round "Conservation Program" that encourages smart use of water resources, while eliminating the fear associated with period "restrictions" that are created, then lifted in an ongoing basis.
  Second, one of the desired results of the Community Plan is to encourage Lee County Department of Public Works, Lee County Water Supply Authority and the South Florida Water Management District to begin an educational program to outline the actual status of potable water planning, treatment and availability in Lee County. Again, the perception is that the community is on the brink of running out of water supply, when in reality, the above mentioned agencies have established a long term plans, adopted regulations to enforce those plans, and are continuing to work with private developers to undertake Aquifer Storage and Recovery Wells, restoration of flow ways, and long term protection of potable sources, etc. This Community Plan recognizes those efforts, as well as the understandable desire to protect these resources. Phase I includes provisions to encourage the implementation of existing regulations, as well as conduct additional evaluations during the Phase III amendments.

Second, one of the desired results of the Community Plan is to encourage Lee County Department of Public Works, Lee County Water Supply Authority and the South Florida Water Management District to begin an educational program to outline the actual status of potable water planning, treatment and availability in Lee County. Again, the perception is that the community is on the brink of running out of water supply, when in reality, the above mentioned agencies have established a long term plans, adopted regulations to enforce those plans, and are continuing to work with private developers to undertake Aquifer Storage and Recovery Wells, restoration of flow ways, and long term protection of potable sources, etc. This Community Plan recognizes those efforts, as well as the understandable desire to protect these resources. Phase I includes provisions to

encourage the implementation of existing regulations, as well as conduct additional evaluations during the Phase III amendments.

Finally, in reviewing the available documentation on other natural resources, primarily wetlands and Environmentally Significant Coastal Habitats, the Community Plan recommends adding an Environmental Objective to Goal 19 to help provide additional guidance for the protection of natural resources during the future growth of the North Fort Myers Community. This Objective will be primarily associated with the North Fort Myers River and Tributaries, as well as the "coastal fringe" associated with the North Fort Myers Bay. This recommendation is based on the mapping provided by the Agency on Bay Management, Exhibit 5, and the North Fort Myers Bay and Watershed Assessment, Exhibit 6.

Exhibit 5: Agency On River Management

Exhibit 6: CREW Regional Ecosystem Watershed

Exhibit 7: Lee County Regionally Significant Natural Resources (SWFRPC)

- **MPO/DOT Plans:**
  One of the next highest "areas of concern", as identified by the residents of North Fort Myers, is the roadway/traffic issue. Because of the complex nature of this issue, it is recommended that Lee County continue to enforce the concurrency standards contained in the Lee Plan. However, it is further recommended that a detailed evaluation of the projected transportation requirements for approved and planned development be initiated as part of the Phase III evaluation.

Exhibit #: Historic Area:

Public Input:

Because of the grass roots nature of this undertaking, input from area residents and landowners has been very important in the formulation of the study's recommendations. In order to assist the community to maintain a focused approach for this first amendment round, we utilized the list of Key Community Issues, and the preliminary existing conditions evaluations to stimulate input. However, we received input on other issues, and will incorporate them throughout the community planning process.

5. Planning Workshops

In addition, 4 Planning Workshops we conducted with the North Fort Myers Community Plan Committee in order to establish a scope, evaluate project approaches, review preliminary findings, and critique the preliminary draft of the North Fort Myers Community Plan. These meetings were fairly informal, and were conducted at the Shell Factory Outlet conference room. Additional informal meeting

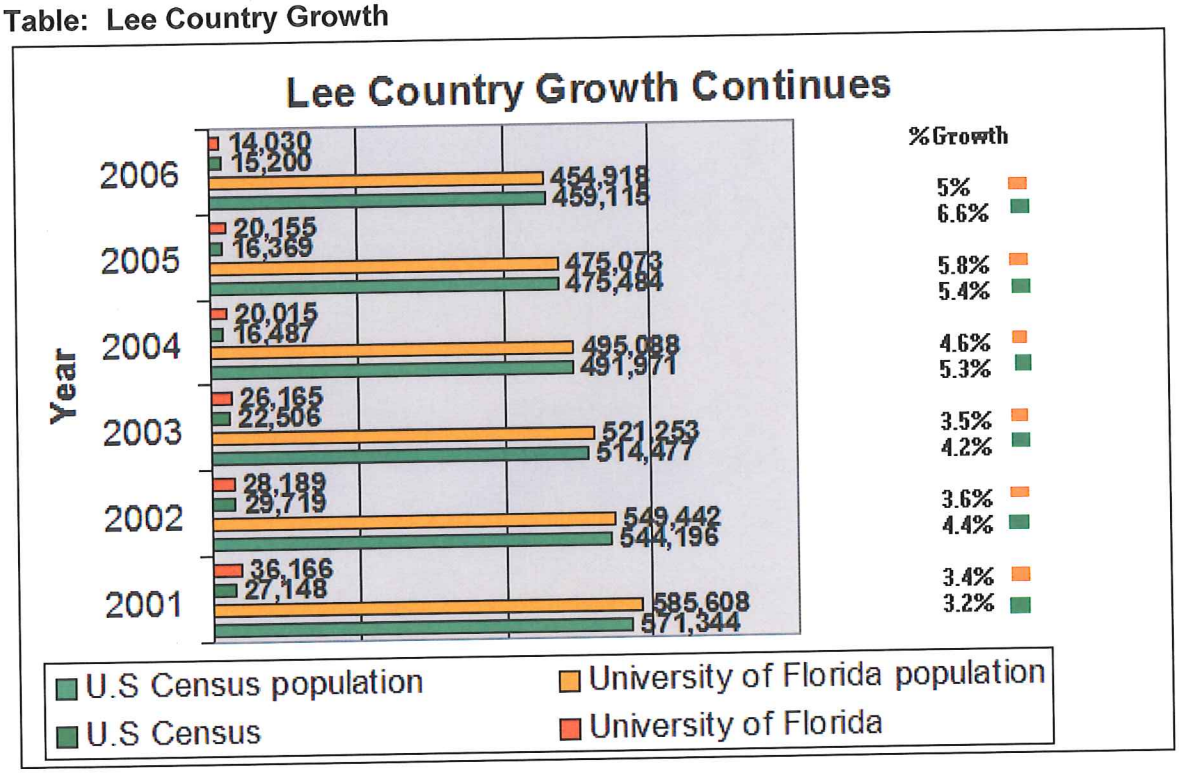
were conducted with various members of the Committee, either by in person questionnaires phone or by HDR

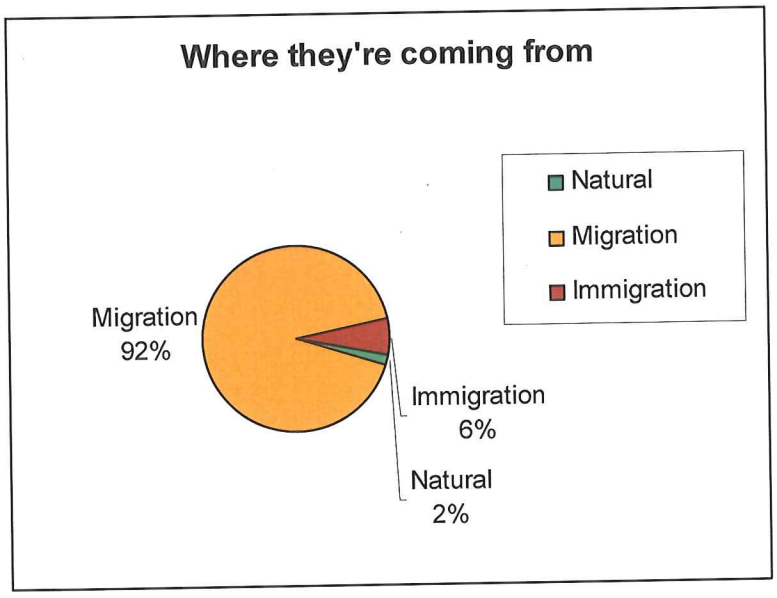
These workshops provided the members of the committee with a better understanding of the community input, results of the mapping, and recommended approach. Further, they provided the Consultant with the opportunity to obtain input from representatives of the Community and refine the Plan recommendations.

Section Four: Community Direction/Evaluation of Public Input

In order to solicit direct input from the community and Key Stakeholders, Vanasse & Daylor, LLP prepared a Questionnaire to identify specific concerns, recommendations and comments held by the citizens. These questionnaires contained a very broad diversity in response ranging from a no-growth sentiment to a "maintain the course" recommendation. Presented below is a summary of some of the key responses to the questionnaire. Copies of all of the questionnaires are attached in Appendix #.

Table: Lee Country Growth





Source: The News Press

Based on the compilation of responses, evaluation of existing conditions, and mapping and analysis, a Community Vision was refined, as well as the identification of multiple "Action Items". These Action Items represent general or specific steps that the

community has identified for immediate action or future detailed evaluation. Presented below is a summary of the key issues identified by the participants of the study. However, in order to give the Community a clear expectation of how each of these Action Items will be addressed, when they will be addressed, and who is responsible for implementing them, each Action Item has been categorized in one of the following five categories:

- Initial Lee Plan Amendment
- Land Development Code Amendment
- Detailed Master Planning
- Secondary Lee Plan Amendments
- Community Responsibility

1. **Initial Lee Plan Amendment:**
   The Action Items listed in this category can be addressed, even if only preliminarily, in the Lee Plan Amendment scheduled for submittal on September 29, 2000. These are typically issues that are visionary in nature, and can be adopted in Goal, Objective and Policy format. They will then serve as "enabling" language for future, more detailed community planning efforts.

   These Action Items will help form the Community Vision Statement, and will serve as the cornerstone for future development and project approvals.

   Timeframe: Initiated September 29, 2000; Approved September 2001

   a. **Commercial Corridor Concepts – See Policy 19.2**
      - Encourage Retail Concentrations at Major Intersections and in Other Clusters
      - Encourage Mixed Use Developments along designated roadways
      - Encourage neighborhood oriented retail uses along designated roadways (such as Flower Shop, Shoe Repair, Art Gallery, etc.)

   b. **Recreational Areas and Parks – See Recommended Policy 19.4**
      - Encourage the continued development of Recreational opportunities
      - Encourage the integration of recreational opportunities and public water access on the Sahdev property.
      - Encourage the acquisition of public access to the North Fort Myers River
      - Encourage continued preservation and enhancement of CREW Lands

   c. **Community Services/Infrastructure**
      - Encourage Local Governmental Offices For Essential Services in North Fort Myers
      - Encourage a Sheriff's Substation in North Fort Myers
      - Encourage enhanced Fire Protection and EMS/ALS Services for North Fort Myers
      - Encourage Community Based Medical/Health Services in North Fort Myers
      - Encourage the expansion of Lee Tran Operations within North Fort Myers
      - Discourage the proliferation of roadway median cuts and accesses to adjacent properties.

- Provide direction for the protection of the Historic resources of North Fort Myers.

d. Environmental/Protection of Natural Resources

- Direct Required Mitigation to North Fort Myers, Whenever Possible

e. Identify Incompatible Uses

- Discourage the approval of detrimental uses including adult entertainment related businesses, bottle club establishments, free standing bars or lounges, businesses that use large outdoor areas for sales and inventory storage.

f. Development Approval Process

- Provide for earlier public notification of zoning actions via on-site signage, notice in the media, notice on County website, and notice to registered organizations and citizens of application for rezoning.
- Encourage Public Workshops Prior to the Hearings Examiner Proceedings.

2. Land Development Code Amendment:

The following Action Items are typically more detailed in nature, and applicable to all new development in the North Fort Myers Community. These items will not only apply to all new development, but to approve projects that have not obtained Development Orders. Because of the specific nature of these amendments, these Action Items will be adopted in the Land Development Code, and will have the most immediate and visible results in achieving the character the community desires. Examples of these Action Items include buffering, enhanced landscaping, signage guidelines, etc.

Timeframe: Initiated October 2000; Approved January 2001

a. Architectural Standards for Structures

- Establish a Community Based Architectural Standards Review Board
- Define Standards Compatible with Community Vision
- Include or modify Building Height Limits
- Include or modify Building Setback Standards
- Encourage "Subdued" Color Schemes
- Limit "Box Type" Structures without Architectural Features and Trim (these regulations currently exist in the Land Development Code, but may require refinement for North Fort Myers.)

b. Landscaping Standards

- Require Landscaping Consistent with LeeScape Master Plan
- Establish Standardized "Welcome to North Fort Myers" Signs and Landscaping at North Fort Myers Borders
- Require Implementation of roadway landscaping, berms and Sidewalks/Bike Paths along designated road corridors in order to provide visual relief and a unifying element throughout the Community.

c. Lighting, Signs, Utilities, Towers and Antennas

- Establish Distinctive Street Signs, Lamps and Poles, Benches and Bus Shelters for use within the Community.
- Define Standards for Size, Placement and general design of Streetlights.
- Require (When Economically Feasible) Buried Utilities Along Gateway Roadways and Internal to Planned Developments
- Require Enhanced Landscaping/Screening Around Utilities

d. Commercial Corridor Concepts

- Establish or modify Building Setbacks in Conjunction with Rear Parking
- Limit the Number of Roadway Median Cross Cuts and Accesses from Roadways
- Evaluate modified Hours of Operations for areas adjacent to residential zones
- Evaluate requiring compliance with the North Fort Myers Community Plan provisions in order to extend or vest a Planned Development Master Plan after five years of inactivity.

f. Community Services

- Encourage Community Uses (Fire, Post Office, etc.) within all zoning districts in North Fort Myers.
- Provide incentives for redevelopment/preservation within the Historic Area.

g. Environmental/Protection of Natural Resources

- Encourage required mitigation within North Fort Myers, whenever possible
- Establish appropriate setback standards from the North Fort Myers River and North Fort Myers Bay

h. List of Undesirable Businesses

- Modify the "List of Permitted Uses" within Key Corridors to discourage detrimental uses, bottle clubs, free standing bar or lounges, businesses which require large outdoor areas for sales and inventory storage

i. Development Approval Process

- Outline a Public Notification System to provide earlier public notice through signage, media, website notification or disclosure to Registered Organizations.
- Establish appropriate levels of information for Master Concept Plans – based on the whether or not the proposed use is a "High Impact" use.
- Require an additional opportunity for Community review and input on a development approval request, prior to the Hearing Examiner Process.

j. Health Care

- Identify, upgrade and expand the current provision of health and human services available for the residents.
- Enhance quality, availability, access and scope of future services within the geographic boundaries of Lee County, north of the Caloosahatchee River.

- Establish a comprehensive community network of independent providers that will meet the medical, surgical, diagnostic, therapeutic, rehabilitative and mental health needs, specifically for the residents.
- Provide education, access and outreach through the establishment of specialty health & human services within a defined 'medical corridor,' optimally located within the northeastern region of Lee County.
- Continually evaluate demographic 'trigger points' and future healthcare needs that will determine the feasibility for establishing the 'medical corridor' inclusive of any/all of the following:

    - Physician/Surgeon offices (Medical General Practitioners and Specialists, Surgical, Geriatric, Pediatric, Plastics and Reconstructive, Internists, Dental, Oncology and Chiropractic).
    - Small community-based hospital - '50-100 beds'
    - Multi-disciplinary level – Outpatient client. (out-patient treatments and procedures for all payer source patients; this would include mental health but not include VA).
    - Urgent Care Center (operational 24/7; not trauma level; Radiologist availability immediately to read x-rays; accepting all payer sources from private to no insurance).
    - Surgical Facility (ambulatory, elective and day surgery center).
    - Diagnostics; Labs (x-rays, blood drawing station).
    - Scans available and read for Cat, Pet, Ultrasound and possible MRI.
    - Home Healthcare Nursing and Allied Health offices; Therapy treatment site (OT, PT., Rehab and Speech).
    - Assisted Living Center; also possible HRF/SNF facility.
    - Conference theatre for use as: Portable screening site for testing and monitoring; conference hall for public or professional education, lecture programs and demonstrations; health screening fair site location.

Strategies:

- Develop medical residency and nursing programs and educational and training facility to help the staffing of a hospital, should this endeavor be selected.
- Focus on professional recruitment, retention and education of physicians, nurses and ancillary personnel.

k. **Economic Development**
Visioning Ideas

l. Assess compatibility with current Economic Development goals of the Horizon Council and the Lee County Office of Economic Development, including but not limited to consensus regarding:

A. Target Industries:
   a. Clean and light manufacturing
   b. Aviation and Aerospace (not applicable)
   c. IT/Software
   d. Contact Centers and Share Support

B. Assess Economic Development efforts in adjoining communities.
   a. Primarily along contiguous roadways, including U.S. 41, Bayshore Road (east of I-75), Pine Island Road (west of U.S. 41).
   b. Parcels to study should include Zemel property and Babcock property.

II. Encourage Economic Development in select concentrated parcels such as future and present commerce, office parks, and/or industrial parks.

III. Identify all parcels over 5 acres in size for future economic development activity.
   a. Parcels should be located along commercial corridors including U.S. 41, Business 41, Bayshore Road, Littleton Road, etc.
   b. Identify willing and able participants.
   c. Inventory existing Development Orders, compatible zoning uses, building permits, etc.
   d. Encourage high standards including Architectural guidelines, Landscaping buffering, Entrance features, lighting, etc.

IV. Establish an Economic Development Committee through the North Fort Myers Chamber to monitor and/or assist and track Economic Development activities in North Fort Myers.

I. **Infrastructure**
- Encourage coordination between Lee County Utilities and North Fort Myers Utilities
- Develop a greater reuse water control system for use within North Fort Myers
- Establish maintenance standards for private wells and septic tanks and discourage future well installation
- Require future development to construct or link to existing services
- Increase water supply for future fire protection

3. **Detailed Master Planning:**
These Action Items will typically require additional research and/or detailed site planning on specific parcels. Examples include the location and/or design of community facilities such as parks, post offices, band shells, etc. This work must be

directed by a consensus of the North Fort Myers Community, and in concert with individual property owners.

Timeframe: Initiated At the request of the Community Planning Committee
Approved by the Community Planning Committee and Private Property Owner

4. **Secondary Lee Plan Amendments:**
These are more specific community planning elements that require significant evaluation, public input, and investigation of economic impacts. Because of the limited timeframe for the initial amendment, a secondary amendment round may be required to further implement specific modifications to the maps and/or text of the Lee Plan.

Timeframe: Initiated at the request of the Community Planning Committee
Submitted September 2001
Approved September 2002

a. **Commercial Corridor Concepts**
   - Designate Specific Locations for "high intensity" commercial uses – not solely based on square footage.
   - Designate Specific Areas for Mixed Use Village Uses
   - Designate Future Community Facilities Location

b. **Recreational Areas and Parks**
   - Evaluate the "Desired" LOS Requirements for Recreational Facilities in North Fort Myers

c. **Community Services**
   - Evaluate the 2020 MPO Traffic ways maps for necessary improvements
   - Identify Sites for New Schools and Community Based Educational Programs in North Fort Myers.
   - Develop a Historic Development

d. **Environmental/Protection of Natural Resources**
   - Confine Required Mitigation to North Fort Myers, whenever possible
   - Evaluate the Preservation Approach within the DRGR

5. **Community Responsibility:**

These are undertakings that do not fall within the "jurisdiction" of local regulatory structure. These Action items are identified in this report, but will require the active involvement of the Community to implement.

a. **Architectural Standards for Structures**
   - Define Standards Compatible with Florida Traditional Styles and Surroundings.

While this was clearly a sentiment established in the Questionnaire responses, it is not recommended that a single style be established as the "preferred" style for the community. Rather, it is recommended that the Community work together during the Land Development Code amendments to identify certain parameters that are desired in the community, but allow various styles to be implemented. This approach will be much easier to regulate, will allow for more diversity, and result in a more vibrant, attractive community.

- Encourage "Subdued" Color Schemes.

As with the architectural regulations mandating a specific style, limitations on colors may be very difficult to obtain a consensus on, as well as regulate. It is recommended that a preferred list of colors be established during the Land Development Code process, with the understanding that the community will have to provide direct input to the developer during the Community workshops.

b. Landscaping Standards

- Use "Signature" Plantings of Flowering Plants and Trees.

It is understood that the Community desires an attractive landscaping component to separate the North Fort Myers Community from other areas of Lee County. However, it is the recommendation of this consultant that the landscaping not be limited to flowering plants and trees. Often, these plant species require significant maintenance, have undesired leaf and fruit drop, and go dormant during the peak season. Conversely, it is recommended that the majority of "required" plant material be based around native, hardy plant material with minimal maintenance requirements. Additional landscaping may be provided at the discretion of the property owner that features a limited list of flowing plant species.

c. Recreational Areas and Parks

- Develop Youth/Adult Recreation Centers with Active Programs.

Typically, this type of requirement is community based, either through the establishment of a MSBU/MSTU district to fund these additional recreational facilities, or through the development of programs in conjunction with a YMCA, church or other similar organization.

- Make Appropriate Use of The Sahdev Property.

While a Policy has been recommended to encourage the "appropriate use" of the Sahdev Property, it is important to inform the Community that this is a State owned and managed facility, and that Lee County has no ability to require or develop any specific type of development at this location.

d. Community Services

- Establish local governmental offices for essential services in North Fort Myers.

  The North Fort Myers Community Plan includes a Policy encouraging the compliance with this goal. However, the realization of this goal will require significant lobbying and population growth in order to justify this level of infrastructure. Most likely, in order for these services to be provided, there will have to be a public/private partnership to facilitate the cost effective provision of these services. It is recommended that the Community work with local developers and landowners to put together an offering that will encourage the County government to take action on this request.

- Identify Sites for New Schools and Community Based Educational Programs in North Fort Myers.

  The Lee County School Board, as well as higher educational providers, is completely independent of Lee County government. While Policies may be developed to encourage these uses, the County has no ability to implement this goal. In order to realize compliance with this goal, a local effort will have to be spearheaded by the Community to persuade the appropriate agencies to consider locating in the North Fort Myers Community.

- Encourage Community Based Medical/Health Services in North Fort Myers.

  The provision of Medical and Health services are purely market driven, and cannot be required to locate in the North Fort Myers Community. As with other "Community Cultural" elements, it is recommended that the Community put together a group that is charged with the responsibility of pursuing these service providers, and demonstrating that North Fort Myers is the most appropriate location for them to enter the market.

e. Environmental/Protection of Natural Resources

- Enforce Population Density Standards.

  The Lee Plan establishes the maximum density standards. There are no instances where the population standards have not been enforced. There may be instances where zoning approvals allow densities consistent with the higher end of the permitted densities, but the resulting density is consistent with the established standards.

- Define and Implement Noise Standards.

  Lee County already has a Noise Ordinance that establishes maximum noise thresholds for daytime and nighttime periods. This Ordinance is enforced by the Lee County Sheriff's office. A recent evaluation of this

ordinance demonstrates that the regulations are consistent with the majority of Florida communities.

f. Development Approval Process

- Conduct all Public Workshops and Hearings within the North Fort Myers Community.

  This request would essentially relocate the county seat to North Fort Myers. It is highly unlikely that all Public Workshops and Hearings could be conducted within the Community. The North Fort Myers Community Plan has recommended additional notification and workshops be conducted within the community, but additional changes should be conducted separate from the Community Plan.

- Distinguish between "persons being paid to influence public decisions" and "citizens and/or citizens organizations" when limiting communications with County Staff and County Commissioners regarding property and land use decisions.

  This request is based on the current prohibition of un-authorized communication with County Commissioners. This is a legal issue that has recently been discussed between the Board of County Commissioners and the County Attorney's Office. The Community Plan has no ability to modify this current regulation. If the Community desires additional changes, it is recommended that the issue be addressed with the State Attorney's office as well as the County Attorney's office.

Section 5: Concepts/Strategies

The following concepts are underlying principals that have been utilized to evaluate the Action Items, as well as craft the North Fort Myers Community Plan recommendations. These concepts are founded in sound planning principles, Lee Plan provisions, and Land Development Code regulations, and are intended to maintain a balance between the desires of the community and the legal rights of property owners.

1. The unique character of North Fort Myers should be enhanced and/or protected from visual blight.

2. The historic beginnings of North Fort Myers should be protected and integrated into the Community.

3. The natural resources of North Fort Myers are essential for the well being of the Community.

4. The following Lee Plan provisions are particularly applicable to the North Fort Myers Community, and should be considered in all land use or infrastructure planning decisions.

a.	Goal 1:	Future Land Use Categories
b.	Objective 2.1:	Development Location
c.	Objective 2.2:	Development Timing
d.	Policy 2.3.2:	Provision of Adequate Infrastructure
e.	Policy 2.9.1:	Scenic Corridors
f.	Goal 4:	Development Design (encouraging Mixed Use Projects)
g.	Policy 5.1.3:	Direct high-density residential areas to locations near employment centers.
h.	Policy 5.1.5:	Protection of the character and integrity of existing and future residential areas from encroachment of destructive uses.
i.	Policy 6.1.1:	Review criteria for Commercial Development.
j.	Policy 6.1.3:	Commercial Development Design Requirements
k.	Policy 6.1.5:	Traffic Carrying Capacity provisions
l.	Policy 6.1.11:	Incentives for the Conversion of Strip Commercial Uses. (this provision may be implemented to support recommendations resulting from the Phase II and III North Fort Myers Community Plan).
m.	Goal 22:	Level of Service Requirements for the County Road system.
n.	Goal 24:	Transportation System Development Regulations
o.	Objective 25.3:	Roadway Landscaping (use this Objective to support enhanced landscaping requirements)
p.	Goal 33:	Potable Water Level of Service Requirements
q.	Goal 36:	Sanitary Sewer Level of Service Requirements
r.	Goal 41:	Protection of Water Resources (to educate the Community on existing efforts to protect these resources)
s.	Goal 43:	Groundwater Recharge (to educate the Community on existing efforts to protect these resources)
t.	Chapter V.:	Parks, Recreation and Open Space (to support requests for integrated planning of recreational facilities)
u.	Policy 70.1.3:	Minimum Acceptable Level of Service Standards
v.	Goal 74:	Coastal Resource Protection (to support future additional regulations associated with the Coastal Area)
w.	Goal 77:	Resource Protection (to support future Land Development Code amendments that may require additional protection of key natural resources)
x.	Objective 104.3:	Historic Preservation Incentives
y.	Policy 110.1.2:	Economic Element (used to support request for additional medical facilities within the community)

Section Six: Recommendations

The recommendations from Phase I of the North Fort Myers Community Plan are targeted at establishing a vision for the community, and to provide the Lee Plan with guidance for future community development issues within North Fort Myers. The proposed Lee Plan amendments fall into six primary categories: Community Character, Commercial Land Use, Residential Land Use, Natural Resources, the Development Approval Process, and Community Facilities. Presented below are the proposed Goals,

Objectives and Policies intended to begin to establish the type of community envisioned by the residents.

GOAL19: NORTH FORT MYERS

To protect the character, natural resources and quality of life in North Fort Myers by establishing minimum aesthetic requirements, managing the location and intensity of future commercial and residential uses, and providing greater opportunities for public participation in the land development approval process.

Objective 19.1: COMMUNITY CHARACTER. Lee County shall establish, enhance and enforce regulations, policies and discretionary actions affecting the character and aesthetic appearance of North Fort Myers to help create a visually attractive community.

Policy 19.1.1: By the end of 2001, Lee County shall review, amend or establish Land Development Code regulations that provide for enhanced landscaping along roadway corridors, greater buffering and shading of parking areas, signage consistent with the Community Vision, and architectural standards.

Policy 19.1.2: Lee County may not approve any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards.

Policy 19.1.3: Lee County will work with private property owners to establish incentives for bringing older projects into compliance with the regulations adopted as a result of the North Fort Myers Community Plan.

Policy 19.1.4: Lee County and the North Fort Myers Community shall work in conjunction with private developers, public agencies and community service providers to establish a town commons that encourages the location of a post office, public meeting hall, outdoor plaza, governmental offices, medical providers and recreational opportunities.

Objective 19.2: COMMERCIAL LAND USES. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions must recognize the unique conditions and preferences of the North Fort Myers Community to ensure that tasteful shopping and employment opportunities are provided, while maintaining the community character.

Policy 19.2.1: All commercial developments within the North Fort Myers Community must be reviewed as a Commercial Planned Development.

Policy 19.2.2: All retail uses shall be in compliance with the Retail Site Location Standards

Policy 19.2.3: Non-Residential (outside of the Nodes identified on Map 19) are encouraged to be mixed use in nature, and allow for residential uses when possible. Further, uses outside of the Site Location Nodes should be limited to minor commercial uses intended to serve community residents.

Policy 19.2.4: By the end of 2001, Lee County must review, amend or adopt regulations that encourage or incentive mixed use developments

Policy 19.2.5: With the exception of Commercial Nodes identified on Map 19, as may be amended from time to time, Lee County shall discourage retail uses, in favor of service and residential uses.

Policy 19.2.6: By the end of 2001, Lee County must review, amend or adopt regulations that prohibit "detrimental uses", free-standing nightclubs or lounges, or retail uses that require significant outdoor display, storage or delivery areas from locating within 500' of an existing or approved residential neighborhood.

Policy 19.2.7: By the end of 2001, Lee County must review, amend or adopt regulations that require Planned Developments which exceed the five year time frame established in the Land Development Code to automatically become vacated. In order to extend, vest or otherwise maintain the original Master Concept Plan, all provisions required by Goal 19 shall be accommodated by the development.

Policy 19.2.8: By the end of 2001, Lee County must review, amend or adopt regulations that require commercial developments within the North Fort Myers Community to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors.

Objective 19.3: RESIDENTIAL USES: Lee County shall protect and enhance the residential character of the North Fort Myers Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space, and requiring compliance with enhanced buffering requirements.

Policy 19.3.1: By the end of 2001, Lee County shall amend the Mixed Planned Development Category to allow for small scale mixed use projects to allow residential above or in close proximity to retail and service uses.

Policy 19.3.2: Lee County shall protect the large lot residential by requiring significant buffers between existing lots and higher density residential developments, or the placement of transitional density units along the perimeter.

Policy 19.3.3: No property within the North Fort Myers Community may be rezoned to RVPD or MHPD.

Objective 19.4: Natural Resources: County regulations, policies, and discretionary actions affecting North Fort Myers must protect or enhance key wetland or native upland habitats.

Policy 19.4.1: By the end of 2001, Lee County shall review, amend or adopt Lee Plan or Land Development Code regulations to provide the following:

- All future development proposals adjacent to the North Fort Myers River or its tributaries shall include floodplain protection plans prior to zoning approval.

- All new development adjacent to the North Fort Myers River or its tributaries must provide a 50' vegetative buffer adjacent to the top of bank. This is intended to prevent degradation of water quality within these natural water bodies.

- Lee County shall encourage the off-site mitigation of indigenous areas, wetland impacts or wildlife habitat impacts to be provided within the North Fort Myers Community Boundaries.

- Lee County shall provide significant incentives (increased density, impact fee reductions, Transfer of Development Rights, etc) for the protection of wetlands, flow ways, native habitat or other significant natural resource within the North Fort Myers Community.

Policy 19.4.2: Lee County, or another authorized agency, will work to provide alternative irrigation sources (re-use, Aquifer Storage and Recovery Water, or mixed-non-potable) or financial incentives to provide non-potable water to uses within the North Fort Myers Community. This is desired to discourage the proliferation of private, single user wells.

Policy 19.4.3: Lee County will continue to enforce Wellfield protection requirements, monitoring, and other applicable provisions to ensure that future wellfield drawdown zones are protected.

Objective 19.5: PUBLIC PARTICIPATION. Lee County shall encourage and solicit public input and participation prior to and during the review and adoption of county regulations, land development code provisions, policies, zoning approvals, and administrative actions.

Policy 19.5.1: Lee County shall register groups within the North Fort Myers Community that desire notification of pending review of ordinances, development code amendments or development approvals. Upon registration, Lee County will send written notifications summarizing the issue being reviewed and any established hearing dates.

Policy 19.5.2: Lee County shall require public notice to any "registered" person or landowner within 500', issued upon being found sufficient.

Policy 19.5.3: Lee County shall establish a "document clearing house" in the North Fort Myers Community, where copies of submittal documents, staff reports, Hearing Examiner recommendations or resolutions will be provided for public inspection, as soon as they are available.

Policy 19.5.4: Lee County shall require that the agent for any planned development request within the North Fort Myers Community, conduct one public workshop, or provide one set of submittal information to an established "document clearing house" for public review. The agent shall provide the public workshop or submittal of documentation at least one week prior to the Hearing Examiner meeting.

Objective 19.6: COMMUNITY FACILITIES. Lee County shall work with the North Fort Myers Community to economically provide or facilitate the provision of a broad mix

of Community Facilities necessary to support the North Fort Myers Community as a vibrant urban core.

Policy 19.6.1: Lee County and the North Fort Myers Community shall work with the State of Florida to provide appropriate passive recreational opportunities within the Sahdev Property, potentially enhanced by a public/private partnership. This should include easy access, parking, trails, and other non-intrusive uses.

Policy 19.6.2: Lee County will adopt regulations that will encourage the protection of historic or culturally significant areas from conversion to residential or commercial uses. This is not intended to prevent ancillary development designed to highlight historic uses, but rather to prohibit the removal of such historic uses.

Policy 19.6.3: Lee County will work with the community and private landowners to identify opportunities to maintain public access to the North Fort Myers River and/or North Fort Myers Bay.

Policy 19.6.4: Lee County will work with the community to ensure that the development of the North Fort Myers Community Park is integrated into the surrounding development and open space areas. The concept would be for the park to act as a hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments.

Policy 19.6.5: Lee County will assist the North Fort Myers Community in identifying and developing a "village green" that provides opportunities for public gathering, recreation, civic activities, and the distribution of public services, including a post office, license bureau, tax collectors office, police sub-station and or fire station.

Modifications to current Lee Plan Provisions:
The following section contains proposed amendments to existing Lee Plan provisions to better implement the intent of the North Fort Myers Community Plan.

Policy 6.1.2.10:	The Board of County Commissioners may approve applications for minor commercial centers that do not comply with the location standards for such centers, but which are consistent with duly adopted CRA and Community plans.
Vision Statement:	Amend the Vision Statement to reflect the Vision Statement developed for the North Fort Myers Community.

Proposed Actions for Phase II of the North Fort Myers Community Plan:
As a result of the Action Items identified during the Phase I Community Planning Effort, several steps are recommended to the Community for incorporation of the Phase II Community Planning Effort. These include the following:

1. Evaluate and/or Modify Land Development Code Section 10-416, to consider enhanced landscape requirements for the North Fort Myers Community, particularly adjacent to identified road corridors, or between commercial and residential developments.

2. Evaluate and/or Modify Article IV of the Land Development Code to consider enhanced architectural requirements for the North Fort Myers Community.

3. Evaluate and/or Modify Chapter 20 of the Land Development Code to provide additional design guidelines for signage within the North Fort Myers Community.

4. Evaluate and/or Modify Division 7 of Chapter 34 to provide for enhanced notification of pending development approval hearings, as well as establishes a methodology to provide greater information to the public prior to public hearings.

5. Evaluate and/or Modify Section 34-373(a)(6) of the Land Development Code to establish additional submittal requirements for specific land uses.

6. Clarify Section 34-341 of the Land Development Code to require that all commercial developments within the North Fort Myers Community be evaluated through the Planned Development process.

7. Evaluate Table 34-934 of the Land Development Code to establish that certain detrimental uses, or uses with significant outdoor storage are discouraged within the North Fort Myers Community except at locations currently designated on Map 19 of the Lee Plan.

Proposed Actions for Phase III of the North Fort Myers Community Plan:
As a result of the Action Items identified during the Phase I Community Planning Effort, several steps are recommended to the Community for incorporation of the Phase III Community Planning Effort. These include the following:

Section Seven: Summary

Progress Report & Scope Clarifications

North Ft Myers Community Plan
HDR | 06.15.07

Introduction

This paper was prepared in response to a request from County staff and members of the North Ft. Myers Community Planning Panel to clarify task items in HDR's current contract to prepare the North Ft. Myers Community Planning Study (Contract No 3786). Specifically, staff and the Planning Panel Members requested that scope items be reviewed to maximize opportunities for meetings between HDR and North Ft. Myer Stakeholders.

Progress-to-Date & Proposed Refinements

Task 1. Project Kick-Off (100% Complete). Project kick-off meetings were held Mar 26, 2007.

Task 2. Field Reconnaissance (100% Complete). A tour of the study area with County staff and representatives of the NFMCPP was conducted Mar 26, 2007.

Task 3. Data Evaluation (55% Complete). Work under this task is approximately 55% complete. HDR has reviewed material provided by the County and NFMCPP, reviewed relevant planning documents, including the Lee Plan, and downloaded and reviewed GIS datasets and other data and reports from the County web site. The results of this work form the basis for the existing condition write-ups prepared under Task 6.

Task 4. Public Meetings (90% Complete). In addition to the project kick-off meeting and tour, HDR staff has participated in three meetings with members of the North Ft. Myers Community. A list of meetings follows:

- Meeting with Commissioner Hall, 3pm-4pm, Apr 3, 2007
- Public Workshop (solicit input on planning issues and ideas), 6pm-8pm, Apr 9, 2007
- Subcommittee Workshops (review reports on plan elements), 10am-4pm, May 15, 2007

Work required to prepare for and participate in these meetings meets or exceeds the level of effort required to complete work under Task 4 of the scope of work. Upon approval of our meeting notes for the workshop, work under this task will be completed.

Task 5. Community Plan Work Session (0% Complete). We propose that work under this task be redefined to allow for two, two hour work sessions with the NFMCPP – one to review an annotated outline of the report and a preliminary draft of objectives and policies, and a second to present the first draft of the report prepared under Task 6. The intent of this redefinition is to

allow additional opportunities for public engagement in the process. (The current scope calls for meetings with "representatives of the Community Planning Panel" but not public meetings or workshops.)

Authorization to Proceed

Before proceeding with preparations for work under Task 5, we request written authorization from the County to proceed as recommended above and make related adjustments to the project schedule.

2007 Vision for HDR Consultant/ Lee Plan

HEALTH & HUMAN SERVICES subcommittee

Identify, *upgrade* and *expand* the current provision of health and human services available for the residents.

Enhance *quality*, *availability*, *access* and *scope*, of future services within the geographic boundaries of Lee County, north of the Caloosahatchee River.

Establish of a *comprehensive community network of independent providers* that will meet the medical, surgical, diagnostic, therapeutic, rehabilitative and mental health needs, specifically for the residents.

Provide *education*, *access* and *outreach* through the establishment of *specialty* health & human services within a defined 'medical corridor', optimally located within the north-eastern region of Lee County.

Continually *evaluate* demographic '*trigger points'* and future healthcare needs that will determine the *feasibility* for establishing the 'medical corridor' inclusive of any/all of the following:

- Physician/Surgeon offices. (Medical General Practitioners and Specialists, Surgical, Geriatric, Pediatric, Plastics and Reconstructive, Internists, Dental, Oncology and Chiropractic)
- Small community based hospital '50-100 beds'

  (If Babcock Webb isn't including one in their

  Community plan preferably between I-75 and

  Civic Center)
- Multi-disciplinary level- Outpatient clinic. (Out - patient treatments and procedures for all payer source patients; this would include mental health but not include VA)
- Urgent Care Center (operational 24/7; not trauma level; Radiologist availability immediately to read x-rays; accepting all payer sources from private to no insurance)
- Surgical Facility (ambulatory, elective and day surgery center).

- Diagnostics; Labs. (X-rays, blood drawing station; Scans available and read for Cat, Pet, Ultrasound and possible MRI)
- Therapy and treatment sites OT, PT, Rehab. Speech, DME, and other Allied Health care services).
- Assisted living Center also possible HRF/SNF facility).
- Conference theatre Portable screening site for testing and monitoring; conference hall for public or professional education, lectures and speakers, health training programs and demonstrations; health screening fair site location, et. al.
- Establish an Advisory Council on Health Care to the Legislature (Commissioners). This Council should be used to review and advise the Legislature regarding standards of care, service delivery, and other pertinent health related issues and initiatives.

Strategies:

Develop *medical residency* and *nursing programs and educational and training facility, to* help the staffing of a hospital, should this endeavor be selected.)

Develop a plan that will focus on professional *recruitment, retention* and education of physicians, nurses and ancillary personnel to meet the staffing needs of the area.

Determine and proactively plan for the *land, infrastructure* and *affordable, workforce housing* to accommodate the magnitude of this project.

Health & Human Services sub-committee will need to work very closely with HDR Consultants and the County Planners, so time is not wasted in 'duplicating' the information and documents from this committee' previous months of research.)

Close working linkages are extremely important, including but not limited to: the Dept. of Health and the Dept. of Human Services; also the following NFMCPP Steering subcommittees:

Community character, design review, infrastructure, land use, economic development, affordable housing, transportation, and conservation.

Verbiage for implementation of this project in its entirety must be: specific, proactive, and include provisions for accessibility by all payer sources.

This project initiative must begin immediately, BEFORE the population levels grow, and all the available land is claimed to develop commercial or residential corridors; if this happens, the infrastructure will not support the project.

The Vision must be written for development in the Lee Plan, as *incremental stages,* based on '*current indicators'* that take into account: *projected population increases*, along with the documented *trends in health care, disease and aging.*

To accommodate the *current* and projected needs in North Fort Myers, Florida, *current research* emphasizes there's a *need for convenience of quality-oriented health practitioners & services, located in close proximity to patient populations.*

Coupled with additional, intangible human service programs, for the elderly, disabled, handicapped and fast growing numbers of uninsured and underinsured in the region.

Insurance issues , *payer sources*, *wages and fringe benefits*, *grant moneys and tax incentives,* need to be evaluated, to round out and balance the 'economies of scale' for this proposal.

This plan must be unique and profitable to attract quality oriented, physicians and surgeons to invest in concept.

Lee Memorial Health System Vision 2017 is currently conducting Focus Groups throughout the county to determine how to better meet the needs of its residents.

At the present time, this committee is currently working in a collaborative effort with LMHS through Focus Groups to determine the specific needs of the NFM community.

We are exploring the feasibility of LMHS revising their plans to establish a more comprehensive, Convenient Care/ Urgent Care facility on Rt.41. between Bayshore and Pondella road on former land belonging to Cape Coral Hospital. The results of a County wide survey and on-line questionnaire will be discussed and considered for future implementation.

LMHS is also in the process of building a medical office building for the Lee Primary Care Physician group across the Lowes Plaza on Pine Island Road in Cape Coral.

The committee Chair has further, been contacted by two different and distinct groups of physician/ developers who are interested in talking to the County about establishing an independent and free standing medical corridor in NFM.

The committee has a greater appreciation of the health care continuum and the needs of the community and wishes to thank the following guest speakers and project contributors:

Ed Houck	Planning Council of SW Florida
Terry Pyes	Fire Commissioner
Dr. CB Rebsamen	Lee Mem.Hosp. Medical Officer
Liz and Earl Givens	NAMI & Ruth Cooper facility
Karen Hawes	Lee County Human Services
John Borzerelli	GIS Specialist
Mike Barnaby	Lee County Health Dept.

Prepared by: Sandra C. Horvath RN ~Chair

Health & Human Service committee ~ Jack Howerton,

Gregg Makepeace, Karen Hawes, Lee Cummins, Chris

Mulvey, Gordon Cooke; members also include:

Paul Nash, Mike Tisherman and Cynthia Hollinger.

3/22/07

The North Fort Myers Community Plan
Proposal for Approved by Lee County and Incorporated into the Lee County Comprehensive Plan

VISION STATEMENT:

21. North Fort Myers - "To establish a community that embraces its heritage, while carefully planning for future growth resulting from Lee Counties growing population and a unique natural environment. North Fort Myers's growth will be planned as to preserve our environment, establishing defined areas for special overlay(s) to encourage redevelopment of existing shopping, service, restaurant and entertainment, while protecting and encouraging environmentally friendly residential neighborhoods that encourage a sense of belonging. Weaving the community together will be carefully crafted limitations on strip commercial uses, inappropriate signage and certain undesired commercial uses, while additional design guidelines will be established to ensure attractive landscaping, streetscaping, architectural standards, and unified access points. The implementation of this Vision will help reduce the conflict between residential and commercial areas, as well as allow North Fort Myers to emerge as a vibrant Lee County Village."

MODIFICATIONS TO CURRENT LEE PLAN PROVISIONS:

Policy 6.1.2.10: The Board of County Commissioners may approve applications for minor commercial centers that do not comply with the location standards for such centers, but which are consistent with duly adopted CRA and Community plans.

Policy 6.1.2.1(e): When developed as part of a mixed use planned development, and meeting the use limitations, modified setback standards, signage limitations and landscaping provisions, retail uses may deviate from the locational requirements and maximum square footage limitations, subject to conformance with the North Fort Myers Community Plan as outlined in Policies 19.2.3 and 19.2.4, and through approval by the Board of County Commissioners.

PROPOSED NEW GOALS, OBJECTIVES AND POLICIES:
GOAL 19: NORTH FORT MYERS

To protect the character, natural resources and quality of life in North Fort Myers by establishing minimum aesthetic requirements, managing the location and intensity of future commercial and residential uses, and providing greater opportunities for public participation in the land development approval process.

This Goal and subsequent objectives and policies apply to the North Fort Myers Planning Community as depicted on Map 16.

Objective 19.1: COMMUNITY CHARACTER. The North Fort Myers Community will draft and submit regulations, policies and discretionary actions affecting the character and aesthetic appearance of North Fort Myers for Lee County to adopt and enforce to help create a visually attractive community.

Policy 19.1.1: By the end of 2007, The North Fort Myers Community will draft and submit regulations or policies for Lee County to review, amend or establish as Land Development Code regulations that provide for enhanced landscaping along roadway corridors, greater buffering, shading of parking areas, signage and lighting consistent with the North Fort Myers Community Vision, and architectural standards.

Policy 19.1.2: Lee County is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, signage guidelines or compliance with architectural standards.

Policy 19.1.3: Lee County will work, through the permitting process, with private property owners to establish incentives for voluntarily bringing older projects into compliance with the regulations adopted as a result of the North Fort Myers Community Plan.

Policy 19.1.4: The North Fort Myers Community will work in conjunction with private developers, public agencies and community service providers to establish one or several town commons that encourage the redevelopment within the special overlay(s) location of a post office, public meeting hall, outdoor plaza, recreational parks, amphitheater, river-walk park area, governmental offices, medical providers and recreational opportunities.

Policy 19.1.6: By 2008, the North Fort Myers Community will draft a corridor management plan for the North Fort Myers US 41 corridor to advance development in a manner that promotes a safe, high quality urban environment. Plan elements will include roadway and median landscape standards, residential buffering standards, access management guidelines, street lighting, sidewalks, and insuring safe and effective pedestrian crossings within the context of a comprehensive pedestrian and bikeway system incorporating outdoor plaza, recreational parks, amphitheater, river-walk park area – public recreational opportunities

Policy 19.1.7: By 2008 Lee County will evaluate historic resources, and draft a proposal for their designation under Chapter 22 of the Land Development Code.

Objective 19.2: COMMERCIAL LAND USES. Existing and future County regulations, land use interpretations, policies, zoning approvals, and administrative actions must recognize the unique conditions and preferences of the North Fort Myers Community to ensure that commercial areas maintain a

unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage, and provide for employment opportunities, while discouraging uses that are not compatible with adjacent uses and have significant adverse impacts on natural resources.

Policy 19.2.1: All new commercial development that requires rezoning within the North Fort Myers Planning Community must be reviewed as a Commercial Planned Development, special overlay area.

Policy 19.2.2: All retail uses must be in compliance with the Commercial Site Location Standards. A finding of a "Special Case" must demonstrate a community benefit in addition to the requirements outlined in Policy 6.12(8).

Policy 19.2.3: By the end of 2007 the North Fort Myers Community will submit regulations that encourage mixed use developments between and along Highways 42 for Lee County to review amend or adopt.

Policy 19.2.4: Lee County will encourage new retail uses along, and between Highway 41's favor of mixed use, retail, office and residential uses.

Policy 19.2.5: The following uses are prohibited within the North Fort Myers Planning Community: "detrimental uses" (as defined in the Land Development Code); adult entertainment nightclubs or book stores, bar and cocktail lounges not associated with a Group III Restaurant; and retail uses that require outdoor display in excess of one acre.

Policy 19.2.6: Lee County encourages commercial developments within the North Fort Myers Planning Community to provide interconnect opportunities with adjacent commercial special overlay corridors uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including but not limited to bike paths and pedestrian access ways and sidewalk areas.

Objective 19.3: RESIDENTIAL USES: Lee County must protect and enhance the residential character of the North Fort Myers Planning Community by strictly evaluating adjacent uses, natural resources, access and recreational or open space, and requiring compliance with enhanced buffering requirements.

Policy 19.3.1: In order to meet the future needs of Lee County, North Fort Myers Community the North Fort Myers Community Planning Panel encourages higher density residential developments, with a mix of unit types, and usage, with increase building height, to encourage the mixed residential and commercial usages as outlined in the CPA2005-37 NEW URBANISM AND SMART GROWTH AMENDMENT TO THE LEE PLAN including affordable housing, in close proximity to the special overlay area, between highways 41 and the river.

Policy 19.3.2: By the end of 2007, The North Fort Myers Community will s draft and submit regulations and policies for Lee County to review, amend or adopt as regulations in the Land Development Code to provide for greater buffering between distinctly different adjacent commercial and residential properties, modified however when a project is of mixed use nature.

Policy 19.3.3: Lee County will protect the large lot environmental, agricultural and residential areas between the Caloosahatchee River and Lee-Charlotte County line by requiring significant buffers between existing lots and higher density residential developments, and/or the placement of transitional density to adjacent units between the uses.

Objective 19.4: NATURAL RESOURCES: County regulations, policies, and discretionary actions affecting North Fort Myers must protect or enhance key wetland or native upland habitats.

Policy 19.4.1: By the end of 2008, Lee County will review, amend or adopt Lee Plan or Land Development Code regulations to provide the following:
• All future development proposals adjacent to the North Fort Myers, Caloosahatchee River or its tributaries must include floodplain protection plans prior to zoning approval. And address the need to prevent chemical runoff from fertilizers, herbicides, insecticides, and fungicides and all other toxic pollutants into the water system.

• All new development adjacent to the North Fort Myers Caloosahatchee River or its tributaries must provide an additional buffer which preserves all of the native vegetation within that buffer, adjacent to the top of the river bank, with the exception of proposed special overlay areas and recreational uses within them. This is intended to prevent degradation of water quality within these natural water bodies.

• Lee County will encourage on-site preservation of indigenous plant communities and listed species habitat. When site constraints are such that off-site mitigation of indigenous areas is deemed necessary, the mitigation will be of similar habitat, provided whenever possible, within one mile of the North Fort Myers Fire District Boundary.

• Lee County will provide significant incentives (for example increased density, Transfer of Development Rights, etc) for the protection of wetlands, historic flow ways, native habitat or other significant natural resources within the North Fort Myers Planning Community.

Policy 19.4.3: Lee County, or another authorized agency, will work to provide alternative irrigation sources (re-use, Aquifer Storage and Recovery Water, or mixed-non-potable) or financial incentives to provide non-potable water to uses

within the North Fort Myers Community. This is desired to discourage the proliferation of private, single user wells.

Policy 19.4.4: Lee County will continue to enforce wellfield protection requirements, monitoring, and other applicable provisions to ensure that future wellfield drawdown zones are protected.

Objective 19.5: PUBLIC PARTICIPATION. Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals.

Policy 19.5.1: As a courtesy, Lee County will register citizen groups and civic organizations within the North Fort Myers Planning Community that desire notification of pending review of Land Development Code amendments and Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional.

Accordingly, the County's failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 19.5.2: The North Fort Myers Community will establish a "document clearing house" in North Fort Myers, where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations and resolutions will be provided for public inspection. The County's failure to provide or to timely provide documents to the document clearing house, or failure of the document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 19.5.3: The owner or agent for any Planned Development request within the North Fort Myers Planning Community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed.

Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

Objective 19.6: COMMUNITY FACILITIES. Lee County will work with the North Fort Myers Community to provide or facilitate the provision of a broad mix of Community Facilities.

Policy 19.6.1: The North Fort Myers Community will work with the State of Florida to provide appropriate passive recreational opportunities within the North Fort Myers, Scrub Preserve, potentially enhanced by a public/private partnership. This should include easy access, parking, trails, and other non-intrusive uses.

Policy 19.6.2: The North Fort Myers Community will work with the State of Florida to encourage the integration of proposed riverfront park areas into the fabric of the community. This may include landscaping, aesthetically pleasing archways between and along US Highway 41's, the provision of a "gateway" at US 41 and Edison Bridge, enhanced pedestrian and bicycle access, or programmed activities for the community.

Policy 19.6.3: Lee County will work with the community and private landowners to identify opportunities to maintain public access to the Caloosahatchee River in the North Fort Myers area.

Policy 19.6.4: Lee County will work with the community to ensure that the development of the North Fort Myers Community River Park is integrated into the surrounding special overlay development and open space areas. The concept would be for the park to act as a hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments, buffering between the Caloosahatchee River and enhanced mixed use of retail, commercial & residential uses in the special overlay corridor.

AFFORDABLE HOUSING

Chair. Bunny Canter (Interim)

Items to be addressed: Density; Over 55 All-inclusive communities; Public transportation; education; training; density; public infrastructure; economic development; access to open space/river; mixed use developments

Potential Stakeholders:
Who will be affected: Employers, residents

Experts for consultation: Economists

Organization who have an interest: Chamber of Commerce

Volunteers

Name	Phone	Email
Matt Weaver	239-634-1714	mattweaver@wilsonmiller.com
Wayne Daltry		wdaltry@leegov.com
Bunny Canter	567-1686	bunnycanter@hotmail.com

Meetings
Monthly

Other information needed to make good decisions:

- Employers: Those who employ North Fort Myers residents, and conduct business in North Fort Myers
- Available funds and incentives for developing affordable housing
- Case studies
- Existing public infrastructure/infill possibilities
- Socio-economics; e.g., % Homeowners vs. Renters

COMMUNICATIONS

Chair. John Canter

Items to be addressed:

- Community-wide awareness and participation; commitment to strategic planning activity and its resultant deliverables (strategic plan and supportive findings.
- Collect and dispense information to interested groups and individuals regarding NFM connections and impact

Potential Stakeholders:

Who will be affected: All residents of NFM; NFM Landowners; NFM Businesses; Government and elected officials

Experts for consultation: News media; Demographers; The Planning Panel

Organization who have an interest: NFMCA; NFMCFC; Religious Entities; Individual Citizens and groups that otherwise lack voice in the planning process

Volunteers

Name	Phone	Email
John Canter	567-1686	johndcanter@hotmail.com
Bert Page	543-8077	bandjpage@swfla.rr.com
James Gillespie	731-2003	newsuncoast@aol.com

Meetings

Other information needed to make good decisions:

COMMUNITY CHARACTER

Chair. Jared Beck – Chair
Linda Looker – Co-Chair
Lisa Ziegler – Co-Chair (?)

Items to be addressed:

- Parks, Open space, Recreation (+age 50; 2020 Riverfront parcels; River walk (inclusive – not exclusionary)
- Beautification and trees/Ordinances
- Public spaces (Interaction)
- Arts and Culture
- Image/Stigma/Community promotion/Public partnerships/NFM representation and leadership
- Historic Preservation, retain distinct atmospheres within NFM
- Architecture and re-development guidelines/Overlay districts
- Civic infrastructure (Community buildings, etc.)
- Road Development
- Pedestrian Access

Potential Stakeholders:
Who will be affected:
Experts for consultation:
Organization who have an interest:

Volunteers

Name	Phone	Email
Sandra Horvath	sandrade9@yahoo.com	574-3408
Jared Beck	jaredbeck@wilsonmiller.com	939-1020 (work)
Mary Alice Pierce	mapoffl@yahoo.com	995-0998
Cury Mumm	cury4trips1@juno.com	731-6192
Jody Anderson	janderson@mortgage-ftmyers.com	218-5639 (c) 938-0444 (h)
Linda Looker	linda_kitty_looker@hotmail.com	567-0551 (h) 994-0195 (c)
Bonnie Makepeace	bopntop@aol.com	567-0740
Bunny Canter	bunnycanter@hotmail.com	567-1686
James Gillespie	newsuncoast@aol.com	731-2003
Lisa Ziegler	lisa.Ziegler@comcast.net	656-5010

Meetings

Other information needed to make good decisions:

ECONOMIC DEVELOPMENT

Chair. Dena Martin

Items to be addressed:

- Stimulate economic growth (attract businesses, industry, provide training)
- Planned and controlled commercial business development

Volunteers

Name	Phone	Email
Robert Murray	239-707-2272	murrayrob@aol.com
John Gardner	239-656-5551	jrendrag@earthlink.net
Gregg Makepeace	239-567-0740	bopntop@aol.com
Dena Martin	239-462-8773	ssb@smoothbookkeeping.com

ENVIRONMENTAL SUBCOMMITTEE

Chair. Debbie Jackow

Items to be addressed:
Water use and quality, Tree ordinances, preservation and protection of established ecosystems, and wildlife; River clean up to prevent toxic run off; proactive code enforcement; beautification and trees; building while preserving protected trees; wildlife density; zoning; flood control.

Potential Stakeholders:
Who will be affected: Residents, developers, wildlife populations; boaters; fisherman; conservation 20/20 lands

Experts for consultation: County Commission; County Staff

Organization who have an interest: Sierra Club; Friends of Six Mile Slough; RGMC; Concerned citizens of Bayshore; The Conservancy of SW Florida; Caloosahatchee River Watch

Volunteers

Name	Phone	Email
Debbie Jackow	940-0456	seekow@aol.com
David James	543-1591	djames@swfla.rr.com
Jack Howerton		jkhowerton@comcast.net
Sandie Horvath	567-3408	Sandrade9@yahoo.com
Lee Cummins		
Helen Wilson	995-4271	Hwilson457@yahoo.com

Meetings
Monthly. Call or e-mail as needed

Other information needed to make good decisions:
Other area's tree ordinances that preserve trees
National Association of Home Builders tree ordinance

HEALTH AND HUMAN SERVICES

Chair. Judi Roth; Vice-Chair Sandra Horvath

Items to be addressed:

Potential Stakeholders:
Who will be affected:
Experts for consultation:
Organization who have an interest:

Volunteers

Name	Phone	Email
Lee Cummins	543-7475	toothette@comcast.net
Sandra Horvath	567-3408	sandrade@yahoo.com
Judi Roth	995-2876	Fannybrice@
Jack Howerton	567-4411	jkhowerton@comcast.net
Bunny Canter	567-1686	bunnycanter@hotmail.com

Meetings

Other information needed to make good decisions:

INFRASTRUCTURE

Chair. Jim Toth

Items to be addressed: Fire, water, Sewer & Drainage (Septic/sanitation retro fit); Public services (Fire/Police, Emergency services)

Potential Stakeholders:
Who will be affected:
Experts for consultation:
Organization who have an interest:

Volunteers

Name	Phone	Email
Lee Toth	656-6994	
Alan Weis	731-7097	Ajweisfam@aol.com
Peg Crishal		

Meetings: Monthly

Other information needed to make good decisions: Lee Master Plan

LAND USE / FACILITIES

Chair. Alex Mylan 239-543-9541

Items to be addressed:

- River access
- Control expansion and growth
- Density
- Economic development (restaurants, water access)
- Roads
- Storm shelters
- Zoning
- Parks and Recreation

Potential Stakeholders:
Who will be affected:
Experts for consultation:
Organization who have an interest:

Volunteers

Name	Phone	Email
Laura Alvarez		laura@bayshorebackyard.com
Winnie Steel		
Wayne Bryan		
Alex Cassel		
Bunny Canter		
Diane Schmidt	Contact 543-1591	

Meetings:

Other information needed to make good decisions:

TRANSPORTATION

Chair. Transportation and Roads—John Gardner (Chair); Gregg Makepeace (Co-Chair)

Items to be addressed:

- Transportation infrastructure/Advanced planning of roads & right of ways
- Transit/public transportation/Bus routes and timing
- Pedestrian traffic & sidewalks
- Traffic and services to meet growth (automobile, bicycle, pedestrian, bus)
- East/West corridors (unpaved emergency issues)

Potential Stakeholders:
Who will be affected:
Experts for consultation:
Organization who have an interest:

Volunteers

Name	Phone	Email
John Gardner	239-656-5551	jrendrag@earthlink.net
Gregg Makepeace	239-567-0740	bopntop@aol.com

Meetings:

Other information needed to make good decisions:

NORTH FORT MYERS COMMUNITY PLANNING MEETING
May 8, 2006
6pm – 8pm
Agenda

Agenda

- Introductions
- Community Plans and Development
- Roles, Responsibilities and Contributions of
  - Planning Panel
  - Consultant
  - Subcommittees
- County Requests for Proposals / Qualifications Process
- Subcommittee Discussions and Organization

Expected Meeting Outcomes

- Inform and discuss in detail the various elements of the planning process
- Hold discussions of subcommittees in anticipation of a future decision on subcommittee structure

North Fort Myers Community Meeting

April 17, 2006; 6-7:30 pm

Facilitator Notes

DRAFTED by Dr. Margaret Banyan

"In the process of planning I expect that members of my community will..."

Commit to attend all meetings
Leadership from Commissioners to represent constituency
Wide, diverse representation of our community
Members of community should be prepared
The process should be completed in a timely manner and include a timeline.
Time schedules must be adhered to
Recognize each others' opinions
Committed to the process
Be willing to be guided by County Professionals
Be willing to research new options
Community must be involved in the process (support community diversification)
Purpose of this meeting?
Outreach and access to funding and resources for start up costs
Acceptance and implementation of the final plan by county
Trust – Value
Protect our interests
Volunteer to help
Communicate needs
Open disclosure
Moratorium on CC encroachment
Recognize this as a positive change
Constructive with criticism
Offer solutions, not just problems
Outreach to remainder of community
Give input—respond to inquiry
Take pride in community-obey the code
Multitude of opinions
Communicate issues to planning panel
Care

"In the process of planning I will commit to..."

Be cooperative
Be open minded
Be informed
Commit to attending all meetings
Communicate with neighbors
Willing to do research
Openly communicate with panel, fellow committee members, each other
Work on subcommittees
Maintain open mind and be objective
Keep the big picture in mind
Assist in the process (e.g., help raise funds, etc.)
Commitment
Take the initiative to talk to neighbor's & businesses
Dependability
Creativity
Involvement
Communication
Good leadership for subcommittees & committee
Participation and follow through
Communicate with neighbors
Being a resource
Listen politely
Take responsibility to stay informed
Come to every meeting prepared
Open mindset/no personal agendas
Respectful of others/listen/be polite
Factual, detailed discussions
Take on tasks responsibly
Meeting deadlines
Facts (if available)
Wants of community-not personal agenda
Be active
No bickering / infighting
Honesty—openness-no dumb questions/answers
Participate actively

PARKING LOT:

Informational Items to be addressed at May 8 Meeting

- Babcock Ranch decision and timing
- Bayshore Commons –contemporary issues
- Tree Ordinances
- Communication for Winter residents, websites, etc.

SUBCOMMITTEES: PARTICIPANT NOTES

Environmental
Maintain open spaces/environment (parks, recreation, over age 50)
Develop recreational areas (2020 Riverfront parcels in NFM)
Water use and quality
River access
River usage
River clean up to prevent toxic run off
Proactive Code enforcement
Wild life preservation
Tree ordinance to preserve and protect established ecosystems and add trees

Housing
Affordable Housing
Density Issues
Over 55 All-inclusive communities

Infrastructure
Roads maintenance
East/West corridors (unpaved emergency issues)
Hospital (24/7 Emergency care)
Septic/Sanitation (Retro Fit)
Drainage
Public Services (Schools, Fire/Police, Emergency)
Sidewalks & Adequate lighting

Community Character
Beautification
Architecture and re-development guidelines
Image
Trees
Open spaces
Country atmosphere
Lose the stigma
A public space for everyone to interact
Upgrade "Weaver's Corners"

Other
Improvement in law enforcement of present laws
Stimulate economic growth (attract businesses, industry, provide training)
Positive, continued NFM representation at county level (may change current structure)
River walk (inclusive and not exclusionary)
Planned and controlled commercial business development

Transportation
Transportation infrastructure
Transit
Traffic
Pedestrian
Traffic and services to meet growth (automobile, bicycle, pedestrian, bus)
Bus routes and timing
Advanced planning of roads & right of ways
Public transportation

Landuse (facilities)
Zoning and code improvement (process and enforcement)
Uncontrolled expansion and growth, especially along Route 41
Designated hospital/emergency care facility
Infrastructure (fire, water, sewers
Economic development (restaurants, water access)
Spot zoning
Roads
Zoning
Development
Density
Medical corridor (specialists, diagnostics and treatment)

SYNTHESIZED SUBCOMMITTEES[1]

1. Environmental
   - Water use and quality
   - Tree ordinances
   - Preservation and protection of established ecosystems & wildlife
   - River clean up to prevent toxic run off
   - Proactive code enforcement

2. Community Character
   - Parks, Open space, Recreation (+ age 50; 2020 Riverfront parcels; River walk (inclusive—not exclusionary)
   - Beautification and trees
   - Public spaces (Interaction)
   - Arts and Culture
   - Image/Lose the stigma
   - Historic Preservation, retain country atmosphere
   - Upgrading of critical areas (e.g.,"Weaver's Corners")
   - Architecture and re-development guidelines
   - Zoning and code enforcement (process and enforcement; Spot zoning)
   - Civic infrastructure (Community building, public partnerships, NFM representation and leadership)
   - Education (training)
   - Safety, police presence, and lighting

3. Land Use (Facilities)
   - River access
   - Control expansion and growth
   - Density
   - Economic development (restaurants, water access)
   - Roads
   - Medical (medical corridor: specialists, treatment, etc; Hospital/ emergency facility)
   - Storm shelters
   - Evacuation routes

4. Transportation
   - Transportation infrastructure/Advanced planning of roads & right of ways
   - Transit/public transportation/Bus routes and timing
   - Pedestrian traffic & sidewalks
   - Traffic and services to meet growth (automobile, bicycle, pedestrian, bus)
   - East/West corridors (unpaved emergency issues)

5. Infrastructure
   - Fire
   - Water
   - Sewer & Drainage (Septic/sanitation retro fit)
   - Public Services (Schools, Fire/Police, Emergency)

6. Economic Development
   - Stimulate economic growth (attract businesses, industry, provide training)
   - Planned and controlled commercial business development

7. Housing
   - Affordable Housing
   - Density
   - Over 55 All-inclusive communities

8 Communication

EXPECTATIONS SUMMARIZED

EXPECTATIONS OF INDIVIDUALS

Commitment & Participation (to process, to meeting attendance, to volunteer, to involvement, to come prepared, to follow through, to fundraise, to work on subcommittees, willing to do research, dependable, meet deadlines)

Communication & Outreach (with panel, neighbors, County, businesses)

Manner of communication (open, constructive, solution-oriented, recognizes the diversity of opinions/ideas, listen)

Attitude (positive change, take pride in community, focus on big picture, focus on community needs, be open mind, be objective, be cooperative, be creative, be polite, be respectful, be fact-oriented, listen)

Good Leadership (from County, planners, subcommittee members, panel)

Self-preservation (protect community interests, trust in process, trust in County commitment)

EXPECTATIONS OF PROCESS

Inclusive and diverse. Participation from community

On-time (timeline and schedules are important)

NEEDS

Funding & resources for start up costs

Professionals. Should use professionals as guides to process

North Fort Myers Community Planning Interest List

Name	E-Mail Address
Bryan, Wayne C.	caraway2002@juno.com
Bud Fisher	bldmfisher@msn.com
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Canter, Arlene (Bunny)	bunnycanter@hotmail.com
Canter, John	
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Harry Wright	hwright1@prodigy.net
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Larkee, Tim & Joann	hpytrvlrs3@cs.com
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Roth, Judi	fannybrice@comcast.net
Schmidt, Diane C.	
Steil, Winifred	wtksg@yahoo.com
Terry Pye	tpnfmfd@yahoo.com
Toth, James L.	
Weis, Alan J.	ajweisfam@aol.com

North Fort Myers Community Planning Interest List

1) What are the biggest issues you see facing North Fort Myers?

- Unabridged use of ATV, Zoning, Annexation of land into Cape Coral
- Public Transportation, Landscape Changes, Zoning Codes, Youth Organizations, Beautification
- Uncontrolled, undisciplined, fragmented growth and all of the issues attendant to same, i.e. road congestion, natural resources, education, recreation, transportation, crime, health services, etc.
- Image, Economic Development, Zoning Enforcement
- Slow Road Construction, Growth Explosion, Traffic Control
- Uncontrolled growth without a master plan, health, code
- Need to focus on what our diverse community wants to see happen in NFM
- I want to see a coherent plan that takes into account heavy growth
- Rapid Growth, Lack of East/West Corridors
- Code Enforcement, Zoning, Traffic, Transportation, Medical Care
- Infrastructure, evacuation (storms, etc) mobile homes, communications – Bldg., school, roads, etc.
- Unplanned growth will ruin natural area. Hwy 41 corridor forgotten while new buildings put on Bayshore
- Uncontrolled growth, lack of zoning, traffic, lack of planning for road/utilities, open space, and lack of community design
- It's "tin can" "Red Neck" image, lack of infrastructure to handle growth, Economic Development to attract new businesses, professions, etc.
- Better zoning, traffic management, unchecked growth without preplanning of community needs, i.e. education, police, health care
- Increased development and traffic, Annexation by Cape Coral, Sprawl- Strip Mall etc. where industry/commercial development is placed relative to residential
- Control building along Route 41, Zoning to control Density & Plan uses, Be compassable, Stop Cape Coral from annexing current county land
- Uncontrolled expansion/growth, Incongruous admixture of community style, nature, image (i.e. Magnolia Image and Suncoast Estates), Need for Parks & Recreational Facilities
- Youth activities facilities and programs available to all, not just organized sports clubs (shuffle board, little league), Cape Coral annexation of commercial corridor issues, transportation now and build roads now, Drainage for existence subdivisions, do not create dikes with roads
- Transportation routes and operating times, Housing – affordable, shelters, Medical Center, More retail, Landscaping of all medians, Evacuation Routes
- Community Integration (Different MPEs, Sizes) Medical Facilities, More employment opportunities are desperately needed, Active Code Enforcement – we do not have an aggressive process, Standards – (signage, traffic control, noise, pollution, abatement) Environmental Issues – Dying Coloosahatchee River – it boarders are community and Recreational use of large 20/20 land – why cant we have some recreational use now!
- Image, overgrowth, safe growth, utilities & services, if growth continues, managing rural areas and allowing sensible growth, Economic Development
- Sustainable Growth (Workplace/homes) Visual appeal, housing – affordability, pedestrian use, Community concepts, quality of places
- Image, Neighborhood Safety, More parks and recreation areas, entertainment, adequate lighting on highways and streets, Upgrade Weavers Corner, Protection of trees and natural habitats, Quality restaurants and businesses, Bike paths

North Fort Myers Community Planning Interest List

2) What would you want the community planning effort to change in North Fort Myers?

- Restricted use of ATV
- Beautification, Public Offerings
- Undisciplined to strategically driven growth, including all of the infrastructure, sub-structure, and super-structure elements, components, interrelationships, etc.
- Image, Economic Development, Zoning Enforcement
- It's Image, Positive PR – Tourist, Attractions – (Riverwalk North of River) Medical Facility
- Community Center, Traffic, Get rid of Billboards, Clean up trailer parks – crime, Riverwalk, Schools
- Retain as much of rural/suburban character as we can agree to
- I have only been here for a month, I don't have bad impressions of N. Fort Myers
- The negative image of North Fort Myers
- Nothing Illicit
- Traffic – Auto, Bike, Walking
- Landscaping , Industry
- Attitude – People have a voice and people that listen paint a picture of what NFM can be in the future 20/20 uses
- Maintain beauty – nature – small town feel
- Not to allow an over abundance of strip malls along US 41 in North Fort Myers
- Its' image and commercial development
- Better zoning, preplanned development of land use
- Planning process (information, flow, annexation process, zoning changes and approvals)
- Provide community design
- Turn "Anarchy" into informed control of growth, Turn lack of knowledge by citizens into clearer understanding of problems and issues and potential solutions, Create regular authoritative communication
- Make North Fort Myers the show place of Lee County
- Make it more cohesive community
- Creation of an effort to allow input from residents, allow for evolution/guidance of this community that holds County Administration Responsible
- To lay out and structure a growth plan instead of do it as you go planning
- Redevelopment/rejuvenation guidelines, architectural guidelines with in communities, districts, pedestrian use linkages, desirable enjoyable commercial centers, road access, road beautification, land use designations for sustainability, public water access and recreation
- Cape Coral traffic patters down Bayshore to and from I-75, noise of loud cars, trucks and cycles (put up a wall to cut down on noise), Pollution in neighborhoods that have come close to roads because of highway expansions, medical corridor, & water access

North Fort Myers Community Planning Interest List

3) What would you want the community planning effort to protect in North Fort Myers?

- Residential Curfews, Peaceful Environments
- Land
- Natural Resources, (H2O, Flora, Fauma, Etc.) Open Spaces
- Image, Economic Development, Zoning Enforcement
- Open
- Open Space no more high rises
- I would like to protect large parcels of green spaced for migrating birds
- The river is one of our greatest assets
- Multiple little villages or areas unique
- Trees, Waterways, Small Neighborhoods
- Single family housing, Low income housing roads
- Rural – Life
- Greenspace, Traffic considered before communities/buildings approved
- Open Space, Develop a community design
- Annexation by City of Cape Coral, property values
- Open Space
- Open Space, Waterfront, Community design and continuity
- Keep open space, waterfront
- Environment, Supply of resources and services in concert with growth and development, Interests of differing socio-economic growth
- Adequate open space, protect environment (don't bulldoze all the trees)
- 20/20 lands by acquisition
- Property Values, Appearance, Quality of Life, Health/Well Being, Law Protection
- To protect the whole community and its diverse land used, to listen to subcommittees suggestions not to allow personal agendas to rule anything. Business, Rural, Land Use, Affordable Housing and high end housing all have places in NFM
- Affordable housing options, people sense of community, existing water park access
- A 5 to 15 year plan for starters – Wild Life, trees, Country atmosphere, preserve agricultural areas and don't trade for commercial or residential, quality of life property.

North Fort Myers Community Planning Inter

Name	Address	City, State, Zip	E-Mail Address	
Bryan, Wayne C.	20763 Mystic Way (Heron Glens)	N. Fort Myers, FL 33917	caraway2002@juno.com	Planning
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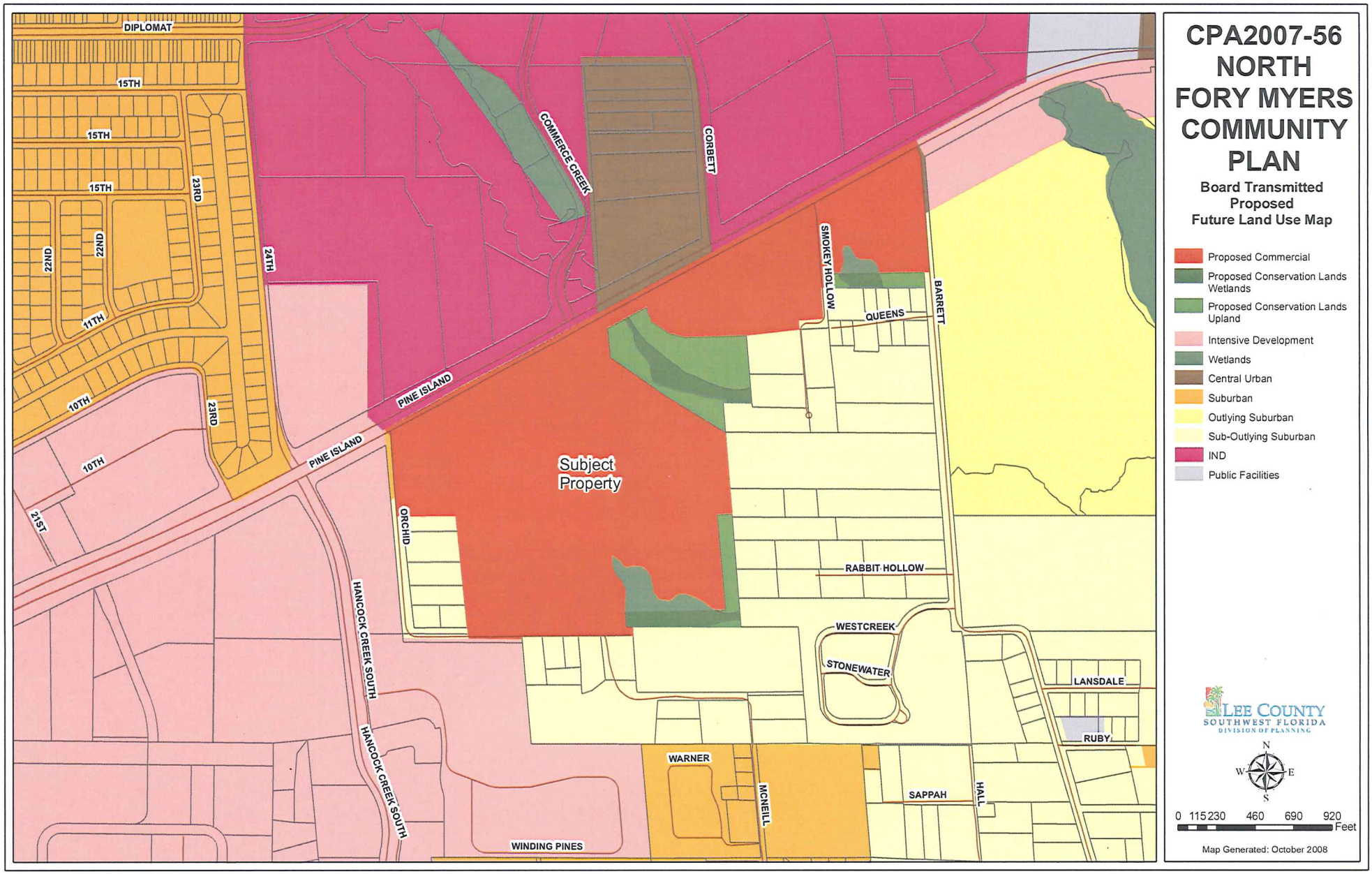
Burton, Daryl	42 Willis Road	N. Fort Myers, FL 33917	db4674@aol.com	Roads, H
Canter, Arlene (Bunny)			bunnycanter@hotmail.com	Most An
Canter, John				Ecology,
David James	876 Odyssea Ct.	Fort Myers, FL 33917	djames@swfla.rr.com	Environr
Gardner, John	390 Pondella Road, #1	N. Fort Myers, FL 33903	jrendrag@earthlink.net	Main Pa
Gillespie, James	2020 Lakeville Drive	N. Fort Myers, FL 33917	newsuncoast@aol.com	Open
Harry Wright			hwright1@prodigy.net	
Horvath, Sandra C. , RN	16296 Willow Stream Lane	N. Fort Myers, FL 33917	sandrade9@yahoo.com	Health, F
Howerton, Jack T.	1758 Coral Way	N. Fort Myers, FL 33917	jkhowerton@comcast.net	Code En
Jared Beck			jaredbeck@wilsonmiller.com	
Jerry DeRogatis	20624 Kayla Way	N. Fort Myers, FL 33917	TJ20624@aol.com	
John Majdiak	5898 Littlestone Court Unit C	North Fort Myers, FL 33909	lochmoor34@earthlink.net	
Kulpanowski, David			dkulpano@beazer.com	
Larkee, Tim & Joann	2476 Bridge Road, Yacht Club Colony	N. Fort Myers, FL 33917	hpytrvlrs3@cs.com	
Lisa Ziegle	979 Lovely Lane	N. Fort Myers, FL 33903	lziegler33917@yahoo.com	Beautific
Makepeace, Bonnie & Gregg			bopntop@aol.com	Roads, H
Meckley, Earl	7711 Marx Drive	N. Fort Myers, FL 33917		
Mumm, Cury			cury4trips1@juno.com	P.R.
Murray, Robert	787 Overiver Drive	N. Fort Myers, FL 33903	murrayrob@aol.com	Economi
Murray, Wendy	787 Overiver Drive	N. Fort Myers, FL 33903	seniorlifeoflee@aol.com	Economi
Nardone, Edmund			jeaned@rcn.com	
Page, Bert			bandjpage@swfla.rr.com	
Peg Crishal	2080 Valparaiso Blvd	Fort Myers, FL 33917		
Pierce, Mary Alice	1678 Temple Terrace	N. Fort Myers, FL 33917	mapoffl@yahoo.com	Traffic, E
Roth, Judi	9486 Palm Island Circle	N. Fort Myers, FL 33903	fannybrice@comcast.net	Landsca
Schmidt, Diane C.	3576 Odyssea Court	Fort Myers, FL 33917		Environr
Steil, Winifred			wtksq@yahoo.com	
Terry Pye			tpnfmfd@yahoo.com	
Toth, James L.	203 Nicklaus Blvd	N. Fort Myers, FL 33903		Infrastru

Weis, Alan J.	340 Lakeview Drive	N. Fort Myers, FL 33917	ajweisfam@aol.com	Youth Ac


DIPLOMAT
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PINE ISLAND
PINE ISLAND
COMMERCE CREEK
CORBETT
SMOKEY HOLLOW
QUEENS
BARRETT
Subject Property
ORCHID
RABBIT HOLLOW
WESTCREEK
STONEWATER
LANSDALE
RUBY
HANCOCK CREEK SOUTH
HANCOCK CREEK SOUTH
WARNER
MCNEILL
SAPPAH
HALL
WINDING PINES
CPA2007-56
NORTH FORY MYERS COMMUNITY PLAN
Board Transmitted Proposed Future Land Use Map
Proposed Commercial
Proposed Conservation Lands Wetlands
Proposed Conservation Lands Upland
Intensive Development
Wetlands
Central Urban
Suburban
Outlying Suburban
Sub-Outlying Suburban
IND
Public Facilities
LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING
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Map Generated: October 2008

STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Date: September 19, 2008
To: Jim Mudd, Principal Planner

From: Aaron Martin, Environmental Planner
Phone: (239) 533-8522
e-mail:amartin@leegov.com

Project: North Fort Myers Community Plan Amendment
Case: CPA2007-00056
STRAP: Multiple Straps

The Division of Environmental Sciences (ES) staff has reviewed the proposed North Fort Myers Community Plan amendment and offer the following analysis and recommended conditions:

PROJECT SITE:
The ± 85.3 acre project is located on the south side of Pine Island Rd approximately 1 mile west of US 41, and is zoned AG-2 and RS-1. The project is bordered to the north by Bayshore Rd, to the east by Barrett Rd and residential homes, and to the south and west by Orchid Rd and residential homes. The applicant's request is to change the Future Land Use Map from Suburban, Central Urban, and Sub-Outlying Suburban to Commercial land use.

The subject property consists of the following communities:5.7 acres Improved Pastures (FLUCCS 211), 17.1 acres Pine Flatwoods (FLUCCS 411), 2.4 acres Pine Flatwoods Disturbed (FLUCCS 411D), 0.7 acres Pine Mesic Oak (FLUCCS 414), 13.3 acres Pine Mesic Oak Disturbed (FLUCCS 414D), 1.4 acres Pine Mesic Oak Invaded by Exotics 11-25% (FLUCCS 414 E1), 0.4 acres Pine Mesic Oak Invaded by Exotics 76-90% (FLUCCS 414E4), 8.8 acres Brazillian Pepper (FLUCCS 422), 4.2 acres Live Oak Disturbed Invaded by Exotics 26-50% (FLUCCS 427DE2), 2.8 acres Cabbage Palm Invaded by Exotics 5-9% (FLUCCS 428E), 1.3 acres Hydric Cabbage Palm (428H), 0.6 acres Streams and Waterways (FLUCCS 510), 0.1 acres Ditches (FLUCCS 510D), 0.8 acres Willow (FLUCCS 618), 10.0 acres Disturbed Land (FLUCCS 740), 7.0 acres Borrow Areas (FLUCCS 742), and 6.9 acres Spoil Areas (FLUCCS 743).

The project area contains two tributaries. The first, Hancock Creek, connects underneath Bayshore Rd to the north, and runs through the property offsite to the southeast where it eventually connects to Yellow Fever Creek which out falls into the Caloosahatchee River. The second, is an unnamed tributary running east to west along the south project line which connects to Yellow Fever Creek. The indigenous vegetative community abutting Hancock Creek and is less than 25% exotics and consists of Pine Mesic Oak (FLUCCS 414E1), Pine Flatwoods (FLUCCS 411), Pine Mesic Oak

(FLUCCS 414), and Hydric Cabbage Palm (FLUCCS 428H). The indigenous vegetative community abutting the second tributary are less than 9% exotics and consists of Pine Flatwoods (FLUCCS 411) and Cabbage Palm (FLUCCS 428E). These areas are considered to be high quality indigenous areas, due to the low exotic infestation in the communities adjacent to these tributaries .

Per LeePlan **Objective 1.4 Policy 1.4.6**, the Conservation Lands land use categories were created to accurately depict the use of lands for conservation purposes. Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. The Conservation Lands FLUM category are for lands that are primarily used to conserve important natural resources, environmentally sensitive areas, significant archeological or historical resources, or other conservation uses. Conservation Lands typically include such uses as wildlife preserves; large wetland and upland mitigation areas; natural resource based parks; and water conservation lands such as aquifer recharge areas, flow-ways, flood prone areas and well fields.

The Conservation Lands objective is to put into the public domain private lands that provide the following public benefits:

- Sustain native plant and animal populations;
- Help protect people and property from flooding;
- Help replenish our underground drinking water supply;
- Help to improve or sustain the water quality of our coastal bays, inlets;
- Provide ecotourism opportunities, and
- Provide local environmentally oriented recreational and educational opportunities.

The Board of County Commissioners has provided policy guidance to staff to maintain wildlife corridors and green space connections to ensure the preservation of indigenous plant and animal habitat throughout the County.

The tributaries on site are natural water ways. Utilizing the conservation lands use category over a portion of the high quality indigenous areas adjacent to the tributaries would provide natural water-way buffers as well as buffers between portions of the adjacent residential and proposed commercial land use areas on site (see attached ES Staff Exhibit 1). In addition, ES staff recommends preservation of a 1.36 acre/Minimum 100' wide area in the NE corner of the project (see attached ES Staff Exhibit 1). This will serve as a buffer to the residents to the south. The utilization of the conservation land use category would also serve to protect the indigenous habitat while providing a wildlife corridor within the project boundaries. This would also ensure the long term protection of the natural waterways.

The following Comprehensive Plan Goals, Objectives and Policies further support ES Staff's recommendation for the conservation land use category for this project:

- **Policy 1.4.6:** *Conservation Lands land use category was created to accurately depict the use of lands for conservation purposes. Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. The Conservation Lands FLUM category is for lands that are primarily used to conserve important natural resources, environmentally sensitive areas, significant archeological or historical resources, or other conservation uses. Conservation Lands typically include such uses as wildlife preserves; large wetland and upland mitigation areas; natural resource based parks; and water conservation lands such as aquifer recharge areas, flow-ways, flood prone areas and well fields.*

  The staff has worked diligently with the applicant to designate conservation lands on the parcel, however we were unable to reach an agreement. Thus, staff has designated a conservation land use map (see the attached exhibit) which we feel meets the intent of the conservation land use policy along with LeePlan policies and the LDC. By utilizing the conservation land use category over the high quality indigenous areas adjacent to the tributaries and in the north east corner of the project would not only provide buffers, but also meet the intent of the conservation land use category by preserving flow-ways and wildlife habitat.

- **Policy 6.1.4:** *Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.*

  &

  Policy 6.1.6: *The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.*

  Utilizing the conservation land use category over the high quality indigenous areas adjacent to the tributaries and in the north east corner of the project would provide a transition between the adjacent residential and proposed commercial uses. In addition, the Board of County Commissioner's policy guidance urges staff to seek preservation of a minimum fifty foot buffer along all natural waterways.

- **Standard 11.4: Environmental Review Factors.** *In any case where there exists or there is the probability of environmentally sensitive areas the developer must propose means to protect, conserve, or preserve the environmental and natural resources.*

  The project site contains high quality indigenous habitat as well as natural water ways that flow into the larger coastal estuaries via the Caloosahatchee River.
  ES Staff recommends the use of conservation lands category to preserve these environmentally sensitive habitats and flow-ways.

- **Objective 60.5: Incorporation of Green Infrastructure into the Surface Water Management Plan.** *The long-term benefits of green infrastructure as part of the surface water management system includes improved water quality, improved infiltration, wild life habitat and recreational opportunities. Policy 60.5.3: states that the County encourages the preservation of existing natural flow-ways and restoration of historic natural flow-ways.*

  The two tributaries on site are natural flow-ways and as such should be placed in the conservation lands future land use category to provide a wildlife corridor and protect drainage flow in the area.

- **Objective 61.2: Mimicking the function of natural systems.** *Support a surface water management strategy that relies on natural features (flow-ways, sloughs, creeks, etc.) to help manage storm and surface water. Objective 61.3: Lee County will continue to provide design standards for development protective of the function of natural drainage systems.*

  The two tributaries on site, both natural waterways, should be incorporated into the surface water management system to help maintain the historic flow-way.

- **Objective 77.3:** *New developments must use innovative open space design to preserve existing native vegetation and buffer adjacent uses.* **Policy 77.3.3:** *The County encourages new developments to incorporate large contiguous open space areas in their development design.*

  Placing the high quality indigenous vegetation and tributaries into conservation land use category will provide interconnectivity between the adjacent flow-ways offsite and a buffer zone between the adjacent residential and proposed commercial land uses. This could provide for large open space areas, which may be utilized as wildlife corridors.

- **Goal 107: Resource Management Plan.** *The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydro ecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape.*

  The tributaries onsite are an important wildlife link between lands to the north and the Caloosahatchee River. The proposed land use change has the opportunity to provide a preserve that can provide wildlife habitat and a wildlife corridor, while maintaining natural flow-ways offsite.

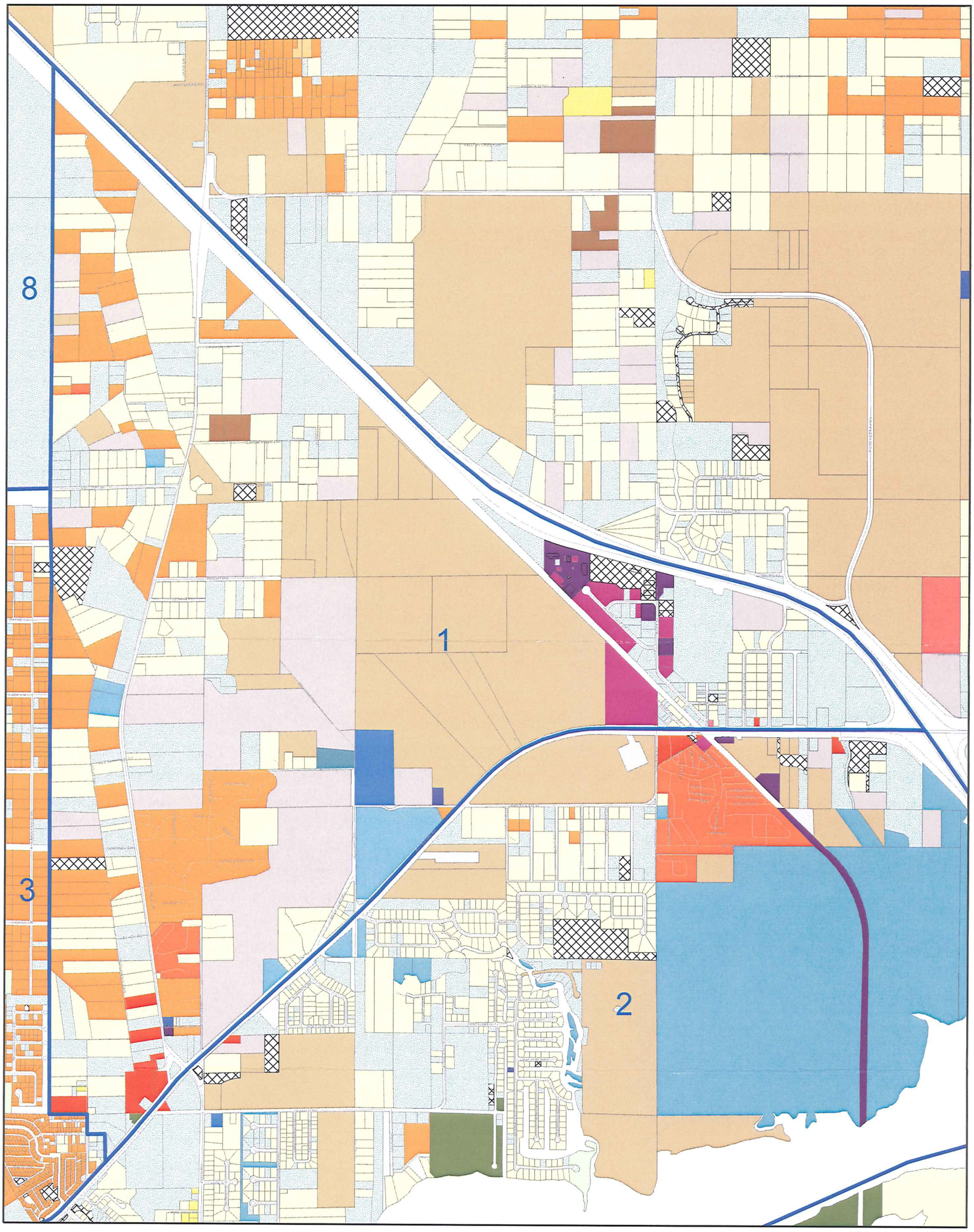
Utilizing the conservation lands future land use category for the high quality indigenous habitat adjacent to the tributaries on site will provide:

- A natural buffer zone between adjacent residential and commercial use;
- An indigenous high quality wildlife habitat;
- The preserve of the natural flow-ways onsite;
- A wildlife connection and corridor through the wetlands allowing connectivity from the tributaries to Yellow Fever Creek and ultimately the Caloosahatchee River for water dependent wildlife, and

Planning Community - North Fort Myers

Existing Land Use

Area 1



Map Generated: January 2007

Note: Due to changes in Parcel Numbering, some existing land use information is not depicted on the Existing Land Use Map.

Legend

Existing Land Use
- Data Error

Residential
- Single Family
- Duplex
- Multi-Family
- Mobile Home
- Other
- Amenity

Commercial
- Office
- Service
- Hotel
- Retail

Industrial
- Warehouse
- Other

Public\Quasi Public
- Open Areas (includes Golf)
- Park
- Non-Profit Org
- Utilities
- Government
- Education

Agriculture
- Pasture
- Farming

Other
- Wetlands
- Multiple Uses
- Vacant
- Rights of Way
- City Limits

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LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

LEGAL ADVERTISEMENT FOR
CN-06-19
NORTH FORT MYERS COMMUNITY PLANNING STUDY

CONSULTANTS ARE ADVISED THAT THE BOARD OF COUNTY COMMISSIONERS HAS ADOPTED A POLICY ESTABLISHING AN OVERALL 10% GOAL FOR LOCAL DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION IN COUNTY SERVICES. CONSULTANTS WILL TAKE ALL REASONABLE AND NECESSARY AFFIRMATIVE STEPS TO ASSURE THAT LOCAL DBE FIRMS WILL BE UTILIZED FOR THIS PROJECT.

Consultants are advised that the Board of County Commissioners adopted Lee County Ordinance No. 92-22 whereby prohibiting the County from soliciting a professional services firm to perform project design and/or construction services if the firm has or had been retained to perform the project feasibility planning or study analysis. A copy of said ordinance may be obtained from Lee County Contracts Management, at (239) 335-2183.

The Lee County Board of County Commissioners invites Letters of Interest from Consultants to provide professional services for the project known as **North Fort Myers Community Planning Study**. The purpose of this planning study is to assist the North Fort Myers Community in developing a vision for future development and redevelopment of their community and to identify major issues and to help the community identify a brand or identity for North Fort Myers that will help instill a positive image for residents and others.

Before submitting Letters of Interest, interested Consultants **must** obtain from Lee County Contracts Management, 1500 Monroe St., 4th FL, Fort Myers, FL 33901 or by calling (239) 335-2183 a copy of the complete Competitive Negotiations package dated August 25, 2006 for this project. **Or you may download these documents from our Internet site at** www.lee-county.com/contracts **(under Projects Bulletin). Please Note: if the Official Documents are not obtained from Lee County Contracts Management (either by request or downloading), or are modified in any manner, these Letters of Interest will not be accepted for consideration by the County.**

All firms are hereby placed on notice that the County Commission nor any employees from the Project Sponsoring Department nor members of the Competitive Negotiation Committee wish to be lobbied either individually or collectively about this project. Firms and their agents are hereby placed on notice that they are not to contact members of the County Commission or staff members for such purposes as holding meetings of introduction, dinners, etc. to influence the outcome of the selection process, if they intend to, or have submitted a proposal or Letter of Interest for this project.

All Letters of Interest must be submitted via email (to ContractsInBox@leegov.com) or in person to Lee County Contracts Management on the 4th Floor of the Community Development/Public Works Center at 1500 Monroe St., Fort Myers, Florida 33901, not later than 2:00 p.m., **Tuesday, September 12, 2006.**

THIS DOCUMENT CAN BE MADE AVAILABLE IN ALTERNATIVE ACCESSIBLE FORMATS TO PERSONS WITH DISABILITIES, UPON REQUEST.

LEGAL AD
TO RUN: Friday, August 25, 2006

NOTICE OF COMPETITIVE NEGOTIATION
CN-06-19
NORTH FORT MYERS COMMUNITY PLANNING STUDY

Dated: AUGUST 25, 2006

Notice To Interested Consultants: Before submitting Letters of Interest, interested Consultants **must** obtain from Lee County Contracts Management, 1500 Monroe St., 4th FL, Fort Myers, FL 33901 or by calling (239) 335-2183 a copy of the complete Competitive Negotiations package dated August 25, 2006, for this project. **You may also download these documents from our Internet site at** www.lee-county.com/contracts **(under Projects Bulletin). Please Note: if the Official Documents are not obtained directly from Lee County Contracts Management (either by request or downloading), or are modified in any manner, these Letters of Interest will not be accepted for consideration by the County.**

All Letters of Interest must be submitted via email (to **ContractsInBox@leegov.com**) or in person to Lee County Contracts Management on the 4th Floor of the Community Development/Public Works Center at 1500 Monroe St., Fort Myers, Florida 33901, not later than **2:00 p.m., Tuesday, September 12, 2006**. Please read the Response Procedure carefully!

The Lee County Board of County Commissioners anticipates seeking professional consultant services on the project listed in this advertisement. Consideration will be given to only those firms that are qualified pursuant to law.

SELECTION PROCEDURE: The selection of the Consultant will be made in accordance with Lee County Procurement Policy and Chapter 287.055 Florida Statutes. Some or all of the responding firms may be requested to provide telephone interviews or written or oral technical proposals (or both), for the ranking process. After ranking of the consultants by the BOCC, the contract fee will be negotiated in accordance with Section 287.055, Florida Statues.

Note: For estimated short-list and final selection meeting dates they can be reviewed on the Contracts Management web page at ***www.lee-county.com/contracts***. For more information contact the Contracts Office at 239-335-2183.

RESPONSE PROCEDURE: Qualified consultants are encouraged to submit a Letter of Interest for the project by **2:00 PM** Eastern time on the specified date indicated above. **Letters of Interest will be submitted as attached files to E-Mail or in Person to the indicated response address and will be composed of a single file, not to exceed 0.5 MB in size, in Adobe PDF format (unzipped), and will not exceed three (3) pages in length unless otherwise specified. Letters of Interest should not contain links to other Web pages and will, at a minimum, include the following information:**

a. Project CN number and Name
b. Consultant's name and address
c. Proposed responsible office for consultant
d. Contact person, phone and fax number and Internet Email Address
e. Statement regarding prequalifications of consultant and/or proposed sub-consultants for the advertised work
f. Proposed key personnel and their proposed roles (do not include resumes)
g. Sub-consultant(s) that may be used for the project
h. Indication as to whether the prime firm and/or sub-consultants are A Disadvantaged Business Enterprises (DBE)
i. The third page will consist of the Project Teams approach to the project

The delivery of said Letter of Interest to Lee County prior to or on the time and date as stated in the Notice is solely and strictly the responsibility of the Consultant. Lee County shall not be responsible for delays caused by the E-mail System(s), United States Postal Service, Overnight Express Mail Services, or for delays caused by any other occurrence. The County expressly reserves the sole and exclusive right to accept or reject a late Letter of Interest when the lateness is due to matters beyond the control of any third party delivery service. Late Letters of Interest may be returned to the Consultant with the notation: "This Letter of Interest was received after the specified deadline time".

Lee County Proposed Scope of Services
For
CN-06-19
NORTH FORT MYERS COMMUNITY PLANNING STUDY

Major/Minor Work

Lee County, Florida is requesting letters of interest for a planning study for the area of the County known as North Fort Myers. The community is located east of the City of Cape Coral, west of I-75, north of the Caloosahatchee River and south of the Lee/Charlotte County line.

The purpose of this planning study is to assist the North Fort Myers community in developing a vision for future development and redevelopment of their community, to identify major issues and to help the community identify a brand or identity for North Fort Myers that will help instill a positive image for residents and others. Components of the North Fort Myers community plan will include but not be limited to the following:

- Drawing on the work of the North Fort Myers planning panel, complete a comprehensive visioning process with the North Fort Myers Community.
- Assist the North Fort Myers planning panel and the community in updating the Vision Statement for North Fort Myers for inclusion in the Lee Plan.
- Identify major issues in the North Fort Myers community and propose solutions or recommendations to remedy them.
- Assist the community in the development of a brand or identity for North Fort Myers that will create a positive image of the community for both its residents and for others.
- Explore options such as an overlay district or other planning tool for the area south of Pondella Road, between North Cleveland Avenue and Business 41 with the planning panel and the community to help resolve planning problems and to assist with redevelopment.
- Present the North Fort Myers community plan to the North Fort Myers planning panel, staff and the Board of County Commissioners.

Project Description:

North Fort Myers has experienced modest, near linear growth through the 1990's, with a 2002 permanent population estimated at 45,934. With the skyrocketing property values in other parts of Lee County over the last five years it is expected that North Fort Myers will see tremendous development and redevelopment activities in coming years. There are zoning approvals in North Fort Myers for several thousand dwelling units and several thousand more are pending.

Residents of the North Fort Myers community have formed a nine member planning panel and nine sub-committees for the purpose of developing a community plan for North Fort Myers. They have been holding regularly scheduled monthly meetings with the full planning board and the subcommittees will give presentations to the planning panel in September to summarize major issues that they have identified through their meetings. The planning panel, subcommittees and residents will play a key role in the development of the North Fort Myers community plan.

Project Dates:

Advertisement Date	Friday, August 25, 2006
Response Deadline	Tuesday, September 12, 2006 @ 2:00 p.m.
Respond to	*ContractsInBox@leegov.com*
Phone	(239) 335-2183

NORTH FORT MYERS COMMUNITY PLANNING
June 5 Summary Meeting Notes
Prepared by Dr. Margaret Banyan

Residents of North Fort Myers met to deliberate on the process of forming a Planning Panel and Subcommittee structure to author a community plan. After a good discussion of alternatives and options participants agreed to the following:

1) Subcommittees.
   a) Subcommittee structure was developed over the course of 3-4 meetings with major issues identified for the community.
   b) Participants agreed that the subcommittee structure would be flexible, in that should a new subcommittee be needed it would be added tentatively by a vote of the Planning Panel.
   c) Participants also recognized that there may not be a Chair of each subcommittee identified in the short term, so some participants were asked to function as a chair/facilitator/contact until such a time that a Chair was willing to serve.
      i) The following 9 subcommittees were agreed upon:
         (1) Affordable Housing—Bunny Canter (Interim Chair)
         (2) Communications—John Canter (Chair)
         (3) Community Character——Jared Beck (Chair)
         (4) Economic Development—Dena Martin (Chair); Gregg Makepeace (Co-Chair (?))
         (5) Environmental--Debbie Jackow (Chair)
         (6) Health and Human Services—Judi Roth (Chair); Sandra Horvath, R.N. (Vice Chair)
         (7) Infrastructure—Jim Toth (Chair)
         (8) Land Use & Facilities--Diane Schmidt (Contact ;543-1591)
         (9) Transportation and Roads—John Gardner (Chair); Gregg Makepeace (Co-Chair(?))

2) Planning Panel.
   a) The Planning Panel structure was developed over the course of 3-4 meetings with considerable discussion of the strengths and weaknesses of alternative options.
   b) Participants identified their preference for "Option 1" with additional flexibility built into the structure.
   c) Participants agreed that at the next North Fort Myers Planning Panel meeting further procedural rules will be developed (e.g., removal of Planning Panel members, transition of Subcommittees throughout the process, etc.)
   d) "Option 1" consists of the following structure:
      i) Subcommittees focus on substantive sections of the community plan
      ii) Subcommittees identify a chair and/or liaison to the Planning Panel
      iii) Planning Panel consists of Subcommittee representatives
      iv) Planning Panel chooses its officers (e.g., President, V.P., Secretary, etc.) and procedural rules

v) Planning Panel reserves opportunity to identify and appoint no more than 9 (or a number no greater than the Subcommittee positions) at large members to provide additional representation (*final number and process will be determined by Planning Panel*).
vi) Subcommittee replacements to the Planning Panel made at the Subcommittee level
vii) At large member replacements to the Planning Panel will be determined by initial Planning Panel as part of its procedural rules

3) Additional Notes (Parking Lot items to be considered later)
   a) Participation. Participants recognized the need for additional community-wide participation in the process. The Communications Subcommittee and others will work to ensure that extensive notice and encouragement is given to community members to participate. One participant expressed the desire to communicate with the public through television or advertising time.
   b) Potential At-Large Member suggestions: Mobile Home representative, Fire representative, James Gillespie

4) Next Meeting to be held on June 26, 2006 at 6pm. Agenda items to include electing officers and creating procedural rules.

North Fort Myers Community Planning Interest List

Name	Address	City, State, Zip	E-Mail Address	Committees
Bryan, Wayne C.	20763 Mystic Way (Heron Glens)	N. Fort Myers, FL 33917	caraway2002@juno.com	Planning Oct - April (Snowbird)
Bud Fisher			bldmfisher@msn.com	
Burton, Daryl	42 Willis Road	N. Fort Myers, FL 33917	db4674@aol.com	Roads, Housing Development
Canter, Arlene (Bunny)			bunnycanter@hotmail.com	Most Anything
Canter, John				Ecology, Government, Land Use
David James	876 Odyssea Ct.	Fort Myers, FL 33917	djames@swfla.rr.com	Environment
Gardner, John	390 Pondella Road, #1	N. Fort Myers, FL 33903	jrendrag@earthlink.net	Main Panel
Gillespie, James	2020 Lakeville Drive	N. Fort Myers, FL 33917	newsuncoast@aol.com	Open
Harry Wright			hwright1@prodigy.net	
Horvath, Sandra C. , RN	16296 Willow Stream Lane	N. Fort Myers, FL 33917	sandrade9@yahoo.com	Health, Recreation, Safety
Howerton, Jack T.	1758 Coral Way	N. Fort Myers, FL 33917	jkhowerton@comcast.net	Code Enf., Medical Fac. Land Use, & Environ.
Jared Beck			jaredbeck@wilsonmiller.com	
Jerry DeRogatis	20624 Kayla Way	N. Fort Myers, FL 33917	TJ20624@aol.com	
John Majdiak	5898 Littlestone Court Unit C	North Fort Myers, FL 33909	lochmoor34@earthlink.net	
Kulpanowski, David			dkulpano@beazer.com	
Larkee, Tim & Joann	2476 Bridge Road, Yacht Club Colony	N. Fort Myers, FL 33917	hpytrvlrs3@cs.com	
Lisa Ziegle	979 Lovely Lane	N. Fort Myers, FL 33903	lziegler33917@yahoo.com	Beautification/Community Changes
Makepeace, Bonnie & Gregg			bopntop@aol.com	Roads, Housing, Codes, 20/20
Meckley, Earl	7711 Marx Drive	N. Fort Myers, FL 33917		
Mumm, Cury			cury4trips1@juno.com	P.R.
Murray, Robert	787 Overiver Drive	N. Fort Myers, FL 33903	murrayrob@aol.com	Economic Development, Environmental
Murray, Wendy	787 Overiver Drive	N. Fort Myers, FL 33903	seniorlifeoflee@aol.com	Economic Development
Nardone, Edmund			jeaned@rcn.com	
Page, Bert			bandjpage@swfla.rr.com	
Peg Crishal	2080 Valparaiso Blvd	Fort Myers, FL 33917		
Pierce, Mary Alice	1678 Temple Terrace	N. Fort Myers, FL 33917	mapoffl@yahoo.com	Traffic, Environment
Roth, Judi	9486 Palm Island Circle	N. Fort Myers, FL 33903	fannybrice@comcast.net	Landscaping, Transportation, Ancillary Svs.
Schmidt, Diane C.	3576 Odyssea Court	Fort Myers, FL 33917		Environment, Education
Steil, Winifred			wtksg@yahoo.com	
Terry Pye			tpnfmfd@yahoo.com	
Toth, James L.	203 Nicklaus Blvd	N. Fort Myers, FL 33903		Infrastructure - Utilities
Weis, Alan J.	340 Lakeview Drive	N. Fort Myers, FL 33917	ajweisfam@aol.com	Youth Activities, Facilites, Drainage

North Fort Myers Community Planning Interest List

Name	E-Mail Address
Bryan, Wayne C.	caraway2002@juno.com
Bud Fisher	bldmfisher@msn.com
Burton, Daryl	db4674@aol.com
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North Fort Myers Community Planning Interest List

1. What are the biggest issues you see facing North Fort Myers?

- Unabridged use of ATV, Zoning, Annexation of land into Cape Coral
- Public Transportation, Landscape Changes, Zoning Codes, Youth Organizations, Beautification
- Uncontrolled, undisciplined, fragmented growth and all of the issues attendant to same, i.e. road congestion, natural resources, education, recreation, transportation, crime, health services, etc.
- Image, Economic Development, Zoning Enforcement
- Slow Road Construction, Growth Explosion, Traffic Control
- Uncontrolled growth without a master plan, health, code
- Need to focus on what our diverse community wants to see happen in NFM
- I want to see a coherent plan that takes into account heavy growth
- Rapid Growth, Lack of East/West Corridors
- Code Enforcement, Zoning, Traffic, Transportation, Medical Care
- Infrastructure, evacuation (storms, etc) mobile homes, communications – Bldg., school, roads, etc.
- Unplanned growth will ruin natural area. Hwy 41 corridor forgotten while new buildings put on Bayshore
- Uncontrolled growth, lack of zoning, traffic, lack of planning for road/utilities, open space, and lack of community design
- It's "tin can" "Red Neck" image, lack of infrastructure to handle growth, Economic Development to attract new businesses, professions, etc.
- Better zoning, traffic management, unchecked growth without preplanning of community needs, i.e. education, police, health care
- Increased development and traffic, Annexation by Cape Coral, Sprawl- Strip Mall etc. where industry/commercial development is placed relative to residential
- Control building along Route 41, Zoning to control Density & Plan uses, Be compassable, Stop Cape Coral from annexing current county land
- Uncontrolled expansion/growth, Incongruous admixture of community style, nature, image (i.e. Magnolia Image and Suncoast Estates), Need for Parks & Recreational Facilities
- Youth activities facilities and programs available to all, not just organized sports clubs (shuffle board, little league), Cape Coral annexation of commercial corridor issues, transportation now and build roads now, Drainage for existence subdivisions, do not create dikes with roads
- Transportation routes and operating times, Housing – affordable, shelters, Medical Center, More retail, Landscaping of all medians, Evacuation Routes
- Community Integration (Different MPEs, Sizes) Medical Facilities, More employment opportunities are desperately needed, Active Code Enforcement – we do not have an aggressive process, Standards – (signage, traffic control, noise, pollution, abatement) Environmental Issues – Dying Coloosahatchee River – it boarders are community and Recreational use of large 20/20 land – why cant we have some recreational use now!
- Image, overgrowth, safe growth, utilities & services, if growth continues, managing rural areas and allowing sensible growth, Economic Development
- Sustainable Growth (Workplace/homes) Visual appeal, housing – affordability, pedestrian use, Community concepts, quality of places
- Image, Neighborhood Safety, More parks and recreation areas, entertainment, adequate lighting on highways and streets, Upgrade Weavers Corner, Protection of trees and natural habitats, Quality restaurants and businesses, Bike paths

North Fort Myers Community Planning Interest List

2. What would you want the community planning effort to change in North Fort Myers?

- Restricted use of ATV
- Beautification, Public Offerings
- Undisciplined to strategically driven growth, including all of the infrastructure, sub-structure, and super-structure elements, components, interrelationships, etc.
- Image, Economic Development, Zoning Enforcement
- It's Image, Positive PR – Tourist, Attractions – (Riverwalk North of River) Medical Facility
- Community Center, Traffic, Get rid of Billboards, Clean up trailer parks – crime, Riverwalk, Schools
- Retain as much of rural/suburban character as we can agree to
- I have only been here for a month, I don't have bad impressions of N. Fort Myers
- The negative image of North Fort Myers
- Nothing Illicit
- Traffic – Auto, Bike, Walking
- Landscaping , Industry
- Attitude – People have a voice and people that listen paint a picture of what NFM can be in the future 20/20 uses
- Maintain beauty – nature – small town feel
- Not to allow an over abundance of strip malls along US 41 in North Fort Myers
- Its' image and commercial development
- Better zoning, preplanned development of land use
- Planning process (information, flow, annexation process, zoning changes and approvals)
- Provide community design
- Turn "Anarchy" into informed control of growth, Turn lack of knowledge by citizens into clearer understanding of problems and issues and potential solutions, Create regular authoritative communication
- Make North Fort Myers the show place of Lee County
- Make it more cohesive community
- Creation of an effort to allow input from residents, allow for evolution/guidance of this community that holds County Administration Responsible
- To lay out and structure a growth plan instead of do it as you go planning
- Redevelopment/rejuvenation guidelines, architectural guidelines with in communities, districts, pedestrian use linkages, desirable enjoyable commercial centers, road access, road beautification, land use designations for sustainability, public water access and recreation
- Cape Coral traffic patters down Bayshore to and from I-75, noise of loud cars, trucks and cycles (put up a wall to cut down on noise), Pollution in neighborhoods that have come close to roads because of highway expansions, medical corridor, & water access

North Fort Myers Community Planning Interest List

3. What would you want the community planning effort to protect in North Fort Myers?

- Residential Curfews, Peaceful Environments
- Land
- Natural Resources, (H2O, Flora, Fauma, Etc.) Open Spaces
- Image, Economic Development, Zoning Enforcement
- Open
- Open Space no more high rises
- I would like to protect large parcels of green spaced for migrating birds
- The river is one of our greatest assets
- Multiple little villages or areas unique
- Trees, Waterways, Small Neighborhoods
- Single family housing, Low income housing roads
- Rural – Life
- Greenspace, Traffic considered before communities/buildings approved
- Open Space, Develop a community design
- Annexation by City of Cape Coral, property values
- Open Space
- Open Space, Waterfront, Community design and continuity
- Keep open space, waterfront
- Environment, Supply of resources and services in concert with growth and development, Interests of differing socio-economic growth
- Adequate open space, protect environment (don't bulldoze all the trees)
- 20/20 lands by acquisition
- Property Values, Appearance, Quality of Life, Health/Well Being, Law Protection
- To protect the whole community and its diverse land used, to listen to subcommittees suggestions not to allow personal agendas to rule anything. Business, Rural, Land Use, Affordable Housing and high end housing all have places in NFM
- Affordable housing options, people sense of community, existing water park access
- A 5 to 15 year plan for starters – Wild Life, trees, Country atmosphere, preserve agricultural areas and don't trade for commercial or residential, quality of life property.

LEE COUNTY ORDINANCE NO. 09-11
(North Fort Myers Community Plan)
(CPA2007-56)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2007-56 (PERTAINING TO THE NORTH FORT MYERS COMMUNITY PLAN) APPROVED DURING THE COUNTY'S 2007/2008 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1 and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6, provide an opportunity for private individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held public hearings pursuant to Florida Statutes and the Lee County Administrative Code on March 24, 2008 and September 22, 2008; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on October 22, 2008. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2007-56 pertaining to the North Fort Myers Community Planning effort to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the October 22, 2008 meeting, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC Report on January 16, 2009; and,

WHEREAS, at a public hearing on February 25, 2009, the Board moved to adopt the proposed amendment to the Lee Plan adopting the North Fort Myers Community Plan as more particularly set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "2007/2008 Regular Comprehensive Plan Amendment Cycle CPA2007-56 North Fort Myers Community Plan Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2007/2008 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as revised by the Board of County Commissioners on February 25, 2009, known as CPA2007-56. CPA2007-56 amends the Plan to incorporate the recommendations of the North Fort Myers Community Planning effort by establishing a new Vision Statement, Goal, Objectives, and Policies specific to North Fort Myers Community as set forth below.

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan.

VISION STATEMENT:

~~**19. North Fort Myers** - This Community is located north of the Caloosahatchee River between the Alva Planning Community and the City of Cape Coral. This community includes a wide mix of Future Land Use designations from Intensive Development to Density Reductio/Groundwater Resource. The area between the two US 41 routes near the river will remain the core of this community. The old OS 41 routes near the river will remain the core of this community. The old US 41 corridor will be redeveloped with new commercial uses and waterfront development taking advantage of this areas close proximity to downtown fort Myers and its riverfront location. The US 41 corridor from Pondella Road north will continue to attract new commercial development that will serve the North Fort Myers community and other surrounding communities. Total commercial, service, and industrial uses will have doubled from the amount existing in 1996. These areas are surrounded by residential uses.~~

19. North Fort Myers - Over the course of the current planning effort, a new vision for the future of North Fort Myers has emerged and come into sharper focus. The following phrases, describing a brighter future for the community, capture the essence of the vision and provide a foundation for the plan's goals, objectives, and policies:

Town Center developments along the Caloosahatchee River and on Bayshore Road at I-75 offer new destinations for living, shopping, working, and socializing. Designed with walkable streets and streetscapes, ground level shops and restaurants, high quality

housing, and connections to nearby parks, waterfronts, and natural areas, these new Centers are becoming signposts for positive changes throughout the community.

New retail and mixed use development cluster in Neighborhood Centers and along revitalized commercial corridors. Unlike the auto-oriented development that used to line major roadways, North Fort Myer's new neighborhood centers and corridors are pedestrian-friendly, with attractive landscaping and quality architecture.

Older neighborhoods are experiencing a quiet renaissance. First-time homebuyers, recent retirees, and new investors are fixing-up older housing stock, building compatible infill housing, sprucing-up yards, and working together to ensure properties and public rights-of-way are well-maintained, safe, and attractive.

New buildings are designed to fit the area's early design character. Simple, sturdy building forms, high quality materials, protection from the elements, and generous native vegetation create a distinctive local vernacular.

Landscape gateways, extensive streetscape and landscape improvements, and new pedestrian and bicycle facilities reinforce the North Fort Myers' reputation as a great place to live, work, and visit.

Greenways, blueways, and trail systems offer unique recreational amenities, linking together North Fort Myers' neighborhoods with the region's parks and recreational facilities, conservation lands, and new points of access to the Caloosahatchee River and its tributaries.

GOAL 28: NORTH FORT MYERS. North Fort Myers seeks to improve the community's livability and economic vitality by and promoting compact, mixed use development in the form of new town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors, stabilizing and enhancing, existing neighborhoods; preserving natural resources; and providing greater opportunities for public participation in the land development approval process. This Goal and subsequent Objectives and Policies apply to the North Fort Myers Planning Community.

OBJECTIVE 28.1: LAND USE: NEIGHBORHOODS AND HOUSING. By 2012 Land Use and Housing Review will be completed for each neighborhood and corridor by the North Fort Myers community.

Policy 28.1.1 Code Enforcement. The North Fort Myers community supports the continuation of the initiatives of Lee County Code Enforcement and Department of Human Services targeting North Fort Myers neighborhoods with high incidences of code violations. The County will provide periodic reports of enforcement activities to the North Fort Myers community.

Policy 28.1.2: Neighborhood District Planning. The North Fort Myers community will continue working with the Department of Human Services to implement Neighborhood District Revitalization Plans.

Policy 28.1.3: Housing Maintenance and Repair. The North Fort Myers community will work with the County to explore opportunities to expand Department of Human Service programs designed to help maintain, repair, and improve existing owner-occupied housing.

Policy 28.1.4: To support the diversity of housing types available, the North Fort Myers Community supports utilizing the Mixed Use Overlay to apply to small scale mixed use projects with residential above or adjacent to retail and service uses.

Policy 28.1.5: Consider revision to the Land Development Code to establish buffers between existing large lot residential subdivision and emerging adjacent higher density and intensity uses.

Policy 28.1.6: Collaboration. Encourage the active participation of existing neighborhood associations, homeowners, landlords, and tenants in North Fort Myers community's programs and planning initiatives.

Policy 28.1.7: Fair Share Projections. Using the current estimate of affordable housing construction need projected to 2030 as a starting point, the Department of Community Development will prepare an estimate of North Fort Myers' fair share of need by housing type for low-income, workforce, and affordable housing and establish five-year planning targets for the delivery of units.

Policy 28.1.8: Site Assessment and Pilot Projects. Working with the Department of Community Development, Department of Human Services, Lee County Housing Development Corp, Community Land Trust, non-profit housing providers, and representatives from nearby neighborhoods, the North Fort Myers community will prepare a study identifying potential sites for affordable housing and prepare preliminary studies for design and financial analyses for potential pilot or demonstration projects. The study will also identify neighborhoods where single family housing units can include remodeling to incorporate Mother-In-Law housing additions.

The evaluation should focus on sites with the following general characteristics:

- Located within the Intensive Development, Central Urban, and Urban - Community on the Lee Plan's Future Land Use Map;
- located where central water/sewer service is available;
- located within comfortable walking distance of mass transit, commercial and personal services, and parks and recreation facilities; and
- located on land previously converted for urban purposes.

Policy 28.1.9: Technical Assistance and Public Education. The North Fort Myers community will explore opportunities to expand the technical assistance and public education initiatives provided by the Departments of

Community Development, Human Services, and Smart Growth Department for the North Fort Myers community.

Policy 28.1.10: The North Fort Myers Community supports incorporating into the Mixed Use Overlay the addition of single person apartment types of 500 square feet or less and the evaluation of flexibility for all types of fees associated with the development of those units.

Policy 28.1.11. Accessory apartments, such as mother-in-law or student housing units, will be considered affordable units, allowing those units to be considered bonus density when calculating allowable density.

OBJECTIVE 28.2: LAND USE: CENTERS and CORRIDORS. Identify and pursue Town Center overlay districts, road corridor overlay districts and redevelopment areas.

Policy 28.2.1: Market Assessment and Planning Targets. The North Fort Myers community will work with the Department of Community Development to complete an analysis of the market support for retail, office, hospitality, and moderate-to-high density residential uses in the North Fort Myers submarket. The Assessment will be designed to consider the following:

- recommendations from the recently completed Commercial/Industrial Land Use Analysis;
- existing and proposed competitive supply, including planned development in Cape Coral, the City of Fort Myers, and Babcock Ranch; and
- local and regional projections of population and employment growth.

Information from the assessment will be used to guide planning decisions for the Town Center sector plans and requests to increase the inventory of lands planned and zoned for commercial and moderate-to-high density residential use.

Policy 28.2.2: Preliminary Designation of Town Centers. The North Fort Myers Community Plan designates the following areas as Town Centers appropriate for moderate to high intensity, pedestrian-oriented, mixed use development and redevelopment.

- North Cleveland Avenue and Hancock Bridge Parkway.
- North Tamiami Trail – Pondella Road to the Caloosahatchee River.
- Bayshore and I-75.

Policy 28.2.3: Town Center Sector Planning and Overlay Districts. For areas preliminarily identified as Town Centers, the North Fort Myers community, Department of Community Development, and Smart Growth Department will work together to prepare sector plans, development regulations (zoning overlay districts and design standards), and implementation plans to ensure development is consistent with the

community's vision. The sector plans, development regulations, and implementation plans should be prepared consistent with the following general principles of smart growth and new urbanism:

- A mix of uses are encouraged to promote walking; allow for shared parking; support transit; and minimize disturbance of natural areas, wildlife corridors, and drainage ways;
- Buildings should be designed to frame the public realm, enliven streetscapes, and provide for the informal surveillance of public spaces, primary entries, windows, storefronts, porches, and stoops should open onto streets, sidewalks, and public spaces;
- Parks, squares, plazas, and promenades should be designed to promote community life and provide a variety of outdoor public space for informal gatherings, public events, and community activities;
- To dispense traffic, promote walking, and provide convenient routes for vehicles and pedestrians, streets should be designed in interconnected networks with generous sidewalks, shade trees, well-marked crossings, and amenities like pedestrian-scaled lighting, benches, trash receptacles, bike racks, and transit shelters; and
- Parking areas (except for on-street spaces), loading docks, and service entries should be screened from public view and accessed from alleys, service courts, and side streets.

Policy 28.2.4: Provision Allowing Increased Development Intensity in Town Centers. To achieve the community's goals for Town Center Development, the County should adopt provisions allowing for greater minimum, maximum based, and maximum total densities and building heights than are currently allowed under the Lee Plan. These provisions should only be applicable to projects in areas designated as Town Centers, addressed in an adopted sector plan, and regulated by the Town Center Overlay District.

Policy 28.2.5: Designation of Neighborhood Centers. The North Fort Myers Community Plan designates the following areas as Neighborhood Centers appropriate for moderate intensity, pedestrian-oriented, mixed use development:

- Littleton and North Cleveland Avenue;
- North Tamiami Trail and Del Prado Boulevard;
- North Tamiami Trail and Nalle Grade Road;
- Hancock Bridge Parkway and Orange Grove Boulevard;
- North Tamiami Trail and Pine Island/Bayshore Roads;
- Bayshore Road and Slater Road; and
- Bayshore Road and Hart Road

For these areas, the community favors neighborhood-serving mixed use development pedestrian-friendly street, site, and building designs; the incorporation of live/work, multi-family, and attached housing; and sidewalk and path connections to nearby neighborhoods, parks, and public uses.

These Neighborhood Center designations are intended to replace the designations show on Commercial Site Location Standards Map (Lee Plan Map 19).

Policy 28.2.6: Neighborhood Center Overlay District. For areas preliminarily identified as Neighborhood Centers, the North Fort Myers community, Department of Community Development, and Smart Growth Department will work together to prepare a Neighborhood Center Overlay District providing the following:

- Permitted and prohibited uses;
- Standards for building, site, landscape, and sign design;
- Standards for pedestrian and bicycle facilities;
- Building setbacks and build-to lines;
- Conservation of natural features and native vegetation;
- Requirements for shared access and side/rear yard parking;
- Incentives (e.g. regulatory relief, increased height and density, etc.) for the redevelopment of obsolete and poorly performing commercial centers; and
- Incentives for projects incorporating mixed uses, public amenities, and affordable housing.

Policy 28.2.7: Corridor Overlay District. For areas along major road corridors outside designated Town Centers and Neighborhood Centers, the North Fort Myers community, Department of Community Development, and Smart Growth Department will work together to prepare a Corridor Overlay District as part of the Land Development Code requiring enhanced landscaping, greater buffering and shading of parking areas, improved commercial signage, enhanced standards to ensure architectural quality and compatibility, and incentives for quality development. At minimum, the Corridor Overlay District will provide the following:

- Permitted and prohibited uses;
- Standards for building, site, landscape, and sign design;
- Standards for pedestrian and bicycle facilities;
- Building setbacks and build-to-lines;
- Conservation of natural features and native vegetation;
- Buffers to adjacent residential neighborhoods;
- Requirements for shared access and side/rear yard parking;
- Incentives (e.g. regulatory relief, increased density, etc.) for the redevelopment of obsolete and poorly performing commercial centers;
- Incentives for projects incorporating mixed uses, public amenities, and affordable housing; and
- Shared parking.

Once adopted, deviations that would result in a reduction of landscaping, buffering, signage or deviation from design standards will not be supported.

Policy 28.2.8 Improving Older Commercial Properties. The North Fort Myers community will work with the Department of Community Development, the North Fort Myers Chamber of Commerce, and private property owners to develop incentives for bringing older development into compliance with regulations adopted as a result of the North Fort Myers Community Plan including but not limited to private public partnerships.

Policy 28.2.9: The following uses are prohibited within the North Fort Myers Planning community: "detrimental use" as defined in the Land Development Code.

Policy 28.2.10: The North Fort Myers Community supports a review of county codes that address the provision of interconnection between existing land uses to minimize access onto primary road corridors and to improve the safety for non-motor transportation.

OBJECTIVE 28.3: TRANSPORTATION. The North Fort Myers community will have neighborhood, corridors and community interface improvements identified.

Policy 28.3.1: Transportation Corridors. By 2009 the North Fort Myers community will review Metropolitan Planning Organization and Lee County Department of Transportation 2030 plan for recommendations and improvements applicable to the North Fort Myers Community planning area.

Policy 28.3.2: Gateways, Streetscape, and Landscape Improvements. The North Fort Myers community will work with the Lee County Roadway Landscape Advisory Committee to review plans for streetscape and landscape improvements in gateway locations and along major roadways consistent with the general provisions of the LeeScape Master Plan, including Bayshore and Pine Island Roads, North Cleveland Avenue, North Tamiami Trail, Pondella Road, Hancock Bridge Parkway, and Del Prado Boulevard. Before finalization, plans should be presented for review to the North Fort Myers planning community.

Policy 28.3.3: Planning and Design of Arterials and Collectors. Decisions regarding future improvements or extension of Littleton Road, Hancock Bridge Parkway, Hart Road, Slater Road, and other roadways not currently shown on the Future Functional Classification Map (Map 3B) should be based on a careful analysis of need, community and environmental impact, and the potential for incorporation of context-sensitive design treatments. Public participation in planning and design processes for these and other road improvements should provide opportunities for involvement of the North Fort Myers community and North Fort Myers stakeholders.

Policy 28.3.5: Standards for Walkable Urban Thoroughfares. The Department of Pubic Works is encouraged to develop alternative design standards for arterials and collectors serving areas designated in the North Fort Myers Community Plan as a Town Center or Neighborhood Center.

Policy 28.3.6: Bus Transit Enhancements. The North Fort Myers community will work with Lee Tran to identify opportunities to improve service, frequency, routes, and stop amenities in the community.

Policy 28.3.7: Improvements for Regional Benefit. Road capacity improvements needed within North Fort Myers to serve demand generated outside the community should be designed to minimize impacts, improve visual character, and improve local access and mobility.

OBJECTIVE 28.4: COMMUNITY FACILITIES and SERVICES. Recommendations for the community facilities and services needed to meet the needs of Town Centers, Neighborhood Centers and corridors will be identified and recommendations to address those needs will be considered in the capital improvement planning programs of operational departments.

Policy 28.4.1: Effectiveness of Existing Plan Objectives and Policies. County objectives and policies in Chapter IV of the Lee Plan regarding the provisions of community facilities and services, including those addressing adequate levels of service and extension of service, will be maintained and evaluated for effectiveness on an on-going basis.

Policy 28.4.2: The North Fort Myers community supports a collaborative effort (hospital board, private providers, public health and economic agencies) to complete an analysis of the feasibility to provide supportive medical services and facilities in one or more centers identified in the North Fort Myers vision.

Policy 28.4.5: Septic Tanks and Waste Water Treatment. The North Fort Myers community supports the concept of a single source of sewage service within the North Fort Myers community.

OBJECTIVE 28.5: PARKS, RECREATION and CONSERVATION. The North Fort Myers community will identify park, recreation, open space, environmental protection and restoration needs and deficiencies to pursue remedies.

Policy 28.5.1: Level of Services Standards for Community Parks. To ensure parks and recreation facilities are reasonably accessible and adequate to meet the needs of residents, the North Fort Myers community will work with the Department of Parks and Recreation to evaluate the Lee Plan non-regulatory, desired level of service standards for community parks and generalized service area boundaries.

Policy 28.5.2: North Fort Myers Community Park. The County will work with the community to ensure that the development of the North Fort Myers Community Park is integrated into the surrounding development and open space areas, including incorporation of the development of a community park facility. The concept would be for the park to act as a hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments.

Policy 28.5.3: Recreational Programming and Access. Lee County will work with the North Fort Myers community and North Fort Myers Stakeholders to protect and to conserve natural resources, expand recreation opportunities and accessibility for the use of existing waterways, and provide a broad mix of parks, trails, and water recreation areas, to support the lifestyle preferences, livability, sustainability, recreational interest and economic vitality of the community.

Policy 28.5.4: Stewardship and Management of Conservation 20/20 Lands. The North Fort Myers community will work with the Department of Parks and Recreation to finalize and refine stewardship and management plans for 20/20 Conservation Lands within North Fort Myers.

Policy 28.5.5: Assessment of Lands for Acquisition. The North Fort Myers community will work to identify sites and corridors for nomination submittal to the established Lee County Conservation 20/20 program. Sites along planned trails, wildlife corridors, greenways, and major creeks should be carefully considered, as should those providing access to the Caloosahatchee River.

Policy 28.5.6: Greenway Plan Implementation. The North Fort Myers community will work with the Department of Parks and Recreation to implement recommendations for the Greenways Master Plan. As a first priority, the community supports development of the Tamiami Trail North segment of the Charlotte-Lee Collier Greenway and water access and signage improvements to access the Blueways designated along Yellow Fever Creek and along the Caloosahatchee River at Caloosahatchee Creeks Preserve. The North Fort Myers planning community will also assist in the identification of trails connecting neighborhoods, conservation areas, parks, recreation facilities and areas, and the water access points.

Policy 28.5.7: Conservation Policy Refinements. The North Fort Myers community will work with the Department of Community Development and Public Works (Environmental Science and Natural Resource Divisions) to pursue the Lee Master Mitigation Plan and to explore the adoption of the following conservation policies:

- Development proposals adjacent to the Caloosahatchee River and its tributaries will include floodplain protection plans prior to zoning approval;
- The off-site mitigation of impacts to indigenous areas, wetlands, or wildlife habitat for development in North Fort Myers will occur within North Fort Myers; and
- Participate in the Lee County water quality programs that are being developed to address required Total Maximum Daily Loads.

Policy 28.5.8: Wildlife Movement Corridors. For development within the Planning area the Department of Environmental Science will work with the North Fort Myers community to identify opportunities for the establishment

and protection of wildlife movement corridors and interconnection of conservation easements to facilitate wildlife movement through the county.

OBJECTIVE 28.6: PUBLIC PARTICIPATION. Beginning in 2008 the North Fort Myers community will promote with Lee County enhanced community participation in the planning of capital improvements and decisions made in the North Fort Myers Community Planned area.

Policy 28.6.1: Notice of Land Development Code and Lee Plan Amendments. As a courtesy, Lee County will register citizen groups and civic organizations that desire notification of pending review of Land Development Code or Lee Plan amendments. Upon registration, Lee County will provide registered groups with electronic documentation regarding pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to provide timely notice will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 28.6.2: Document Clearinghouse. Lee County will work with the North Fort Myers community to establish a Document Clearing House, where copies of selected documents from permit applications, variance requests, staff reports and Lee Plan status updates. Hearing Examiner recommendations, decisions, Administrative Variances and Board resolutions for any development in the community will be kept for public inspection. The County's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 28.6.3: The North Fort Myers community will conduct an annual "town hall meeting". The community will invite the participation of the North Fort Myers District Commissioner, and appropriate county staff who can provide an update on public works needs in North Fort Myers and progress in addressing those needs. This progress report is intended to include topics such as:

- Congestion or capacity problems on existing facilities;
- Changes in the scope or timing of planned improvements; and
- Successes and failures in meeting levels of service.

OBJECTIVE 28.7: The North Fort Myers community supports the creation of a project specific, time specific, cost specific redevelopment plan for the North Fort Myers Downtown Waterfront area.

Policy 28.7.1: The North Fort Myers community supports the integration of the redevelopment plan for waterfront downtown with the planning for the alignment, functional classification, and location of any Hancock Bridge Parkway expansion.

Policy 28.7.2: The redevelopment plan will consider the stormwater needs and water and sewer needs that result from the transportation and land use changes of Downtown Waterfront.

Policy 28.7.3: The land use component of Downtown Waterfront will include land uses that assist in completing North Fort Myers employment base, and broaden housing base for those who will be employed by the new center.

SECTION THREE: LAND USE MAP CHANGES

The Lee Plan Future Land Use Map is hereby amended to change the designation on approximately 84.091 acres from Suburban, Central Urban and Sub-Outlying Suburban to Commercial (approximately 73.65 acres), Conservation Lands (approximately 4.051) acres), Conservation Wetlands (approximately 4.178 acres), and Wetlands (approximately 2.206 acres). A copy of the future land use map for this area within the North Fort Myers Planning Community is attached as Exhibit A.

SECTION FOUR: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FIVE: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SEVEN: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Comprehensive Land Use Plan. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County

Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION EIGHT: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184(9), Florida Statutes, or until the Administrative Commission issues a final order determining the adopted amendment to be in compliance in accordance with 163.3184(10), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Commissioner Hall made a motion to adopt the foregoing ordinance, seconded by Commissioner Mann. The vote was as follows:

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DONE AND ADOPTED this 25th day of February 2009.

ATTEST:
CHARLIE GREEN, CLERK

BY: CR Valenuela
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: R Judah
Ray Judah, Chairman

DATE: February 25, 2009

Approved as to form by:

Dawn E. Perry-Lehnert
County Attorney's Office

EXHIBIT
A - Future Land Use Map

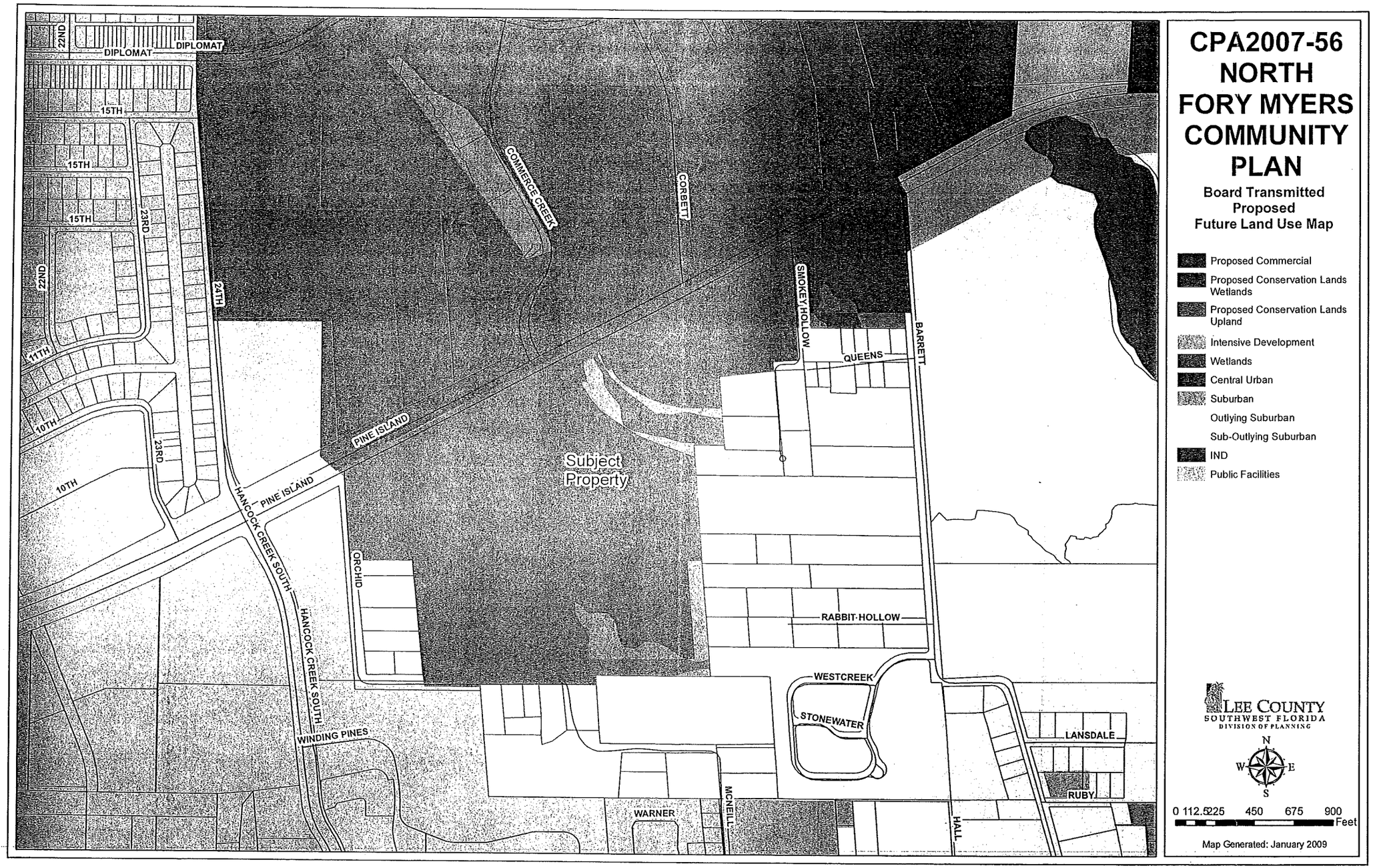
CIRCUIT COURT SEAL LEE COUNTY, FLORIDA

State of Florida
County of Lee

I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 10th day of March, A.D. 2009

CHARLIE GREEN, CLERK
By CR Valenuela
Deputy Clerk



CPA2007-56 NORTH FORY MYERS COMMUNITY PLAN

Board Transmitted Proposed Future Land Use Map

- Proposed Commercial
- Proposed Conservation Lands Wetlands
- Proposed Conservation Lands Upland
- Intensive Development
- Wetlands
- Central Urban
- Suburban
- Outlying Suburban
- Sub-Outlying Suburban
- IND
- Public Facilities

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

N
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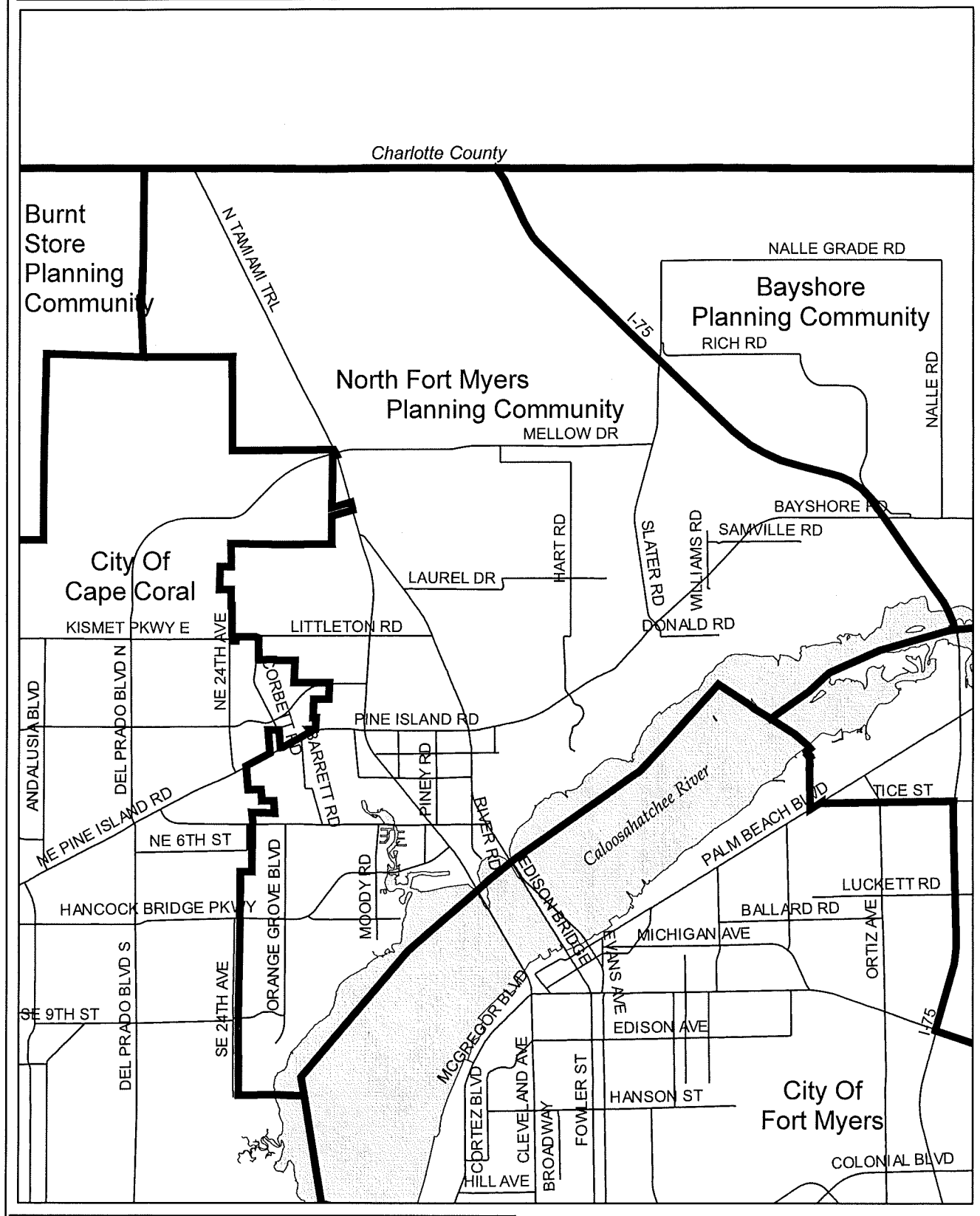
0 112.5 225 450 675 900 Feet

Map Generated: January 2009

EXHIBIT A

North Fort Myers
Planning Community



Generated: April 2006
Source: Lee County DCD/Planning

Planning Community Boundry

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LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

CPA2007-00056
NORTH FORT MYERS
BoCC SPONSORED
AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

LPA Public Hearing Document
for the
September 29, 2008 Public Hearing

Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 533-8585

September 24, 2008

LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2007-00056

✓	**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: September 24, 2008

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. SPONSOR/APPLICANT:

A. SPONSOR:
LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

B. APPLICANT
NORTH FORT MYERS COMMUNITY PLANNING PANEL

2. REQUEST:

Amend the Vision Statement and Future Land Use Element of the Lee Plan to incorporate the recommendations of the North Fort Myers Community Planning effort. Establish a new Vision Statement and a new Goal, including Objectives and Policies specific to North Fort Myers. Amend Map 1, Page 1 of 6, Future Land Use Map. Amend Map 1, Page 2 of 6, Special Treatment Areas.

The Future Land Use Map amendment will change approximately 85.3 acres of land located between Orchid Road and Barrett Road, south of Pine Island Road, from Central Urban, Suburban, and Sub-Outlying Suburban to Commercial and Conservation Lands.

The following Vision Statement and Goal, Objectives, and Policies were submitted by the North Fort Myers Community Planning Panel. Staff's recommended language for transmittal is shown beginning on Page 12 of 40. The language submitted by the applicant with staff's revisions shown in strike-through/double-underline format followed by staff comments is in Part II of this report beginning on Page 21 of 40.

VISION STATEMENT:

~~**19. North Fort Myers** - This Community is located north of the Caloosahatchee River between the Alva Planning Community and the City of Cape Coral. This community includes a wide mix of Future Land Use designations from Intensive Development to Density Reductio/Groundwater Resource. The area between the two US 41 routes near the river will remain the core of this community. The old OS 41 routes near the river will remain the core of this community. The old US 41 corridor will be redeveloped with new commercial uses and waterfront development taking advantage of this areas close proximity to downtown fort Myers and its riverfront location. The US 41 corridor from Pondella Road north will continue to attract new commercial development that will serve the North Fort Myers community and other surrounding communities. Total commercial, service, and industrial uses will have doubled from the amount existing in 1996. These areas are surrounded by residential uses.~~

19. North Fort Myers - Over the course of the current planning effort, a new vision for the future of North Fort Myers has emerged and come into sharper focus. The following phrases, describing a brighter future for the community, capture the essence of the vision and provide a foundation for the plan's goals, objectives, and policies:

Town Center developments along the Caloosahatchee River and on Bayshore Road at I-75 offer new destinations for living, shopping, working, and socializing. Designed with walkable streets and streetscapes, ground level shops and restaurants, high quality housing, and connections to nearby parks, waterfronts, and natural areas, these new Centers are becoming signposts for positive changes throughout the community.

New retail and mixed use development cluster in Neighborhood Centers and along revitalized commercial corridors. Unlike the auto-oriented development that used to line major roadways. North Fort Myer's new neighborhood centers and corridors are pedestrian-friendly, with attractive landscaping and quality architecture.

Older neighborhoods are experiencing a quiet renaissance-first-time homebuyers, recent retirees, and new investors are fixing-up older housing stock, building compatible infill housing, sprucing-up yards, and working together to ensure properties and public rights-of-way are well-maintained, safe, and attractive.

New buildings are designed to fit the area's early design character - simple, sturdy building forms, high quality materials, protection from the elements, and generous native vegetation create a distinctive local vernacular.

Landscape gateways, extensive streetscape and landscape improvements, and new pedestrian and bicycle facilities reinforce the North Fort Myers' reputation as a great place to live, work, and visit.

Greenways, blueways, and trail systems offer unique recreational amenities, linking together North Fort Myers' neighborhoods with the region's parks and recreational facilities, conservation lands, and new points of access to the Caloosahatchee River and its tributaries.

GOAL 28: NORTH FORT MYERS. North Fort Myers seeks to improve the community's livability and economic vitality by and promoting compact, mixed use development in the form of new town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors, stabilizing and enhancing, existing neighborhoods; preserving natural resources; and providing greater opportunities for public participation in the land development approval process.

OBJECTIVE 28.1: LAND USE: NEIGHBORHOODS AND HOUSING. By 2012 Land Use and Housing Review will be completed by neighborhood and corridor.

Policy 28.1.1 Code Enforcement. Support the continuation and expansion of the code enforcement initiatives of Lee County Code Enforcement and Department of Human Services targeting North Fort Myers neighborhoods with high incidences of violations. The County will provide periodic reports of enforcement activities to the North Fort Myers Community Planning Panel.

Policy 28.1.2: Neighborhood District Planning. The North Fort Myers Community Planning Panel will continue working with the Department of Human Services to implement Neighborhood District Revitalization Plans.

Policy 28.1.3: Housing Maintenance & Repair. The North Fort Myers Community Panel will work with the County to explore opportunities to expand Department of Human Service programs designed to help maintain, repair, and improve existing owner-occupied housing.

Policy 28.1.4 Small Scale Mixed Use Projections. To increase the diversity of housing types available for residents, the Department of Community Development will amend the Mixed Planned Development Category to allow for small scale mixed use projects with residential above or in close proximity to retail and service uses.

Policy 28.1.5: Conservation of Large Lot Neighborhoods. Lee County will protect large lot residential by requiring significant buffers between existing lots and higher density residential development or the placement of transitional density units along the perimeter.

Policy 28.1.6: Collaboration. Encourage the active participation of existing neighborhood associations, homeowners, landlords, and tenants in North Fort Myers Community Planning Panel's programs and planning initiatives.

Policy 28.1.7: Fair Share Projections. Using the current estimate of affordable housing construction need projected to 2030 as a starting point, the Department of Community Development will prepare an estimate of North Fort Myers' fair share of need by housing type for low-income, workforce, and affordable housing and establish annual planning targets for the delivery of units.

Policy 28.1.8: Site Assessment & Pilot Projects. Working with the Department of Community Development, Department of Human Services, Lee County Housing Development

Corp, Community Land Trust, non-profit housing providers, and representatives from nearby neighborhoods, the North Fort Myers Community Planning Panel should participate in a study identifying potential sites for affordable housing and prepare preliminary studies for design and financial analyses for potential pilot or demonstration projects. Identify neighborhoods where single family housing units can include remodeling to incorporate Mother-In-Law housing additions.

The evaluation should focus on sites with the following general characteristics:

- Located within the Intensive Development, Central Urban, and Urban - Community on the Lee Plan's Future Land Use Map;
- located where central water/sewer service is available;
- located within comfortable walking distance of mass transit, commercial and personal services, and parks and recreation facilities; and
- located on land previously converted for urban purposes.

Policy 28.1.9: Technical Assistance & Public Education. Explore opportunities to expand the technical assistance and public education initiatives provided by the Departments of Community Development, Human Services, and Smart Growth Department to the North Fort Myers Community Planning, community-based organizations, and community housing organizations.

Policy 28.1.10: New Housing Type in Overlays. Incorporate into Overlay Districts the addition of single person apartment types of 500 square feet or less and have their density calculated as 1/3 of a unit and only pay 1/3 of impact fees.

OBJECTIVE 28.2: LAND USE: CENTERS & CORRIDORS. By 2012 identify and pursue overlay districts and corridors.

Policy 28.2.1: Market Assessment & Planning Targets. The North Fort Myers Community Planning Panel will work with the Horizon Council and the Department of Community Development to complete an analysis of the market support for retail, office, hospitality, and moderate-to-high density residential uses in the North Fort Myers submarket. The Assessment will be designed to consider the following:

- recommendations from the recently completed Commercial/Industrial Land Use Analysis:
- existing and proposed competitive supply, including planned development in Cape Coral, the City of Fort Myers, and Babcock Ranch; and
- local and regional projections of population and employment growth.

Information from the assessment will be used to guide planning decisions for the Town Center sector plans and requests to increase the inventory of lands planned and zoned for commercial and moderate-to-high density residential use.

Policy 28.2.2: Preliminary Designation of Town Centers. The North Fort Myers Community Plan designates the following areas as Town Centers appropriate for moderate to high intensity, pedestrian-oriented, mixed use development.

- North Cleveland Avenue & Hancock Bridge Parkway.
- North Tamiami Trail – Pondella Road to the Caloosahatchee River.

- Bayshore & I-75.

Policy 28.2.3: Town Center Sector Planning & Overlay Districts. For areas preliminarily identified as Town Centers, the North Fort Myers Community Planning Panel, Department of Community Development, and Smart Growth Department will work together to prepare sector plans, development regulations (zoning overlay districts and design standards), and implementation plans to ensure development is consistent with the community's vision. The sector plans, development regulations, and implementation plans should be prepared consistent with the following general principles of smart growth and new urbanism:

- Compared development and a mix of uses are encouraged to promote walking; allow for shared parking; support transit; and minimize disturbance of natural areas, wildlife corridors, and drainage ways;
- Buildings should be designed to frame the public realm, enliven streetscapes, and provide for the informal surveillance of public spaces, primary entries, windows, storefronts, porches, and stoops should open onto streets, sidewalks, and public spaces;
- parks, squares, plazas, and promenades should be designed to promote community life and provide a variety of outdoor public space for informal gatherings, public events, and community activities;
- to dispense traffic, promote walking, and provide convenient routes for vehicles and pedestrians, streets should be designed in interconnected networks with generous sidewalks, shade trees, well-marked crossings, and amenities like pedestrian-scaled lighting, benches, trash receptacles, bike racks, and transit shelters; and
- parking areas (except for on-street spaces), loading docks, and service entries should be screened from public view and accessed from alleys, service courts, and side streets.

Policy 28.2.4: Provision Allowing Increased Development Intensity in Town Centers. To achieve the community's goals for Town Center Development, the County should adopt provisions allowing for greater minimum, maximum based, and maximum total densities and building heights than are currently allowed under the Lee Plan. These provisions should only be applicable to projects in areas designated as Town Centers, addressed in an adopted sector plan, and regulated by the Town Center Overlay District.

Policy 28.2.5: Designation of Neighborhood Centers. The North Fort Myers Community Plan designates the following areas as Neighborhood Centers appropriate for moderate intensity, pedestrian-oriented, mixed use development:

- Littleton & North Cleveland Avenue;
- North Tamiami Trail & Del Prado Boulevard;
- North Tamiami Trail & Nalle Grade Road;
- Hancock Bridge Parkway and Orange Grove Boulevard;
- North Tamiami Trail & Pine Island/Bayshore Roads;
- Bayshore Road & Slater Road; and
- Bayshore Road & Hart Road

For these areas, the community favors neighborhood-serving mixed use development' pedestrian-friendly street, site, and building designs; the incorporation of live/work, multi-family, and attached housing; and sidewalk and path connections to nearby neighborhoods,

parks, and public uses. These Neighborhood Center designations are intended to replace the designations show on Commercial Site Location Standards Map (Lee Plan Map 19).

Policy 28.2.6: Neighborhood Center Overlay District. For areas preliminarily identified as Neighborhood Centers, the North Fort Myers Community Planning Panel, Department of Community Development, and Smart Growth Department will work together to prepare revised Neighborhood Center Overlay District providing the following:

- Permitted and prohibited uses;
- Standards for building, site, landscape, and sign design;
- Standards for pedestrian and bicycle facilities;
- Building setbacks and build-to lines;
- Conservation of natural features and native vegetation;
- Requirements for shared access and side/rear yard parking'
- Incentives (e.g. regulatory relief, increased height and density, etc.) for the redevelopment of obsolete and poorly performing commercial centers; and
- Incentives for projects incorporating mixed uses, public amenities, and affordable housing.

Policy 28.2.7: Corridor Overlay District. For areas along major road corridors outside designated Town Centers and Neighborhood Centers, the North Fort Myers Community Planning Panel, Department of Community Development, and Smart Growth Department will work together to prepare a Corridor Overlay District as part of the Land Development Code requiring enhanced landscaping, greater buffering and shading of parking areas, improved commercial signage, enhanced standards to ensure architectural quality and compatibility, and incentives for quality development. At minimum, the Corridor Overlay District will provide the following:

- permitted and prohibited uses;
- standards for building, site, landscape, and sign design;
- standards for pedestrian and bicycle facilities;
- building setbacks and build-to-lines;
- conservation of natural features and native vegetation;
- buffers to adjacent residential neighborhoods;
- requirements for shared access and side/rear yard parking;
- incentives (e.g. regulatory relief, increased density, etc.) for the redevelopment of obsolete and poorly performing commercial centers;
- incentives for projects incorporating mixed uses, public amenities, and affordable housing; and
- shared parking.

Once adopted, deviations that would result in a reduction of landscaping, buffering, signage or deviation from design standards will not be supported.

Policy 28.2.8 Improving Older Commercial Properties. The North Fort Myers Community Planning Panel will work with the Department of Community Development, the North Fort Myers Chamber, Horizon Council, and private property owners to develop incentives for bringing older development into compliance with regulations adopted as a result of the North Fort Myers Community Plan including but not limited to private public partnerships.

Policy 28.2.9: Use Compatibility. By the end of 2008, Lee County will review existing restrictions on the location of uses considered detrimental by the community, e.g. adult-oriented businesses, bottle club establishments, freestanding bars or lounges, or businesses with significant outdoor stage, display, or delivery areas, pawn shops, gambling establishments, and gun/firearm shops from locating near existing or approved residential neighborhoods, mixed use developments including residential, public park and recreation facilities, and public or private schools.

Policy 28.2.10: Cross Parcel Access. The Department of Community Development will conduct a review of existing Land Development Code provisions requiring commercial developments to provide privately-owned road and sidewalk connections between adjacent existing and planning commercial uses to minimize access points onto primary road corridors.

OBJECTIVE 28.3: TRANSPORTATION. By 2012 will have neighborhood, corridors and community interface improvements identified.

Policy 28.3.1: Transportation Corridors. By 2009 review Metropolitan Planning Organizations and Lee County Department of Transportations 2030 plan for recommendations and improvements for the North Fort Myers Community planning area.

Policy 28.3.2: Gateways, Streetscape, & Landscape Improvements. The North Fort Myers Community Planning panel will work with the Lee County Roadway Landscape Advisory Committee to complete plans for streetscape and landscape improvements in gateway locations and along major roadways consistent with the general provisions of the LeeScape Master Plan, including Bayshore and Pine Island Roads, North Cleveland Avenue, North Tamiami Trail, Pondella Road, Hancock Bridge Parkway, and Del Prado Boulevard. Before finalization, plans should be presented for review to the North Fort Myers Community Planning Panel.

Policy 28.3.3: Planning & Design of Arterials & Collectors. Decisions regarding the functional classification and future improvements or extension of Littleton Road, Hancock Bridge Parkway, Hart Road, Slater Road, and other roadways not currently shown on the Future Functional Classification Map (Map 3B) should be based on a careful analysis of need, community and environmental impact, and the potential for incorporation of context-sensitive design treatments. Public participation in planning and design processes for these and other road improvements should provide opportunities for involvement of the North Fort Myers Community Planning Panel and other North Fort Myers stakeholders.

Policy 28.3.4 Hancock Bridge Parkway Extension. The county will initiate a study to determine the feasibility, cost, and timing of the eastward extension of Hancock Bridge Parkway. The scope of the study should address the following:

- effect on regional traffic and circulation patterns;
- preferred alignment and conceptual design cross-section for the roadway;
- land use and design recommendations for redevelopment of property along the roadway;
- preliminary regulatory strategies to ensure appropriate redevelopment; and
- preliminary cost estimates and timeline for engineering design, right-of-way acquisition, and project construction.

Policy 28.3.5: Standards for Walkable Urban Thoroughfares. The Department of Pubic Works is encouraged to develop alternative design standards for arterials and collectors serving areas designated in the North Fort Myers Community Plan as a Town Center or Neighborhood Center. Such standards may draw on guidance in Institute for Traffic Engineers Proposed Recommended Practice, Contest Sensitive Solutions for Designing Major Urban Thoroughfares for Walkable Communities.

Policy 28.3.6: Bus Transit Enhancements. The North Fort Myers Community Planning Panel will work with Lee Tran to identify opportunities to improve service, frequency, routes, and stop amenities in the community.

Policy 28.3.7: Improvements for Regional Benefit. Road capacity improvements needed within North Fort Myers to serve demand generated outside the community should be designed to minimize impacts, improve visual character, and improve local access and mobility.

Policy 28.3.8: I-75 Interchange & Del Prado Extension. The county will complete a detailed analysis of the feasibility of a new I-75 interchange and the potential alignment for a connection to Del Prado Boulevard. As part of the analysis, impacts on existing neighborhoods, local streets, and conservation lands should be evaluated and reported to the North Fort Myers Community Panel. The report should include the termination point of Nalle Grade Road at US 41 and I-75.

OBJECTIVE 28.4: COMMUNITY FACILITIES & SERVICES. By 2012 the community facilities and services needed to meet the needs of Town Centers, Neighborhood Centers and corridors will be identified and deficiencies addressed.

Policy 28.4.1: Effectiveness of Existing Plan Objectives & Policies. County objectives and policies in Chapter IV of the Lee Plan regarding the provisions of community facilities and services, including those addressing adequate levels of service and extension of service, will be maintained and evaluated for effectiveness on an on-going basis. Proposed changes affecting existing or planned facilities and services in North Fort Myers, including changes in the scope or timing of planned capital improvements, will ~~be reported to~~ include input from the North Fort Myers Community Planning Panel and North Fort Myers stakeholders.

Policy 28.4.2: Medical District Planning. The North Fort Myers Community Planning Panel will work with the Department of Community Development, Horizon Council, Human Services Department, Lee County Health Department, Medical Society, and Lee Memorial Health Systems to develop a collaborative effort for funding a feasibility study for this project. They should also work together to complete an analysis for the feasibility of developing a new hospital, 24/7 urgent care facility, ambulatory surgery center, physician specialty offices and related medical diagnostic and lab services in the northeast area of North Fort Myers. The analysis should provide the following:

- a preliminary development program indicating the types, sizes, and phasing of buildings and site improvements;
- an evaluation of sites with the potential to support the preliminary devolvement program including an evaluation of infrastructure capacity;

- a market assessment and financing plan to assess project feasibility by private and public sectors;
- recommended planning policy and regulatory changes required to support a preferred development strategy;
- a preliminary development timeline and estimate of timeline for achieving necessary entitlements: and
- Identify other or associated uses within the Medical Corridor.

Policy 28.4.3: Public Works Project Enhancements. Lee County will coordinate planning for public works projects, such as street resurfacing, repairs, maintenance, drainage swales, and other surface water management system improvements, with the North Fort Myers Community Planning Panel so that potential landscape and aesthetic enhancements may be identified and incorporated in improvement plans. The North Fort Myers Community Planning Panel encourages Lee County to review the feasibility of a waste water plant solids program for treatment and reuse.

Policy 28.4.4: Water Supply and Waste Water Planning & Capacity. The North Fort Myers Community Planning Panel will support educational efforts planned by the Department of Public Works, the Lee County Water Supply Authority, and the South Florida Water Management District to educate North Fort Myers stakeholders about the capacity of existing water systems to support existing and planned developments. Regardless of ownership the North Fort Myers Community Planning Panel would request that the Lee County Department of Public Works coordinate services for waste water and water supply so that no area designated under this plan is under served.

Policy 28.4.5: Septic Tanks & Waste Water Treatment. Encourage Lee County to enforce the state statute and any other regulations regarding required hook up to existing sewage lines for all properties. To support and encourage the expansion of new sewer lines to discourage new septic tank systems and replace existing septic tanks.

Provide for and continue support for effective water conservation policies to include appropriate public educational campaigns and county staffing. Encourage the expansion of reuse to include both commercial and residential opportunities.

OBJECTIVE 28.5: PARKS, RECREATON & CONSERVATION. By 2012 identify park, recreation, open space, environmental protection and restoration needs and deficiencies to pursue remedies.

Policy 28.5.1 Level of Services Standards for Community Parks. To ensure parks and recreation facilities are reasonably accessible and adequate to meet the needs of residents, the North Fort Myers Community Planning Panel will work with the Department Parks and Recreation to evaluate the Lee Plan non-regulatory, desired level of service standards for community parks and generalized service area boundaries.

Policy 28.5.2: North Fort Myers Community Park. The County will work with the community to ensure that the development of the North Fort Myers Community Park is integrated into the surrounding development and open space areas, including incorporation of the development of a community park facility. The concept would be for the park to act as a

hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments.

Policy 28.5.3: Recreational Programming and Access. Lee County will work with the North Fort Myers Community Planning Panel and North Fort Myers Stakeholders to protect and to conserve natural resources, expand recreation opportunities and accessibility for the use of existing waterways, and provide a broad mix of parks, trails, and water recreation areas, to support the lifestyle preferences, livability, sustainability, recreational interest and economic vitality of the community.

Policy 28.5.4: Stewardship & Management of Conservation 20/20 Lands. The North Fort Myers Planning Panel will work with the Department of Parks and Recreation to finalize and refine stewardship and management plans for 20/20 Conservation Lands within North Fort Myers.

Policy 28.5.5: Assessment of Lands for Acquisition. The North Fort Myers Community Planning Panel will work with the Division of County Lands and Department of Parks and Recreation to identify additional sites and corridors for acquisition under the Conservation 20/20 program. Sites along planned trails, wildlife corridors, greenways, and major creeks should be carefully considered, as should those providing access to the Caloosahatchee River.

Policy 28.5.6: Greenway Plan Implementation. The North Fort Myers Community Planning Panel will work with the Department of Parks and Recreation to implement recommendations for the Greenways Master Plan. As a first priority, the community supports development of the Tamiami Trail North segment of the Charlotte-Lee Collier Greenway and water access and signage improvements to access the Blueways designated along Yellow Fever Creek and along the Caloosahatchee River at Caloosahatchee Creeks Preserve. The North Fort Myers Community Planning Panel will also assist in the identification of trails connecting neighborhoods, conservation areas, parks, ~~and~~ recreation facilities and areas and the water access points.

Policy 28.5.7: Small Site Conservation Program. The North Fort Myers Community Planning Panel will work with the Department of County Lands and Department of Parks and Recreation to explore the feasibility of establishing a small site conservation program to transfer land acquisitions or conservation easement to link larger parks, preserves, and mitigation areas; protect native trees and vegetation, creeks, wetland systems, and wildlife movement corridors; and provide connections to greenways and blueways.

Policy 28.5.8: Conservation Policy Refinements. The North Fort Myers Community Planning Panel will work with the Department of Community Development and Public Works (Environmental Science and Natural Resource Divisions) to pursue the Lee Master Mitigation Plan and to explore the adoption of the following conservation policies:

- Development proposals adjacent to the Caloosahatchee River and its tributaries will include floodplain protection plans prior to zoning approval;
  and
- The off-site mitigation of impacts to indigenous areas, wetlands, or wildlife habitat for development in North Fort Myers will occur within North Fort Myers.

- Participate in the Lee County water quality programs that are being developed to address required Total Maximum Daily Loads.

Policy 28.5.9: Wildlife Movement Corridors. For development within the Planning area the Community Development Department of Environmental Science will work with the North Fort Myers Community Planning Panel to identify opportunities for the establishment and protection of wildlife movement corridors to include the review of development to provide for interconnections of conservation easements to provide for wildlife movement.

OBJECTIVE 28.6: PUBLIC PARTICIPATION. Beginning in 2008 the North Fort Myers Planning Panel will promote with Lee County enhanced community participation in the planning of capital improvements and decisions made in the North Fort Myers Community Planned area.

Policy 28.6.1: Notice of Land Development Code and Lee Plan Amendments. As a courtesy, Lee County will register citizens groups and civic organizations that desire notification of pending review of Land Development Code or Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to mail or to timely mail the notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 28.6.2: Document Clearinghouse. Lee County will work with the North Fort Myers community to establish a Document Clearing House, where copies of selected documents from permit applications, variance request, staff reports and 2020 Plan status updates. Hearing Examiner recommendations and resolutions and Administrative Variances and for any development in the community will be kept for public inspection. The County's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 28.6.3: Project Referrals & Public Information Meetings. The North Fort Myers Community Planning Panel will be given the first opportunity for one public informational meeting for any rezoning, variance or special exception in North Fort Myers at a location and time of mutual convenience.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the following:

VISION STATEMENT:

~~**19. North Fort Myers** - This Community is located north of the Caloosahatchee River between the Alva Planning Community and the City of Cape Coral. This community includes a wide mix of Future Land Use designations from Intensive Development to Density Reductio/Groundwater Resource. The area between the two US 41 routes near the river will remain the core of this community. The old OS 41 routes near the river will remain the core of this community. The old US 41 corridor will be redeveloped with new commercial uses and waterfront development taking advantage of this areas close proximity to downtown fort Myers and its riverfront location. The US 41 corridor from Pondella Road north will continue to attract new commercial development that will serve the North Fort Myers community and other surrounding communities. Total commercial, service, and industrial uses will have doubled from the amount existing in 1996. These areas are surrounded by residential uses.~~

19. North Fort Myers - Over the course of the current planning effort, a new vision for the future of North Fort Myers has emerged and come into sharper focus. The following phrases, describing a brighter future for the community, capture the essence of the vision and provide a foundation for the plan's goals, objectives, and policies:

Town Center developments along the Caloosahatchee River and on Bayshore Road at I-75 offer new destinations for living, shopping, working, and socializing. Designed with walkable streets and streetscapes, ground level shops and restaurants, high quality housing, and connections to nearby parks, waterfronts, and natural areas, these new Centers are becoming signposts for positive changes throughout the community.

New retail and mixed use development cluster in Neighborhood Centers and along revitalized commercial corridors. Unlike the auto-oriented development that used to line major roadways. North Fort Myer's new neighborhood centers and corridors are pedestrian-friendly, with attractive landscaping and quality architecture.

Older neighborhoods are experiencing a quiet renaissance. First-time homebuyers, recent retirees, and new investors are fixing-up older housing stock, building compatible infill housing, sprucing-up yards, and working together to ensure properties and public rights-of-way are well-maintained, safe, and attractive.

New buildings are designed to fit the area's early design character. Simple, sturdy building forms, high quality materials, protection from the elements, and generous native vegetation create a distinctive local vernacular.

Landscape gateways, extensive streetscape and landscape improvements, and new pedestrian and bicycle facilities reinforce the North Fort Myers' reputation as a great place to live, work, and visit.

Greenways, blueways, and trail systems offer unique recreational amenities, linking together North Fort Myers' neighborhoods with the region's parks and recreational facilities, conservation lands, and new points of access to the Caloosahatchee River and its tributaries.

GOAL 28: NORTH FORT MYERS. North Fort Myers seeks to improve the community's livability and economic vitality by and promoting compact, mixed use development in the form of new town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors, stabilizing and enhancing, existing neighborhoods; preserving natural resources; and providing greater opportunities for public participation in the land development approval process.

OBJECTIVE 28.1: LAND USE: NEIGHBORHOODS AND HOUSING. By 2012 Land Use and Housing Review will be completed for each neighborhood and corridor by the North Fort Myers community.

Policy 28.1.1 Code Enforcement. The North Fort Myers community supports the continuation of the initiatives of Lee County Code Enforcement and Department of Human Services targeting North Fort Myers neighborhoods with high incidences of code violations. The County will provide periodic reports of enforcement activities to the North Fort Myers community.

Policy 28.1.2: Neighborhood District Planning. The North Fort Myers community will continue working with the Department of Human Services to implement Neighborhood District Revitalization Plans.

Policy 28.1.3: Housing Maintenance and Repair. The North Fort Myers community will work with the County to explore opportunities to expand Department of Human Service programs designed to help maintain, repair, and improve existing owner-occupied housing.

Policy 28.1.6: Collaboration. Encourage the active participation of existing neighborhood associations, homeowners, landlords, and tenants in North Fort Myers community's programs and planning initiatives.

Policy 28.1.7: Fair Share Projections. Using the current estimate of affordable housing construction need projected to 2030 as a starting point, the Department of Community Development will prepare an estimate of North Fort Myers' fair share of need by housing type for low-income, workforce, and affordable housing and establish five-year planning targets for the delivery of units.

Policy 28.1.8: Site Assessment and Pilot Projects. Working with the Department of Community Development, Department of Human Services, Lee County Housing Development Corp, Community Land Trust, non-profit housing providers, and representatives from nearby neighborhoods, the North Fort Myers community will prepare a study identifying potential sites for affordable housing and prepare preliminary studies for design and financial analyses for potential pilot or demonstration projects. The study will also identify neighborhoods where single family housing units can include remodeling to incorporate Mother-In-Law housing additions.

The evaluation should focus on sites with the following general characteristics:

- Located within the Intensive Development, Central Urban, and Urban - Community on the Lee Plan's Future Land Use Map;
- located where central water/sewer service is available;
- located within comfortable walking distance of mass transit, commercial and personal services, and parks and recreation facilities; and
- located on land previously converted for urban purposes.

Policy 28.1.9: Technical Assistance and Public Education. The North Fort Myers community will explore opportunities to expand the technical assistance and public education initiatives provided by the Departments of Community Development, Human Services, and Smart Growth Department ~~to~~ for the North Fort Myers community.

OBJECTIVE 28.2: LAND USE: CENTERS and CORRIDORS. By 2012, identify and pursue overlay districts and corridors.

Policy 28.2.1: Market Assessment and Planning Targets. The North Fort Myers community will work with the Department of Community Development to complete an analysis of the market support for retail, office, hospitality, and moderate-to-high density residential uses in the North Fort Myers submarket. The Assessment will be designed to consider the following:

- recommendations from the recently completed Commercial/Industrial Land Use Analysis:
- existing and proposed competitive supply, including planned development in Cape Coral, the City of Fort Myers, and Babcock Ranch; and
- local and regional projections of population and employment growth.

Information from the assessment will be used to guide planning decisions for the Town Center sector plans and requests to increase the inventory of lands planned and zoned for commercial and moderate-to-high density residential use.

Policy 28.2.2: Preliminary Designation of Town Centers. The North Fort Myers Community Plan designates the following areas as Town Centers appropriate for moderate to high intensity, pedestrian-oriented, mixed use development.

- North Cleveland Avenue and Hancock Bridge Parkway.
- North Tamiami Trail – Pondella Road to the Caloosahatchee River.
- Bayshore and I-75.

Policy 28.2.3: Town Center Sector Planning and Overlay Districts. For areas preliminarily identified as Town Centers, the North Fort Myers community, Department of Community Development, and Smart Growth Department will work together to prepare sector plans, development regulations (zoning overlay districts and design standards), and implementation plans to ensure development is consistent with the community's vision. The sector plans, development regulations, and implementation plans should be prepared consistent with the following general principles of smart growth and new urbanism:

- Compared development and a mix of uses are encouraged to promote walking; allow for shared parking; support transit; and minimize disturbance of natural areas, wildlife corridors, and drainage ways;

- Buildings should be designed to frame the public realm, enliven streetscapes, and provide for the informal surveillance of public spaces, primary entries, windows, storefronts, porches, and stoops should open onto streets, sidewalks, and public spaces;
- parks, squares, plazas, and promenades should be designed to promote community life and provide a variety of outdoor public space for informal gatherings, public events, and community activities;
- to dispense traffic, promote walking, and provide convenient routes for vehicles and pedestrians, streets should be designed in interconnected networks with generous sidewalks, shade trees, well-marked crossings, and amenities like pedestrian-scaled lighting, benches, trash receptacles, bike racks, and transit shelters; and
- parking areas (except for on-street spaces), loading docks, and service entries should be screened from public view and accessed from alleys, service courts, and side streets.

Policy 28.2.4: Provision Allowing Increased Development Intensity in Town Centers. To achieve the community's goals for Town Center Development, the County should adopt provisions allowing for greater minimum, maximum based, and maximum total densities and building heights than are currently allowed under the Lee Plan. These provisions should only be applicable to projects in areas designated as Town Centers, addressed in an adopted sector plan, and regulated by the Town Center Overlay District.

Policy 28.2.5: Designation of Neighborhood Centers. The North Fort Myers Community Plan designates the following areas as Neighborhood Centers appropriate for moderate intensity, pedestrian-oriented, mixed use development:

- Littleton and North Cleveland Avenue;
- North Tamiami Trail and Del Prado Boulevard;
- North Tamiami Trail and Nalle Grade Road;
- Hancock Bridge Parkway and Orange Grove Boulevard;
- North Tamiami Trail and Pine Island/Bayshore Roads;
- Bayshore Road and Slater Road; and
- Bayshore Road and Hart Road

For these areas, the community favors neighborhood-serving mixed use development' pedestrian-friendly street, site, and building designs; the incorporation of live/work, multi-family, and attached housing; and sidewalk and path connections to nearby neighborhoods, parks, and public uses. These Neighborhood Center designations are intended to replace the designations show on Commercial Site Location Standards Map (Lee Plan Map 19).

Policy 28.2.6: Neighborhood Center Overlay District. For areas preliminarily identified as Neighborhood Centers, the North Fort Myers community, Department of Community Development, and Smart Growth Department will work together to prepare a Neighborhood Center Overlay District providing the following:

- Permitted and prohibited uses;
- Standards for building, site, landscape, and sign design;
- Standards for pedestrian and bicycle facilities;
- Building setbacks and build-to lines;
- Conservation of natural features and native vegetation;

- Requirements for shared access and side/rear yard parking'
- Incentives (e.g. regulatory relief, increased height and density, etc.) for the redevelopment of obsolete and poorly performing commercial centers; and
- Incentives for projects incorporating mixed uses, public amenities, and affordable housing.

Policy 28.2.7: Corridor Overlay District. For areas along major road corridors outside designated Town Centers and Neighborhood Centers, the North Fort Myers community, Department of Community Development, and Smart Growth Department will work together to prepare a Corridor Overlay District as part of the Land Development Code requiring enhanced landscaping, greater buffering and shading of parking areas, improved commercial signage, enhanced standards to ensure architectural quality and compatibility, and incentives for quality development. At minimum, the Corridor Overlay District will provide the following:

- permitted and prohibited uses;
- standards for building, site, landscape, and sign design;
- standards for pedestrian and bicycle facilities;
- building setbacks and build-to-lines;
- conservation of natural features and native vegetation;
- buffers to adjacent residential neighborhoods;
- requirements for shared access and side/rear yard parking;
- incentives (e.g. regulatory relief, increased density, etc.) for the redevelopment of obsolete and poorly performing commercial centers;
- incentives for projects incorporating mixed uses, public amenities, and affordable housing; and
- shared parking.

Once adopted, deviations that would result in a reduction of landscaping, buffering, signage or deviation from design standards will not be supported.

Policy 28.2.8 Improving Older Commercial Properties. The North Fort Myers community will work with the Department of Community Development, the North Fort Myers Chamber of Commerce, and private property owners to develop incentives for bringing older development into compliance with regulations adopted as a result of the North Fort Myers Community Plan including but not limited to private public partnerships.

OBJECTIVE 28.3: TRANSPORTATION. By 2012 the North Fort Myers community will have neighborhood, corridors and community interface improvements identified.

Policy 28.3.1: Transportation Corridors. By 2009 the North Fort Myers community will review Metropolitan Planning Organization and Lee County Department of Transportation 2030 plan for recommendations and improvements applicable to the North Fort Myers Community planning area.

Policy 28.3.2: Gateways, Streetscape, and Landscape Improvements. The North Fort Myers community will work with the Lee County Roadway Landscape Advisory Committee to review plans for streetscape and landscape improvements in gateway locations and along major roadways consistent with the general provisions of the LeeScape Master Plan, including Bayshore and Pine Island Roads, North Cleveland Avenue, North Tamiami Trail, Pondella

Road, Hancock Bridge Parkway, and Del Prado Boulevard. Before finalization, plans should be presented for review to the North Fort Myers planning community.

Policy 28.3.3: Planning and Design of Arterials and Collectors. Decisions regarding future improvements or extension of Littleton Road, Hancock Bridge Parkway, Hart Road, Slater Road, and other roadways not currently shown on the Future Functional Classification Map (Map 3B) should be based on a careful analysis of need, community and environmental impact, and the potential for incorporation of context-sensitive design treatments. Public participation in planning and design processes for these and other road improvements should provide opportunities for involvement of the North Fort Myers community and North Fort Myers stakeholders.

Policy 28.3.6: Bus Transit Enhancements. The North Fort Myers community will work with Lee Tran to identify opportunities to improve service, frequency, routes, and stop amenities in the community.

Policy 28.3.7: Improvements for Regional Benefit. Road capacity improvements needed within North Fort Myers to serve demand generated outside the community should be designed to minimize impacts, improve visual character, and improve local access and mobility.

OBJECTIVE 28.4: COMMUNITY FACILITIES and SERVICES. By 2012 the community facilities and services needed to meet the needs of Town Centers, Neighborhood Centers and corridors will be identified by the North Fort Myers community.

Policy 28.4.1: Effectiveness of Existing Plan Objectives and Policies. County objectives and policies in Chapter IV of the Lee Plan regarding the provisions of community facilities and services, including those addressing adequate levels of service and extension of service, will be maintained and evaluated for effectiveness on an on-going basis. Proposed changes affecting existing or planned facilities and services in North Fort Myers, including changes in the scope or timing of planned capital improvements, will include input from the North Fort Myers community and North Fort Myers stakeholders.

Policy 28.4.3: Public Works Project Enhancements. Lee County will coordinate planning for public works projects, such as roadway capital improvements, with the North Fort Myers community so that potential landscape and aesthetic enhancements may be identified and incorporated in improvement plans. The North Fort Myers community encourages Lee County to review the feasibility of a waste water plant solids program for treatment and reuse.

Policy 28.4.4: Water Supply and Waste Water Planning and Capacity. The North Fort Myers Community Planning Panel will support educational efforts planned by the Department of Public Works, the Lee County Water Supply Authority, and the South Florida Water Management District to educate North Fort Myers stakeholders about the capacity of existing water systems to support existing and planned developments.

OBJECTIVE 28.5: PARKS, RECREATON and CONSERVATION. By 2012 identify park, recreation, open space, environmental protection and restoration needs and deficiencies to pursue remedies.

Policy 28.5.1 Level of Services Standards for Community Parks. To ensure parks and recreation facilities are reasonably accessible and adequate to meet the needs of residents, the North Fort Myers community will work with the Department of Parks and Recreation to evaluate the Lee Plan non-regulatory, desired level of service standards for community parks and generalized service area boundaries.

Policy 28.5.2: North Fort Myers Community Park. The County will work with the community to ensure that the development of the North Fort Myers Community Park is integrated into the surrounding development and open space areas, including incorporation of the development of a community park facility. The concept would be for the park to act as a hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments.

Policy 28.5.3: Recreational Programming and Access. Lee County will work with the North Fort Myers community and North Fort Myers Stakeholders to protect and to conserve natural resources, expand recreation opportunities and accessibility for the use of existing waterways, and provide a broad mix of parks, trails, and water recreation areas, to support the lifestyle preferences, livability, sustainability, recreational interest and economic vitality of the community.

Policy 28.5.4: Stewardship and Management of Conservation 20/20 Lands. The North Fort Myers community will work with the Department of Parks and Recreation to finalize and refine stewardship and management plans for 20/20 Conservation Lands within North Fort Myers.

Policy 28.5.5: Assessment of Lands for Acquisition. The North Fort Myers community will work to identify sites and corridors for nomination submittal to the established Lee County Conservation 20/20 program. Sites along planned trails, wildlife corridors, greenways, and major creeks should be carefully considered, as should those providing access to the Caloosahatchee River.

Policy 28.5.6: Greenway Plan Implementation. The North Fort Myers community will work with the Department of Parks and Recreation to implement recommendations for the Greenways Master Plan. As a first priority, the community supports development of the Tamiami Trail North segment of the Charlotte-Lee Collier Greenway and water access and signage improvements to access the Blueways designated along Yellow Fever Creek and along the Caloosahatchee River at Caloosahatchee Creeks Preserve. The North Fort Myers planning community will also assist in the identification of trails connecting neighborhoods, conservation areas, parks, and recreation facilities and areas and the water access points.

Policy 28.5.8: Conservation Policy Refinements. The North Fort Myers community will work with the Department of Community Development and Public Works (Environmental Science and Natural Resource Divisions) to pursue the Lee Master Mitigation Plan and to explore the adoption of the following conservation policies:

- Development proposals adjacent to the Caloosahatchee River and its tributaries will include floodplain protection plans prior to zoning approval;
  and

- The off-site mitigation of impacts to indigenous areas, wetlands, or wildlife habitat for development in North Fort Myers will occur within North Fort Myers.
- Participate in the Lee County water quality programs that are being developed to address required Total Maximum Daily Loads.

Policy 28.5.9: Wildlife Movement Corridors. For development within the Planning area the Department of Environmental Science will work with the North Fort Myers community to identify opportunities for the establishment and protection of wildlife movement corridors and interconnection of conservation easements to facilitate wildlife movement through the county.

OBJECTIVE 28.6: PUBLIC PARTICIPATION. Beginning in 2008 the North Fort Myers community will promote with Lee County enhanced community participation in the planning of capital improvements and decisions made in the North Fort Myers Community Planned area.

Policy 28.6.1: Notice of Land Development Code and Lee Plan Amendments. As a courtesy, Lee County will register citizens groups and civic organizations that desire notification of pending review of Land Development Code or Lee Plan amendments. Upon registration, Lee County will provide registered groups with electronic documentation regarding pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to provide timely notice will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 28.6.2: Document Clearinghouse. Lee County will work with the North Fort Myers community to establish a Document Clearing House, where copies of selected documents from permit applications, variance request, staff reports and Lee Plan status updates. Hearing Examiner recommendations, decisions, Administrative Variances and Board resolutions for any development in the community will be kept for public inspection. The County's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 28.6.3: The applicant for any rezoning, variance or special exception request within the North Fort Myers Planning Community must conduct one public informational session where the applicant will provide a general overview of the project for any interested citizen. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

FUTURE LAND USE MAP CHANGE: This plan amendment includes a Future Land Use Map change to approximately 85.3 acres from Suburban, Central Urban, and Sub-Outlying Suburban to Commercial and Conservation Lands. Approximately 73.89 acres will be changed to Commercial and 11.41 acres will be changed to Conservation Lands.

The Current Future Land Use Categories would allow for up to 325 dwelling units and 262,340 square feet of Commercial. The requested change to the FLUM will allow no dwelling units, and up to 835,882 square feet of commercial with a Floor Area Ratio of 0.2597.

The Orchid Road FLUM change affects several property owners and multiple parcels. After the application was agreed upon, one of the property owners of a small parcel south of Pine Island Road writing on behalf of four other property owners asked that their property be removed from the application.

An analysis of the Pine Island Road and adjacent street systems was prepared by Lee County Department of Transportation staff and the results indicated that with the proposed commercial development will not exceed or maximize the level of service specified for Pine Island Road or the adjacent street system.

The site is adjacent to the City of Cape Coral on three sides and is located near intense commercial uses. Staff has concerns that the site could some day be annexed into the City of Cape Coral and be developed under the City's regulations. Staff recommends transmittal of the Future Land Use Map change as indicated on the attached map including the approximately 11.41 acres of proposed Conservation Lands. If the applicant wants to change the configuration of Conservation Lands or remove the above mentioned parcel then staff does not recommend transmittal of the FLUM portion of this amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The North Fort Myers Community Plan is the result of over a two-year long effort of the North Fort Myers Community Planning Panel and the residents of North Fort Myers.
- Lee County hired a consultant, HDR, to assist them Planning Panel, the North Fort Myers Community and Lee County in the development of the plan.
- The Community Plan was funded by $50,000 of community planning funds provided by the Board of County Commissioners.
- All meetings with the Planning Panel and the community were held at various locations in North Fort Myers, primarily at the Shell Factory.
- Follow up meetings attended by staff were held with the North Fort Myers Community Planning Panel.
- This amendment will add a new Vision Statement, a new Goal, Objectives, and Policies to the Lee Plan, and will amend the Future Land Use Map.

C. BACKGROUND INFORMATION

The North Fort Myers Community Plan is a collective effort of local area citizens who formed a nine-member community planning panel to create a vision and plan for the North Fort Myers community. Each planning panel member was a chairperson for one of nine sub-committees that was made up of area residents. The sub-committees addressed the following: Land Use; Environment; Communication;

Transportation; Infrastructure; Affordable Housing; Community Character; Economic Development; and Health and Human Services.

In the spring of 2006 the North Fort Myers Community Planning Panel was invited to participate in the selection process to assist Lee County in the selection of a planning consultant to help them write their community plan. The firm of HDR Engineering was selected and hired by Lee County. The consultants, along with Lee County staff took a bus tour of North Fort Myers and discussed land use and other issues relevant to the community. The planning consultants held several public meetings with residents of North Fort Myers to receive input and suggestions on what to include in the community plan.

A draft plan was submitted to Lee County and the community in January of 2008 and was revised based on input from staff and the community. The Final Report was submitted to Lee County in February, 2008. This proposed new Vision Statement, Goal, Objectives, Policies and Future Land Use Map amendment are a result of work done on the North Fort Myers Community Plan.

PART II - STAFF DISCUSSION AND RECOMMENDED REVISIONS

A. STAFF DISCUSSION

This new Goal for North Fort Myers is intended to express the community's desire to achieve its vision for the future as identified in their most recent community planning endeavor. The existing Vision Statement is being replaced with the community's new vision for the future. The new Future Land Use Goal, and subsequent Objectives and Policies as revised by staff in strike-through/double underline, is set forth.

VISION STATEMENT:

~~**19. North Fort Myers** - This Community is located north of the Caloosahatchee River between the Alva Planning Community and the City of Cape Coral. This community includes a wide mix of Future Land Use designations from Intensive Development to Density Reductio/Groundwater Resource. The area between the two US 41 routes near the river will remain the core of this community. The old OS 41 routes near the river will remain the core of this community. The old US 41 corridor will be redeveloped with new commercial uses and waterfront development taking advantage of this areas close proximity to downtown fort Myers and its riverfront location. The US 41 corridor from Pondella Road north will continue to attract new commercial development that will serve the North Fort Myers community and other surrounding communities. Total commercial, service, and industrial uses will have doubled from the amount existing in 1996. These areas are surrounded by residential uses.~~

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Town Center developments along the Caloosahatchee River and on Bayshore Road at I-75 offer new destinations for living, shopping, working, and socializing. Designed with walkable streets and streetscapes, ground level shops and restaurants, high quality housing, and connections to nearby parks,

waterfronts, and natural areas, these new Centers are becoming signposts for positive changes throughout the community.

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Greenways, blueways, and trail systems offer unique recreational amenities, linking together North Fort Myers' neighborhoods with the region's parks and recreational facilities, conservation lands, and new points of access to the Caloosahatchee River and its tributaries.

This Vision Statement for North Fort Myers was drafted during the community planning process by the community with the help of their consultant. Staff has no objection to this new Vision Statement for North Fort Myers.

GOAL 28: NORTH FORT MYERS. North Fort Myers seeks to improve the community's livability and economic vitality by and promoting compact, mixed use development in the form of new town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors, stabilizing and enhancing, existing neighborhoods; preserving natural resources; and providing greater opportunities for public participation in the land development approval process.

Staff has no objection to Goal 28.

OBJECTIVE 28.1: LAND USE: NEIGHBORHOODS AND HOUSING. By 2012 Land Use and Housing Review will be completed ~~by~~ for each neighborhood and corridor by the North Fort Myers community.

Staff recommends transmitting Objective 28.1 as revised.

Policy 28.1.1 Code Enforcement. The North Fort Myers community s~~S~~upports the continuation ~~and expansion~~ of the ~~code enforcement~~ initiatives of Lee County Code Enforcement and Department of Human Services targeting North Fort Myers neighborhoods with high incidences of code violations. The County will provide periodic reports of enforcement activities to the North Fort Myers c~~C~~ommunity ~~Planning Panel~~.

As proposed by the Planning Panel, this policy anticipates expansion of the Code Enforcement initiatives for North fort Myers. Compliance with this policy will require additional staff time and financial resources to expand services and prepare reports. The funding source for this envisioned expansion and service has not been identified. Staff recommends transmitting Policy 28.1.1 as revised.

> **Policy 28.1.2: Neighborhood District Planning.** The North Fort Myers c~~C~~ommunity ~~Planning Panel~~ will continue working with the Department of Human Services to implement Neighborhood District Revitalization Plans.

Staff has no objection to Policy 28.1.2 as revised.

> **Policy 28.1.3: Housing Maintenance & and Repair.** The North Fort Myers ~~C~~community ~~Panel~~ will work with the County to explore opportunities to expand Department of Human Service programs designed to help maintain, repair, and improve existing owner-occupied housing.

Staff recommends transmittal of Policy 28.1.3 as revised.

> ~~**Policy 28.1.4 Small Scale Mixed Use Projections.** To increase the diversity of housing types available for residents, the Department of Community Development will amend the Mixed Planned Development Category to allow for small scale mixed use projects with residential above or in close proximity to retail and service uses.~~

The Lee Plan Future Land Use map series identifies areas that are located in the Lee County Mixed Use Overlay. That map may be amended to include additional areas in North Fort Myers after the Town Center, Neighborhood Center, and Corridor regulations are drafted by the consultant the County is in the process of hiring. Staff does not recommend transmittal of Policy 28.1.4, but recognizes that changes to the Mixed Use Overlay map may be required subsequent to the drafting of Town Center, Neighborhood Center, and Corridor regulations.

> ~~**Policy 28.1.5: Conservation of Large Lot Neighborhoods.** Lee County will protect large lot residential by requiring significant buffers between existing lots and higher density residential development or the placement of transitional density units along the perimeter.~~

Policy 28.1.5 needs clarification. The terms "significant buffers" and "transitional density" are subject to interpretation. Staff does not recommend transmittal of Policy 28.1.5.

> **Policy 28.1.6: Collaboration.** Encourage the active participation of existing neighborhood associations, homeowners, landlords, and tenants in North Fort Myers c~~C~~ommunity's ~~Planning Panel's~~ programs and planning initiatives.

Staff recommends transmitting Policy 28.1.6 as revised.

> **Policy 28.1.7: Fair Share Projections.** Using the current estimate of affordable housing construction need projected to 2030 as a starting point, the Department of Community Development will prepare an estimate of North Fort Myers' fair share of need by housing type for low-income, workforce, and affordable housing and establish ~~annual~~ five-year planning targets for the delivery of units.

Staff resources will be necessary to estimate the North Fort Myers "fair share" of need by housing type and to establish annual planning targets for the delivery of units. Establishing annual planning targets is not a reasonable expectation. Staff recommends transmitting Policy 28.1.7 as revised.

Policy 28.1.8: Site Assessment & and Pilot Projects. Working with the Department of Community Development, Department of Human Services, Lee County Housing Development Corp, Community Land Trust, non-profit housing providers, and representatives from nearby neighborhoods, the North Fort Myers cCommunity ~~Planning Panel should participate in~~ will prepare a study identifying potential sites for affordable housing and prepare preliminary studies for design and financial analyses for potential pilot or demonstration projects. The study will also iIdentify neighborhoods where single family housing units can include remodeling to incorporate Mother-In-Law housing additions.

The evaluation should focus on sites with the following general characteristics:

- Located within the Intensive Development, Central Urban, and Urban - Community on the Lee Plan's Future Land Use Map;
- located where central water/sewer service is available;
- located within comfortable walking distance of mass transit, commercial and personal services, and parks and recreation facilities; and
- located on land previously converted for urban purposes.

As submitted, Policy 28.1.8 requires the Department of Community Development and the Department of Human Services staff to conduct studies and prepare designs and financial analyses for the potential pilot or demonstration projects proposed by this policy. Compliance with this policy will require additional staff time and financial resources to prepare the study. Staff recommends transmitting Policy 28.1.8 as revised.

Policy 28.1.9: Technical Assistance & and Public Education. The North Fort Myers community will explore opportunities to expand the technical assistance and public education initiatives provided by the Departments of Community Development, Human Services, and Smart Growth Department to for the North Fort Myers cCommunity ~~Planning, community-based organizations, and community housing organizations.~~

Staff recommends transmitting Policy 28.1.9 as revised.

~~**Policy 28.1.10: New Housing Type in Overlays.** Incorporate into Overlay Districts the addition of single person apartment types of 500 square feet or less and have their density calculated as 1/3 of a unit and only pay 1/3 of impact fees.~~

Lee County is in the process of hiring a consultant to develop Town Center, Neighborhood Center, and Corridor regulations to implement the North Fort Myers Community Plan. The consultant may address Policy 28.1.10 while developing those regulations, but staff does not recommend transmittal of this policy.

OBJECTIVE 28.2: LAND USE: CENTERS & and CORRIDORS. By 2012, identify and pursue overlay districts and corridors.

Lee County is in the process of hiring a consultant to develop Town Center, Neighborhood Center, and Corridor regulations to implement the North Fort Myers Community Plan. Staff has no objection to Objective 28.2 as revised.

Policy 28.2.1: Market Assessment & and Planning Targets. The North Fort Myers cCommunity ~~Planning Panel~~ will work with the ~~Horizon Council and the~~ Department of Community Development to complete an analysis of the market support for retail, office, hospitality, and moderate-to-high density residential uses in the North Fort Myers submarket. The Assessment will be designed to consider the following:

- recommendations from the recently completed Commercial/Industrial Land Use Analysis;
- existing and proposed competitive supply, including planned development in Cape Coral, the City of Fort Myers, and Babcock Ranch; and
- local and regional projections of population and employment growth.

Information from the assessment will be used to guide planning decisions for the Town Center sector plans and requests to increase the inventory of lands planned and zoned for commercial and moderate-to-high density residential use.

The Horizon Council is an all-volunteer group that is an advisory board the the BoCC for economic development issues. To date, it has not had any responsibility for individual community planning, commercial or retail development activities such as those activities cited in the NFM community plan.

The Economic Development Office is staff to the Horizon Council. Economic Development does not have as there Core Services, community planning, commercial or retail development. Thus far, the Economic Development Office has worked to increase the high-skill, high wage jobs that will diversify Lee County's economy.

This policy also requires the Department of Community Development to participate in an analysis of the market support for retail, office, hospitality, and moderate to high density residential uses in North Fort Myers. This effort will require the County to devote personnel and possibly financial resources to complete the analysis and prepare a report that would ultimately be used as a guide in future planning decisions.

Policy 28.2.2: Preliminary Designation of Town Centers. The North Fort Myers Community Plan designates the following areas as Town Centers appropriate for moderate to high intensity, pedestrian-oriented, mixed use development.

- North Cleveland Avenue &and Hancock Bridge Parkway.
- North Tamiami Trail – Pondella Road to the Caloosahatchee River.
- Bayshore &and I-75.

The County is in the process of hiring a planning consultant to develop Town Center, Neighborhood Center, and Corridor regulations. Policy 28.2.2 identifies the general areas of the Town Centers. Staff has no objection to Policy 28.2.2 as revised.

Policy 28.2.3: Town Center Sector Planning &and Overlay Districts. For areas preliminarily identified as Town Centers, the North Fort Myers cCommunity ~~Planning Panel~~, Department of Community Development, and Smart Growth Department will work together to prepare sector

plans, development regulations (zoning overlay districts and design standards), and implementation plans to ensure development is consistent with the community's vision. The sector plans, development regulations, and implementation plans should be prepared consistent with the following general principles of smart growth and new urbanism:

- Compared development and a mix of uses are encouraged to promote walking; allow for shared parking; support transit; and minimize disturbance of natural areas, wildlife corridors, and drainage ways;
- Buildings should be designed to frame the public realm, enliven streetscapes, and provide for the informal surveillance of public spaces, primary entries, windows, storefronts, porches, and stoops should open onto streets, sidewalks, and public spaces;
- parks, squares, plazas, and promenades should be designed to promote community life and provide a variety of outdoor public space for informal gatherings, public events, and community activities;
- to dispense traffic, promote walking, and provide convenient routes for vehicles and pedestrians, streets should be designed in interconnected networks with generous sidewalks, shade trees, well-marked crossings, and amenities like pedestrian-scaled lighting, benches, trash receptacles, bike racks, and transit shelters; and
- parking areas (except for on-street spaces), loading docks, and service entries should be screened from public view and accessed from alleys, service courts, and side streets.

The County is in the process of hiring a consultant to develop Land Development regulations specific to areas identified in the North Fort Myers Community Plan as Town Centers. Staff recommends transmitting Policy 28.2.3 as revised.

Policy 28.2.4: Provision Allowing Increased Development Intensity in Town Centers. To achieve the community's goals for Town Center Development, the County should adopt provisions allowing for greater minimum, maximum based, and maximum total densities and building heights than are currently allowed under the Lee Plan. These provisions should only be applicable to projects in areas designated as Town Centers, addressed in an adopted sector plan, and regulated by the Town Center Overlay District.

The County is in the process of hiring a consultant to develop Town Center, Neighborhood Center, and Corridor regulations. If in the process of developing those regulations it is determined that increased development intensity in Town centers is needed, then changes to the Land Development Code can be made at that time. An increase in allowable density and increased building height will require an amendment to the Lee Plan during a future round of Lee Plan amendments. Staff has no objection to Policy 28.2.4.

Policy 28.2.5: Designation of Neighborhood Centers. The North Fort Myers Community Plan designates the following areas as Neighborhood Centers appropriate for moderate intensity, pedestrian-oriented, mixed use development:

- Littleton &and North Cleveland Avenue;
- North Tamiami Trail &and Del Prado Boulevard;
- North Tamiami Trail &and Nalle Grade Road;
- Hancock Bridge Parkway and Orange Grove Boulevard;
- North Tamiami Trail &and Pine Island/Bayshore Roads;

- Bayshore Road &and Slater Road; and
- Bayshore Road &and Hart Road

For these areas, the community favors neighborhood-serving mixed use development' pedestrian-friendly street, site, and building designs; the incorporation of live/work, multi-family, and attached housing; and sidewalk and path connections to nearby neighborhoods, parks, and public uses. These Neighborhood Center designations are intended to replace the designations show on Commercial Site Location Standards Map (Lee Plan Map 19).

The County is in the process of hiring a consultant to develop Town Center, Neighborhood Center, and Corridor regulations. Staff recommends transmitting Policy 28.2.5 as revised.

Policy 28.2.6: Neighborhood Center Overlay District. For areas preliminarily identified as Neighborhood Centers, the North Fort Myers cCommunity ~~Planning Panel~~, Department of Community Development, and Smart Growth Department will work together to prepare a ~~revised~~ Neighborhood Center Overlay District providing the following:

- Permitted and prohibited uses;
- Standards for building, site, landscape, and sign design;
- Standards for pedestrian and bicycle facilities;
- Building setbacks and build-to lines;
- Conservation of natural features and native vegetation;
- Requirements for shared access and side/rear yard parking'
- Incentives (e.g. regulatory relief, increased height and density, etc.) for the redevelopment of obsolete and poorly performing commercial centers; and
- Incentives for projects incorporating mixed uses, public amenities, and affordable housing.

The County is in the process of hiring a consultant to develop Town Center, Neighborhood Center, and Corridor regulations. Staff recommends transmitting Policy 28.2.6 as revised.

Policy 28.2.7: Corridor Overlay District. For areas along major road corridors outside designated Town Centers and Neighborhood Centers, the North Fort Myers cCommunity ~~Planning Panel~~, Department of Community Development, and Smart Growth Department will work together to prepare a Corridor Overlay District as part of the Land Development Code requiring enhanced landscaping, greater buffering and shading of parking areas, improved commercial signage, enhanced standards to ensure architectural quality and compatibility, and incentives for quality development. At minimum, the Corridor Overlay District will provide the following:

- permitted and prohibited uses;
- standards for building, site, landscape, and sign design;
- standards for pedestrian and bicycle facilities;
- building setbacks and build-to-lines;
- conservation of natural features and native vegetation;
- buffers to adjacent residential neighborhoods;
- requirements for shared access and side/rear yard parking;
- incentives (e.g. regulatory relief, increased density, etc.) for the redevelopment of obsolete and poorly performing commercial centers;

- incentives for projects incorporating mixed uses, public amenities, and affordable housing; and
- shared parking.

Once adopted, deviations that would result in a reduction of landscaping, buffering, signage or deviation from design standards will not be supported.

The County is in the process of hiring a consultant to develop Town Center, Neighborhood Center, and Corridor regulations. Staff recommends transmitting Policy 28.2.7 as revised.

Policy 28.2.8 Improving Older Commercial Properties. The North Fort Myers cCommunity ~~Planning Panel~~ will work with the Department of Community Development, the North Fort Myers Chamber of Commerce, ~~Horizon Council~~, and private property owners to develop incentives for bringing older development into compliance with regulations adopted as a result of the North Fort Myers Community Plan including but not limited to private public partnerships.

County staff is in the process of hiring a planning consultant to address Policy 28.2.8. Staff recommends transmitting Policy 28.2.8 as revised.

~~**Policy 28.2.9: Use Compatibility.** By the end of 2008, Lee County will review existing restrictions on the location of uses considered detrimental by the community, e.g. adult-oriented businesses, bottle club establishments, freestanding bars or lounges, or businesses with significant outdoor stage, display, or delivery areas, pawn shops, gambling establishments, and gun/firearm shops from locating near existing or approved residential neighborhoods, mixed use developments including residential, public park and recreation facilities, and public or private schools.~~

Uses are reviewed for compatibility during the rezoning process. If a use is allowed on property located in a particular zoning category, then permits can be obtained to locate that use. If the community proposes to adopt Land Development Code amendments to further restrict the location of uses within the planning community that are considered detrimental, staff has no objection. Staff does not recommend transmittal of Policy 28.2.9.

~~**Policy 28.2.10: Cross Parcel Access.** The Department of Community Development will conduct a review of existing Land Development Code provisions requiring commercial developments to provide privately-owned road and sidewalk connections between adjacent existing and planning commercial uses to minimize access points onto primary road corridors.~~

Chapter 10 of the Land Development Code addresses Policy 28.2.10. The County cannot require existing commercial uses to provide connections to lands that are developed subsequent to the existing development unless that was a condition of the development order or zoning. Sec. 20-295 reads:

Sec. 10-295. Street stubs to adjoining property.
Street stubs to adjoining areas shall be provided where deemed necessary by the director of development review to give access to such areas or to provide for proper traffic circulation. Street stubs shall be provided with a temporary cul-de-sac turnaround within the minimum required platted right-of-way. When adjoining lands are subsequently developed, the developer of the adjoining land

shall pay the cost of extending the street and restoring it to its original design cross section. Where a developer proposes private local streets with controlled admittance, he may propose an alternate means of interconnection provided that such means does not require all local traffic to use the arterial network. All interconnections shall be designed to discourage use by through traffic. Staff does not recommend transmittal of Policy 28.2.10.

Staff does not recommend transmittal of Policy 28.2.10.

OBJECTIVE 28.3: TRANSPORTATION. By 2012 the North Fort Myers community will have neighborhood, corridors and community interface improvements identified.

The County is in the process of hiring a consultant to develop Town Center, Neighborhood Center, and Corridor regulations. The North Fort Myers community will have the opportunity to work with the consultant to achieve Objective 28.3. Staff recommends transmitting Objective 28.3 as revised.

Policy 28.3.1: Transportation Corridors. By 2009 the North Fort Myers community will review Metropolitan Planning Organizations and Lee County Department of Transportations 2030 plan for recommendations and improvements ~~for~~applicable to the North Fort Myers Community planning area.

Staff recommends transmitting Policy 28.3.1, as revised.

Policy 28.3.2: Gateways, Streetscape, & and Landscape Improvements. The North Fort Myers c~~C~~ommunity ~~Planning panel~~ will work with the Lee County Roadway Landscape Advisory Committee to ~~complete~~ review plans for streetscape and landscape improvements in gateway locations and along major roadways consistent with the general provisions of the LeeScape Master Plan, including Bayshore and Pine Island Roads, North Cleveland Avenue, North Tamiami Trail, Pondella Road, Hancock Bridge Parkway, and Del Prado Boulevard. Before finalization, plans should be presented for review to the North Fort Myers planning c~~C~~ommunity ~~Planning Panel~~.

Policy 28.3.2 will require the Lee County Roadway Landscape Advisory Committee to complete plans for streetscape and landscape improvements in gateway locations and along major roadways. That Committee does not develop landscape plans, but they do routinely review them. Staff recommends transmitting Policy 28.3.2 as revised.

Policy 28.3.3: Planning &and Design of Arterials &and Collectors. Decisions regarding ~~the functional classification and~~ future improvements or extension of Littleton Road, Hancock Bridge Parkway, Hart Road, Slater Road, and other roadways not currently shown on the Future Functional Classification Map (Map 3B) should be based on a careful analysis of need, community and environmental impact, and the potential for incorporation of context-sensitive design treatments. Public participation in planning and design processes for these and other road improvements should provide opportunities for involvement of the North Fort Myers c~~C~~ommunity ~~Planning Panel~~ and ~~other~~ North Fort Myers stakeholders.

County staff has technical standards in place for determining the functional classification of roads in Lee County. County staff typically holds public workshops at the design stage for road projects. Staff recommends transmitting Policy 28.3.3 as revised.

~~**Policy 28.3.4 Hancock Bridge Parkway Extension.** The county will initiate a study to determine the feasibility, cost, and timing of the eastward extension of Hancock Bridge Parkway. The scope of the study should address the following:~~

- ~~effect on regional traffic and circulation patterns;~~
- ~~preferred alignment and conceptual design cross-section for the roadway;~~
- ~~land use and design recommendations for redevelopment of property along the roadway;~~
- ~~preliminary regulatory strategies to ensure appropriate redevelopment; and~~
- ~~preliminary cost estimates and timeline for engineering design, right-of-way acquisition, and project construction.~~

Lee County DOT has already initiated a preliminary corridor study for a possible extension of an arterial roadway from the existing Hancock Bridge Parkway to a point on Business 41. That study does not include design or regulatory standards. Staff does not recommend transmittal of Policy 28.3.4.

~~**Policy 28.3.5: Standards for Walkable Urban Thoroughfares.** The Department of Pubic Works is encouraged to develop alternative design standards for arterials and collectors serving areas designated in the North Fort Myers Community Plan as a Town Center or Neighborhood Center. Such standards may draw on guidance in Institute for Traffic Engineers Proposed Recommended Practice, Contest Sensitive Solutions for Designing Major Urban Thoroughfares for Walkable Communities.~~

The County is in the process of hiring a consultant to develop Land Development Regulations to implement Town Center, Neighborhood Center, and Corridor plans. Policy 28.3.5 will be addressed during that planning process. Staff does not recommend transmitting Policy 28.3.5.

Policy 28.3.6: Bus Transit Enhancements. The North Fort Myers c~~C~~ommunity ~~Planning Panel~~ will work with Lee Tran to identify opportunities to improve service, frequency, routes, and stop amenities in the community.

Policy 28.3.6 will require the initiative of the North Fort Myers Planning community to contact Lee County Transit to arrange meetings, request information and provide input. Staff recommends transmitting Policy 28.3.6 as revised.

Policy 28.3.7: Improvements for Regional Benefit. Road capacity improvements needed within North Fort Myers to serve demand generated outside the community should be designed to minimize impacts, improve visual character, and improve local access and mobility.

Staff has no objection to Policy 28.3.7.

~~**Policy 28.3.8: I-75 Interchange & Del Prado Extension.** The county will complete a detailed analysis of the feasibility of a new I-75 interchange and the potential alignment for a connection to Del Prado Boulevard. As part of the analysis, impacts on existing neighborhoods, local streets, and conservation lands should be evaluated and reported to the North Fort Myers Community Panel. The report should include the termination point of Nalle Grade Road at US 41 and I-75.~~

The County has completed the corridor study for Del Prado Blvd. Staff does not recommend transmitting Policy 28.3.8.

OBJECTIVE 28.4: COMMUNITY FACILITIES &and SERVICES. By 2012 the community facilities and services needed to meet the needs of Town Centers, Neighborhood Centers and corridors will be identified by the North Fort Myers community. ~~and deficiencies addressed.~~

The County is in the process of hiring a consultant to develop Town Center, Neighborhood Center, and Corridor regulations. It is not known how those regulations will affect community facilities and services or how much it will cost to address those needs. There is no funding identified for any improvements that may be required. Staff recommends transmitting Objective 28.4 as revised.

Policy 28.4.1: Effectiveness of Existing Plan Objectives &and Policies. County objectives and policies in Chapter IV of the Lee Plan regarding the provisions of community facilities and services, including those addressing adequate levels of service and extension of service, will be maintained and evaluated for effectiveness on an on-going basis. Proposed changes affecting existing or planned facilities and services in North Fort Myers, including changes in the scope or timing of planned capital improvements, will ~~be reported to~~ include input from the North Fort Myers c~~C~~ommunity ~~Planning Panel~~ and North Fort Myers stakeholders.

The Lee Plan is amended regularly and an Evaluation and Appraisal report is required to be undertaken every seven years. Policy 28.4.1 will require the initiative of the North Fort Myers Planning Panel to provide input to County staff for planned capital improvement projects. Staff recommends transmitting Policy 28.4.1 as revised.

~~**Policy 28.4.2: Medical District Planning.** The North Fort Myers Community Planning Panel will work with the Department of Community Development, Horizon Council, Human Services Department, Lee County Health Department, Medical Society, and Lee Memorial Health Systems to develop a collaborative effort for funding a feasibility study for this project. They should also work together to complete an analysis for the feasibility of developing a new hospital, 24/7 urgent care facility, ambulatory surgery center, physician specialty offices and related medical diagnostic and lab services in the northeast area of North Fort Myers. The analysis should provide the following:~~

- ~~a preliminary development program indicating the types, sizes, and phasing of buildings and site improvements;~~
- ~~an evaluation of sites with the potential to support the preliminary devolvement program including an evaluation of infrastructure capacity;~~
- ~~a market assessment and financing plan to assess project feasibility by private and public sectors;~~
- ~~recommended planning policy and regulatory changes required to support a preferred development strategy;~~
- ~~a preliminary development timeline and estimate of timeline for achieving necessary entitlements; and~~
- ~~Identify other or associated uses within the Medical Corridor.~~

This policy contemplates the County contributing funding for, and participating in, the exploration of a Medical District in the North Fort Myers community. Compliance with this policy will require County

financial and staff resources to implement. There is no funding source specified for this endeavor. Staff does not recommend transmittal of Policy 28.4.2.

> **Policy 28.4.3: Public Works Project Enhancements.** Lee County will coordinate planning for public works projects, such as ~~street resurfacing, repairs, maintenance~~ roadway capital improvements, ~~drainage swales, and other surface water management system improvements,~~ with the North Fort Myers c~~C~~ommunity ~~Planning Panel~~ so that potential landscape and aesthetic enhancements may be identified and incorporated in improvement plans. The North Fort Myers c~~C~~ommunity ~~Planning Panel~~ encourages Lee County to review the feasibility of a waste water plant solids program for treatment and reuse.

Staff does not recommend including routine maintenance activities in this policy, such as minor repairs to roadways. Repairs or improvements to drainage swales or other surface water management systems also may be routine maintenance. Staff recommends transmitting Policy 28.4.3 as revised.

> **Policy 28.4.4: Water Supply and Waste Water Planning &and Capacity.** The North Fort Myers Community Planning Panel will support educational efforts planned by the Department of Public Works, the Lee County Water Supply Authority, and the South Florida Water Management District to educate North Fort Myers stakeholders about the capacity of existing water systems to support existing and planned developments. ~~Regardless of ownership the North Fort Myers Community Planning Panel would request that the Lee County Department of Public Works coordinate services for waste water and water supply so that no area designated under this plan is under served.~~

New development in Lee County that exceeds established density and intensity thresholds are required to extend sewer and water to serve the site. Lee County provides sewer service to the Waterway Estates neighborhood, east to U.S. 41, but the majority of North Fort Myers is not served by Lee County. Staff recommends transmitting Policy 28.4.4 as revised.

> ~~**Policy 28.4.5: Septic Tanks & Waste Water Treatment.** Encourage Lee County to enforce the state statute and any other regulations regarding required hook up to existing sewage lines for all properties. To support and encourage the expansion of new sewer lines to discourage new septic tank systems and replace existing septic tanks.~~
>
> ~~Provide for and continue support for effective water conservation policies to include appropriate public educational campaigns and county staffing. Encourage the expansion of reuse to include both commercial and residential opportunities.~~

Lee County does enforce all existing regulations. New development in Lee County that exceeds established density and intensity thresholds are required to extend sewer and water to serve the site. Lee County provides sewer service to the Waterway Estates neighborhood, east to U.S. 41, but the majority of North Fort Myers is not provided sewer service by Lee County. Staff does not recommend transmittal of Policy 28.4.5.

> **OBJECTIVE 28.5: PARKS, RECREATON &and CONSERVATION.** By 2012 identify park, recreation, open space, environmental protection and restoration needs and deficiencies to pursue remedies.

Staff recommends transmitting Objective 28.5 as revised.

> **Policy 28.5.1 Level of Services Standards for Community Parks.** To ensure parks and recreation facilities are reasonably accessible and adequate to meet the needs of residents, the North Fort Myers cCommunity ~~Planning Panel~~ will work with the Department of Parks and Recreation to evaluate the Lee Plan non-regulatory, desired level of service standards for community parks and generalized service area boundaries.

Policy 28.5.1 will require the initiative of the North Fort Myers community planning panel to coordinate with the Department of Parks and Recreation. Staff recommends transmitting Policy 28.5.1 as revised.

> **Policy 28.5.2: North Fort Myers Community Park.** The County will work with the community to ensure that the development of the North Fort Myers Community Park is integrated into the surrounding development and open space areas, including incorporation of the development of a community park facility. The concept would be for the park to act as a hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments.

Staff has no objection to Policy 28.5.2.

> **Policy 28.5.3: Recreational Programming and Access.** Lee County will work with the North Fort Myers cCommunity ~~Planning Panel~~ and North Fort Myers Stakeholders to protect and to conserve natural resources, expand recreation opportunities and accessibility for the use of existing waterways, and provide a broad mix of parks, trails, and water recreation areas, to support the lifestyle preferences, livability, sustainability, recreational interest and economic vitality of the community.

Staff recommends transmitting Policy 28.5.3 as revised.

> **Policy 28.5.4: Stewardship &and Management of Conservation 20/20 Lands.** The North Fort Myers cCommunity ~~Planning Panel~~ will work with the Department of Parks and Recreation to finalize and refine stewardship and management plans for 20/20 Conservation Lands within North Fort Myers.

Staff recommends transmitting Policy 28.5.4 as revised.

> **Policy 28.5.5: Assessment of Lands for Acquisition.** The North Fort Myers cCommunity ~~Planning Panel~~ will work ~~with the Division of County Lands and Department of Parks and Recreation~~ to identify ~~additional~~ sites and corridors for ~~acquisition under the Conservation~~ nomination submittal to the established Lee County Conservation 20/20 program. Sites along planned trails, wildlife corridors, greenways, and major creeks should be carefully considered, as should those providing access to the Caloosahatchee River.

Staff recommends transmitting Policy 28.5.5 as revised.

> **Policy 28.5.6: Greenway Plan Implementation.** The North Fort Myers cCommunity ~~Planning Panel~~ will work with the Department of Parks and Recreation to implement recommendations

for the Greenways Master Plan. As a first priority, the community supports development of the Tamiami Trail North segment of the Charlotte-Lee Collier Greenway and water access and signage improvements to access the Blueways designated along Yellow Fever Creek and along the Caloosahatchee River at Caloosahatchee Creeks Preserve. The North Fort Myers planning cCommunity ~~Planning Panel~~ will also assist in the identification of trails connecting neighborhoods, conservation areas, parks, ~~and~~ recreation facilities and areas and the water access points.

Staff recommends transmitting Policy 28.5.6 as revised.

~~**Policy 28.5.7: Small Site Conservation Program.** The North Fort Myers Community Planning Panel will work with the Department of County Lands and Department of Parks and Recreation to explore the feasibility of establishing a small site conservation program to transfer land acquisitions or conservation easement to link larger parks, preserves, and mitigation areas; protect native trees and vegetation, creeks, wetland systems, and wildlife movement corridors; and provide connections to greenways and blueways.~~

County staff resources are already identified to assist the Board of County Commissioners' conservation Lands Acquisition and Stewardship Advisory Committee (CLASAC) with this process. As to the Division of County Lands specifically, they are an independent division created to provide Real Estate Services in support of Board adopted projects. Staff does not recommend transmittal of Policy 28.5.7.

Policy 28.5.8: Conservation Policy Refinements. The North Fort Myers cCommunity ~~Planning Panel~~ will work with the Department of Community Development and Public Works (Environmental Science and Natural Resource Divisions) to pursue the Lee Master Mitigation Plan and to explore the adoption of the following conservation policies:

- Development proposals adjacent to the Caloosahatchee River and its tributaries will include floodplain protection plans prior to zoning approval; and
- The off-site mitigation of impacts to indigenous areas, wetlands, or wildlife habitat for development in North Fort Myers will occur within North Fort Myers.
- Participate in the Lee County water quality programs that are being developed to address required Total Maximum Daily Loads.

Policy 28.5.8 will require the initiative of the North Fort Myers community planning panel to coordinate with the Department of Community Development and Public Works. Staff recommends transmitting Policy 28.5.8 as revised.

Policy 28.5.9: Wildlife Movement Corridors. For development within the Planning area the ~~Community Development~~ Department of Environmental Science will work with the North Fort Myers cCommunity ~~Planning Panel~~ to identify opportunities for the establishment and protection of wildlife movement corridors ~~to include the review of development to provide for~~ and interconnections of conservation easements to ~~provide for~~ facilitate wildlife movement through the county.

Policy 28.5.9 will require the initiative of the North Fort Myers Community Planning Panel to contact the Division of Environmental Sciences to initiate this work. Staff recommends transmitting Policy 28.5.9 as revised.

OBJECTIVE 28.6: PUBLIC PARTICIPATION. Beginning in 2008 the North Fort Myers c~~C~~ommunity ~~Planning Panel~~ will promote with Lee County enhanced community participation in the planning of capital improvements and decisions made in the North Fort Myers Community Planned area.

Staff recommends transmitting Objective 28.6 as revised.

Policy 28.6.1: Notice of Land Development Code and Lee Plan Amendments. As a courtesy, Lee County will register citizens groups and civic organizations that desire notification of pending review of Land Development Code or Lee Plan amendments. Upon registration, Lee County will provide registered groups with electronic documentation regarding pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to ~~mail or to~~ provide timely ~~mail the~~ notice~~;~~ will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Staff recommends transmitting Policy 28.6.1 as revised.

Policy 28.6.2: Document Clearinghouse. Lee County will work with the North Fort Myers community to establish a Document Clearing House, where copies of selected documents from permit applications, variance request, staff reports and ~~2020~~ Lee Plan status updates. Hearing Examiner recommendations, decisions, ~~and resolutions and~~ Administrative Variances and Board resolutions for any development in the community will be kept for public inspection. The County's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Similar policies are in place for Estero, Captiva, Boca Grande, and Caloosahatchee Shores. Staff recommends transmitting Policy 28.6.2 as revised.

Policy 28.6.3: ~~Project Referrals & Public Information Meetings.~~ ~~The North Fort Myers Community Planning Panel will be given the first opportunity for one public informational meeting for any rezoning, variance or special exception in North Fort Myers at a location and time of mutual convenience.~~ The applicant for any rezoning, variance or special exception request within the North Fort Myers Planning Community must conduct one public informational session where the applicant will provide a general overview of the project for any interested citizen. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

Staff does not recommend directing applicants of rezoning, variance or special exceptions to make presentations to a specific organization. However, staff supports a requirement for applicant to apprize the pblic concerning their proposed development plans. Staff recommends transmitting Policy 28.6.3 as revised. That language is very similar to policy language in effect for Estero, Captiva, Caloosahatchee Shores, and Palm Beach Boulevard. Staff recommends transmitting Policy 28.6.3 as revised.

FUTURE LAND USE MAP CHANGE: This plan amendment includes a Future Land Use Map change to approximately 85.3 acres from Suburban, Central Urban, and Sub-Outlying Suburban to Commercial and Conservation Lands. Approximately 73.89 acres will be changed to Commercial and 11.41 acres will be changed to Conservation Lands.

The Current Future Land Use Categories would allow for up to 325 dwelling units and 262,340 square feet of Commercial. The requested change to the FLUM will allow no dwelling units, and up to 835,882 square feet of commercial with a Floor Area Ratio of 0.2597.

The Orchid Road FLUM change affects several property owners and multiple parcels. After the application was agreed upon, a representative of several parcels south of Pine Island Road writing on behalf of four other property owners asked that their property be removed from the application. The request for the Future Land Use amendment has already been agreed to by staff and is part of this application.

An analysis of the Pine Island Road and adjacent street systems was prepared by Lee County Department of Transportation staff and the results indicated that with the proposed commercial development will not exceed or maximize the level of service specified for Pine Island Road or the adjacent street system. The property owners' representative has provided data and analysis to support this FLUM amendment and that analysis has been sent to the LPA under separate cover.

The site is adjacent to the City of Cape Coral on three sides and is located near intense commercial uses. Staff has concerns that the site could some day be annexed into the City of Cape Coral and be developed under the City's regulations. Staff recommends transmittal of the Future Land Use Map change as indicated on the attached map including the approximately 11.41 acres of proposed Conservation Lands. If the applicant wants to change the configuration of Conservation Lands or remove the above mentioned parcel then staff does not recommend transmittal of the FLUM portion of this amendment.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: September 29, 2008

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	_____
LES COCHRAN	_____
RONALD INGE	_____
JACQUE RIPPE	_____
CARLETON RYFFEL	_____
RAE ANN WESSEL	_____
LELAND TAYLOR	_____

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:

A. BRIAN BIGELOW	_____
TAMMARA HALL	_____
ROBERT P. JANES	_____
RAY JUDAH	_____
FRANKLIN B. MANN	_____

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:

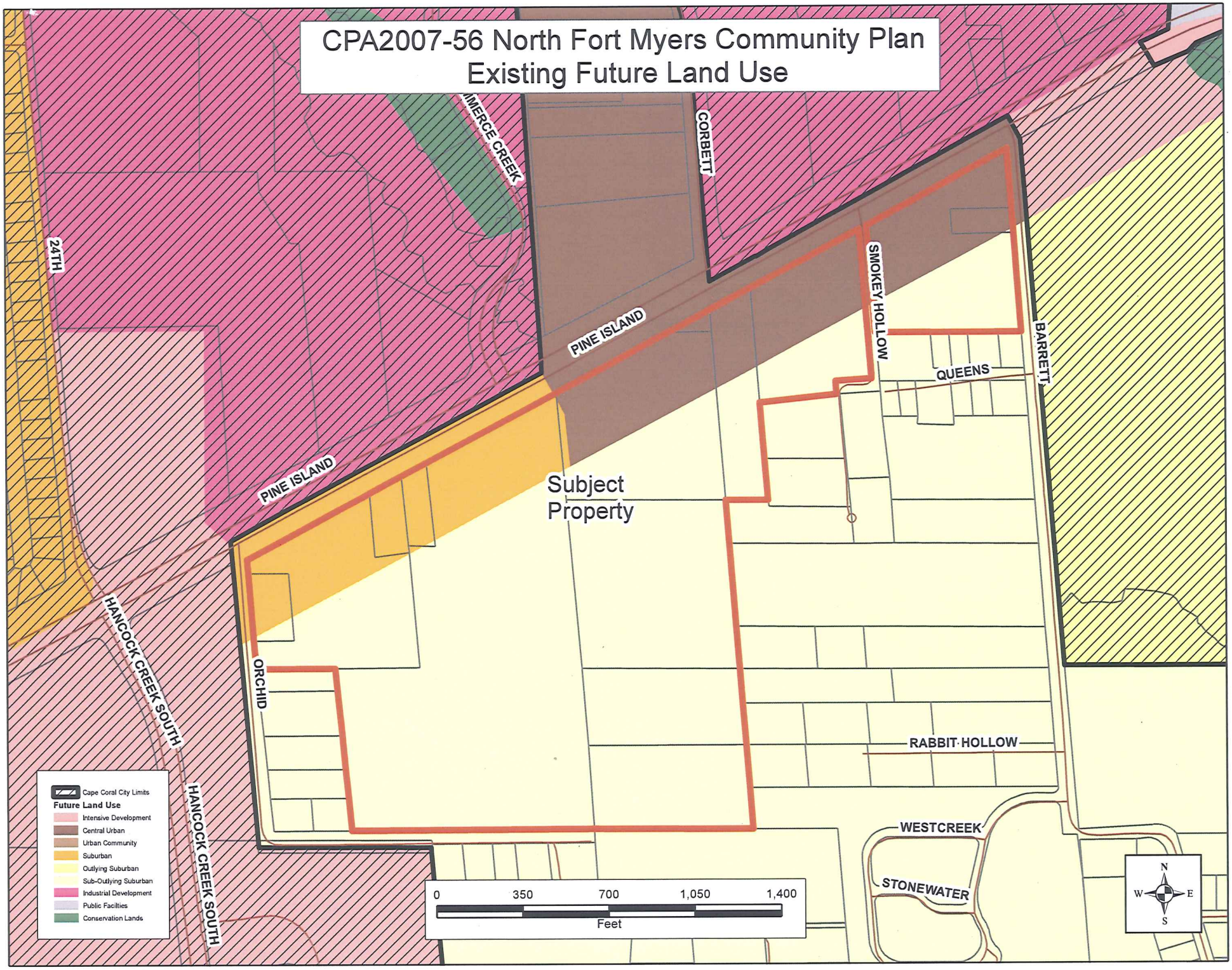
B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

A. BRIAN BIGELOW	_____
TAMMARA HALL	_____
ROBERT P. JANES	_____
RAY JUDAH	_____
FRANKLIN B. MANN	_____


CPA2007-56 North Fort Myers Community Plan
Existing Future Land Use
IMERCE CREEK
CORBETT
24TH
PINE ISLAND
SMOKEY HOLLOW
BARRETT
QUEENS
PINE ISLAND
Subject Property
ORCHID
HANCOCK CREEK SOUTH
HANCOCK CREEK SOUTH
RABBIT HOLLOW
WESTCREEK
STONEWATER
Cape Coral City Limits
Future Land Use
Intensive Development
Central Urban
Urban Community
Suburban
Outlying Suburban
Sub-Outlying Suburban
Industrial Development
Public Facilities
Conservation Lands
0
350
700
1,050
1,400
Feet
N
W
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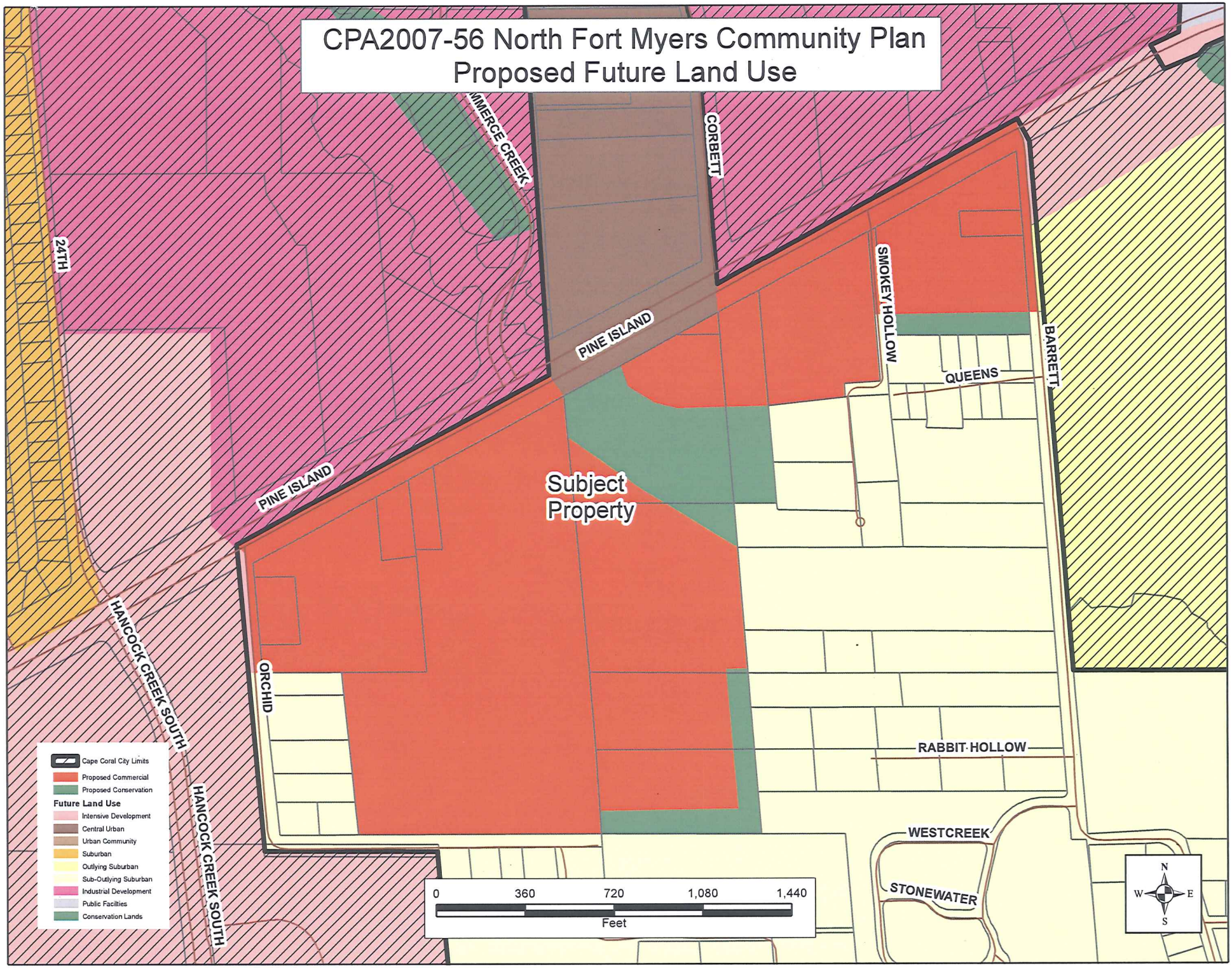
CPA2007-56 North Fort Myers Community Plan
Proposed Future Land Use
MMERCE CREEK
CORBETT
24TH
PINE ISLAND
SMOKEY HOLLOW
BARRETT
QUEENS
PINE ISLAND
Subject Property
HANCOCK CREEK SOUTH
HANCOCK CREEK SOUTH
ORCHID
RABBIT HOLLOW
WESTCREEK
STONEWATER
Cape Coral City Limits
Proposed Commercial
Proposed Conservation
Future Land Use
Intensive Development
Central Urban
Urban Community
Suburban
Outlying Suburban
Sub-Outlying Suburban
Industrial Development
Public Facilties
Conservation Lands
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STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Date: September 19, 2008
To: Jim Mudd, Principal Planner

From: Aaron Martin, Environmental Planner
Phone: (239) 533-8522
e-mail:amartin@leegov.com

Project: North Fort Myers Community Plan Amendment
Case: CPA2007-00056
STRAP: Multiple Straps

The Division of Environmental Sciences (ES) staff has reviewed the proposed North Fort Myers Community Plan amendment and offer the following analysis and recommended conditions:

PROJECT SITE:
The ± 85.3 acre project is located on the south side of Pine Island Rd approximately 1 mile west of US 41, and is zoned AG-2 and RS-1. The project is bordered to the north by Bayshore Rd, to the east by Barrett Rd and residential homes, and to the south and west by Orchid Rd and residential homes. The applicant's request is to change the Future Land Use Map from Suburban, Central Urban, and Sub-Outlying Suburban to Commercial land use.

The subject property consists of the following communities:5.7 acres Improved Pastures (FLUCCS 211), 17.1 acres Pine Flatwoods (FLUCCS 411), 2.4 acres Pine Flatwoods Disturbed (FLUCCS 411D), 0.7 acres Pine Mesic Oak (FLUCCS 414), 13.3 acres Pine Mesic Oak Disturbed (FLUCCS 414D), 1.4 acres Pine Mesic Oak Invaded by Exotics 11-25% (FLUCCS 414 E1), 0.4 acres Pine Mesic Oak Invaded by Exotics 76-90% (FLUCCS 414E4), 8.8 acres Brazillian Pepper (FLUCCS 422), 4.2 acres Live Oak Disturbed Invaded by Exotics 26-50% (FLUCCS 427DE2), 2.8 acres Cabbage Palm Invaded by Exotics 5-9% (FLUCCS 428E), 1.3 acres Hydric Cabbage Palm (428H), 0.6 acres Streams and Waterways (FLUCCS 510), 0.1 acres Ditches (FLUCCS 510D), 0.8 acres Willow (FLUCCS 618), 10.0 acres Disturbed Land (FLUCCS 740), 7.0 acres Borrow Areas (FLUCCS 742), and 6.9 acres Spoil Areas (FLUCCS 743).

The project area contains two tributaries. The first, Hancock Creek, connects underneath Bayshore Rd to the north, and runs through the property offsite to the southeast where it eventually connects to Yellow Fever Creek which out falls into the Caloosahatchee River. The second, is an unnamed tributary running east to west along the south project line which connects to Yellow Fever Creek. The indigenous vegetative community abutting Hancock Creek and is less than 25% exotics and consists of Pine Mesic Oak (FLUCCS 414E1), Pine Flatwoods (FLUCCS 411), Pine Mesic Oak

(FLUCCS 414), and Hydric Cabbage Palm (FLUCCS 428H). The indigenous vegetative community abutting the second tributary are less than 9% exotics and consists of Pine Flatwoods (FLUCCS 411) and Cabbage Palm (FLUCCS 428E). These areas are considered to be high quality indigenous areas, due to the low exotic infestation in the communities adjacent to these tributaries .

Per LeePlan **Objective 1.4 Policy 1.4.6**, the Conservation Lands land use categories were created to accurately depict the use of lands for conservation purposes. Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. The Conservation Lands FLUM category are for lands that are primarily used to conserve important natural resources, environmentally sensitive areas, significant archeological or historical resources, or other conservation uses. Conservation Lands typically include such uses as wildlife preserves; large wetland and upland mitigation areas; natural resource based parks; and water conservation lands such as aquifer recharge areas, flow-ways, flood prone areas and well fields.

The Conservation Lands objective is to put into the public domain private lands that provide the following public benefits:

- Sustain native plant and animal populations;
- Help protect people and property from flooding;
- Help replenish our underground drinking water supply;
- Help to improve or sustain the water quality of our coastal bays, inlets;
- Provide ecotourism opportunities, and
- Provide local environmentally oriented recreational and educational opportunities.

The Board of County Commissioners has provided policy guidance to staff to maintain wildlife corridors and green space connections to ensure the preservation of indigenous plant and animal habitat throughout the County.

The tributaries on site are natural water ways. Utilizing the conservation lands use category over a portion of the high quality indigenous areas adjacent to the tributaries would provide natural water-way buffers as well as buffers between portions of the adjacent residential and proposed commercial land use areas on site (see attached ES Staff Exhibit 1). In addition, ES staff recommends preservation of a 1.36 acre/Minimum 100' wide area in the NE corner of the project (see attached ES Staff Exhibit 1). This will serve as a buffer to the residents to the south. The utilization of the conservation land use category would also serve to protect the indigenous habitat while providing a wildlife corridor within the project boundaries. This would also ensure the long term protection of the natural waterways.

The following Comprehensive Plan Goals, Objectives and Policies further support ES Staff's recommendation for the conservation land use category for this project:

- **Policy 1.4.6:** *Conservation Lands land use category was created to accurately depict the use of lands for conservation purposes. Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. The Conservation Lands FLUM category is for lands that are primarily used to conserve important natural resources, environmentally sensitive areas, significant archeological or historical resources, or other conservation uses. Conservation Lands typically include such uses as wildlife preserves; large wetland and upland mitigation areas; natural resource based parks; and water conservation lands such as aquifer recharge areas, flow-ways, flood prone areas and well fields.*

  The staff has worked diligently with the applicant to designate conservation lands on the parcel, however we were unable to reach an agreement. Thus, staff has designated a conservation land use map (see the attached exhibit) which we feel meets the intent of the conservation land use policy along with LeePlan policies and the LDC. By utilizing the conservation land use category over the high quality indigenous areas adjacent to the tributaries and in the north east corner of the project would not only provide buffers, but also meet the intent of the conservation land use category by preserving flow-ways and wildlife habitat.

- **Policy 6.1.4:** *Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.*

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  Policy 6.1.6: *The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.*

  Utilizing the conservation land use category over the high quality indigenous areas adjacent to the tributaries and in the north east corner of the project would provide a transition between the adjacent residential and proposed commercial uses. In addition, the Board of County Commissioner's policy guidance urges staff to seek preservation of a minimum fifty foot buffer along all natural waterways.

- **Standard 11.4: Environmental Review Factors.** *In any case where there exists or there is the probability of environmentally sensitive areas the developer must propose means to protect, conserve, or preserve the environmental and natural resources.*

  The project site contains high quality indigenous habitat as well as natural water ways that flow into the larger coastal estuaries via the Caloosahatchee River.
  ES Staff recommends the use of conservation lands category to preserve these environmentally sensitive habitats and flow-ways.

- **Objective 60.5: Incorporation of Green Infrastructure into the Surface Water Management Plan.** *The long-term benefits of green infrastructure as part of the surface water management system includes improved water quality, improved infiltration, wild life habitat and recreational opportunities. Policy 60.5.3: states that the County encourages the preservation of existing natural flow-ways and restoration of historic natural flow-ways.*

  The two tributaries on site are natural flow-ways and as such should be placed in the conservation lands future land use category to provide a wildlife corridor and protect drainage flow in the area.

- **Objective 61.2: Mimicking the function of natural systems.** *Support a surface water management strategy that relies on natural features (flow-ways, sloughs, creeks, etc.) to help manage storm and surface water. Objective 61.3: Lee County will continue to provide design standards for development protective of the function of natural drainage systems.*

  The two tributaries on site, both natural waterways, should be incorporated into the surface water management system to help maintain the historic flow-way.

- **Objective 77.3:** *New developments must use innovative open space design to preserve existing native vegetation and buffer adjacent uses.* **Policy 77.3.3:** *The County encourages new developments to incorporate large contiguous open space areas in their development design.*

  Placing the high quality indigenous vegetation and tributaries into conservation land use category will provide interconnectivity between the adjacent flow-ways offsite and a buffer zone between the adjacent residential and proposed commercial land uses. This could provide for large open space areas, which may be utilized as wildlife corridors.

- **Goal 107: Resource Management Plan.** *The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydro ecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape.*

  The tributaries onsite are an important wildlife link between lands to the north and the Caloosahatchee River. The proposed land use change has the opportunity to provide a preserve that can provide wildlife habitat and a wildlife corridor, while maintaining natural flow-ways offsite.

Utilizing the conservation lands future land use category for the high quality indigenous habitat adjacent to the tributaries on site will provide:

- A natural buffer zone between adjacent residential and commercial use;
- An indigenous high quality wildlife habitat;
- The preserve of the natural flow-ways onsite;
- A wildlife connection and corridor through the wetlands allowing connectivity from the tributaries to Yellow Fever Creek and ultimately the Caloosahatchee River for water dependent wildlife, and

ES Staff Exhibit 1

CPA2007-00056
NORTH FORT MYERS
BoCC SPONSORED
AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Public Hearing Document
for the
October 22, 2008 Transmittal Hearing

Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 533-8585

October 8, 2008

LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2007-00056

✓	**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: September 24, 2008

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. **SPONSOR/APPLICANT:**

A. SPONSOR:
LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

B. APPLICANT
NORTH FORT MYERS COMMUNITY PLANNING PANEL

2. **REQUEST:**
Amend the Vision Statement and Future Land Use Element of the Lee Plan to incorporate the recommendations of the North Fort Myers Community Planning effort. Establish a new Vision Statement, Goal, Objectives, and Policies specific to North Fort Myers. Amend the Future Land Use Map for property containing approximately 85.3 acres located between orchid Road and Barrett Road, south of Pine Island Road, from Central Urban, Suburban, and Sub-Outlying Suburban to Commercial and Conservation Lands. Amend Map 1, Page 2 of 6, Special Treatment Areas to indicate that a revised Goal specific to the North Fort Myers Planning Community has been adopted.

The following Vision Statement and Goal, Objectives, and Policies were submitted by the North Fort Myers Community Planning Panel. Staff's recommended language for transmittal is shown beginning on Page 12 of 40. The language submitted by the applicant with staff's revisions shown in strike-through/double-underline format followed by staff comments is in Part II of this report beginning on Page 21 of 40.

VISION STATEMENT:

~~**19. North Fort Myers** - This Community is located north of the Caloosahatchee River between the Alva Planning Community and the City of Cape Coral. This community includes a wide mix of Future Land Use designations from Intensive Development to Density Reductio/Groundwater Resource. The area between the two US 41 routes near the river will remain the core of this community. The old OS 41 routes near the river will remain the core of this community. The old US 41 corridor will be redeveloped with new commercial uses and waterfront development taking advantage of this areas close proximity to downtown fort Myers and its riverfront location. The US 41 corridor from Pondella Road north will continue to attract new commercial development that will serve the North Fort Myers community and other surrounding communities. Total commercial, service, and industrial uses will have doubled from the amount existing in 1996. These areas are surrounded by residential uses.~~

19. North Fort Myers - Over the course of the current planning effort, a new vision for the future of North Fort Myers has emerged and come into sharper focus. The following phrases, describing a brighter future for the community, capture the essence of the vision and provide a foundation for the plan's goals, objectives, and policies:

Town Center developments along the Caloosahatchee River and on Bayshore Road at I-75 offer new destinations for living, shopping, working, and socializing. Designed with walkable streets and streetscapes, ground level shops and restaurants, high quality housing, and connections to nearby parks, waterfronts, and natural areas, these new Centers are becoming signposts for positive changes throughout the community.

New retail and mixed use development cluster in Neighborhood Centers and along revitalized commercial corridors. Unlike the auto-oriented development that used to line major roadways. North Fort Myer's new neighborhood centers and corridors are pedestrian-friendly, with attractive landscaping and quality architecture.

Older neighborhoods are experiencing a quiet renaissance-first-time homebuyers, recent retirees, and new investors are fixing-up older housing stock, building compatible infill housing, sprucing-up yards, and working together to ensure properties and public rights-of-way are well-maintained, safe, and attractive.

New buildings are designed to fit the area's early design character - simple, sturdy building forms, high quality materials, protection from the elements, and generous native vegetation create a distinctive local vernacular.

Landscape gateways, extensive streetscape and landscape improvements, and new pedestrian and bicycle facilities reinforce the North Fort Myers' reputation as a great place to live, work, and visit.

Greenways, blueways, and trail systems offer unique recreational amenities, linking together North Fort Myers' neighborhoods with the region's parks and recreational facilities, conservation lands, and new points of access to the Caloosahatchee River and its tributaries.

GOAL 28: NORTH FORT MYERS. North Fort Myers seeks to improve the community's livability and economic vitality by and promoting compact, mixed use development in the form of new town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors, stabilizing and enhancing, existing neighborhoods; preserving natural resources; and providing greater opportunities for public participation in the land development approval process.

OBJECTIVE 28.1: LAND USE: NEIGHBORHOODS AND HOUSING. By 2012 Land Use and Housing Review will be completed by neighborhood and corridor.

Policy 28.1.1 Code Enforcement. Support the continuation and expansion of the code enforcement initiatives of Lee County Code Enforcement and Department of Human Services targeting North Fort Myers neighborhoods with high incidences of violations. The County will provide periodic reports of enforcement activities to the North Fort Myers Community Planning Panel.

Policy 28.1.2: Neighborhood District Planning. The North Fort Myers Community Planning Panel will continue working with the Department of Human Services to implement Neighborhood District Revitalization Plans.

Policy 28.1.3: Housing Maintenance & Repair. The North Fort Myers Community Panel will work with the County to explore opportunities to expand Department of Human Service programs designed to help maintain, repair, and improve existing owner-occupied housing.

Policy 28.1.4 Small Scale Mixed Use Projections. To increase the diversity of housing types available for residents, the Department of Community Development will amend the Mixed Planned Development Category to allow for small scale mixed use projects with residential above or in close proximity to retail and service uses.

Policy 28.1.5: Conservation of Large Lot Neighborhoods. Lee County will protect large lot residential by requiring significant buffers between existing lots and higher density residential development or the placement of transitional density units along the perimeter.

Policy 28.1.6: Collaboration. Encourage the active participation of existing neighborhood associations, homeowners, landlords, and tenants in North Fort Myers Community Planning Panel's programs and planning initiatives.

Policy 28.1.7: Fair Share Projections. Using the current estimate of affordable housing construction need projected to 2030 as a starting point, the Department of Community Development will prepare an estimate of North Fort Myers' fair share of need by housing type for low-income, workforce, and affordable housing and establish annual planning targets for the delivery of units.

Policy 28.1.8: Site Assessment & Pilot Projects. Working with the Department of Community Development, Department of Human Services, Lee County Housing Development

Corp, Community Land Trust, non-profit housing providers, and representatives from nearby neighborhoods, the North Fort Myers Community Planning Panel should participate in a study identifying potential sites for affordable housing and prepare preliminary studies for design and financial analyses for potential pilot or demonstration projects. Identify neighborhoods where single family housing units can include remodeling to incorporate Mother-In-Law housing additions.

The evaluation should focus on sites with the following general characteristics:

- Located within the Intensive Development, Central Urban, and Urban - Community on the Lee Plan's Future Land Use Map;
- located where central water/sewer service is available;
- located within comfortable walking distance of mass transit, commercial and personal services, and parks and recreation facilities; and
- located on land previously converted for urban purposes.

Policy 28.1.9: Technical Assistance & Public Education. Explore opportunities to expand the technical assistance and public education initiatives provided by the Departments of Community Development, Human Services, and Smart Growth Department to the North Fort Myers Community Planning, community-based organizations, and community housing organizations.

Policy 28.1.10: New Housing Type in Overlays. Incorporate into Overlay Districts the addition of single person apartment types of 500 square feet or less and have their density calculated as 1/3 of a unit and only pay 1/3 of impact fees.

OBJECTIVE 28.2: LAND USE: CENTERS & CORRIDORS. By 2012 identify and pursue overlay districts and corridors.

Policy 28.2.1: Market Assessment & Planning Targets. The North Fort Myers Community Planning Panel will work with the Horizon Council and the Department of Community Development to complete an analysis of the market support for retail, office, hospitality, and moderate-to-high density residential uses in the North Fort Myers submarket. The Assessment will be designed to consider the following:

- recommendations from the recently completed Commercial/Industrial Land Use Analysis:
- existing and proposed competitive supply, including planned development in Cape Coral, the City of Fort Myers, and Babcock Ranch; and
- local and regional projections of population and employment growth.

Information from the assessment will be used to guide planning decisions for the Town Center sector plans and requests to increase the inventory of lands planned and zoned for commercial and moderate-to-high density residential use.

Policy 28.2.2: Preliminary Designation of Town Centers. The North Fort Myers Community Plan designates the following areas as Town Centers appropriate for moderate to high intensity, pedestrian-oriented, mixed use development.

- North Cleveland Avenue & Hancock Bridge Parkway.
- North Tamiami Trail – Pondella Road to the Caloosahatchee River.

- Bayshore & I-75.

Policy 28.2.3: Town Center Sector Planning & Overlay Districts. For areas preliminarily identified as Town Centers, the North Fort Myers Community Planning Panel, Department of Community Development, and Smart Growth Department will work together to prepare sector plans, development regulations (zoning overlay districts and design standards), and implementation plans to ensure development is consistent with the community's vision. The sector plans, development regulations, and implementation plans should be prepared consistent with the following general principles of smart growth and new urbanism:

- Compared development and a mix of uses are encouraged to promote walking; allow for shared parking; support transit; and minimize disturbance of natural areas, wildlife corridors, and drainage ways;
- Buildings should be designed to frame the public realm, enliven streetscapes, and provide for the informal surveillance of public spaces, primary entries, windows, storefronts, porches, and stoops should open onto streets, sidewalks, and public spaces;
- parks, squares, plazas, and promenades should be designed to promote community life and provide a variety of outdoor public space for informal gatherings, public events, and community activities;
- to dispense traffic, promote walking, and provide convenient routes for vehicles and pedestrians, streets should be designed in interconnected networks with generous sidewalks, shade trees, well-marked crossings, and amenities like pedestrian-scaled lighting, benches, trash receptacles, bike racks, and transit shelters; and
- parking areas (except for on-street spaces), loading docks, and service entries should be screened from public view and accessed from alleys, service courts, and side streets.

Policy 28.2.4: Provision Allowing Increased Development Intensity in Town Centers. To achieve the community's goals for Town Center Development, the County should adopt provisions allowing for greater minimum, maximum based, and maximum total densities and building heights than are currently allowed under the Lee Plan. These provisions should only be applicable to projects in areas designated as Town Centers, addressed in an adopted sector plan, and regulated by the Town Center Overlay District.

Policy 28.2.5: Designation of Neighborhood Centers. The North Fort Myers Community Plan designates the following areas as Neighborhood Centers appropriate for moderate intensity, pedestrian-oriented, mixed use development:

- Littleton & North Cleveland Avenue;
- North Tamiami Trail & Del Prado Boulevard;
- North Tamiami Trail & Nalle Grade Road;
- Hancock Bridge Parkway and Orange Grove Boulevard;
- North Tamiami Trail & Pine Island/Bayshore Roads;
- Bayshore Road & Slater Road; and
- Bayshore Road & Hart Road

For these areas, the community favors neighborhood-serving mixed use development' pedestrian-friendly street, site, and building designs; the incorporation of live/work, multi-family, and attached housing; and sidewalk and path connections to nearby neighborhoods,

parks, and public uses. These Neighborhood Center designations are intended to replace the designations show on Commercial Site Location Standards Map (Lee Plan Map 19).

Policy 28.2.6: Neighborhood Center Overlay District. For areas preliminarily identified as Neighborhood Centers, the North Fort Myers Community Planning Panel, Department of Community Development, and Smart Growth Department will work together to prepare revised Neighborhood Center Overlay District providing the following:

- Permitted and prohibited uses;
- Standards for building, site, landscape, and sign design;
- Standards for pedestrian and bicycle facilities;
- Building setbacks and build-to lines;
- Conservation of natural features and native vegetation;
- Requirements for shared access and side/rear yard parking'
- Incentives (e.g. regulatory relief, increased height and density, etc.) for the redevelopment of obsolete and poorly performing commercial centers; and
- Incentives for projects incorporating mixed uses, public amenities, and affordable housing.

Policy 28.2.7: Corridor Overlay District. For areas along major road corridors outside designated Town Centers and Neighborhood Centers, the North Fort Myers Community Planning Panel, Department of Community Development, and Smart Growth Department will work together to prepare a Corridor Overlay District as part of the Land Development Code requiring enhanced landscaping, greater buffering and shading of parking areas, improved commercial signage, enhanced standards to ensure architectural quality and compatibility, and incentives for quality development. At minimum, the Corridor Overlay District will provide the following:

- permitted and prohibited uses;
- standards for building, site, landscape, and sign design;
- standards for pedestrian and bicycle facilities;
- building setbacks and build-to-lines;
- conservation of natural features and native vegetation;
- buffers to adjacent residential neighborhoods;
- requirements for shared access and side/rear yard parking;
- incentives (e.g. regulatory relief, increased density, etc.) for the redevelopment of obsolete and poorly performing commercial centers;
- incentives for projects incorporating mixed uses, public amenities, and affordable housing; and
- shared parking.

Once adopted, deviations that would result in a reduction of landscaping, buffering, signage or deviation from design standards will not be supported.

Policy 28.2.8 Improving Older Commercial Properties. The North Fort Myers Community Planning Panel will work with the Department of Community Development, the North Fort Myers Chamber, Horizon Council, and private property owners to develop incentives for bringing older development into compliance with regulations adopted as a result of the North Fort Myers Community Plan including but not limited to private public partnerships.

Policy 28.2.9: Use Compatibility. By the end of 2008, Lee County will review existing restrictions on the location of uses considered detrimental by the community, e.g. adult-oriented businesses, bottle club establishments, freestanding bars or lounges, or businesses with significant outdoor stage, display, or delivery areas, pawn shops, gambling establishments, and gun/firearm shops from locating near existing or approved residential neighborhoods, mixed use developments including residential, public park and recreation facilities, and public or private schools.

Policy 28.2.10: Cross Parcel Access. The Department of Community Development will conduct a review of existing Land Development Code provisions requiring commercial developments to provide privately-owned road and sidewalk connections between adjacent existing and planning commercial uses to minimize access points onto primary road corridors.

OBJECTIVE 28.3: TRANSPORTATION. By 2012 will have neighborhood, corridors and community interface improvements identified.

Policy 28.3.1: Transportation Corridors. By 2009 review Metropolitan Planning Organizations and Lee County Department of Transportations 2030 plan for recommendations and improvements for the North Fort Myers Community planning area.

Policy 28.3.2: Gateways, Streetscape, & Landscape Improvements. The North Fort Myers Community Planning panel will work with the Lee County Roadway Landscape Advisory Committee to complete plans for streetscape and landscape improvements in gateway locations and along major roadways consistent with the general provisions of the LeeScape Master Plan, including Bayshore and Pine Island Roads, North Cleveland Avenue, North Tamiami Trail, Pondella Road, Hancock Bridge Parkway, and Del Prado Boulevard. Before finalization, plans should be presented for review to the North Fort Myers Community Planning Panel.

Policy 28.3.3: Planning & Design of Arterials & Collectors. Decisions regarding the functional classification and future improvements or extension of Littleton Road, Hancock Bridge Parkway, Hart Road, Slater Road, and other roadways not currently shown on the Future Functional Classification Map (Map 3B) should be based on a careful analysis of need, community and environmental impact, and the potential for incorporation of context-sensitive design treatments. Public participation in planning and design processes for these and other road improvements should provide opportunities for involvement of the North Fort Myers Community Planning Panel and other North Fort Myers stakeholders.

Policy 28.3.4 Hancock Bridge Parkway Extension. The county will initiate a study to determine the feasibility, cost, and timing of the eastward extension of Hancock Bridge Parkway. The scope of the study should address the following:

- effect on regional traffic and circulation patterns;
- preferred alignment and conceptual design cross-section for the roadway;
- land use and design recommendations for redevelopment of property along the roadway;
- preliminary regulatory strategies to ensure appropriate redevelopment; and
- preliminary cost estimates and timeline for engineering design, right-of-way acquisition, and project construction.

Policy 28.3.5: Standards for Walkable Urban Thoroughfares. The Department of Pubic Works is encouraged to develop alternative design standards for arterials and collectors serving areas designated in the North Fort Myers Community Plan as a Town Center or Neighborhood Center. Such standards may draw on guidance in Institute for Traffic Engineers Proposed Recommended Practice, Contest Sensitive Solutions for Designing Major Urban Thoroughfares for Walkable Communities.

Policy 28.3.6: Bus Transit Enhancements. The North Fort Myers Community Planning Panel will work with Lee Tran to identify opportunities to improve service, frequency, routes, and stop amenities in the community.

Policy 28.3.7: Improvements for Regional Benefit. Road capacity improvements needed within North Fort Myers to serve demand generated outside the community should be designed to minimize impacts, improve visual character, and improve local access and mobility.

Policy 28.3.8: I-75 Interchange & Del Prado Extension. The county will complete a detailed analysis of the feasibility of a new I-75 interchange and the potential alignment for a connection to Del Prado Boulevard. As part of the analysis, impacts on existing neighborhoods, local streets, and conservation lands should be evaluated and reported to the North Fort Myers Community Panel. The report should include the termination point of Nalle Grade Road at US 41 and I-75.

OBJECTIVE 28.4: COMMUNITY FACILITIES & SERVICES. By 2012 the community facilities and services needed to meet the needs of Town Centers, Neighborhood Centers and corridors will be identified and deficiencies addressed.

Policy 28.4.1: Effectiveness of Existing Plan Objectives & Policies. County objectives and policies in Chapter IV of the Lee Plan regarding the provisions of community facilities and services, including those addressing adequate levels of service and extension of service, will be maintained and evaluated for effectiveness on an on-going basis. Proposed changes affecting existing or planned facilities and services in North Fort Myers, including changes in the scope or timing of planned capital improvements, will ~~be reported to~~ include input from the North Fort Myers Community Planning Panel and North Fort Myers stakeholders.

Policy 28.4.2: Medical District Planning. The North Fort Myers Community Planning Panel will work with the Department of Community Development, Horizon Council, Human Services Department, Lee County Health Department, Medical Society, and Lee Memorial Health Systems to develop a collaborative effort for funding a feasibility study for this project. They should also work together to complete an analysis for the feasibility of developing a new hospital, 24/7 urgent care facility, ambulatory surgery center, physician specialty offices and related medical diagnostic and lab services in the northeast area of North Fort Myers. The analysis should provide the following:

- a preliminary development program indicating the types, sizes, and phasing of buildings and site improvements;
- an evaluation of sites with the potential to support the preliminary devolvement program including an evaluation of infrastructure capacity;

- a market assessment and financing plan to assess project feasibility by private and public sectors;
- recommended planning policy and regulatory changes required to support a preferred development strategy;
- a preliminary development timeline and estimate of timeline for achieving necessary entitlements: and
- Identify other or associated uses within the Medical Corridor.

Policy 28.4.3: Public Works Project Enhancements. Lee County will coordinate planning for public works projects, such as street resurfacing, repairs, maintenance, drainage swales, and other surface water management system improvements, with the North Fort Myers Community Planning Panel so that potential landscape and aesthetic enhancements may be identified and incorporated in improvement plans. The North Fort Myers Community Planning Panel encourages Lee County to review the feasibility of a waste water plant solids program for treatment and reuse.

Policy 28.4.4: Water Supply and Waste Water Planning & Capacity. The North Fort Myers Community Planning Panel will support educational efforts planned by the Department of Public Works, the Lee County Water Supply Authority, and the South Florida Water Management District to educate North Fort Myers stakeholders about the capacity of existing water systems to support existing and planned developments. Regardless of ownership the North Fort Myers Community Planning Panel would request that the Lee County Department of Public Works coordinate services for waste water and water supply so that no area designated under this plan is under served.

Policy 28.4.5: Septic Tanks & Waste Water Treatment. Encourage Lee County to enforce the state statute and any other regulations regarding required hook up to existing sewage lines for all properties. To support and encourage the expansion of new sewer lines to discourage new septic tank systems and replace existing septic tanks.

Provide for and continue support for effective water conservation policies to include appropriate public educational campaigns and county staffing. Encourage the expansion of reuse to include both commercial and residential opportunities.

OBJECTIVE 28.5: PARKS, RECREATON & CONSERVATION. By 2012 identify park, recreation, open space, environmental protection and restoration needs and deficiencies to pursue remedies.

Policy 28.5.1 Level of Services Standards for Community Parks. To ensure parks and recreation facilities are reasonably accessible and adequate to meet the needs of residents, the North Fort Myers Community Planning Panel will work with the Department Parks and Recreation to evaluate the Lee Plan non-regulatory, desired level of service standards for community parks and generalized service area boundaries.

Policy 28.5.2: North Fort Myers Community Park. The County will work with the community to ensure that the development of the North Fort Myers Community Park is integrated into the surrounding development and open space areas, including incorporation of the development of a community park facility. The concept would be for the park to act as a

hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments.

Policy 28.5.3: Recreational Programming and Access. Lee County will work with the North Fort Myers Community Planning Panel and North Fort Myers Stakeholders to protect and to conserve natural resources, expand recreation opportunities and accessibility for the use of existing waterways, and provide a broad mix of parks, trails, and water recreation areas, to support the lifestyle preferences, livability, sustainability, recreational interest and economic vitality of the community.

Policy 28.5.4: Stewardship & Management of Conservation 20/20 Lands. The North Fort Myers Planning Panel will work with the Department of Parks and Recreation to finalize and refine stewardship and management plans for 20/20 Conservation Lands within North Fort Myers.

Policy 28.5.5: Assessment of Lands for Acquisition. The North Fort Myers Community Planning Panel will work with the Division of County Lands and Department of Parks and Recreation to identify additional sites and corridors for acquisition under the Conservation 20/20 program. Sites along planned trails, wildlife corridors, greenways, and major creeks should be carefully considered, as should those providing access to the Caloosahatchee River.

Policy 28.5.6: Greenway Plan Implementation. The North Fort Myers Community Planning Panel will work with the Department of Parks and Recreation to implement recommendations for the Greenways Master Plan. As a first priority, the community supports development of the Tamiami Trail North segment of the Charlotte-Lee Collier Greenway and water access and signage improvements to access the Blueways designated along Yellow Fever Creek and along the Caloosahatchee River at Caloosahatchee Creeks Preserve. The North Fort Myers Community Planning Panel will also assist in the identification of trails connecting neighborhoods, conservation areas, parks, ~~and~~ recreation facilities and areas and the water access points.

Policy 28.5.7: Small Site Conservation Program. The North Fort Myers Community Planning Panel will work with the Department of County Lands and Department of Parks and Recreation to explore the feasibility of establishing a small site conservation program to transfer land acquisitions or conservation easement to link larger parks, preserves, and mitigation areas; protect native trees and vegetation, creeks, wetland systems, and wildlife movement corridors; and provide connections to greenways and blueways.

Policy 28.5.8: Conservation Policy Refinements. The North Fort Myers Community Planning Panel will work with the Department of Community Development and Public Works (Environmental Science and Natural Resource Divisions) to pursue the Lee Master Mitigation Plan and to explore the adoption of the following conservation policies:

- Development proposals adjacent to the Caloosahatchee River and its tributaries will include floodplain protection plans prior to zoning approval; and
- The off-site mitigation of impacts to indigenous areas, wetlands, or wildlife habitat for development in North Fort Myers will occur within North Fort Myers.

- Participate in the Lee County water quality programs that are being developed to address required Total Maximum Daily Loads.

Policy 28.5.9: Wildlife Movement Corridors. For development within the Planning area the Community Development Department of Environmental Science will work with the North Fort Myers Community Planning Panel to identify opportunities for the establishment and protection of wildlife movement corridors to include the review of development to provide for interconnections of conservation easements to provide for wildlife movement.

OBJECTIVE 28.6: PUBLIC PARTICIPATION. Beginning in 2008 the North Fort Myers Planning Panel will promote with Lee County enhanced community participation in the planning of capital improvements and decisions made in the North Fort Myers Community Planned area.

Policy 28.6.1: Notice of Land Development Code and Lee Plan Amendments. As a courtesy, Lee County will register citizens groups and civic organizations that desire notification of pending review of Land Development Code or Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to mail or to timely mail the notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 28.6.2: Document Clearinghouse. Lee County will work with the North Fort Myers community to establish a Document Clearing House, where copies of selected documents from permit applications, variance request, staff reports and 2020 Plan status updates. Hearing Examiner recommendations and resolutions and Administrative Variances and for any development in the community will be kept for public inspection. The County's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 28.6.3: Project Referrals & Public Information Meetings. The North Fort Myers Community Planning Panel will be given the first opportunity for one public informational meeting for any rezoning, variance or special exception in North Fort Myers at a location and time of mutual convenience.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the following:

VISION STATEMENT:

~~**19. North Fort Myers** - This Community is located north of the Caloosahatchee River between the Alva Planning Community and the City of Cape Coral. This community includes a wide mix of Future Land Use designations from Intensive Development to Density Reductio/Groundwater Resource. The area between the two US 41 routes near the river will remain the core of this community. The old OS 41 routes near the river will remain the core of this community. The old US 41 corridor will be redeveloped with new commercial uses and waterfront development taking advantage of this areas close proximity to downtown fort Myers and its riverfront location. The US 41 corridor from Pondella Road north will continue to attract new commercial development that will serve the North Fort Myers community and other surrounding communities. Total commercial, service, and industrial uses will have doubled from the amount existing in 1996. These areas are surrounded by residential uses.~~

19. North Fort Myers - Over the course of the current planning effort, a new vision for the future of North Fort Myers has emerged and come into sharper focus. The following phrases, describing a brighter future for the community, capture the essence of the vision and provide a foundation for the plan's goals, objectives, and policies:

Town Center developments along the Caloosahatchee River and on Bayshore Road at I-75 offer new destinations for living, shopping, working, and socializing. Designed with walkable streets and streetscapes, ground level shops and restaurants, high quality housing, and connections to nearby parks, waterfronts, and natural areas, these new Centers are becoming signposts for positive changes throughout the community.

New retail and mixed use development cluster in Neighborhood Centers and along revitalized commercial corridors. Unlike the auto-oriented development that used to line major roadways. North Fort Myer's new neighborhood centers and corridors are pedestrian-friendly, with attractive landscaping and quality architecture.

Older neighborhoods are experiencing a quiet renaissance. First-time homebuyers, recent retirees, and new investors are fixing-up older housing stock, building compatible infill housing, sprucing-up yards, and working together to ensure properties and public rights-of-way are well-maintained, safe, and attractive.

New buildings are designed to fit the area's early design character. Simple, sturdy building forms, high quality materials, protection from the elements, and generous native vegetation create a distinctive local vernacular.

Landscape gateways, extensive streetscape and landscape improvements, and new pedestrian and bicycle facilities reinforce the North Fort Myers' reputation as a great place to live, work, and visit.

Greenways, blueways, and trail systems offer unique recreational amenities, linking together North Fort Myers' neighborhoods with the region's parks and recreational facilities, conservation lands, and new points of access to the Caloosahatchee River and its tributaries.

GOAL 28: NORTH FORT MYERS. North Fort Myers seeks to improve the community's livability and economic vitality by and promoting compact, mixed use development in the form of new town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors, stabilizing and enhancing, existing neighborhoods; preserving natural resources; and providing greater opportunities for public participation in the land development approval process. This Goal and subsequent Objectives and Policies apply to the North Fort Myers Planning Community.

OBJECTIVE 28.1: LAND USE: NEIGHBORHOODS AND HOUSING. By 2012 Land Use and Housing Review will be completed for each neighborhood and corridor by the North Fort Myers community.

Policy 28.1.1 Code Enforcement. The North Fort Myers community supports the continuation of the initiatives of Lee County Code Enforcement and Department of Human Services targeting North Fort Myers neighborhoods with high incidences of code violations. The County will provide periodic reports of enforcement activities to the North Fort Myers community.

Policy 28.1.2: Neighborhood District Planning. The North Fort Myers community will continue working with the Department of Human Services to implement Neighborhood District Revitalization Plans.

Policy 28.1.3: Housing Maintenance and Repair. The North Fort Myers community will work with the County to explore opportunities to expand Department of Human Service programs designed to help maintain, repair, and improve existing owner-occupied housing.

Policy 28.1.6: Collaboration. Encourage the active participation of existing neighborhood associations, homeowners, landlords, and tenants in North Fort Myers community's programs and planning initiatives.

Policy 28.1.7: Fair Share Projections. Using the current estimate of affordable housing construction need projected to 2030 as a starting point, the Department of Community Development will prepare an estimate of North Fort Myers' fair share of need by housing type for low-income, workforce, and affordable housing and establish five-year planning targets for the delivery of units.

Policy 28.1.8: Site Assessment and Pilot Projects. Working with the Department of Community Development, Department of Human Services, Lee County Housing Development Corp, Community Land Trust, non-profit housing providers, and representatives from nearby neighborhoods, the North Fort Myers community will prepare a study identifying potential sites for affordable housing and prepare preliminary studies for design and financial analyses for potential pilot or demonstration projects. The study will also identify neighborhoods where single family housing units can include remodeling to incorporate Mother-In-Law housing additions.

The evaluation should focus on sites with the following general characteristics:

- Located within the Intensive Development, Central Urban, and Urban - Community on the Lee Plan's Future Land Use Map;
- located where central water/sewer service is available;
- located within comfortable walking distance of mass transit, commercial and personal services, and parks and recreation facilities; and
- located on land previously converted for urban purposes.

Policy 28.1.9: Technical Assistance and Public Education. The North Fort Myers community will explore opportunities to expand the technical assistance and public education initiatives provided by the Departments of Community Development, Human Services, and Smart Growth Department ~~to~~ for the North Fort Myers community.

OBJECTIVE 28.2: LAND USE: CENTERS and CORRIDORS. By 2012, identify and pursue overlay districts and corridors.

Policy 28.2.1: Market Assessment and Planning Targets. The North Fort Myers community will work with the Department of Community Development to complete an analysis of the market support for retail, office, hospitality, and moderate-to-high density residential uses in the North Fort Myers submarket. The Assessment will be designed to consider the following:

- recommendations from the recently completed Commercial/Industrial Land Use Analysis:
- existing and proposed competitive supply, including planned development in Cape Coral, the City of Fort Myers, and Babcock Ranch; and
- local and regional projections of population and employment growth.

Information from the assessment will be used to guide planning decisions for the Town Center sector plans and requests to increase the inventory of lands planned and zoned for commercial and moderate-to-high density residential use.

Policy 28.2.2: Preliminary Designation of Town Centers. The North Fort Myers Community Plan designates the following areas as Town Centers appropriate for moderate to high intensity, pedestrian-oriented, mixed use development.

- North Cleveland Avenue and Hancock Bridge Parkway.
- North Tamiami Trail – Pondella Road to the Caloosahatchee River.
- Bayshore and I-75.

Policy 28.2.3: Town Center Sector Planning and Overlay Districts. For areas preliminarily identified as Town Centers, the North Fort Myers community, Department of Community Development, and Smart Growth Department will work together to prepare sector plans, development regulations (zoning overlay districts and design standards), and implementation plans to ensure development is consistent with the community's vision. The sector plans, development regulations, and implementation plans should be prepared consistent with the following general principles of smart growth and new urbanism:

- Compared development and a mix of uses are encouraged to promote walking; allow for shared parking; support transit; and minimize disturbance of natural areas, wildlife corridors, and drainage ways;

- Buildings should be designed to frame the public realm, enliven streetscapes, and provide for the informal surveillance of public spaces, primary entries, windows, storefronts, porches, and stoops should open onto streets, sidewalks, and public spaces;
- parks, squares, plazas, and promenades should be designed to promote community life and provide a variety of outdoor public space for informal gatherings, public events, and community activities;
- to dispense traffic, promote walking, and provide convenient routes for vehicles and pedestrians, streets should be designed in interconnected networks with generous sidewalks, shade trees, well-marked crossings, and amenities like pedestrian-scaled lighting, benches, trash receptacles, bike racks, and transit shelters; and
- parking areas (except for on-street spaces), loading docks, and service entries should be screened from public view and accessed from alleys, service courts, and side streets.

Policy 28.2.4: Provision Allowing Increased Development Intensity in Town Centers. To achieve the community's goals for Town Center Development, the County should adopt provisions allowing for greater minimum, maximum based, and maximum total densities and building heights than are currently allowed under the Lee Plan. These provisions should only be applicable to projects in areas designated as Town Centers, addressed in an adopted sector plan, and regulated by the Town Center Overlay District.

Policy 28.2.5: Designation of Neighborhood Centers. The North Fort Myers Community Plan designates the following areas as Neighborhood Centers appropriate for moderate intensity, pedestrian-oriented, mixed use development:

- Littleton and North Cleveland Avenue;
- North Tamiami Trail and Del Prado Boulevard;
- North Tamiami Trail and Nalle Grade Road;
- Hancock Bridge Parkway and Orange Grove Boulevard;
- North Tamiami Trail and Pine Island/Bayshore Roads;
- Bayshore Road and Slater Road; and
- Bayshore Road and Hart Road

For these areas, the community favors neighborhood-serving mixed use development' pedestrian-friendly street, site, and building designs; the incorporation of live/work, multi-family, and attached housing; and sidewalk and path connections to nearby neighborhoods, parks, and public uses. These Neighborhood Center designations are intended to replace the designations show on Commercial Site Location Standards Map (Lee Plan Map 19).

Policy 28.2.6: Neighborhood Center Overlay District. For areas preliminarily identified as Neighborhood Centers, the North Fort Myers community, Department of Community Development, and Smart Growth Department will work together to prepare a Neighborhood Center Overlay District providing the following:

- Permitted and prohibited uses;
- Standards for building, site, landscape, and sign design;
- Standards for pedestrian and bicycle facilities;
- Building setbacks and build-to lines;
- Conservation of natural features and native vegetation;

- Requirements for shared access and side/rear yard parking'
- Incentives (e.g. regulatory relief, increased height and density, etc.) for the redevelopment of obsolete and poorly performing commercial centers; and
- Incentives for projects incorporating mixed uses, public amenities, and affordable housing.

Policy 28.2.7: Corridor Overlay District. For areas along major road corridors outside designated Town Centers and Neighborhood Centers, the North Fort Myers community, Department of Community Development, and Smart Growth Department will work together to prepare a Corridor Overlay District as part of the Land Development Code requiring enhanced landscaping, greater buffering and shading of parking areas, improved commercial signage, enhanced standards to ensure architectural quality and compatibility, and incentives for quality development. At minimum, the Corridor Overlay District will provide the following:

- permitted and prohibited uses;
- standards for building, site, landscape, and sign design;
- standards for pedestrian and bicycle facilities;
- building setbacks and build-to-lines;
- conservation of natural features and native vegetation;
- buffers to adjacent residential neighborhoods;
- requirements for shared access and side/rear yard parking;
- incentives (e.g. regulatory relief, increased density, etc.) for the redevelopment of obsolete and poorly performing commercial centers;
- incentives for projects incorporating mixed uses, public amenities, and affordable housing; and
- shared parking.

Once adopted, deviations that would result in a reduction of landscaping, buffering, signage or deviation from design standards will not be supported.

Policy 28.2.8 Improving Older Commercial Properties. The North Fort Myers community will work with the Department of Community Development, the North Fort Myers Chamber of Commerce, and private property owners to develop incentives for bringing older development into compliance with regulations adopted as a result of the North Fort Myers Community Plan including but not limited to private public partnerships.

OBJECTIVE 28.3: TRANSPORTATION. By 2012 the North Fort Myers community will have neighborhood, corridors and community interface improvements identified.

Policy 28.3.1: Transportation Corridors. By 2009 the North Fort Myers community will review Metropolitan Planning Organization and Lee County Department of Transportation 2030 plan for recommendations and improvements applicable to the North Fort Myers Community planning area.

Policy 28.3.2: Gateways, Streetscape, and Landscape Improvements. The North Fort Myers community will work with the Lee County Roadway Landscape Advisory Committee to review plans for streetscape and landscape improvements in gateway locations and along major roadways consistent with the general provisions of the LeeScape Master Plan, including Bayshore and Pine Island Roads, North Cleveland Avenue, North Tamiami Trail, Pondella

Road, Hancock Bridge Parkway, and Del Prado Boulevard. Before finalization, plans should be presented for review to the North Fort Myers planning community.

Policy 28.3.3: Planning and Design of Arterials and Collectors. Decisions regarding future improvements or extension of Littleton Road, Hancock Bridge Parkway, Hart Road, Slater Road, and other roadways not currently shown on the Future Functional Classification Map (Map 3B) should be based on a careful analysis of need, community and environmental impact, and the potential for incorporation of context-sensitive design treatments. Public participation in planning and design processes for these and other road improvements should provide opportunities for involvement of the North Fort Myers community and North Fort Myers stakeholders.

Policy 28.3.6: Bus Transit Enhancements. The North Fort Myers community will work with Lee Tran to identify opportunities to improve service, frequency, routes, and stop amenities in the community.

Policy 28.3.7: Improvements for Regional Benefit. Road capacity improvements needed within North Fort Myers to serve demand generated outside the community should be designed to minimize impacts, improve visual character, and improve local access and mobility.

OBJECTIVE 28.4: COMMUNITY FACILITIES and SERVICES. By 2012 the community facilities and services needed to meet the needs of Town Centers, Neighborhood Centers and corridors will be identified by the North Fort Myers community.

Policy 28.4.1: Effectiveness of Existing Plan Objectives and Policies. County objectives and policies in Chapter IV of the Lee Plan regarding the provisions of community facilities and services, including those addressing adequate levels of service and extension of service, will be maintained and evaluated for effectiveness on an on-going basis. Proposed changes affecting existing or planned facilities and services in North Fort Myers, including changes in the scope or timing of planned capital improvements, will include input from the North Fort Myers community and North Fort Myers stakeholders.

Policy 28.4.2: Medical District Planning. The North Fort Myers community will work with the Department of Community Development, Department of Human Services, Lee County Health Department, Lee County Medical Society and Lee Memorial Health Systems to complete an analysis of the market support for needed medical facilities in North Fort Myers.

Policy 28.4.3: Public Works Project Enhancements. Lee County will coordinate planning for public works projects, such as roadway capital improvements, with the North Fort Myers community so that potential landscape and aesthetic enhancements may be identified and incorporated in improvement plans. The North Fort Myers community encourages Lee County to review the feasibility of a waste water plant solids program for treatment and reuse.

Policy 28.4.4: Water Supply and Waste Water Planning and Capacity. The North Fort Myers Community Planning Panel will support educational efforts planned by the Department of Public Works, the Lee County Water Supply Authority, and the South Florida Water Management District to educate North Fort Myers stakeholders about the capacity of existing water systems to support existing and planned developments.

Policy 28.4.5: Septic Tank and Waste Water Treatment. The North Fort Myers community supports the concept of a single source for sewage service within the North Fort Myers community.

OBJECTIVE 28.5: PARKS, RECREATON and CONSERVATION. By 2012 identify park, recreation, open space, environmental protection and restoration needs and deficiencies to pursue remedies.

Policy 28.5.1 Level of Services Standards for Community Parks. To ensure parks and recreation facilities are reasonably accessible and adequate to meet the needs of residents, the North Fort Myers community will work with the Department of Parks and Recreation to evaluate the Lee Plan non-regulatory, desired level of service standards for community parks and generalized service area boundaries.

Policy 28.5.2: North Fort Myers Community Park. The County will work with the community to ensure that the development of the North Fort Myers Community Park is integrated into the surrounding development and open space areas, including incorporation of the development of a community park facility. The concept would be for the park to act as a hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments.

Policy 28.5.3: Recreational Programming and Access. Lee County will work with the North Fort Myers community and North Fort Myers Stakeholders to protect and to conserve natural resources, expand recreation opportunities and accessibility for the use of existing waterways, and provide a broad mix of parks, trails, and water recreation areas, to support the lifestyle preferences, livability, sustainability, recreational interest and economic vitality of the community.

Policy 28.5.4: Stewardship and Management of Conservation 20/20 Lands. The North Fort Myers community will work with the Department of Parks and Recreation to finalize and refine stewardship and management plans for 20/20 Conservation Lands within North Fort Myers.

Policy 28.5.5: Assessment of Lands for Acquisition. The North Fort Myers community will work to identify sites and corridors for nomination submittal to the established Lee County Conservation 20/20 program. Sites along planned trails, wildlife corridors, greenways, and major creeks should be carefully considered, as should those providing access to the Caloosahatchee River.

Policy 28.5.6: Greenway Plan Implementation. The North Fort Myers community will work with the Department of Parks and Recreation to implement recommendations for the Greenways Master Plan. As a first priority, the community supports development of the Tamiami Trail North segment of the Charlotte-Lee Collier Greenway and water access and signage improvements to access the Blueways designated along Yellow Fever Creek and along the Caloosahatchee River at Caloosahatchee Creeks Preserve. The North Fort Myers planning community will also assist in the identification of trails connecting neighborhoods, conservation areas, parks, ~~and~~ recreation facilities and areas and the water access points.

Policy 28.5.8: Conservation Policy Refinements. The North Fort Myers community will work with the Department of Community Development and Public Works (Environmental Science and Natural Resource Divisions) to pursue the Lee Master Mitigation Plan and to explore the adoption of the following conservation policies:

- Development proposals adjacent to the Caloosahatchee River and its tributaries will include floodplain protection plans prior to zoning approval; and
- The off-site mitigation of impacts to indigenous areas, wetlands, or wildlife habitat for development in North Fort Myers will occur within North Fort Myers.
- Participate in the Lee County water quality programs that are being developed to address required Total Maximum Daily Loads.

Policy 28.5.9: Wildlife Movement Corridors. For development within the Planning area the Department of Environmental Science will work with the North Fort Myers community to identify opportunities for the establishment and protection of wildlife movement corridors and interconnection of conservation easements to facilitate wildlife movement through the county.

OBJECTIVE 28.6: PUBLIC PARTICIPATION. Beginning in 2008 the North Fort Myers community will promote with Lee County enhanced community participation in the planning of capital improvements and decisions made in the North Fort Myers Community Planned area.

Policy 28.6.1: Notice of Land Development Code and Lee Plan Amendments. As a courtesy, Lee County will register citizens groups and civic organizations that desire notification of pending review of Land Development Code or Lee Plan amendments. Upon registration, Lee County will provide registered groups with electronic documentation regarding pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to provide timely notice will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 28.6.2: Document Clearinghouse. Lee County will work with the North Fort Myers community to establish a Document Clearing House, where copies of selected documents from permit applications, variance request, staff reports and Lee Plan status updates. Hearing Examiner recommendations, decisions, Administrative Variances and Board resolutions for any development in the community will be kept for public inspection. The County's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 28.6.3: The applicant for any rezoning, variance or special exception request within the North Fort Myers Planning Community must conduct one public informational session where the applicant will provide a general overview of the project for any interested citizen. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of

attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

FUTURE LAND USE MAP CHANGE: This plan amendment includes a Future Land Use Map change to approximately 85.3 acres from Suburban, Central Urban, and Sub-Outlying Suburban to Commercial and Conservation Lands. Approximately 73.89 acres will be changed to Commercial and 11.41 acres will be changed to Conservation Lands.

The Current Future Land Use Categories would allow for up to 325 dwelling units and 262,340 square feet of Commercial. The requested change to the FLUM will allow no dwelling units, and up to 835,882 square feet of commercial with a Floor Area Ratio of 0.2597.

The Orchid Road FLUM change affects several property owners and multiple parcels. After the application was agreed upon, one of the property owners of a small parcel south of Pine Island Road writing on behalf of four other property owners asked that their property be removed from the application.

An analysis of the Pine Island Road and adjacent street systems was prepared by Lee County Department of Transportation staff and the results indicated that with the proposed commercial development will not exceed or maximize the level of service specified for Pine Island Road or the adjacent street system.

The site is adjacent to the City of Cape Coral on three sides and is located near intense commercial uses. Staff has concerns that the site could some day be annexed into the City of Cape Coral and be developed under the City's regulations. Staff recommends transmittal of the Future Land Use Map change as indicated on the attached map including the approximately 11.41 acres of proposed Conservation Lands. If the applicant wants to change the configuration of Conservation Lands or remove the above mentioned parcel then staff does not recommend transmittal of the FLUM portion of this amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The North Fort Myers Community Plan is the result of over a two-year long effort of the North Fort Myers Community Planning Panel and the residents of North Fort Myers.
- Lee County hired a consultant, HDR, to assist them Planning Panel, the North Fort Myers Community and Lee County in the development of the plan.
- The Community Plan was funded by $50,000 of community planning funds provided by the Board of County Commissioners.
- All meetings with the Planning Panel and the community were held at various locations in North Fort Myers, primarily at the Shell Factory.
- Follow up meetings attended by staff were held with the North Fort Myers Community Planning Panel.

- This amendment will add a new Vision Statement, a new Goal, Objectives, and Policies to the Lee Plan, and will amend the Future Land Use Map.

C. BACKGROUND INFORMATION

The North Fort Myers Community Plan is a collective effort of local area citizens who formed a nine-member community planning panel to create a vision and plan for the North Fort Myers community. Each planning panel member was a chairperson for one of nine sub-committees that was made up of area residents. The sub-committees addressed the following: Land Use; Environment; Communication; Transportation; Infrastructure; Affordable Housing; Community Character; Economic Development; and Health and Human Services.

In the spring of 2006 the North Fort Myers Community Planning Panel was invited to participate in the selection process to assist Lee County in the selection of a planning consultant to help them write their community plan. The firm of HDR Engineering was selected and hired by Lee County. The consultants, along with Lee County staff took a bus tour of North Fort Myers and discussed land use and other issues relevant to the community. The planning consultants held several public meetings with residents of North Fort Myers to receive input and suggestions on what to include in the community plan.

A draft plan was submitted to Lee County and the community in January of 2008 and was revised based on input from staff and the community. The Final Report was submitted to Lee County in February, 2008. This proposed new Vision Statement, Goal, Objectives, Policies and Future Land Use Map amendment are a result of work done on the North Fort Myers Community Plan.

PART II - STAFF DISCUSSION AND RECOMMENDED REVISIONS

A. STAFF DISCUSSION

This new Goal for North Fort Myers is intended to express the community's desire to achieve its vision for the future as identified in their most recent community planning endeavor. The existing Vision Statement is being replaced with the community's new vision for the future. The new Future Land Use Goal, and subsequent Objectives and Policies as revised by staff in strike-through/double underline, is set forth.

VISION STATEMENT:

~~**19. North Fort Myers** - This Community is located north of the Caloosahatchee River between the Alva Planning Community and the City of Cape Coral. This community includes a wide mix of Future Land Use designations from Intensive Development to Density Reductio/Groundwater Resource. The area between the two US 41 routes near the river will remain the core of this community. The old OS 41 routes near the river will remain the core of this community. The old US 41 corridor will be redeveloped with new commercial uses and waterfront development taking advantage of this areas close proximity to downtown fort Myers and its riverfront location. The US 41 corridor from Pondella Road north will continue to attract new commercial development that will serve the North Fort Myers community and other surrounding communities. Total commercial, service, and industrial uses will have doubled from the amount existing in 1996. These areas are surrounded by residential uses.~~

19. North Fort Myers - Over the course of the current planning effort, a new vision for the future of North Fort Myers has emerged and come into sharper focus. The following phrases, describing a brighter future for the community, capture the essence of the vision and provide a foundation for the plan's goals, objectives, and policies:

Town Center developments along the Caloosahatchee River and on Bayshore Road at I-75 offer new destinations for living, shopping, working, and socializing. Designed with walkable streets and streetscapes, ground level shops and restaurants, high quality housing, and connections to nearby parks, waterfronts, and natural areas, these new Centers are becoming signposts for positive changes throughout the community.

New retail and mixed use development cluster in Neighborhood Centers and along revitalized commercial corridors. Unlike the auto-oriented development that used to line major roadways. North Fort Myer's new neighborhood centers and corridors are pedestrian-friendly, with attractive landscaping and quality architecture.

Older neighborhoods are experiencing a quiet renaissance. First-time homebuyers, recent retirees, and new investors are fixing-up older housing stock, building compatible infill housing, sprucing-up yards, and working together to ensure properties and public rights-of-way are well-maintained, safe, and attractive.

New buildings are designed to fit the area's early design character. Simple, sturdy building forms, high quality materials, protection from the elements, and generous native vegetation create a distinctive local vernacular.

Landscape gateways, extensive streetscape and landscape improvements, and new pedestrian and bicycle facilities reinforce the North Fort Myers' reputation as a great place to live, work, and visit.

Greenways, blueways, and trail systems offer unique recreational amenities, linking together North Fort Myers' neighborhoods with the region's parks and recreational facilities, conservation lands, and new points of access to the Caloosahatchee River and its tributaries.

This Vision Statement for North Fort Myers was drafted during the community planning process by the community with the help of their consultant. Staff has no objection to this new Vision Statement for North Fort Myers.

GOAL 28: NORTH FORT MYERS. North Fort Myers seeks to improve the community's livability and economic vitality by and promoting compact, mixed use development in the form of new town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors, stabilizing and enhancing, existing neighborhoods; preserving natural resources; and providing greater opportunities for public participation in the land development approval process. This Goal and subsequent Objectives and Policies apply to the North Fort Myers Planning Community.

Staff has no objection to Goal 28.

OBJECTIVE 28.1: LAND USE: NEIGHBORHOODS AND HOUSING. By 2012 Land Use and Housing Review will be completed ~~by~~ for each neighborhood and corridor by the North Fort Myers community.

Staff recommends transmitting Objective 28.1 as revised.

> **Policy 28.1.1 Code Enforcement.** The North Fort Myers community s~~S~~upports the continuation ~~and expansion~~ of the ~~code enforcement~~ initiatives of Lee County Code Enforcement and Department of Human Services targeting North Fort Myers neighborhoods with high incidences of code violations. The County will provide periodic reports of enforcement activities to the North Fort Myers c~~C~~ommunity ~~Planning Panel~~.

As proposed by the Planning Panel, this policy anticipates expansion of the Code Enforcement initiatives for North fort Myers. Compliance with this policy will require additional staff time and financial resources to expand services and prepare reports. The funding source for this envisioned expansion and service has not been identified. Staff recommends transmitting Policy 28.1.1 as revised.

> **Policy 28.1.2: Neighborhood District Planning.** The North Fort Myers c~~C~~ommunity ~~Planning Panel~~ will continue working with the Department of Human Services to implement Neighborhood District Revitalization Plans.

Staff has no objection to Policy 28.1.2 as revised.

> **Policy 28.1.3: Housing Maintenance & and Repair.** The North Fort Myers ~~C~~community ~~Panel~~ will work with the County to explore opportunities to expand Department of Human Service programs designed to help maintain, repair, and improve existing owner-occupied housing.

Staff recommends transmittal of Policy 28.1.3 as revised.

> ~~**Policy 28.1.4 Small Scale Mixed Use Projections.** To increase the diversity of housing types available for residents, the Department of Community Development will amend the Mixed Planned Development Category to allow for small scale mixed use projects with residential above or in close proximity to retail and service uses.~~

The Lee Plan Future Land Use map series identifies areas that are located in the Lee County Mixed Use Overlay. That map may be amended to include additional areas in North Fort Myers after the Town Center, Neighborhood Center, and Corridor regulations are drafted by the consultant the County is in the process of hiring. Staff does not recommend transmittal of Policy 28.1.4, but recognizes that changes to the Mixed Use Overlay map may be required subsequent to the drafting of Town Center, Neighborhood Center, and Corridor regulations.

> ~~**Policy 28.1.5: Conservation of Large Lot Neighborhoods.** Lee County will protect large lot residential by requiring significant buffers between existing lots and higher density residential development or the placement of transitional density units along the perimeter.~~

Policy 28.1.5 needs clarification. The terms "significant buffers" and "transitional density" are subject to interpretation. Staff does not recommend transmittal of Policy 28.1.5.

> **Policy 28.1.6: Collaboration.** Encourage the active participation of existing neighborhood associations, homeowners, landlords, and tenants in North Fort Myers c~~C~~ommunity's ~~Planning Panel's~~ programs and planning initiatives.

Staff recommends transmitting Policy 28.1.6 as revised.

Policy 28.1.7: Fair Share Projections. Using the current estimate of affordable housing construction need projected to 2030 as a starting point, the Department of Community Development will prepare an estimate of North Fort Myers' fair share of need by housing type for low-income, workforce, and affordable housing and establish ~~annual~~ five-year planning targets for the delivery of units.

Staff resources will be necessary to estimate the North Fort Myers "fair share" of need by housing type and to establish annual planning targets for the delivery of units. Establishing annual planning targets is not a reasonable expectation. Staff recommends transmitting Policy 28.1.7 as revised.

Policy 28.1.8: Site Assessment & and Pilot Projects. Working with the Department of Community Development, Department of Human Services, Lee County Housing Development Corp, Community Land Trust, non-profit housing providers, and representatives from nearby neighborhoods, the North Fort Myers c~~C~~ommunity ~~Planning Panel should participate in~~ will prepare a study identifying potential sites for affordable housing and prepare preliminary studies for design and financial analyses for potential pilot or demonstration projects. The study will also i~~I~~dentify neighborhoods where single family housing units can include remodeling to incorporate Mother-In-Law housing additions.

The evaluation should focus on sites with the following general characteristics:

- Located within the Intensive Development, Central Urban, and Urban - Community on the Lee Plan's Future Land Use Map;
- located where central water/sewer service is available;
- located within comfortable walking distance of mass transit, commercial and personal services, and parks and recreation facilities; and
- located on land previously converted for urban purposes.

As submitted, Policy 28.1.8 requires the Department of Community Development and the Department of Human Services staff to conduct studies and prepare designs and financial analyses for the potential pilot or demonstration projects proposed by this policy. Compliance with this policy will require additional staff time and financial resources to prepare the study. Staff recommends transmitting Policy 28.1.8 as revised.

Policy 28.1.9: Technical Assistance & and Public Education. The North Fort Myers community will explore opportunities to expand the technical assistance and public education initiatives provided by the Departments of Community Development, Human Services, and Smart Growth Department ~~to~~ for the North Fort Myers c~~C~~ommunity ~~Planning, community-based organizations, and community housing organizations.~~

Staff recommends transmitting Policy 28.1.9 as revised.

~~**Policy 28.1.10: New Housing Type in Overlays.** Incorporate into Overlay Districts the addition of single person apartment types of 500 square feet or less and have their density calculated as 1/3 of a unit and only pay 1/3 of impact fees.~~

Lee County is in the process of hiring a consultant to develop Town Center, Neighborhood Center, and Corridor regulations to implement the North Fort Myers Community Plan. The consultant may address Policy 28.1.10 while developing those regulations, but staff does not recommend transmittal of this policy.

OBJECTIVE 28.2: LAND USE: CENTERS & and CORRIDORS. By 2012, identify and pursue overlay districts and corridors.

Lee County is in the process of hiring a consultant to develop Town Center, Neighborhood Center, and Corridor regulations to implement the North Fort Myers Community Plan. Staff has no objection to Objective 28.2 as revised.

Policy 28.2.1: Market Assessment & and Planning Targets. The North Fort Myers cCommunity ~~Planning Panel~~ will work with the ~~Horizon Council and the~~ Department of Community Development to complete an analysis of the market support for retail, office, hospitality, and moderate-to-high density residential uses in the North Fort Myers submarket. The Assessment will be designed to consider the following:

- recommendations from the recently completed Commercial/Industrial Land Use Analysis;
- existing and proposed competitive supply, including planned development in Cape Coral, the City of Fort Myers, and Babcock Ranch; and
- local and regional projections of population and employment growth.

Information from the assessment will be used to guide planning decisions for the Town Center sector plans and requests to increase the inventory of lands planned and zoned for commercial and moderate-to-high density residential use.

The Horizon Council is an all-volunteer group that is an advisory board the the BoCC for economic development issues. To date, it has not had any responsibility for individual community planning, commercial or retail development activities such as those activities cited in the NFM community plan.

The Economic Development Office is staff to the Horizon Council. Economic Development does not have as there Core Services, community planning, commercial or retail development. Thus far, the Economic Development Office has worked to increase the high-skill, high wage jobs that will diversify Lee County's economy.

This policy also requires the Department of Community Development to participate in an analysis of the market support for retail, office, hospitality, and moderate to high density residential uses in North Fort Myers. This effort will require the County to devote personnel and possibly financial resources to complete the analysis and prepare a report that would ultimately be used as a guide in future planning decisions.

Policy 28.2.2: Preliminary Designation of Town Centers. The North Fort Myers Community Plan designates the following areas as Town Centers appropriate for moderate to high intensity, pedestrian-oriented, mixed use development.

- North Cleveland Avenue &and Hancock Bridge Parkway.
- North Tamiami Trail – Pondella Road to the Caloosahatchee River.
- Bayshore &and I-75.

The County is in the process of hiring a planning consultant to develop Town Center, Neighborhood Center, and Corridor regulations. Policy 28.2.2 identifies the general areas of the Town Centers. Staff has no objection to Policy 28.2.2 as revised.

Policy 28.2.3: Town Center Sector Planning &and Overlay Districts. For areas preliminarily identified as Town Centers, the North Fort Myers c~~C~~ommunity ~~Planning Panel~~, Department of Community Development, and Smart Growth Department will work together to prepare sector plans, development regulations (zoning overlay districts and design standards), and implementation plans to ensure development is consistent with the community's vision. The sector plans, development regulations, and implementation plans should be prepared consistent with the following general principles of smart growth and new urbanism:

- Compared development and a mix of uses are encouraged to promote walking; allow for shared parking; support transit; and minimize disturbance of natural areas, wildlife corridors, and drainage ways;
- Buildings should be designed to frame the public realm, enliven streetscapes, and provide for the informal surveillance of public spaces, primary entries, windows, storefronts, porches, and stoops should open onto streets, sidewalks, and public spaces;
- parks, squares, plazas, and promenades should be designed to promote community life and provide a variety of outdoor public space for informal gatherings, public events, and community activities;
- to dispense traffic, promote walking, and provide convenient routes for vehicles and pedestrians, streets should be designed in interconnected networks with generous sidewalks, shade trees, well-marked crossings, and amenities like pedestrian-scaled lighting, benches, trash receptacles, bike racks, and transit shelters; and
- parking areas (except for on-street spaces), loading docks, and service entries should be screened from public view and accessed from alleys, service courts, and side streets.

The County is in the process of hiring a consultant to develop Land Development regulations specific to areas identified in the North Fort Myers Community Plan as Town Centers. Staff recommends transmitting Policy 28.2.3 as revised.

Policy 28.2.4: Provision Allowing Increased Development Intensity in Town Centers. To achieve the community's goals for Town Center Development, the County should adopt provisions allowing for greater minimum, maximum based, and maximum total densities and building heights than are currently allowed under the Lee Plan. These provisions should only be applicable to projects in areas designated as Town Centers, addressed in an adopted sector plan, and regulated by the Town Center Overlay District.

The County is in the process of hiring a consultant to develop Town Center, Neighborhood Center, and Corridor regulations. If in the process of developing those regulations it is determined that increased development intensity in Town centers is needed, then changes to the Land Development Code can be made at that time. An increase in allowable density and increased building height will require an amendment to the Lee Plan during a future round of Lee Plan amendments. Staff has no objection to Policy 28.2.4.

Policy 28.2.5: Designation of Neighborhood Centers. The North Fort Myers Community Plan designates the following areas as Neighborhood Centers appropriate for moderate intensity, pedestrian-oriented, mixed use development:

- Littleton ~~&~~and North Cleveland Avenue;
- North Tamiami Trail ~~&~~and Del Prado Boulevard;
- North Tamiami Trail ~~&~~and Nalle Grade Road;
- Hancock Bridge Parkway and Orange Grove Boulevard;
- North Tamiami Trail ~~&~~and Pine Island/Bayshore Roads;
- Bayshore Road ~~&~~and Slater Road; and
- Bayshore Road ~~&~~and Hart Road

For these areas, the community favors neighborhood-serving mixed use development' pedestrian-friendly street, site, and building designs; the incorporation of live/work, multi-family, and attached housing; and sidewalk and path connections to nearby neighborhoods, parks, and public uses. These Neighborhood Center designations are intended to replace the designations show on Commercial Site Location Standards Map (Lee Plan Map 19).

The County is in the process of hiring a consultant to develop Town Center, Neighborhood Center, and Corridor regulations. Staff recommends transmitting Policy 28.2.5 as revised.

Policy 28.2.6: Neighborhood Center Overlay District. For areas preliminarily identified as Neighborhood Centers, the North Fort Myers c~~C~~ommunity ~~Planning Panel~~, Department of Community Development, and Smart Growth Department will work together to prepare a ~~revised~~ Neighborhood Center Overlay District providing the following:

- Permitted and prohibited uses;
- Standards for building, site, landscape, and sign design;
- Standards for pedestrian and bicycle facilities;
- Building setbacks and build-to lines;
- Conservation of natural features and native vegetation;
- Requirements for shared access and side/rear yard parking'
- Incentives (e.g. regulatory relief, increased height and density, etc.) for the redevelopment of obsolete and poorly performing commercial centers; and
- Incentives for projects incorporating mixed uses, public amenities, and affordable housing.

The County is in the process of hiring a consultant to develop Town Center, Neighborhood Center, and Corridor regulations. Staff recommends transmitting Policy 28.2.6 as revised.

Policy 28.2.7: Corridor Overlay District. For areas along major road corridors outside designated Town Centers and Neighborhood Centers, the North Fort Myers c~~C~~ommunity ~~Planning Panel~~, Department of Community Development, and Smart Growth Department will work together to prepare a Corridor Overlay District as part of the Land Development Code requiring enhanced landscaping, greater buffering and shading of parking areas, improved commercial signage, enhanced standards to ensure architectural quality and compatibility, and incentives for quality development. At minimum, the Corridor Overlay District will provide the following:

- permitted and prohibited uses;
- standards for building, site, landscape, and sign design;
- standards for pedestrian and bicycle facilities;
- building setbacks and build-to-lines;
- conservation of natural features and native vegetation;
- buffers to adjacent residential neighborhoods;
- requirements for shared access and side/rear yard parking;
- incentives (e.g. regulatory relief, increased density, etc.) for the redevelopment of obsolete and poorly performing commercial centers;
- incentives for projects incorporating mixed uses, public amenities, and affordable housing; and
- shared parking.

Once adopted, deviations that would result in a reduction of landscaping, buffering, signage or deviation from design standards will not be supported.

The County is in the process of hiring a consultant to develop Town Center, Neighborhood Center, and Corridor regulations. Staff recommends transmitting Policy 28.2.7 as revised.

Policy 28.2.8 Improving Older Commercial Properties. The North Fort Myers c~~C~~ommunity ~~Planning Panel~~ will work with the Department of Community Development, the North Fort Myers Chamber of Commerce, ~~Horizon Council,~~ and private property owners to develop incentives for bringing older development into compliance with regulations adopted as a result of the North Fort Myers Community Plan including but not limited to private public partnerships.

County staff is in the process of hiring a planning consultant to address Policy 28.2.8. Staff recommends transmitting Policy 28.2.8 as revised.

~~**Policy 28.2.9: Use Compatibility.** By the end of 2008, Lee County will review existing restrictions on the location of uses considered detrimental by the community, e.g. adult-oriented businesses, bottle club establishments, freestanding bars or lounges, or businesses with significant outdoor stage, display, or delivery areas, pawn shops, gambling establishments, and gun/firearm shops from locating near existing or approved residential neighborhoods, mixed use developments including residential, public park and recreation facilities, and public or private schools.~~

Uses are reviewed for compatibility during the rezoning process. If a use is allowed on property located in a particular zoning category, then permits can be obtained to locate that use. If the community proposes to adopt Land Development Code amendments to further restrict the location of uses within the planning community that are considered detrimental, staff has no objection. Staff does not recommend transmittal of Policy 28.2.9.

~~**Policy 28.2.10: Cross Parcel Access.** The Department of Community Development will conduct a review of existing Land Development Code provisions requiring commercial developments to provide privately-owned road and sidewalk connections between adjacent existing and planning commercial uses to minimize access points onto primary road corridors.~~

Chapter 10 of the Land Development Code addresses Policy 28.2.10. The County cannot require existing commercial uses to provide connections to lands that are developed subsequent to the existing development unless that was a condition of the development order or zoning. Sec. 20-295 reads:

Sec. 10-295. Street stubs to adjoining property.
Street stubs to adjoining areas shall be provided where deemed necessary by the director of development review to give access to such areas or to provide for proper traffic circulation. Street stubs shall be provided with a temporary cul-de-sac turnaround within the minimum required platted right-of-way. When adjoining lands are subsequently developed, the developer of the adjoining land shall pay the cost of extending the street and restoring it to its original design cross section. Where a developer proposes private local streets with controlled admittance, he may propose an alternate means of interconnection provided that such means does not require all local traffic to use the arterial network. All interconnections shall be designed to discourage use by through traffic. Staff does not recommend transmittal of Policy 28.2.10.

Staff does not recommend transmittal of Policy 28.2.10.

OBJECTIVE 28.3: TRANSPORTATION. By 2012 the North Fort Myers community will have neighborhood, corridors and community interface improvements identified.

The County is in the process of hiring a consultant to develop Town Center, Neighborhood Center, and Corridor regulations. The North Fort Myers community will have the opportunity to work with the consultant to achieve Objective 28.3. Staff recommends transmitting Objective 28.3 as revised.

Policy 28.3.1: Transportation Corridors. By 2009 the North Fort Myers community will review Metropolitan Planning Organizations and Lee County Department of Transportations 2030 plan for recommendations and improvements ~~for~~applicable to the North Fort Myers Community planning area.

Staff recommends transmitting Policy 28.3.1, as revised.

Policy 28.3.2: Gateways, Streetscape, & and Landscape Improvements. The North Fort Myers c~~C~~ommunity ~~Planning panel~~ will work with the Lee County Roadway Landscape Advisory Committee to ~~complete~~ review plans for streetscape and landscape improvements in gateway locations and along major roadways consistent with the general provisions of the LeeScape Master Plan, including Bayshore and Pine Island Roads, North Cleveland Avenue, North Tamiami Trail, Pondella Road, Hancock Bridge Parkway, and Del Prado Boulevard. Before finalization, plans should be presented for review to the North Fort Myers planning c~~C~~ommunity ~~Planning Panel~~.

Policy 28.3.2 will require the Lee County Roadway Landscape Advisory Committee to complete plans for streetscape and landscape improvements in gateway locations and along major roadways. That Committee does not develop landscape plans, but they do routinely review them. Staff recommends transmitting Policy 28.3.2 as revised.

Policy 28.3.3: Planning &and Design of Arterials &and Collectors. Decisions regarding ~~the functional classification and~~ future improvements or extension of Littleton Road, Hancock Bridge Parkway, Hart Road, Slater Road, and other roadways not currently shown on the Future

Functional Classification Map (Map 3B) should be based on a careful analysis of need, community and environmental impact, and the potential for incorporation of context-sensitive design treatments. Public participation in planning and design processes for these and other road improvements should provide opportunities for involvement of the North Fort Myers cCommunity ~~Planning Panel~~ and ~~other~~ North Fort Myers stakeholders.

County staff has technical standards in place for determining the functional classification of roads in Lee County. County staff typically holds public workshops at the design stage for road projects. Staff recommends transmitting Policy 28.3.3 as revised.

~~**Policy 28.3.4 Hancock Bridge Parkway Extension.** The county will initiate a study to determine the feasibility, cost, and timing of the eastward extension of Hancock Bridge Parkway. The scope of the study should address the following:~~

- ~~effect on regional traffic and circulation patterns;~~
- ~~preferred alignment and conceptual design cross-section for the roadway;~~
- ~~land use and design recommendations for redevelopment of property along the roadway;~~
- ~~preliminary regulatory strategies to ensure appropriate redevelopment; and~~
- ~~preliminary cost estimates and timeline for engineering design, right-of-way acquisition, and project construction.~~

Lee County DOT has already initiated a preliminary corridor study for a possible extension of an arterial roadway from the existing Hancock Bridge Parkway to a point on Business 41. That study does not include design or regulatory standards. Staff does not recommend transmittal of Policy 28.3.4.

~~**Policy 28.3.5: Standards for Walkable Urban Thoroughfares.** The Department of Pubic Works is encouraged to develop alternative design standards for arterials and collectors serving areas designated in the North Fort Myers Community Plan as a Town Center or Neighborhood Center. Such standards may draw on guidance in Institute for Traffic Engineers Proposed Recommended Practice, Contest Sensitive Solutions for Designing Major Urban Thoroughfares for Walkable Communities.~~

The County is in the process of hiring a consultant to develop Land Development Regulations to implement Town Center, Neighborhood Center, and Corridor plans. Policy 28.3.5 will be addressed during that planning process. Staff does not recommend transmitting Policy 28.3.5.

Policy 28.3.6: Bus Transit Enhancements. The North Fort Myers cCommunity ~~Planning Panel~~ will work with Lee Tran to identify opportunities to improve service, frequency, routes, and stop amenities in the community.

Policy 28.3.6 will require the initiative of the North Fort Myers Planning community to contact Lee County Transit to arrange meetings, request information and provide input. Staff recommends transmitting Policy 28.3.6 as revised.

Policy 28.3.7: Improvements for Regional Benefit. Road capacity improvements needed within North Fort Myers to serve demand generated outside the community should be designed to minimize impacts, improve visual character, and improve local access and mobility.

Staff has no objection to Policy 28.3.7.

~~**Policy 28.3.8: I-75 Interchange & Del Prado Extension.** The county will complete a detailed analysis of the feasibility of a new I-75 interchange and the potential alignment for a connection to Del Prado Boulevard. As part of the analysis, impacts on existing neighborhoods, local streets, and conservation lands should be evaluated and reported to the North Fort Myers Community Panel. The report should include the termination point of Nalle Grade Road at US 41 and I-75.~~

The County has completed the corridor study for Del Prado Blvd. Staff does not recommend transmitting Policy 28.3.8.

OBJECTIVE 28.4: COMMUNITY FACILITIES &and SERVICES. By 2012 the community facilities and services needed to meet the needs of Town Centers, Neighborhood Centers and corridors will be identified by the North Fort Myers community.~~and deficiencies addressed.~~

The County is in the process of hiring a consultant to develop Town Center, Neighborhood Center, and Corridor regulations. It is not known how those regulations will affect community facilities and services or how much it will cost to address those needs. There is no funding identified for any improvements that may be required. Staff recommends transmitting Objective 28.4 as revised.

Policy 28.4.1: Effectiveness of Existing Plan Objectives &and Policies. County objectives and policies in Chapter IV of the Lee Plan regarding the provisions of community facilities and services, including those addressing adequate levels of service and extension of service, will be maintained and evaluated for effectiveness on an on-going basis. Proposed changes affecting existing or planned facilities and services in North Fort Myers, including changes in the scope or timing of planned capital improvements, will ~~be reported to~~ include input from the North Fort Myers c~~C~~ommunity ~~Planning Panel~~ and North Fort Myers stakeholders.

The Lee Plan is amended regularly and an Evaluation and Appraisal report is required to be undertaken every seven years. Policy 28.4.1 will require the initiative of the North Fort Myers Planning Panel to provide input to County staff for planned capital improvement projects. Staff recommends transmitting Policy 28.4.1 as revised.

~~**Policy 28.4.2: Medical District Planning.** The North Fort Myers Community Planning Panel will work with the Department of Community Development, Horizon Council, Human Services Department, Lee County Health Department, Medical Society, and Lee Memorial Health Systems to develop a collaborative effort for funding a feasibility study for this project. They should also work together to complete an analysis for the feasibility of developing a new hospital, 24/7 urgent care facility, ambulatory surgery center, physician specialty offices and related medical diagnostic and lab services in the northeast area of North Fort Myers. The analysis should provide the following:~~

- ~~a preliminary development program indicating the types, sizes, and phasing of buildings and site improvements;~~
- ~~an evaluation of sites with the potential to support the preliminary devolvement program including an evaluation of infrastructure capacity;~~

- ~~a market assessment and financing plan to assess project feasibility by private and public sectors;~~
- ~~recommended planning policy and regulatory changes required to support a preferred development strategy;~~
- ~~a preliminary development timeline and estimate of timeline for achieving necessary entitlements; and~~
- ~~Identify other or associated uses within the Medical Corridor.~~

This policy contemplates the County contributing funding for, and participating in, the exploration of a Medical District in the North Fort Myers community. Compliance with this policy will require County financial and staff resources to implement. There is no funding source specified for this endeavor. Staff does not recommend transmittal of Policy 28.4.2.

Policy 28.4.3: Public Works Project Enhancements. Lee County will coordinate planning for public works projects, such as ~~street resurfacing, repairs, maintenance~~ roadway capital improvements, ~~drainage swales, and other surface water management system improvements,~~ with the North Fort Myers c~~C~~ommunity ~~Planning Panel~~ so that potential landscape and aesthetic enhancements may be identified and incorporated in improvement plans. The North Fort Myers c~~C~~ommunity ~~Planning Panel~~ encourages Lee County to review the feasibility of a waste water plant solids program for treatment and reuse.

Staff does not recommend including routine maintenance activities in this policy, such as minor repairs to roadways. Repairs or improvements to drainage swales or other surface water management systems also may be routine maintenance. Staff recommends transmitting Policy 28.4.3 as revised.

Policy 28.4.4: Water Supply and Waste Water Planning ~~&~~and Capacity. The North Fort Myers Community Planning Panel will support educational efforts planned by the Department of Public Works, the Lee County Water Supply Authority, and the South Florida Water Management District to educate North Fort Myers stakeholders about the capacity of existing water systems to support existing and planned developments. ~~Regardless of ownership the North Fort Myers Community Planning Panel would request that the Lee County Department of Public Works coordinate services for waste water and water supply so that no area designated under this plan is under served.~~

New development in Lee County that exceeds established density and intensity thresholds are required to extend sewer and water to serve the site. Lee County provides sewer service to the Waterway Estates neighborhood, east to U.S. 41, but the majority of North Fort Myers is not served by Lee County. Staff recommends transmitting Policy 28.4.4 as revised.

~~**Policy 28.4.5: Septic Tanks & Waste Water Treatment.** Encourage Lee County to enforce the state statute and any other regulations regarding required hook up to existing sewage lines for all properties. To support and encourage the expansion of new sewer lines to discourage new septic tank systems and replace existing septic tanks.~~

~~Provide for and continue support for effective water conservation policies to include appropriate public educational campaigns and county staffing. Encourage the expansion of reuse to include both commercial and residential opportunities.~~

Lee County does enforce all existing regulations. New development in Lee County that exceeds established density and intensity thresholds are required to extend sewer and water to serve the site. Lee County provides sewer service to the Waterway Estates neighborhood, east to U.S. 41, but the majority of North Fort Myers is not provided sewer service by Lee County. Staff does not recommend transmittal of Policy 28.4.5.

OBJECTIVE 28.5: PARKS, RECREATON &and CONSERVATION. By 2012 identify park, recreation, open space, environmental protection and restoration needs and deficiencies to pursue remedies.

Staff recommends transmitting Objective 28.5 as revised.

Policy 28.5.1 Level of Services Standards for Community Parks. To ensure parks and recreation facilities are reasonably accessible and adequate to meet the needs of residents, the North Fort Myers cCommunity ~~Planning Panel~~ will work with the Department of Parks and Recreation to evaluate the Lee Plan non-regulatory, desired level of service standards for community parks and generalized service area boundaries.

Policy 28.5.1 will require the initiative of the North Fort Myers community planning panel to coordinate with the Department of Parks and Recreation. Staff recommends transmitting Policy 28.5.1 as revised.

Policy 28.5.2: North Fort Myers Community Park. The County will work with the community to ensure that the development of the North Fort Myers Community Park is integrated into the surrounding development and open space areas, including incorporation of the development of a community park facility. The concept would be for the park to act as a hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments.

Staff has no objection to Policy 28.5.2.

Policy 28.5.3: Recreational Programming and Access. Lee County will work with the North Fort Myers cCommunity ~~Planning Panel~~ and North Fort Myers Stakeholders to protect and to conserve natural resources, expand recreation opportunities and accessibility for the use of existing waterways, and provide a broad mix of parks, trails, and water recreation areas, to support the lifestyle preferences, livability, sustainability, recreational interest and economic vitality of the community.

Staff recommends transmitting Policy 28.5.3 as revised.

Policy 28.5.4: Stewardship &and Management of Conservation 20/20 Lands. The North Fort Myers cCommunity ~~Planning Panel~~ will work with the Department of Parks and Recreation to finalize and refine stewardship and management plans for 20/20 Conservation Lands within North Fort Myers.

Staff recommends transmitting Policy 28.5.4 as revised.

Policy 28.5.5: Assessment of Lands for Acquisition. The North Fort Myers cCommunity ~~Planning Panel~~ will work ~~with the Division of County Lands and Department of Parks and Recreation~~ to identify ~~additional~~ sites and corridors for ~~acquisition under the Conservation~~ nomination submittal to the established Lee County Conservation 20/20 program. Sites along planned trails, wildlife corridors, greenways, and major creeks should be carefully considered, as should those providing access to the Caloosahatchee River.

Staff recommends transmitting Policy 28.5.5 as revised.

Policy 28.5.6: Greenway Plan Implementation. The North Fort Myers cCommunity ~~Planning Panel~~ will work with the Department of Parks and Recreation to implement recommendations for the Greenways Master Plan. As a first priority, the community supports development of the Tamiami Trail North segment of the Charlotte-Lee Collier Greenway and water access and signage improvements to access the Blueways designated along Yellow Fever Creek and along the Caloosahatchee River at Caloosahatchee Creeks Preserve. The North Fort Myers planning cCommunity ~~Planning Panel~~ will also assist in the identification of trails connecting neighborhoods, conservation areas, parks, ~~and~~ recreation facilities and areas and the water access points.

Staff recommends transmitting Policy 28.5.6 as revised.

~~**Policy 28.5.7: Small Site Conservation Program.** The North Fort Myers Community Planning Panel will work with the Department of County Lands and Department of Parks and Recreation to explore the feasibility of establishing a small site conservation program to transfer land acquisitions or conservation easement to link larger parks, preserves, and mitigation areas; protect native trees and vegetation, creeks, wetland systems, and wildlife movement corridors; and provide connections to greenways and blueways.~~

County staff resources are already identified to assist the Board of County Commissioners' conservation Lands Acquisition and Stewardship Advisory Committee (CLASAC) with this process. As to the Division of County Lands specifically, they are an independent division created to provide Real Estate Services in support of Board adopted projects. Staff does not recommend transmittal of Policy 28.5.7.

Policy 28.5.8: Conservation Policy Refinements. The North Fort Myers cCommunity ~~Planning Panel~~ will work with the Department of Community Development and Public Works (Environmental Science and Natural Resource Divisions) to pursue the Lee Master Mitigation Plan and to explore the adoption of the following conservation policies:

- Development proposals adjacent to the Caloosahatchee River and its tributaries will include floodplain protection plans prior to zoning approval;
  and
- The off-site mitigation of impacts to indigenous areas, wetlands, or wildlife habitat for development in North Fort Myers will occur within North Fort Myers.
- Participate in the Lee County water quality programs that are being developed to address required Total Maximum Daily Loads.

Policy 28.5.8 will require the initiative of the North Fort Myers community planning panel to coordinate with the Department of Community Development and Public Works. Staff recommends transmitting Policy 28.5.8 as revised.

> **Policy 28.5.9: Wildlife Movement Corridors.** For development within the Planning area the ~~Community Development~~ Department of Environmental Science will work with the North Fort Myers c~~C~~ommunity ~~Planning Panel~~ to identify opportunities for the establishment and protection of wildlife movement corridors ~~to include the review of development to provide for~~ and interconnections of conservation easements to ~~provide for~~ facilitate wildlife movement through the county.

Policy 28.5.9 will require the initiative of the North Fort Myers Community Planning Panel to contact the Division of Environmental Sciences to initiate this work. Staff recommends transmitting Policy 28.5.9 as revised.

> **OBJECTIVE 28.6: PUBLIC PARTICIPATION.** Beginning in 2008 the North Fort Myers c~~C~~ommunity ~~Planning Panel~~ will promote with Lee County enhanced community participation in the planning of capital improvements and decisions made in the North Fort Myers Community Planned area.

Staff recommends transmitting Objective 28.6 as revised.

> **Policy 28.6.1: Notice of Land Development Code and Lee Plan Amendments.** As a courtesy, Lee County will register citizens groups and civic organizations that desire notification of pending review of Land Development Code or Lee Plan amendments. Upon registration, Lee County will provide registered groups with electronic documentation regarding pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to ~~mail or to~~ provide timely ~~mail the~~ notice~~;~~ will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Staff recommends transmitting Policy 28.6.1 as revised.

> **Policy 28.6.2: Document Clearinghouse.** Lee County will work with the North Fort Myers community to establish a Document Clearing House, where copies of selected documents from permit applications, variance request, staff reports and ~~2020~~ Lee Plan status updates. Hearing Examiner recommendations, decisions, ~~and resolutions and~~ Administrative Variances and Board resolutions for any development in the community will be kept for public inspection. The County's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Similar policies are in place for Estero, Captiva, Boca Grande, and Caloosahatchee Shores. Staff recommends transmitting Policy 28.6.2 as revised.

> **Policy 28.6.3: ~~Project Referrals & Public Information Meetings.~~** ~~The North Fort Myers Community Planning Panel will be given the first opportunity for one public informational meeting for any rezoning, variance or special exception in North Fort Myers at a location and time of mutual convenience.~~ The applicant for any rezoning, variance or special exception

request within the North Fort Myers Planning Community must conduct one public informational session where the applicant will provide a general overview of the project for any interested citizen. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

Staff does not recommend directing applicants of rezoning, variance or special exceptions to make presentations to a specific organization. However, staff supports a requirement for applicant to apprize the pblic concerning their proposed development plans. Staff recommends transmitting Policy 28.6.3 as revised. That language is very similar to policy language in effect for Estero, Captiva, Caloosahatchee Shores, and Palm Beach Boulevard. Staff recommends transmitting Policy 28.6.3 as revised.

FUTURE LAND USE MAP CHANGE: This plan amendment includes a Future Land Use Map change to approximately 85.3 acres from Suburban, Central Urban, and Sub-Outlying Suburban to Commercial and Conservation Lands. Approximately 73.89 acres will be changed to Commercial and 11.41 acres will be changed to Conservation Lands.

The Current Future Land Use Categories would allow for up to 325 dwelling units and 262,340 square feet of Commercial. The requested change to the FLUM will allow no dwelling units, and up to 835,882 square feet of commercial with a Floor Area Ratio of 0.2597.

The Orchid Road FLUM change affects several property owners and multiple parcels. After the application was agreed upon, a representative of several parcels south of Pine Island Road writing on behalf of four other property owners asked that their property be removed from the application. The request for the Future Land Use amendment has already been agreed to by staff and is part of this application.

An analysis of the Pine Island Road and adjacent street systems was prepared by Lee County Department of Transportation staff and the results indicated that with the proposed commercial development will not exceed or maximize the level of service specified for Pine Island Road or the adjacent street system. The property owners' representative has provided data and analysis to support this FLUM amendment and that analysis has been sent to the LPA under separate cover.

The site is adjacent to the City of Cape Coral on three sides and is located near intense commercial uses. Staff has concerns that the site could some day be annexed into the City of Cape Coral and be developed under the City's regulations. Staff recommends transmittal of the Future Land Use Map change as indicated on the attached map including the approximately 11.41 acres of proposed Conservation Lands. If the applicant wants to change the configuration of Conservation Lands or remove the above mentioned parcel then staff does not recommend transmittal of the FLUM portion of this amendment.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: March 24, 2008

A. LOCAL PLANNING AGENCY REVIEW

Staff introduced the North Fort Myers Community Plan and discussed some of the issues with the amendment. Staff mentioned that there is an issue that will come up with most of the community plans; and that is the core level of service issue. Several of the proposed policies in this amendment will require financial expenditures from the county that exceed the County's core level of service. Staff told the LPA that alternate funding will need to be identified. Another key issue is the reference to the North Fort Myers Community Planning Panel. They would need to stay active and that may not be the case. Another issue is the reference to the Horizon Council to get help with economic development issues, and that exceeds their core level of service.

The chairperson for the North Fort Myers Community Planning Panel spoke to the LPA and told them his group is not dissolving, rather they are reorganizing. He told the LPA that they are reorganizing their by-laws to become an ongoing organization and that they will keep going forward and will always be there.

An LPA member asked if the plan addressed storm water runoff. Staff responded that they had received comments from reviewers of the amendment that they were surprised that was not addressed because that is a huge issue in North Fort Myers.

DATE OF PUBLIC HEARING: September 29, 2008

B. LOCAL PLANNING AGENCY REVIEW

Staff discussed the staff report and explained the recommended changes. After hearing the staff presentation the LPA opened the meeting for public comment. Most of the public comment pertained to the proposed Future Land Use Map change. The areas staff recommended for Conservation Lands were not supported by the property owner whose parcel contained the majority of the recommended Conservation Lands.

One member of the North Fort Myers Community Planning Panel spoke to the LPA and told them that the planning panel would like to have the opportunity to reword some of the policies that staff recommended not be transmitted. A member of the LPA told him the planning panel would need to act quickly and have some compromise language for the BoCC Transmittal Hearing.

Staff read two changes to the policies that were provided to them prior to the meeting. Those changes read as follows:

Policy 28.4.2: Medical District Planning. The North Fort Myers community will work with the Department of Community Development, Department of Human Services, Lee County Health

Department, Lee County Medical Society and Lee Memorial Health Systems to complete an analysis of the market support for needed medical facilities in North Fort Myers.

Policy 28.4.5: Septic Tank and Waste Water Treatment. The North Fort Myers community supports the concept of a single source for sewage service within the North Fort Myers community.

The LPA continued discussion about the proposed Future Land Use Map change and agreed that they would recommend transmittal of the change to Commercial, but that the areas shown as Conservation Lands would remain as their existing Future Land Use Map classification, which is Suburban at two units per acre and Central Urban.

C. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** Recommend that the Board of County Commissioners transmit CPA 2007-00056 as recommended by staff with the exception of the Future Land Use Map recommendation. Include revised Policies 28.4.2 and 28.4.5. Recommend transmittal of the Future Land Use Map with the areas shown on the proposed Future Land Use Map as Conservation Lands to remain as their existing Future Land Use Map designation.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

D. VOTE:

NOEL ANDRESS	AYE
LES COCHRAN	AYE
RONALD INGE	AYE
JACQUE RIPPE	ABSENT
CARLETON RYFFEL	ABSENT
RAE ANN WESSEL	AYE
LELAND TAYLOR	ABSENT

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

DATE OF TRANSMITTAL HEARING: October 22, 2008

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

A. BRIAN BIGELOW	_____
TAMMARA HALL	_____
ROBERT P. JANES	_____
RAY JUDAH	_____
FRANKLIN B. MANN	_____

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:

A. BRIAN BIGELOW	_____
TAMMARA HALL	_____
ROBERT P. JANES	_____
RAY JUDAH	_____
FRANKLIN B. MANN	_____

STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Date: September 19, 2008
To: Jim Mudd, Principal Planner

From: Aaron Martin, Environmental Planner
Phone: (239) 533-8522
e-mail:amartin@leegov.com

Project: North Fort Myers Community Plan Amendment
Case: CPA2007-00056
STRAP: Multiple Straps

The Division of Environmental Sciences (ES) staff has reviewed the proposed North Fort Myers Community Plan amendment and offer the following analysis and recommended conditions:

PROJECT SITE:
The ± 85.3 acre project is located on the south side of Pine Island Rd approximately 1 mile west of US 41, and is zoned AG-2 and RS-1. The project is bordered to the north by Bayshore Rd, to the east by Barrett Rd and residential homes, and to the south and west by Orchid Rd and residential homes. The applicant's request is to change the Future Land Use Map from Suburban, Central Urban, and Sub-Outlying Suburban to Commercial land use.

The subject property consists of the following communities:5.7 acres Improved Pastures (FLUCCS 211), 17.1 acres Pine Flatwoods (FLUCCS 411), 2.4 acres Pine Flatwoods Disturbed (FLUCCS 411D), 0.7 acres Pine Mesic Oak (FLUCCS 414), 13.3 acres Pine Mesic Oak Disturbed (FLUCCS 414D), 1.4 acres Pine Mesic Oak Invaded by Exotics 11-25% (FLUCCS 414 E1), 0.4 acres Pine Mesic Oak Invaded by Exotics 76-90% (FLUCCS 414E4), 8.8 acres Brazillian Pepper (FLUCCS 422), 4.2 acres Live Oak Disturbed Invaded by Exotics 26-50% (FLUCCS 427DE2), 2.8 acres Cabbage Palm Invaded by Exotics 5-9% (FLUCCS 428E), 1.3 acres Hydric Cabbage Palm (428H), 0.6 acres Streams and Waterways (FLUCCS 510), 0.1 acres Ditches (FLUCCS 510D), 0.8 acres Willow (FLUCCS 618), 10.0 acres Disturbed Land (FLUCCS 740), 7.0 acres Borrow Areas (FLUCCS 742), and 6.9 acres Spoil Areas (FLUCCS 743).

The project area contains two tributaries. The first, Hancock Creek, connects underneath Bayshore Rd to the north, and runs through the property offsite to the southeast where it eventually connects to Yellow Fever Creek which out falls into the Caloosahatchee River. The second, is an unnamed tributary running east to west along the south project line which connects to Yellow Fever Creek. The indigenous vegetative community abutting Hancock Creek and is less than 25% exotics and consists of Pine Mesic Oak (FLUCCS 414E1), Pine Flatwoods (FLUCCS 411), Pine Mesic Oak

(FLUCCS 414), and Hydric Cabbage Palm (FLUCCS 428H). The indigenous vegetative community abutting the second tributary are less than 9% exotics and consists of Pine Flatwoods (FLUCCS 411) and Cabbage Palm (FLUCCS 428E). These areas are considered to be high quality indigenous areas, due to the low exotic infestation in the communities adjacent to these tributaries .

Per LeePlan **Objective 1.4 Policy 1.4.6**, the Conservation Lands land use categories were created to accurately depict the use of lands for conservation purposes. Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. The Conservation Lands FLUM category are for lands that are primarily used to conserve important natural resources, environmentally sensitive areas, significant archeological or historical resources, or other conservation uses. Conservation Lands typically include such uses as wildlife preserves; large wetland and upland mitigation areas; natural resource based parks; and water conservation lands such as aquifer recharge areas, flow-ways, flood prone areas and well fields.

The Conservation Lands objective is to put into the public domain private lands that provide the following public benefits:

- Sustain native plant and animal populations;
- Help protect people and property from flooding;
- Help replenish our underground drinking water supply;
- Help to improve or sustain the water quality of our coastal bays, inlets;
- Provide ecotourism opportunities, and
- Provide local environmentally oriented recreational and educational opportunities.

The Board of County Commissioners has provided policy guidance to staff to maintain wildlife corridors and green space connections to ensure the preservation of indigenous plant and animal habitat throughout the County.

The tributaries on site are natural water ways. Utilizing the conservation lands use category over a portion of the high quality indigenous areas adjacent to the tributaries would provide natural water-way buffers as well as buffers between portions of the adjacent residential and proposed commercial land use areas on site (see attached ES Staff Exhibit 1). In addition, ES staff recommends preservation of a 1.36 acre/Minimum 100' wide area in the NE corner of the project (see attached ES Staff Exhibit 1). This will serve as a buffer to the residents to the south. The utilization of the conservation land use category would also serve to protect the indigenous habitat while providing a wildlife corridor within the project boundaries. This would also ensure the long term protection of the natural waterways.

The following Comprehensive Plan Goals, Objectives and Policies further support ES Staff's recommendation for the conservation land use category for this project:

- **Policy 1.4.6:** *Conservation Lands land use category was created to accurately depict the use of lands for conservation purposes. Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. The Conservation Lands FLUM category is for lands that are primarily used to conserve important natural resources, environmentally sensitive areas, significant archeological or historical resources, or other conservation uses. Conservation Lands typically include such uses as wildlife preserves; large wetland and upland mitigation areas; natural resource based parks; and water conservation lands such as aquifer recharge areas, flow-ways, flood prone areas and well fields.*

  The staff has worked diligently with the applicant to designate conservation lands on the parcel, however we were unable to reach an agreement. Thus, staff has designated a conservation land use map (see the attached exhibit) which we feel meets the intent of the conservation land use policy along with LeePlan policies and the LDC. By utilizing the conservation land use category over the high quality indigenous areas adjacent to the tributaries and in the north east corner of the project would not only provide buffers, but also meet the intent of the conservation land use category by preserving flow-ways and wildlife habitat.

- **Policy 6.1.4:** *Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.*

  &

  Policy 6.1.6: *The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.*

  Utilizing the conservation land use category over the high quality indigenous areas adjacent to the tributaries and in the north east corner of the project would provide a transition between the adjacent residential and proposed commercial uses. In addition, the Board of County Commissioner's policy guidance urges staff to seek preservation of a minimum fifty foot buffer along all natural waterways.

- **Standard 11.4: Environmental Review Factors.** *In any case where there exists or there is the probability of environmentally sensitive areas the developer must propose means to protect, conserve, or preserve the environmental and natural resources.*

  The project site contains high quality indigenous habitat as well as natural water ways that flow into the larger coastal estuaries via the Caloosahatchee River.
  ES Staff recommends the use of conservation lands category to preserve these environmentally sensitive habitats and flow-ways.

- **Objective 60.5: Incorporation of Green Infrastructure into the Surface Water Management Plan.** *The long-term benefits of green infrastructure as part of the surface water management system includes improved water quality, improved infiltration, wild life habitat and recreational opportunities. Policy 60.5.3: states that the County encourages the preservation of existing natural flow-ways and restoration of historic natural flow-ways.*

  The two tributaries on site are natural flow-ways and as such should be placed in the conservation lands future land use category to provide a wildlife corridor and protect drainage flow in the area.

- **Objective 61.2: Mimicking the function of natural systems.** *Support a surface water management strategy that relies on natural features (flow-ways, sloughs, creeks, etc.) to help manage storm and surface water. Objective 61.3: Lee County will continue to provide design standards for development protective of the function of natural drainage systems.*

  The two tributaries on site, both natural waterways, should be incorporated into the surface water management system to help maintain the historic flow-way.

- **Objective 77.3:** *New developments must use innovative open space design to preserve existing native vegetation and buffer adjacent uses.* **Policy 77.3.3:** *The County encourages new developments to incorporate large contiguous open space areas in their development design.*

  Placing the high quality indigenous vegetation and tributaries into conservation land use category will provide interconnectivity between the adjacent flow-ways offsite and a buffer zone between the adjacent residential and proposed commercial land uses. This could provide for large open space areas, which may be utilized as wildlife corridors.

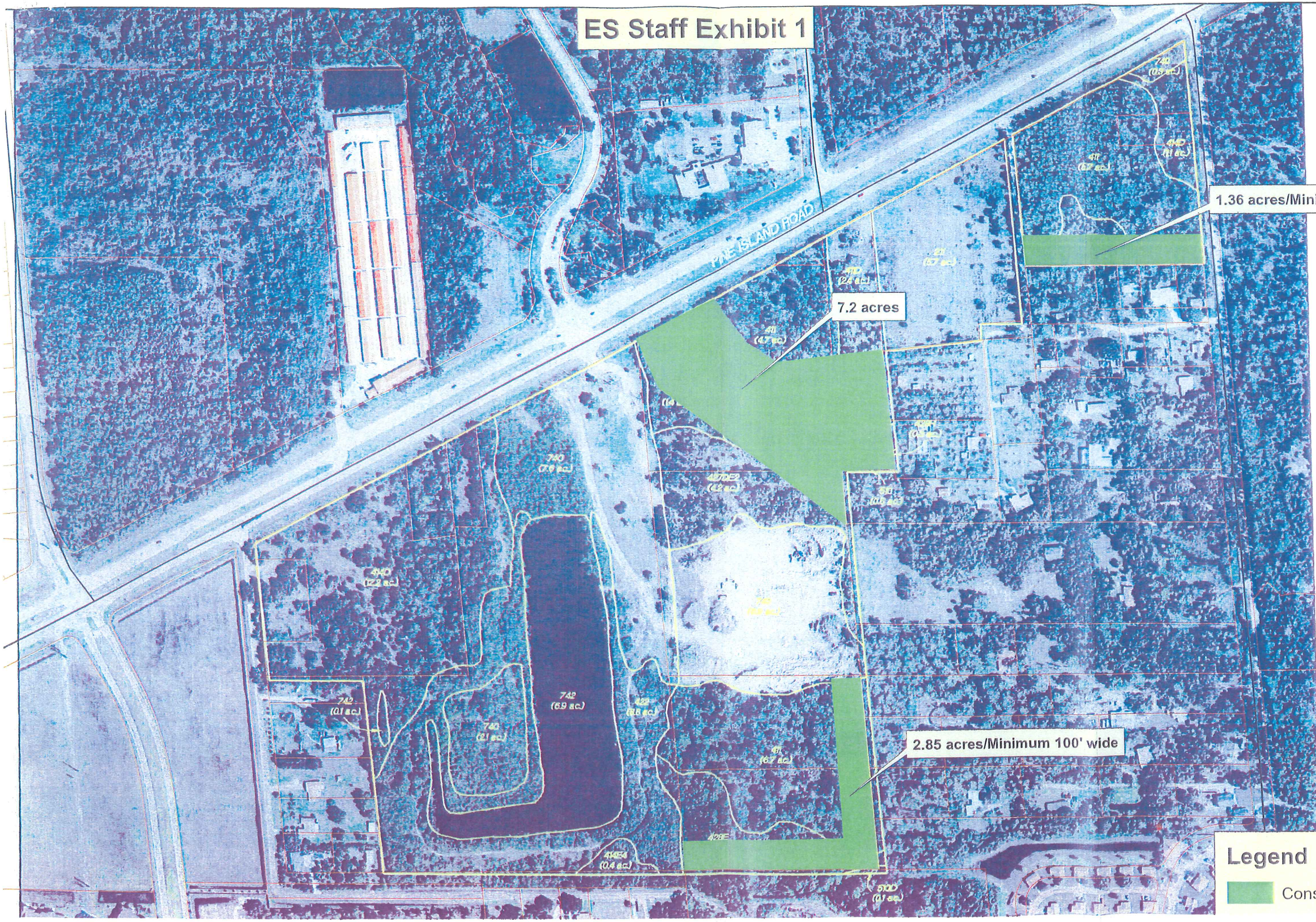
- **Goal 107: Resource Management Plan.** *The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydro ecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape.*

  The tributaries onsite are an important wildlife link between lands to the north and the Caloosahatchee River. The proposed land use change has the opportunity to provide a preserve that can provide wildlife habitat and a wildlife corridor, while maintaining natural flow-ways offsite.

Utilizing the conservation lands future land use category for the high quality indigenous habitat adjacent to the tributaries on site will provide:

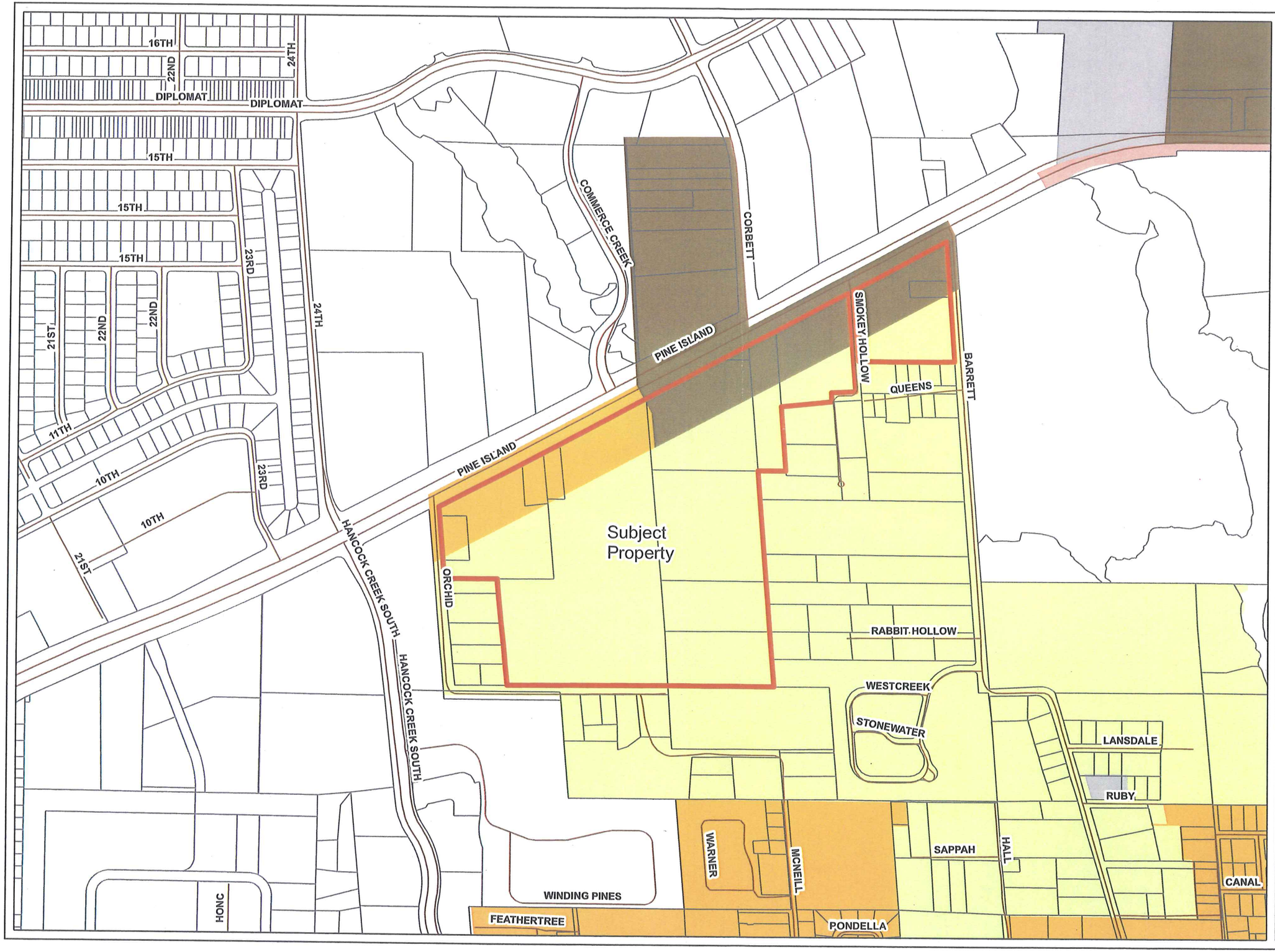
- A natural buffer zone between adjacent residential and commercial use;
- An indigenous high quality wildlife habitat;
- The preserve of the natural flow-ways onsite;
- A wildlife connection and corridor through the wetlands allowing connectivity from the tributaries to Yellow Fever Creek and ultimately the Caloosahatchee River for water dependent wildlife, and

ES Staff Exhibit 1



CPA2007-56 NORTH FORY MYERS COMMUNITY PLAN

Existing Future Land Use



- Intensive Development
- Central Urban
- Suburban
- Sub-Outlying Suburban
- Public Facilities
- Subject Property

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

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Miles

Map Generated: October 2nd

CPA2007-56 NORTH FORY MYERS COMMUNITY PLAN

Proposed Future Land Use Staff Recommendation

- Proposed Commercial
- Proposed Conservation
- Intensive Development
- Central Urban
- Suburban
- Sub-Outlying Suburban
- Public Facilities
- Subject Property

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

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Miles

Map Generated: October 2nd

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22ND
11TH
10TH
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21ST
23RD
COMMERCE CREEK
CORBETT
PINE ISLAND
SMOKEY HOLLOW
QUEENS
BARRETT
PINE ISLAND
Subject Property
ORCHID
HANCOCK CREEK SOUTH
HANCOCK CREEK SOUTH
RABBIT HOLLOW
WESTCREEK
STONEWATER
LANSDALE
RUBY
WARNER
MCNEILL
SAPPAH
HALL
CANAL
HONC
WINDING PINES
FEATHERTREE
PONDELLA

CPA2007-56 NORTH FORY MYERS COMMUNITY PLAN

Proposed Future Land Use
LPA Recommendation

- Proposed Commercial
- Intensive Development
- Central Urban
- Suburban
- Sub-Outlying Suburban
- Public Facilities
- Subject Property

Subject Property

16TH
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COMMERCE CREEK
CORBETT
PINE ISLAND
SMOKEY HOLLOW
QUEENS
BARRETT
HANCOCK CREEK SOUTH
ORCHID
RABBIT HOLLOW
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LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

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Map Generated: October 2nd

CPA2007-56
NORTH FORT MYERS
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
(239) 533-8585

October 22, 2008

LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2007-00056

☑ **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: September 24, 2008

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. SPONSOR/APPLICANT:

A. SPONSOR:
LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

B. APPLICANT
NORTH FORT MYERS COMMUNITY PLANNING PANEL

2. REQUEST:

Amend the Vision Statement and Future Land Use Element of the Lee Plan to incorporate the recommendations of the North Fort Myers Community Planning effort. Establish a new Vision Statement, Goal, Objectives, and Policies specific to North Fort Myers. Amend the Future Land Use Map for property containing approximately 85.3 acres located between orchid Road and Barrett Road, south of Pine Island Road, from Central Urban, Suburban, and Sub-Outlying Suburban to Commercial and Conservation Lands. Amend Map 1, Page 2 of 6, Special Treatment Areas to indicate that a revised Goal specific to the North Fort Myers Planning Community has been adopted.

THE BOARD OF COUNTY COMMISSIONERS VOTED TO TRANSMIT THE FOLLOWING TEXT AND MAP AMENDMENT TO THE DEPARTMENT OF COMMUNITY AFFAIRS:

VISION STATEMENT:

~~**19. North Fort Myers** - This Community is located north of the Caloosahatchee River between the Alva Planning Community and the City of Cape Coral. This community includes a wide mix of Future Land Use designations from Intensive Development to Density Reductio/Groundwater Resource. The area between the two US 41 routes near the river will remain the core of this community. The old OS 41 routes near the river will remain the core of this community. The old US 41 corridor will be redeveloped with new commercial uses and waterfront development taking advantage of this areas close proximity to downtown fort Myers and its riverfront location. The US 41 corridor from Pondella Road north will continue to attract new commercial development that will serve the North Fort Myers community and other surrounding communities. Total commercial, service, and industrial uses will have doubled from the amount existing in 1996. These areas are surrounded by residential uses.~~

19. North Fort Myers - Over the course of the current planning effort, a new vision for the future of North Fort Myers has emerged and come into sharper focus. The following phrases, describing a brighter future for the community, capture the essence of the vision and provide a foundation for the plan's goals, objectives, and policies:

Town Center developments along the Caloosahatchee River and on Bayshore Road at I-75 offer new destinations for living, shopping, working, and socializing. Designed with walkable streets and streetscapes, ground level shops and restaurants, high quality housing, and connections to nearby parks, waterfronts, and natural areas, these new Centers are becoming signposts for positive changes throughout the community.

New retail and mixed use development cluster in Neighborhood Centers and along revitalized commercial corridors. Unlike the auto-oriented development that used to line major roadways. North Fort Myer's new neighborhood centers and corridors are pedestrian-friendly, with attractive landscaping and quality architecture.

Older neighborhoods are experiencing a quiet renaissance. First-time homebuyers, recent retirees, and new investors are fixing-up older housing stock, building compatible infill housing, sprucing-up yards, and working together to ensure properties and public rights-of-way are well-maintained, safe, and attractive.

New buildings are designed to fit the area's early design character. Simple, sturdy building forms, high quality materials, protection from the elements, and generous native vegetation create a distinctive local vernacular.

Landscape gateways, extensive streetscape and landscape improvements, and new pedestrian and bicycle facilities reinforce the North Fort Myers' reputation as a great place to live, work, and visit.

Greenways, blueways, and trail systems offer unique recreational amenities, linking together North Fort Myers' neighborhoods with the region's parks and recreational facilities, conservation lands, and new points of access to the Caloosahatchee River and its tributaries.

GOAL 28: NORTH FORT MYERS. North Fort Myers seeks to improve the community's livability and economic vitality by and promoting compact, mixed use development in the form of new town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors, stabilizing and enhancing, existing neighborhoods; preserving natural resources; and providing greater opportunities for public participation in the land development approval process. This Goal and subsequent Objectives and Policies apply to the North Fort Myers Planning Community.

OBJECTIVE 28.1: LAND USE: NEIGHBORHOODS AND HOUSING. By 2012 Land Use and Housing Review will be completed for each neighborhood and corridor by the North Fort Myers community.

Policy 28.1.1 Code Enforcement. The North Fort Myers community supports the continuation of the initiatives of Lee County Code Enforcement and Department of Human Services targeting North Fort Myers neighborhoods with high incidences of code violations. The County will provide periodic reports of enforcement activities to the North Fort Myers community.

Policy 28.1.2: Neighborhood District Planning. The North Fort Myers community will continue working with the Department of Human Services to implement Neighborhood District Revitalization Plans.

Policy 28.1.3: Housing Maintenance and Repair. The North Fort Myers community will work with the County to explore opportunities to expand Department of Human Service programs designed to help maintain, repair, and improve existing owner-occupied housing.

Policy 28.1.4: To support the diversity of housing types available, the North Fort Myers community supports utilizing the Mixed Use Overlay to apply to small scale mixed use projects with residential above or adjacent to retail and service uses.

Policy 28.1.5: Consider revisions to the Land Development Code to establish buffers between existing large lot residential subdivisions and emerging adjacent higher density and intensity uses.

Policy 28.1.6: Collaboration. Encourage the active participation of existing neighborhood associations, homeowners, landlords, and tenants in North Fort Myers community's programs and planning initiatives.

Policy 28.1.7: Fair Share Projections. Using the current estimate of affordable housing construction need projected to 2030 as a starting point, the Department of Community Development will prepare an estimate of North Fort Myers' fair share of need by housing type for low-income, workforce, and affordable housing and establish five-year planning targets for the delivery of units.

Policy 28.1.8: Site Assessment and Pilot Projects. Working with the Department of Community Development, Department of Human Services, Lee County Housing Development Corp, Community Land Trust, non-profit housing providers, and representatives from nearby neighborhoods, the North Fort Myers community will prepare a study identifying potential sites for affordable housing and prepare preliminary studies for design and financial analyses for

potential pilot or demonstration projects. The study will also identify neighborhoods where single family housing units can include remodeling to incorporate Mother-In-Law housing additions.

The evaluation should focus on sites with the following general characteristics:
- Located within the Intensive Development, Central Urban, and Urban - Community on the Lee Plan's Future Land Use Map;
- located where central water/sewer service is available;
- located within comfortable walking distance of mass transit, commercial and personal services, and parks and recreation facilities; and
- located on land previously converted for urban purposes.

Policy 28.1.9: Technical Assistance and Public Education. The North Fort Myers community will explore opportunities to expand the technical assistance and public education initiatives provided by the Departments of Community Development, Human Services, and Smart Growth Department ~~to~~ for the North Fort Myers community.

Policy 28.1.10: The North Fort Myers community supports incorporating into the Mixed Use Overlay the addition of single person apartment types of 500 square feet or less and the evaluation of flexibility for all types of fees associated with the development of those units.

Policy 28.1.11: Accessory apartments, such as Mother-in-Law or student housing units, will be considered affordable units, allowing these units to be considered Bonus Density when calculating allowable density.

Objective 28.2: LAND USE: CENTERS AND CORRIDORS. By 2012, identify and pursue overlay districts, corridors, and redevelopment.

Policy 28.2.1: Market Assessment and Planning Targets. The North Fort Myers community will work with the Department of Community Development to complete an analysis of the market support for retail, office, hospitality, and moderate-to-high density residential uses in the North Fort Myers submarket. The Assessment will be designed to consider the following:
- recommendations from the recently completed Commercial/Industrial Land Use Analysis;
- existing and proposed competitive supply, including planned development in Cape Coral, the City of Fort Myers, and Babcock Ranch; and
- local and regional projections of population and employment growth.

Information from the assessment will be used to guide planning decisions for the Town Center sector plans and requests to increase the inventory of lands planned and zoned for commercial and moderate-to-high density residential use.

Policy 28.2.2: Preliminary Designation of Town Centers. The North Fort Myers Community Plan designates the following areas as Town Centers appropriate for moderate to high intensity, pedestrian-oriented, mixed use development, and redevelopment.

- North Cleveland Avenue and Hancock Bridge Parkway
- North Tamiami Trail - Pondella Road to the Caloosahatchee River

- Bayshhore and I-75.

Policy 28.2.3: Town Center Sector Planning and Overlay Districts. For areas preliminarily identified as Town Centers, the North Fort Myers community, Department of Community Development, and Smart Growth Department will work together to prepare sector plans, development regulations (zoning overlay districts and design standards), and implementation plans to ensure development is consistent with the community's vision. The sector plans, development regulations, and implementation plans should be prepared consistent with the following general principles of smart growth and new urbanism:

- Compared development and a mix of uses are encouraged to promote walking; allow for shared parking; support transit; and minimize disturbance of natural areas, wildlife corridors, and drainage ways;
- Buildings should be designed to frame the public realm, enliven streetscapes, and provide for the informal surveillance of public spaces, primary entries, windows, storefronts, porches, and stoops should open onto streets, sidewalks, and public spaces;
- parks, squares, plazas, and promenades should be designed to promote community life and provide a variety of outdoor public space for informal gatherings, public events, and community activities;
- to dispense traffic, promote walking, and provide convenient routes for vehicles and pedestrians, streets should be designed in interconnected networks with generous sidewalks, shade trees, well-marked crossings, and amenities like pedestrian-scaled lighting, benches, trash receptacles, bike racks, and transit shelters; and
- parking areas (except for on-street spaces), loading docks, and service entries should be screened from public view and accessed from alleys, service courts, and side streets.

Policy 28.2.4: Provision Allowing Increased Development Intensity in Town Centers. To achieve the community's goals for Town Center Development, the County should adopt provisions allowing for greater minimum, maximum based, and maximum total densities and building heights than are currently allowed under the Lee Plan. These provisions should only be applicable to projects in areas designated as Town Centers, addressed in an adopted sector plan, and regulated by the Town Center Overlay District.

Policy 28.2.5: Designation of Neighborhood Centers. The North Fort Myers Community Plan designates the following areas as Neighborhood Centers appropriate for moderate intensity, pedestrian-oriented, mixed use development:

- Littleton and North Cleveland Avenue;
- North Tamiami Trail and Del Prado Boulevard;
- North Tamiami Trail and Nalle Grade Road;
- Hancock Bridge Parkway and Orange Grove Boulevard;
- North Tamiami Trail and Pine Island/Bayshore Roads;
- Bayshore Road and Slater Road; and
- Bayshore Road and Hart Road

For these areas, the community favors neighborhood-serving mixed use development' pedestrian-friendly street, site, and building designs; the incorporation of live/work, multi-family, and attached housing; and sidewalk and path connections to nearby neighborhoods, parks, and public uses. These Neighborhood Center designations are intended to replace the designations show on Commercial Site Location Standards Map (Lee Plan Map 19).

Policy 28.2.6: Neighborhood Center Overlay District. For areas preliminarily identified as Neighborhood Centers, the North Fort Myers community, Department of Community Development, and Smart Growth Department will work together to prepare a Neighborhood Center Overlay District providing the following:

- Permitted and prohibited uses;
- Standards for building, site, landscape, and sign design;
- Standards for pedestrian and bicycle facilities;
- Building setbacks and build-to lines;
- Conservation of natural features and native vegetation;
- Requirements for shared access and side/rear yard parking'
- Incentives (e.g. regulatory relief, increased height and density, etc.) for the redevelopment of obsolete and poorly performing commercial centers; and
- Incentives for projects incorporating mixed uses, public amenities, and affordable housing.

Policy 28.2.7: Corridor Overlay District. For areas along major road corridors outside designated Town Centers and Neighborhood Centers, the North Fort Myers community, Department of Community Development, and Smart Growth Department will work together to prepare a Corridor Overlay District as part of the Land Development Code requiring enhanced landscaping, greater buffering and shading of parking areas, improved commercial signage, enhanced standards to ensure architectural quality and compatibility, and incentives for quality development. At minimum, the Corridor Overlay District will provide the following:

- permitted and prohibited uses;
- standards for building, site, landscape, and sign design;
- standards for pedestrian and bicycle facilities;
- building setbacks and build-to-lines;
- conservation of natural features and native vegetation;
- buffers to adjacent residential neighborhoods;
- requirements for shared access and side/rear yard parking;
- incentives (e.g. regulatory relief, increased density, etc.) for the redevelopment of obsolete and poorly performing commercial centers;
- incentives for projects incorporating mixed uses, public amenities, and affordable housing; and
- shared parking.

Once adopted, deviations that would result in a reduction of landscaping, buffering, signage or deviation from design standards will not be supported.

Policy 28.2.8 Improving Older Commercial Properties. The North Fort Myers community will work with the Department of Community Development, the North Fort Myers Chamber of

Commerce, and private property owners to develop incentives for bringing older development into compliance with regulations adopted as a result of the North Fort Myers Community Plan including but not limited to private public partnerships.

Policy 28.2.9: The following uses are prohibited within the North Fort Myers Planning Community: "detrimental uses" (as defined in the Land Development Code).

Policy 28.2.10: The North fort Myers community supports a review of County codes that address the provision of interconnection between existing land uses to minimize access onto primary road corridors and to improve the safety for non-motor transportation.

OBJECTIVE 28.3: TRANSPORTATION. By 2012 the North Fort Myers community will have neighborhood, corridors and community interface improvements identified.

Policy 28.3.1: Transportation Corridors. By 2009 the North Fort Myers community will review Metropolitan Planning Organization and Lee County Department of Transportation 2030 plan for recommendations and improvements applicable to the North Fort Myers Community planning area.

Policy 28.3.2: Gateways, Streetscape, and Landscape Improvements. The North Fort Myers community will work with Lee County DOT and Roadway Landscape Advisory Committee to prepare, complete, and review plans for streetscape plans for streetscape and landscape improvements in gateway locations and along major roadways consistent with the general provisions of the LeeScape Master Plan, including Bayshore and Pine Island Roads, North Cleveland Avenue, North Tamiami Trail, Pondella Road, Hancock Bridge Parkway, and Del Prado Boulevard. Before finalization, plans should be presented for review to the North Fort Myers planning community.

Policy 28.3.3: Planning and Design of Arterials and Collectors. Decisions regarding future improvements or extension of Littleton Road, Hancock Bridge Parkway, Hart Road, Slater Road, and other roadways not currently shown on the Future Functional Classification Map (Map 3B) should be based on a careful analysis of need, community and environmental impact, and the potential for incorporation of context-sensitive design treatments. Public participation in planning and design processes for these and other road improvements should provide opportunities for involvement of the North Fort Myers community and North Fort Myers stakeholders.

Policy 28.3.5: Standards for Walkable Urban Thoroughfares. The Department of Public Works is encouraged to develop alternative design standards for arterials and collectors serving areas designated in the North Fort Myers Community Plan as a Town Center or Neighborhood Center.

Policy 28.3.6: Bus Transit Enhancements. The North Fort Myers community will work with Lee Tran to identify opportunities to improve service, frequency, routes, and stop amenities in the community.

Policy 28.3.7: Improvements for Regional Benefit. Road capacity improvements needed within North Fort Myers to serve demand generated outside the community should be designed to minimize impacts, improve visual character, and improve local access and mobility.

Objective 28.4: By 2012, recommendations for the community facilities and services needed for the Town Centers, Neighborhood Centers, and Corridors will be identified and recommendations to address these needs will be considered in the capital improvement planning programs of operational departments.

Policy 28.4.1: Effectiveness of Existing Plan Objectives and Policies. County Objectives and Policies in Chapter IV of the Lee Plan regarding the provisions of community facilities and services, including those addressing adequate levels of service and extension of service, will be maintained and evaluated for effectiveness on an on-going basis.

Policy 28.4.2: The North Fort Myers community supports a collaborative effort (Hospital Board, private providers, public health and economic agencies) to complete an analysis of the feasibility to provide supportive medical services and facilities in one or more centers identified in the North Fort Myers vision.

Policy 28.4.5: Septic Tank and Waste Water Treatment. The North Fort Myers community supports the concept of a single source for sewage service within the North Fort Myers community.

OBJECTIVE 28.5: PARKS, RECREATON and CONSERVATION. By 2012 identify park, recreation, open space, environmental protection and restoration needs and deficiencies to pursue remedies.

Policy 28.5.1 Level of Services Standards for Community Parks. To ensure parks and recreation facilities are reasonably accessible and adequate to meet the needs of residents, the North Fort Myers community will work with the Department of Parks and Recreation to evaluate the Lee Plan non-regulatory, desired level of service standards for community parks and generalized service area boundaries.

Policy 28.5.2: North Fort Myers Community Park. The County will work with the community to ensure that the development of the North Fort Myers Community Park is integrated into the surrounding development and open space areas, including incorporation of the development of a community park facility. The concept would be for the park to act as a hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments.

Policy 28.5.3: Recreational Programming and Access. Lee County will work with the North Fort Myers community and North Fort Myers Stakeholders to protect and to conserve natural resources, expand recreation opportunities and accessibility for the use of existing waterways, and provide a broad mix of parks, trails, and water recreation areas, to support the lifestyle preferences, livability, sustainability, recreational interest and economic vitality of the community.

Policy 28.5.4: Stewardship and Management of Conservation 20/20 Lands. The North Fort Myers community will work with the Department of Parks and Recreation to finalize and refine stewardship and management plans for 20/20 Conservation Lands within North Fort Myers.

Policy 28.5.5: Assessment of Lands for Acquisition. The North Fort Myers community will work to identify sites and corridors for nomination submittal to the established Lee County Conservation 20/20 program. Sites along planned trails, wildlife corridors, greenways, and major creeks should be carefully considered, as should those providing access to the Caloosahatchee River.

Policy 28.5.6: Greenway Plan Implementation. The North Fort Myers community will work with the Department of Parks and Recreation to implement recommendations for the Greenways Master Plan. As a first priority, the community supports development of the Tamiami Trail North segment of the Charlotte-Lee Collier Greenway and water access and signage improvements to access the Blueways designated along Yellow Fever Creek and along the Caloosahatchee River at Caloosahatchee Creeks Preserve. The North Fort Myers planning community will also assist in the identification of trails connecting neighborhoods, conservation areas, parks, recreation facilities and areas and the water access points.

Policy 28.5.8: Conservation Policy Refinements. The North Fort Myers community will work with the Department of Community Development and Public Works (Environmental Science and Natural Resource Divisions) to pursue the Lee Master Mitigation Plan and to explore the adoption of the following conservation policies:

- Development proposals adjacent to the Caloosahatchee River and its tributaries will include floodplain protection plans prior to zoning approval;
  and
- The off-site mitigation of impacts to indigenous areas, wetlands, or wildlife habitat for development in North Fort Myers will occur within North Fort Myers.
- Participate in the Lee County water quality programs that are being developed to address required Total Maximum Daily Loads.

Policy 28.5.9: Wildlife Movement Corridors. For development within the Planning area the Department of Environmental Science will work with the North Fort Myers community to identify opportunities for the establishment and protection of wildlife movement corridors and interconnection of conservation easements to facilitate wildlife movement through the county.

OBJECTIVE 28.6: PUBLIC PARTICIPATION. Beginning in 2008 the North Fort Myers community will promote with Lee County enhanced community participation in the planning of capital improvements and decisions made in the North Fort Myers Community Planned area.

Policy 28.6.1: Notice of Land Development Code and Lee Plan Amendments. As a courtesy, Lee County will register citizens groups and civic organizations that desire notification of pending review of Land Development Code or Lee Plan amendments. Upon registration, Lee County will provide registered groups with electronic documentation regarding pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to provide

timely notice will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 28.6.2: Document Clearinghouse. Lee County will work with the North Fort Myers community to establish a Document Clearing House, where copies of selected documents from permit applications, variance request, staff reports and Lee Plan status updates. Hearing Examiner recommendations, decisions, Administrative Variances and Board resolutions for any development in the community will be kept for public inspection. The County's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 28.6.3: The North Fort Myers community will conduct an annual "town hall meeting". The community will invite the participation of the North Fort Myers District Commissioner, and appropriate County staff who can provide an update on public works needs in North Fort Myers and progress in addressing those needs. This progress report is intended to include topics such as:

- congestion or capacity problems on existing facilities;
- changes in the scope or timing of planned improvements;
- successes and failures in meeting levels of service

OBJECTIVE 28.7: The North Fort Myers community supports the creation of a project specific, time specific, cost specific redevelopment plan for the North Fort Myers Downtown Waterfront area.

Policy 28.7.1: The North Fort Myers community supports the integration of the redevelopment plan for waterfront downtown with the planning for the alignment, functional classification, and location of any Hancock Bridge Parkway expansion.

Policy 28.7.2: The redevelopment plan will consider the stormwater needs and water and sewer needs that result from the transportation and land use changes of Downtown Waterfront.

Policy 28.7.3: The land use component of downtown waterfront will include land uses that assist in completing North Fort Myers employment base, and broaden housing base for those who will be employed by the new center.

FUTURE LAND USE MAP CHANGE: Transmit a Future Land Use Map change to approximately 85.3 acres from Suburban, Central Urban, and Sub-Outlying Suburban to Commercial and Conservation Lands. Approximately 73.89 acres of Commercial and 11.41 acres of Conservation Lands (See attached Map).

The following Vision Statement and Goal, Objectives, and Policies were submitted by the North Fort Myers Community Planning Panel. Staff's recommended language for transmittal is shown beginning on Page 20 of 53. The language submitted by the applicant with staff's revisions shown in strike-through/double-underline format followed by staff comments is in Part II of this report beginning on Page 30 of 53.

VISION STATEMENT:

~~**19. North Fort Myers** - This Community is located north of the Caloosahatchee River between the Alva Planning Community and the City of Cape Coral. This community includes a wide mix of Future Land Use designations from Intensive Development to Density Reductio/Groundwater Resource. The area between the two US 41 routes near the river will remain the core of this community. The old OS 41 routes near the river will remain the core of this community. The old US 41 corridor will be redeveloped with new commercial uses and waterfront development taking advantage of this areas close proximity to downtown fort Myers and its riverfront location. The US 41 corridor from Pondella Road north will continue to attract new commercial development that will serve the North Fort Myers community and other surrounding communities. Total commercial, service, and industrial uses will have doubled from the amount existing in 1996. These areas are surrounded by residential uses.~~

19. North Fort Myers - Over the course of the current planning effort, a new vision for the future of North Fort Myers has emerged and come into sharper focus. The following phrases, describing a brighter future for the community, capture the essence of the vision and provide a foundation for the plan's goals, objectives, and policies:

Town Center developments along the Caloosahatchee River and on Bayshore Road at I-75 offer new destinations for living, shopping, working, and socializing. Designed with walkable streets and streetscapes, ground level shops and restaurants, high quality housing, and connections to nearby parks, waterfronts, and natural areas, these new Centers are becoming signposts for positive changes throughout the community.

New retail and mixed use development cluster in Neighborhood Centers and along revitalized commercial corridors. Unlike the auto-oriented development that used to line major roadways. North Fort Myer's new neighborhood centers and corridors are pedestrian-friendly, with attractive landscaping and quality architecture.

Older neighborhoods are experiencing a quiet renaissance-first-time homebuyers, recent retirees, and new investors are fixing-up older housing stock, building compatible infill housing, sprucing-up yards, and working together to ensure properties and public rights-of-way are well-maintained, safe, and attractive.

New buildings are designed to fit the area's early design character - simple, sturdy building forms, high quality materials, protection from the elements, and generous native vegetation create a distinctive local vernacular.

Landscape gateways, extensive streetscape and landscape improvements, and new pedestrian and bicycle facilities reinforce the North Fort Myers' reputation as a great place to live, work, and visit.

Greenways, blueways, and trail systems offer unique recreational amenities, linking together North Fort Myers' neighborhoods with the region's parks and recreational facilities, conservation lands, and new points of access to the Caloosahatchee River and its tributaries.

GOAL 28: NORTH FORT MYERS. North Fort Myers seeks to improve the community's livability and economic vitality by and promoting compact, mixed use development in the form of new town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors, stabilizing and enhancing, existing neighborhoods; preserving natural resources; and providing greater opportunities for public participation in the land development approval process.

OBJECTIVE 28.1: LAND USE: NEIGHBORHOODS AND HOUSING. By 2012 Land Use and Housing Review will be completed by neighborhood and corridor.

Policy 28.1.1 Code Enforcement. Support the continuation and expansion of the code enforcement initiatives of Lee County Code Enforcement and Department of Human Services targeting North Fort Myers neighborhoods with high incidences of violations. The County will provide periodic reports of enforcement activities to the North Fort Myers Community Planning Panel.

Policy 28.1.2: Neighborhood District Planning. The North Fort Myers Community Planning Panel will continue working with the Department of Human Services to implement Neighborhood District Revitalization Plans.

Policy 28.1.3: Housing Maintenance & Repair. The North Fort Myers Community Panel will work with the County to explore opportunities to expand Department of Human Service programs designed to help maintain, repair, and improve existing owner-occupied housing.

Policy 28.1.4 Small Scale Mixed Use Projections. To increase the diversity of housing types available for residents, the Department of Community Development will amend the Mixed Planned Development Category to allow for small scale mixed use projects with residential above or in close proximity to retail and service uses.

Policy 28.1.5: Conservation of Large Lot Neighborhoods. Lee County will protect large lot residential by requiring significant buffers between existing lots and higher density residential development or the placement of transitional density units along the perimeter.

Policy 28.1.6: Collaboration. Encourage the active participation of existing neighborhood associations, homeowners, landlords, and tenants in North Fort Myers Community Planning Panel's programs and planning initiatives.

Policy 28.1.7: Fair Share Projections. Using the current estimate of affordable housing construction need projected to 2030 as a starting point, the Department of Community Development will prepare an estimate of North Fort Myers' fair share of need by housing type for low-income, workforce, and affordable housing and establish annual planning targets for the delivery of units.

Policy 28.1.8: Site Assessment & Pilot Projects. Working with the Department of Community Development, Department of Human Services, Lee County Housing Development

Corp, Community Land Trust, non-profit housing providers, and representatives from nearby neighborhoods, the North Fort Myers Community Planning Panel should participate in a study identifying potential sites for affordable housing and prepare preliminary studies for design and financial analyses for potential pilot or demonstration projects. Identify neighborhoods where single family housing units can include remodeling to incorporate Mother-In-Law housing additions.

The evaluation should focus on sites with the following general characteristics:

- Located within the Intensive Development, Central Urban, and Urban - Community on the Lee Plan's Future Land Use Map;
- located where central water/sewer service is available;
- located within comfortable walking distance of mass transit, commercial and personal services, and parks and recreation facilities; and
- located on land previously converted for urban purposes.

Policy 28.1.9: Technical Assistance & Public Education. Explore opportunities to expand the technical assistance and public education initiatives provided by the Departments of Community Development, Human Services, and Smart Growth Department to the North Fort Myers Community Planning, community-based organizations, and community housing organizations.

Policy 28.1.10: New Housing Type in Overlays. Incorporate into Overlay Districts the addition of single person apartment types of 500 square feet or less and have their density calculated as 1/3 of a unit and only pay 1/3 of impact fees.

OBJECTIVE 28.2: LAND USE: CENTERS & CORRIDORS. By 2012 identify and pursue overlay districts and corridors.

Policy 28.2.1: Market Assessment & Planning Targets. The North Fort Myers Community Planning Panel will work with the Horizon Council and the Department of Community Development to complete an analysis of the market support for retail, office, hospitality, and moderate-to-high density residential uses in the North Fort Myers submarket. The Assessment will be designed to consider the following:

- recommendations from the recently completed Commercial/Industrial Land Use Analysis:
- existing and proposed competitive supply, including planned development in Cape Coral, the City of Fort Myers, and Babcock Ranch; and
- local and regional projections of population and employment growth.

Information from the assessment will be used to guide planning decisions for the Town Center sector plans and requests to increase the inventory of lands planned and zoned for commercial and moderate-to-high density residential use.

Policy 28.2.2: Preliminary Designation of Town Centers. The North Fort Myers Community Plan designates the following areas as Town Centers appropriate for moderate to high intensity, pedestrian-oriented, mixed use development.

- North Cleveland Avenue & Hancock Bridge Parkway.
- North Tamiami Trail – Pondella Road to the Caloosahatchee River.

- Bayshore & I-75.

Policy 28.2.3: Town Center Sector Planning & Overlay Districts. For areas preliminarily identified as Town Centers, the North Fort Myers Community Planning Panel, Department of Community Development, and Smart Growth Department will work together to prepare sector plans, development regulations (zoning overlay districts and design standards), and implementation plans to ensure development is consistent with the community's vision. The sector plans, development regulations, and implementation plans should be prepared consistent with the following general principles of smart growth and new urbanism:

- Compared development and a mix of uses are encouraged to promote walking; allow for shared parking; support transit; and minimize disturbance of natural areas, wildlife corridors, and drainage ways;
- Buildings should be designed to frame the public realm, enliven streetscapes, and provide for the informal surveillance of public spaces, primary entries, windows, storefronts, porches, and stoops should open onto streets, sidewalks, and public spaces;
- parks, squares, plazas, and promenades should be designed to promote community life and provide a variety of outdoor public space for informal gatherings, public events, and community activities;
- to dispense traffic, promote walking, and provide convenient routes for vehicles and pedestrians, streets should be designed in interconnected networks with generous sidewalks, shade trees, well-marked crossings, and amenities like pedestrian-scaled lighting, benches, trash receptacles, bike racks, and transit shelters; and
- parking areas (except for on-street spaces), loading docks, and service entries should be screened from public view and accessed from alleys, service courts, and side streets.

Policy 28.2.4: Provision Allowing Increased Development Intensity in Town Centers. To achieve the community's goals for Town Center Development, the County should adopt provisions allowing for greater minimum, maximum based, and maximum total densities and building heights than are currently allowed under the Lee Plan. These provisions should only be applicable to projects in areas designated as Town Centers, addressed in an adopted sector plan, and regulated by the Town Center Overlay District.

Policy 28.2.5: Designation of Neighborhood Centers. The North Fort Myers Community Plan designates the following areas as Neighborhood Centers appropriate for moderate intensity, pedestrian-oriented, mixed use development:

- Littleton & North Cleveland Avenue;
- North Tamiami Trail & Del Prado Boulevard;
- North Tamiami Trail & Nalle Grade Road;
- Hancock Bridge Parkway and Orange Grove Boulevard;
- North Tamiami Trail & Pine Island/Bayshore Roads;
- Bayshore Road & Slater Road; and
- Bayshore Road & Hart Road

For these areas, the community favors neighborhood-serving mixed use development' pedestrian-friendly street, site, and building designs; the incorporation of live/work, multi-family, and attached housing; and sidewalk and path connections to nearby neighborhoods,

parks, and public uses. These Neighborhood Center designations are intended to replace the designations show on Commercial Site Location Standards Map (Lee Plan Map 19).

Policy 28.2.6: Neighborhood Center Overlay District. For areas preliminarily identified as Neighborhood Centers, the North Fort Myers Community Planning Panel, Department of Community Development, and Smart Growth Department will work together to prepare revised Neighborhood Center Overlay District providing the following:

- Permitted and prohibited uses;
- Standards for building, site, landscape, and sign design;
- Standards for pedestrian and bicycle facilities;
- Building setbacks and build-to lines;
- Conservation of natural features and native vegetation;
- Requirements for shared access and side/rear yard parking'
- Incentives (e.g. regulatory relief, increased height and density, etc.) for the redevelopment of obsolete and poorly performing commercial centers; and
- Incentives for projects incorporating mixed uses, public amenities, and affordable housing.

Policy 28.2.7: Corridor Overlay District. For areas along major road corridors outside designated Town Centers and Neighborhood Centers, the North Fort Myers Community Planning Panel, Department of Community Development, and Smart Growth Department will work together to prepare a Corridor Overlay District as part of the Land Development Code requiring enhanced landscaping, greater buffering and shading of parking areas, improved commercial signage, enhanced standards to ensure architectural quality and compatibility, and incentives for quality development. At minimum, the Corridor Overlay District will provide the following:

- permitted and prohibited uses;
- standards for building, site, landscape, and sign design;
- standards for pedestrian and bicycle facilities;
- building setbacks and build-to-lines;
- conservation of natural features and native vegetation;
- buffers to adjacent residential neighborhoods;
- requirements for shared access and side/rear yard parking;
- incentives (e.g. regulatory relief, increased density, etc.) for the redevelopment of obsolete and poorly performing commercial centers;
- incentives for projects incorporating mixed uses, public amenities, and affordable housing; and
- shared parking.

Once adopted, deviations that would result in a reduction of landscaping, buffering, signage or deviation from design standards will not be supported.

Policy 28.2.8 Improving Older Commercial Properties. The North Fort Myers Community Planning Panel will work with the Department of Community Development, the North Fort Myers Chamber, Horizon Council, and private property owners to develop incentives for bringing older development into compliance with regulations adopted as a result of the North Fort Myers Community Plan including but not limited to private public partnerships.

Policy 28.2.9: Use Compatibility. By the end of 2008, Lee County will review existing restrictions on the location of uses considered detrimental by the community, e.g. adult-oriented businesses, bottle club establishments, freestanding bars or lounges, or businesses with significant outdoor stage, display, or delivery areas, pawn shops, gambling establishments, and gun/firearm shops from locating near existing or approved residential neighborhoods, mixed use developments including residential, public park and recreation facilities, and public or private schools.

Policy 28.2.10: Cross Parcel Access. The Department of Community Development will conduct a review of existing Land Development Code provisions requiring commercial developments to provide privately-owned road and sidewalk connections between adjacent existing and planning commercial uses to minimize access points onto primary road corridors.

OBJECTIVE 28.3: TRANSPORTATION. By 2012 will have neighborhood, corridors and community interface improvements identified.

Policy 28.3.1: Transportation Corridors. By 2009 review Metropolitan Planning Organizations and Lee County Department of Transportations 2030 plan for recommendations and improvements for the North Fort Myers Community planning area.

Policy 28.3.2: Gateways, Streetscape, & Landscape Improvements. The North Fort Myers Community Planning panel will work with the Lee County Roadway Landscape Advisory Committee to complete plans for streetscape and landscape improvements in gateway locations and along major roadways consistent with the general provisions of the LeeScape Master Plan, including Bayshore and Pine Island Roads, North Cleveland Avenue, North Tamiami Trail, Pondella Road, Hancock Bridge Parkway, and Del Prado Boulevard. Before finalization, plans should be presented for review to the North Fort Myers Community Planning Panel.

Policy 28.3.3: Planning & Design of Arterials & Collectors. Decisions regarding the functional classification and future improvements or extension of Littleton Road, Hancock Bridge Parkway, Hart Road, Slater Road, and other roadways not currently shown on the Future Functional Classification Map (Map 3B) should be based on a careful analysis of need, community and environmental impact, and the potential for incorporation of context-sensitive design treatments. Public participation in planning and design processes for these and other road improvements should provide opportunities for involvement of the North Fort Myers Community Planning Panel and other North Fort Myers stakeholders.

Policy 28.3.4 Hancock Bridge Parkway Extension. The county will initiate a study to determine the feasibility, cost, and timing of the eastward extension of Hancock Bridge Parkway. The scope of the study should address the following:

- effect on regional traffic and circulation patterns;
- preferred alignment and conceptual design cross-section for the roadway;
- land use and design recommendations for redevelopment of property along the roadway;
- preliminary regulatory strategies to ensure appropriate redevelopment; and
- preliminary cost estimates and timeline for engineering design, right-of-way acquisition, and project construction.

Policy 28.3.5: Standards for Walkable Urban Thoroughfares. The Department of Pubic Works is encouraged to develop alternative design standards for arterials and collectors serving areas designated in the North Fort Myers Community Plan as a Town Center or Neighborhood Center. Such standards may draw on guidance in Institute for Traffic Engineers Proposed Recommended Practice, Contest Sensitive Solutions for Designing Major Urban Thoroughfares for Walkable Communities.

Policy 28.3.6: Bus Transit Enhancements. The North Fort Myers Community Planning Panel will work with Lee Tran to identify opportunities to improve service, frequency, routes, and stop amenities in the community.

Policy 28.3.7: Improvements for Regional Benefit. Road capacity improvements needed within North Fort Myers to serve demand generated outside the community should be designed to minimize impacts, improve visual character, and improve local access and mobility.

Policy 28.3.8: I-75 Interchange & Del Prado Extension. The county will complete a detailed analysis of the feasibility of a new I-75 interchange and the potential alignment for a connection to Del Prado Boulevard. As part of the analysis, impacts on existing neighborhoods, local streets, and conservation lands should be evaluated and reported to the North Fort Myers Community Panel. The report should include the termination point of Nalle Grade Road at US 41 and I-75.

OBJECTIVE 28.4: COMMUNITY FACILITIES & SERVICES. By 2012 the community facilities and services needed to meet the needs of Town Centers, Neighborhood Centers and corridors will be identified and deficiencies addressed.

Policy 28.4.1: Effectiveness of Existing Plan Objectives & Policies. County objectives and policies in Chapter IV of the Lee Plan regarding the provisions of community facilities and services, including those addressing adequate levels of service and extension of service, will be maintained and evaluated for effectiveness on an on-going basis. Proposed changes affecting existing or planned facilities and services in North Fort Myers, including changes in the scope or timing of planned capital improvements, will ~~be reported to~~ include input from the North Fort Myers Community Planning Panel and North Fort Myers stakeholders.

Policy 28.4.2: Medical District Planning. The North Fort Myers Community Planning Panel will work with the Department of Community Development, Horizon Council, Human Services Department, Lee County Health Department, Medical Society, and Lee Memorial Health Systems to develop a collaborative effort for funding a feasibility study for this project. They should also work together to complete an analysis for the feasibility of developing a new hospital, 24/7 urgent care facility, ambulatory surgery center, physician specialty offices and related medical diagnostic and lab services in the northeast area of North Fort Myers. The analysis should provide the following:

- a preliminary development program indicating the types, sizes, and phasing of buildings and site improvements;
- an evaluation of sites with the potential to support the preliminary devolvement program including an evaluation of infrastructure capacity;

- a market assessment and financing plan to assess project feasibility by private and public sectors;
- recommended planning policy and regulatory changes required to support a preferred development strategy;
- a preliminary development timeline and estimate of timeline for achieving necessary entitlements: and
- Identify other or associated uses within the Medical Corridor.

Policy 28.4.3: Public Works Project Enhancements. Lee County will coordinate planning for public works projects, such as street resurfacing, repairs, maintenance, drainage swales, and other surface water management system improvements, with the North Fort Myers Community Planning Panel so that potential landscape and aesthetic enhancements may be identified and incorporated in improvement plans. The North Fort Myers Community Planning Panel encourages Lee County to review the feasibility of a waste water plant solids program for treatment and reuse.

Policy 28.4.4: Water Supply and Waste Water Planning & Capacity. The North Fort Myers Community Planning Panel will support educational efforts planned by the Department of Public Works, the Lee County Water Supply Authority, and the South Florida Water Management District to educate North Fort Myers stakeholders about the capacity of existing water systems to support existing and planned developments. Regardless of ownership the North Fort Myers Community Planning Panel would request that the Lee County Department of Public Works coordinate services for waste water and water supply so that no area designated under this plan is under served.

Policy 28.4.5: Septic Tanks & Waste Water Treatment. Encourage Lee County to enforce the state statute and any other regulations regarding required hook up to existing sewage lines for all properties. To support and encourage the expansion of new sewer lines to discourage new septic tank systems and replace existing septic tanks.

Provide for and continue support for effective water conservation policies to include appropriate public educational campaigns and county staffing. Encourage the expansion of reuse to include both commercial and residential opportunities.

OBJECTIVE 28.5: PARKS, RECREATON & CONSERVATION. By 2012 identify park, recreation, open space, environmental protection and restoration needs and deficiencies to pursue remedies.

Policy 28.5.1 Level of Services Standards for Community Parks. To ensure parks and recreation facilities are reasonably accessible and adequate to meet the needs of residents, the North Fort Myers Community Planning Panel will work with the Department Parks and Recreation to evaluate the Lee Plan non-regulatory, desired level of service standards for community parks and generalized service area boundaries.

Policy 28.5.2: North Fort Myers Community Park. The County will work with the community to ensure that the development of the North Fort Myers Community Park is integrated into the surrounding development and open space areas, including incorporation of the development of a community park facility. The concept would be for the park to act as a

hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments.

Policy 28.5.3: Recreational Programming and Access. Lee County will work with the North Fort Myers Community Planning Panel and North Fort Myers Stakeholders to protect and to conserve natural resources, expand recreation opportunities and accessibility for the use of existing waterways, and provide a broad mix of parks, trails, and water recreation areas, to support the lifestyle preferences, livability, sustainability, recreational interest and economic vitality of the community.

Policy 28.5.4: Stewardship & Management of Conservation 20/20 Lands. The North Fort Myers Planning Panel will work with the Department of Parks and Recreation to finalize and refine stewardship and management plans for 20/20 Conservation Lands within North Fort Myers.

Policy 28.5.5: Assessment of Lands for Acquisition. The North Fort Myers Community Planning Panel will work with the Division of County Lands and Department of Parks and Recreation to identify additional sites and corridors for acquisition under the Conservation 20/20 program. Sites along planned trails, wildlife corridors, greenways, and major creeks should be carefully considered, as should those providing access to the Caloosahatchee River.

Policy 28.5.6: Greenway Plan Implementation. The North Fort Myers Community Planning Panel will work with the Department of Parks and Recreation to implement recommendations for the Greenways Master Plan. As a first priority, the community supports development of the Tamiami Trail North segment of the Charlotte-Lee Collier Greenway and water access and signage improvements to access the Blueways designated along Yellow Fever Creek and along the Caloosahatchee River at Caloosahatchee Creeks Preserve. The North Fort Myers Community Planning Panel will also assist in the identification of trails connecting neighborhoods, conservation areas, parks, ~~and~~ recreation facilities and areas and the water access points.

Policy 28.5.7: Small Site Conservation Program. The North Fort Myers Community Planning Panel will work with the Department of County Lands and Department of Parks and Recreation to explore the feasibility of establishing a small site conservation program to transfer land acquisitions or conservation easement to link larger parks, preserves, and mitigation areas; protect native trees and vegetation, creeks, wetland systems, and wildlife movement corridors; and provide connections to greenways and blueways.

Policy 28.5.8: Conservation Policy Refinements. The North Fort Myers Community Planning Panel will work with the Department of Community Development and Public Works (Environmental Science and Natural Resource Divisions) to pursue the Lee Master Mitigation Plan and to explore the adoption of the following conservation policies:

- Development proposals adjacent to the Caloosahatchee River and its tributaries will include floodplain protection plans prior to zoning approval;
  and
- The off-site mitigation of impacts to indigenous areas, wetlands, or wildlife habitat for development in North Fort Myers will occur within North Fort Myers.

- Participate in the Lee County water quality programs that are being developed to address required Total Maximum Daily Loads.

Policy 28.5.9: Wildlife Movement Corridors. For development within the Planning area the Community Development Department of Environmental Science will work with the North Fort Myers Community Planning Panel to identify opportunities for the establishment and protection of wildlife movement corridors to include the review of development to provide for interconnections of conservation easements to provide for wildlife movement.

OBJECTIVE 28.6: PUBLIC PARTICIPATION. Beginning in 2008 the North Fort Myers Planning Panel will promote with Lee County enhanced community participation in the planning of capital improvements and decisions made in the North Fort Myers Community Planned area.

Policy 28.6.1: Notice of Land Development Code and Lee Plan Amendments. As a courtesy, Lee County will register citizens groups and civic organizations that desire notification of pending review of Land Development Code or Lee Plan amendments. Upon registration, Lee County will provide registered groups with documentation regarding pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to mail or to timely mail the notice, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 28.6.2: Document Clearinghouse. Lee County will work with the North Fort Myers community to establish a Document Clearing House, where copies of selected documents from permit applications, variance request, staff reports and 2020 Plan status updates. Hearing Examiner recommendations and resolutions and Administrative Variances and for any development in the community will be kept for public inspection. The County's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 28.6.3: Project Referrals & Public Information Meetings. The North Fort Myers Community Planning Panel will be given the first opportunity for one public informational meeting for any rezoning, variance or special exception in North Fort Myers at a location and time of mutual convenience.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the following:

VISION STATEMENT:

~~**19. North Fort Myers** - This Community is located north of the Caloosahatchee River between the Alva Planning Community and the City of Cape Coral. This community includes a wide mix of Future Land Use designations from Intensive Development to Density Reductio/Groundwater Resource. The area between the two US 41 routes near the river will remain the core of this community. The old OS 41 routes near the river will remain the core of this community. The old US 41 corridor will be redeveloped with new commercial uses and waterfront development taking advantage of this areas close proximity to downtown fort Myers and its riverfront location. The US 41 corridor from Pondella~~

~~Road north will continue to attract new commercial development that will serve the North Fort Myers community and other surrounding communities. Total commercial, service, and industrial uses will have doubled from the amount existing in 1996. These areas are surrounded by residential uses.~~

19. North Fort Myers - Over the course of the current planning effort, a new vision for the future of North Fort Myers has emerged and come into sharper focus. The following phrases, describing a brighter future for the community, capture the essence of the vision and provide a foundation for the plan's goals, objectives, and policies:

Town Center developments along the Caloosahatchee River and on Bayshore Road at I-75 offer new destinations for living, shopping, working, and socializing. Designed with walkable streets and streetscapes, ground level shops and restaurants, high quality housing, and connections to nearby parks, waterfronts, and natural areas, these new Centers are becoming signposts for positive changes throughout the community.

New retail and mixed use development cluster in Neighborhood Centers and along revitalized commercial corridors. Unlike the auto-oriented development that used to line major roadways. North Fort Myer's new neighborhood centers and corridors are pedestrian-friendly, with attractive landscaping and quality architecture.

Older neighborhoods are experiencing a quiet renaissance. First-time homebuyers, recent retirees, and new investors are fixing-up older housing stock, building compatible infill housing, sprucing-up yards, and working together to ensure properties and public rights-of-way are well-maintained, safe, and attractive.

New buildings are designed to fit the area's early design character. Simple, sturdy building forms, high quality materials, protection from the elements, and generous native vegetation create a distinctive local vernacular.

Landscape gateways, extensive streetscape and landscape improvements, and new pedestrian and bicycle facilities reinforce the North Fort Myers' reputation as a great place to live, work, and visit.

Greenways, blueways, and trail systems offer unique recreational amenities, linking together North Fort Myers' neighborhoods with the region's parks and recreational facilities, conservation lands, and new points of access to the Caloosahatchee River and its tributaries.

GOAL 28: NORTH FORT MYERS. North Fort Myers seeks to improve the community's livability and economic vitality by and promoting compact, mixed use development in the form of new town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors, stabilizing and enhancing, existing neighborhoods; preserving natural resources; and providing greater opportunities for public participation in the land development approval process. This Goal and subsequent Objectives and Policies apply to the North Fort Myers Planning Community.

OBJECTIVE 28.1: LAND USE: NEIGHBORHOODS AND HOUSING. By 2012 Land Use and Housing Review will be completed for each neighborhood and corridor by the North Fort Myers community.

Policy 28.1.1 Code Enforcement. The North Fort Myers community supports the continuation of the initiatives of Lee County Code Enforcement and Department of Human Services targeting North Fort Myers neighborhoods with high incidences of code violations. The County will provide periodic reports of enforcement activities to the North Fort Myers community.

Policy 28.1.2: Neighborhood District Planning. The North Fort Myers community will continue working with the Department of Human Services to implement Neighborhood District Revitalization Plans.

Policy 28.1.3: Housing Maintenance and Repair. The North Fort Myers community will work with the County to explore opportunities to expand Department of Human Service programs designed to help maintain, repair, and improve existing owner-occupied housing.

Policy 28.1.6: Collaboration. Encourage the active participation of existing neighborhood associations, homeowners, landlords, and tenants in North Fort Myers community's programs and planning initiatives.

Policy 28.1.7: Fair Share Projections. Using the current estimate of affordable housing construction need projected to 2030 as a starting point, the Department of Community Development will prepare an estimate of North Fort Myers' fair share of need by housing type for low-income, workforce, and affordable housing and establish five-year planning targets for the delivery of units.

Policy 28.1.8: Site Assessment and Pilot Projects. Working with the Department of Community Development, Department of Human Services, Lee County Housing Development Corp, Community Land Trust, non-profit housing providers, and representatives from nearby neighborhoods, the North Fort Myers community will prepare a study identifying potential sites for affordable housing and prepare preliminary studies for design and financial analyses for potential pilot or demonstration projects. The study will also identify neighborhoods where single family housing units can include remodeling to incorporate Mother-In-Law housing additions.

The evaluation should focus on sites with the following general characteristics:

- Located within the Intensive Development, Central Urban, and Urban - Community on the Lee Plan's Future Land Use Map;
- located where central water/sewer service is available;
- located within comfortable walking distance of mass transit, commercial and personal services, and parks and recreation facilities; and
- located on land previously converted for urban purposes.

Policy 28.1.9: Technical Assistance and Public Education. The North Fort Myers community will explore opportunities to expand the technical assistance and public education initiatives provided by the Departments of Community Development, Human Services, and Smart Growth Department ~~to~~ for the North Fort Myers community.

OBJECTIVE 28.2: LAND USE: CENTERS and CORRIDORS. By 2012, identify and pursue overlay districts and corridors.

Policy 28.2.1: Market Assessment and Planning Targets. The North Fort Myers community will work with the Department of Community Development to complete an analysis of the market support for retail, office, hospitality, and moderate-to-high density residential uses in the North Fort Myers submarket. The Assessment will be designed to consider the following:

- recommendations from the recently completed Commercial/Industrial Land Use Analysis;
- existing and proposed competitive supply, including planned development in Cape Coral, the City of Fort Myers, and Babcock Ranch; and
- local and regional projections of population and employment growth.

Information from the assessment will be used to guide planning decisions for the Town Center sector plans and requests to increase the inventory of lands planned and zoned for commercial and moderate-to-high density residential use.

Policy 28.2.2: Preliminary Designation of Town Centers. The North Fort Myers Community Plan designates the following areas as Town Centers appropriate for moderate to high intensity, pedestrian-oriented, mixed use development.

- North Cleveland Avenue and Hancock Bridge Parkway.
- North Tamiami Trail – Pondella Road to the Caloosahatchee River.
- Bayshore and I-75.

Policy 28.2.3: Town Center Sector Planning and Overlay Districts. For areas preliminarily identified as Town Centers, the North Fort Myers community, Department of Community Development, and Smart Growth Department will work together to prepare sector plans, development regulations (zoning overlay districts and design standards), and implementation plans to ensure development is consistent with the community's vision. The sector plans, development regulations, and implementation plans should be prepared consistent with the following general principles of smart growth and new urbanism:

- Compared development and a mix of uses are encouraged to promote walking; allow for shared parking; support transit; and minimize disturbance of natural areas, wildlife corridors, and drainage ways;
- Buildings should be designed to frame the public realm, enliven streetscapes, and provide for the informal surveillance of public spaces, primary entries, windows, storefronts, porches, and stoops should open onto streets, sidewalks, and public spaces;
- parks, squares, plazas, and promenades should be designed to promote community life and provide a variety of outdoor public space for informal gatherings, public events, and community activities;
- to dispense traffic, promote walking, and provide convenient routes for vehicles and pedestrians, streets should be designed in interconnected networks with generous sidewalks, shade trees, well-marked crossings, and amenities like pedestrian-scaled lighting, benches, trash receptacles, bike racks, and transit shelters; and
- parking areas (except for on-street spaces), loading docks, and service entries should be screened from public view and accessed from alleys, service courts, and side streets.

Policy 28.2.4: Provision Allowing Increased Development Intensity in Town Centers. To achieve the community's goals for Town Center Development, the County should adopt provisions allowing for greater minimum, maximum based, and maximum total densities and

building heights than are currently allowed under the Lee Plan. These provisions should only be applicable to projects in areas designated as Town Centers, addressed in an adopted sector plan, and regulated by the Town Center Overlay District.

Policy 28.2.5: Designation of Neighborhood Centers. The North Fort Myers Community Plan designates the following areas as Neighborhood Centers appropriate for moderate intensity, pedestrian-oriented, mixed use development:

- Littleton and North Cleveland Avenue;
- North Tamiami Trail and Del Prado Boulevard;
- North Tamiami Trail and Nalle Grade Road;
- Hancock Bridge Parkway and Orange Grove Boulevard;
- North Tamiami Trail and Pine Island/Bayshore Roads;
- Bayshore Road and Slater Road; and
- Bayshore Road and Hart Road

For these areas, the community favors neighborhood-serving mixed use development' pedestrian-friendly street, site, and building designs; the incorporation of live/work, multi-family, and attached housing; and sidewalk and path connections to nearby neighborhoods, parks, and public uses. These Neighborhood Center designations are intended to replace the designations show on Commercial Site Location Standards Map (Lee Plan Map 19).

Policy 28.2.6: Neighborhood Center Overlay District. For areas preliminarily identified as Neighborhood Centers, the North Fort Myers community, Department of Community Development, and Smart Growth Department will work together to prepare a Neighborhood Center Overlay District providing the following:

- Permitted and prohibited uses;
- Standards for building, site, landscape, and sign design;
- Standards for pedestrian and bicycle facilities;
- Building setbacks and build-to lines;
- Conservation of natural features and native vegetation;
- Requirements for shared access and side/rear yard parking'
- Incentives (e.g. regulatory relief, increased height and density, etc.) for the redevelopment of obsolete and poorly performing commercial centers; and
- Incentives for projects incorporating mixed uses, public amenities, and affordable housing.

Policy 28.2.7: Corridor Overlay District. For areas along major road corridors outside designated Town Centers and Neighborhood Centers, the North Fort Myers community, Department of Community Development, and Smart Growth Department will work together to prepare a Corridor Overlay District as part of the Land Development Code requiring enhanced landscaping, greater buffering and shading of parking areas, improved commercial signage, enhanced standards to ensure architectural quality and compatibility, and incentives for quality development. At minimum, the Corridor Overlay District will provide the following:

- permitted and prohibited uses;
- standards for building, site, landscape, and sign design;
- standards for pedestrian and bicycle facilities;

- building setbacks and build-to-lines;
- conservation of natural features and native vegetation;
- buffers to adjacent residential neighborhoods;
- requirements for shared access and side/rear yard parking;
- incentives (e.g. regulatory relief, increased density, etc.) for the redevelopment of obsolete and poorly performing commercial centers;
- incentives for projects incorporating mixed uses, public amenities, and affordable housing; and
- shared parking.

Once adopted, deviations that would result in a reduction of landscaping, buffering, signage or deviation from design standards will not be supported.

Policy 28.2.8 Improving Older Commercial Properties. The North Fort Myers community will work with the Department of Community Development, the North Fort Myers Chamber of Commerce, and private property owners to develop incentives for bringing older development into compliance with regulations adopted as a result of the North Fort Myers Community Plan including but not limited to private public partnerships.

OBJECTIVE 28.3: TRANSPORTATION. By 2012 the North Fort Myers community will have neighborhood, corridors and community interface improvements identified.

Policy 28.3.1: Transportation Corridors. By 2009 the North Fort Myers community will review Metropolitan Planning Organization and Lee County Department of Transportation 2030 plan for recommendations and improvements applicable to the North Fort Myers Community planning area.

Policy 28.3.2: Gateways, Streetscape, and Landscape Improvements. The North Fort Myers community will work with the Lee County Roadway Landscape Advisory Committee to review plans for streetscape and landscape improvements in gateway locations and along major roadways consistent with the general provisions of the LeeScape Master Plan, including Bayshore and Pine Island Roads, North Cleveland Avenue, North Tamiami Trail, Pondella Road, Hancock Bridge Parkway, and Del Prado Boulevard. Before finalization, plans should be presented for review to the North Fort Myers planning community.

Policy 28.3.3: Planning and Design of Arterials and Collectors. Decisions regarding future improvements or extension of Littleton Road, Hancock Bridge Parkway, Hart Road, Slater Road, and other roadways not currently shown on the Future Functional Classification Map (Map 3B) should be based on a careful analysis of need, community and environmental impact, and the potential for incorporation of context-sensitive design treatments. Public participation in planning and design processes for these and other road improvements should provide opportunities for involvement of the North Fort Myers community and North Fort Myers stakeholders.

Policy 28.3.6: Bus Transit Enhancements. The North Fort Myers community will work with Lee Tran to identify opportunities to improve service, frequency, routes, and stop amenities in the community.

Policy 28.3.7: Improvements for Regional Benefit. Road capacity improvements needed within North Fort Myers to serve demand generated outside the community should be designed to minimize impacts, improve visual character, and improve local access and mobility.

OBJECTIVE 28.4: COMMUNITY FACILITIES and SERVICES. By 2012 the community facilities and services needed to meet the needs of Town Centers, Neighborhood Centers and corridors will be identified by the North Fort Myers community.

Policy 28.4.1: Effectiveness of Existing Plan Objectives and Policies. County objectives and policies in Chapter IV of the Lee Plan regarding the provisions of community facilities and services, including those addressing adequate levels of service and extension of service, will be maintained and evaluated for effectiveness on an on-going basis. Proposed changes affecting existing or planned facilities and services in North Fort Myers, including changes in the scope or timing of planned capital improvements, will include input from the North Fort Myers community and North Fort Myers stakeholders.

Policy 28.4.2: Medical District Planning. The North Fort Myers community will work with the Department of Community Development, Department of Human Services, Lee County Health Department, Lee County Medical Society and Lee Memorial Health Systems to complete an analysis of the market support for needed medical facilities in North Fort Myers.

Policy 28.4.3: Public Works Project Enhancements. Lee County will coordinate planning for public works projects, such as roadway capital improvements, with the North Fort Myers community so that potential landscape and aesthetic enhancements may be identified and incorporated in improvement plans. The North Fort Myers community encourages Lee County to review the feasibility of a waste water plant solids program for treatment and reuse.

Policy 28.4.4: Water Supply and Waste Water Planning and Capacity. The North Fort Myers Community Planning Panel will support educational efforts planned by the Department of Public Works, the Lee County Water Supply Authority, and the South Florida Water Management District to educate North Fort Myers stakeholders about the capacity of existing water systems to support existing and planned developments.

Policy 28.4.5: Septic Tank and Waste Water Treatment. The North Fort Myers community supports the concept of a single source for sewage service within the North Fort Myers community.

OBJECTIVE 28.5: PARKS, RECREATON and CONSERVATION. By 2012 identify park, recreation, open space, environmental protection and restoration needs and deficiencies to pursue remedies.

Policy 28.5.1 Level of Services Standards for Community Parks. To ensure parks and recreation facilities are reasonably accessible and adequate to meet the needs of residents, the North Fort Myers community will work with the Department of Parks and Recreation to evaluate the Lee Plan non-regulatory, desired level of service standards for community parks and generalized service area boundaries.

Policy 28.5.2: North Fort Myers Community Park. The County will work with the community to ensure that the development of the North Fort Myers Community Park is integrated into the surrounding development and open space areas, including incorporation of the development of a community park facility. The concept would be for the park to act as a hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments.

Policy 28.5.3: Recreational Programming and Access. Lee County will work with the North Fort Myers community and North Fort Myers Stakeholders to protect and to conserve natural resources, expand recreation opportunities and accessibility for the use of existing waterways, and provide a broad mix of parks, trails, and water recreation areas, to support the lifestyle preferences, livability, sustainability, recreational interest and economic vitality of the community.

Policy 28.5.4: Stewardship and Management of Conservation 20/20 Lands. The North Fort Myers community will work with the Department of Parks and Recreation to finalize and refine stewardship and management plans for 20/20 Conservation Lands within North Fort Myers.

Policy 28.5.5: Assessment of Lands for Acquisition. The North Fort Myers community will work to identify sites and corridors for nomination submittal to the established Lee County Conservation 20/20 program. Sites along planned trails, wildlife corridors, greenways, and major creeks should be carefully considered, as should those providing access to the Caloosahatchee River.

Policy 28.5.6: Greenway Plan Implementation. The North Fort Myers community will work with the Department of Parks and Recreation to implement recommendations for the Greenways Master Plan. As a first priority, the community supports development of the Tamiami Trail North segment of the Charlotte-Lee Collier Greenway and water access and signage improvements to access the Blueways designated along Yellow Fever Creek and along the Caloosahatchee River at Caloosahatchee Creeks Preserve. The North Fort Myers planning community will also assist in the identification of trails connecting neighborhoods, conservation areas, parks, ~~and~~ recreation facilities and areas and the water access points.

Policy 28.5.8: Conservation Policy Refinements. The North Fort Myers community will work with the Department of Community Development and Public Works (Environmental Science and Natural Resource Divisions) to pursue the Lee Master Mitigation Plan and to explore the adoption of the following conservation policies:

- Development proposals adjacent to the Caloosahatchee River and its tributaries will include floodplain protection plans prior to zoning approval; and
- The off-site mitigation of impacts to indigenous areas, wetlands, or wildlife habitat for development in North Fort Myers will occur within North Fort Myers.
- Participate in the Lee County water quality programs that are being developed to address required Total Maximum Daily Loads.

Policy 28.5.9: Wildlife Movement Corridors. For development within the Planning area the Department of Environmental Science will work with the North Fort Myers community to

identify opportunities for the establishment and protection of wildlife movement corridors and interconnection of conservation easements to facilitate wildlife movement through the county.

OBJECTIVE 28.6: PUBLIC PARTICIPATION. Beginning in 2008 the North Fort Myers community will promote with Lee County enhanced community participation in the planning of capital improvements and decisions made in the North Fort Myers Community Planned area.

Policy 28.6.1: Notice of Land Development Code and Lee Plan Amendments. As a courtesy, Lee County will register citizens groups and civic organizations that desire notification of pending review of Land Development Code or Lee Plan amendments. Upon registration, Lee County will provide registered groups with electronic documentation regarding pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the county's failure to provide timely notice will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 28.6.2: Document Clearinghouse. Lee County will work with the North Fort Myers community to establish a Document Clearing House, where copies of selected documents from permit applications, variance request, staff reports and Lee Plan status updates. Hearing Examiner recommendations, decisions, Administrative Variances and Board resolutions for any development in the community will be kept for public inspection. The County's failure to provide or to timely provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.

Policy 28.6.3: The applicant for any rezoning, variance or special exception request within the North Fort Myers Planning Community must conduct one public informational session where the applicant will provide a general overview of the project for any interested citizen. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

FUTURE LAND USE MAP CHANGE: This plan amendment includes a Future Land Use Map change to approximately 85.3 acres from Suburban, Central Urban, and Sub-Outlying Suburban to Commercial and Conservation Lands. Approximately 73.89 acres will be changed to Commercial and 11.41 acres will be changed to Conservation Lands.

The Current Future Land Use Categories would allow for up to 325 dwelling units and 262,340 square feet of Commercial. The requested change to the FLUM will allow no dwelling units, and up to 835,882 square feet of commercial with a Floor Area Ratio of 0.2597.

The Orchid Road FLUM change affects several property owners and multiple parcels. After the application was agreed upon, one of the property owners of a small parcel south of Pine Island Road writing on behalf of four other property owners asked that their property be removed from the application.

An analysis of the Pine Island Road and adjacent street systems was prepared by Lee County Department of Transportation staff and the results indicated that with the proposed commercial development will not exceed or maximize the level of service specified for Pine Island Road or the adjacent street system.

The site is adjacent to the City of Cape Coral on three sides and is located near intense commercial uses. Staff has concerns that the site could some day be annexed into the City of Cape Coral and be developed under the City's regulations. Staff recommends transmittal of the Future Land Use Map change as indicated on the attached map including the approximately 11.41 acres of proposed Conservation Lands. If the applicant wants to change the configuration of Conservation Lands or remove the above mentioned parcel then staff does not recommend transmittal of the FLUM portion of this amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The North Fort Myers Community Plan is the result of over a two-year long effort of the North Fort Myers Community Planning Panel and the residents of North Fort Myers.
- Lee County hired a consultant, HDR, to assist them Planning Panel, the North Fort Myers Community and Lee County in the development of the plan.
- The Community Plan was funded by $50,000 of community planning funds provided by the Board of County Commissioners.
- All meetings with the Planning Panel and the community were held at various locations in North Fort Myers, primarily at the Shell Factory.
- Follow up meetings attended by staff were held with the North Fort Myers Community Planning Panel.
- This amendment will add a new Vision Statement, a new Goal, Objectives, and Policies to the Lee Plan, and will amend the Future Land Use Map.

C. BACKGROUND INFORMATION

The North Fort Myers Community Plan is a collective effort of local area citizens who formed a nine-member community planning panel to create a vision and plan for the North Fort Myers community. Each planning panel member was a chairperson for one of nine sub-committees that was made up of area residents. The sub-committees addressed the following: Land Use; Environment; Communication; Transportation; Infrastructure; Affordable Housing; Community Character; Economic Development; and Health and Human Services.

In the spring of 2006 the North Fort Myers Community Planning Panel was invited to participate in the selection process to assist Lee County in the selection of a planning consultant to help them write their community plan. The firm of HDR Engineering was selected and hired by Lee County. The consultants, along with Lee County staff took a bus tour of North Fort Myers and discussed land use and other issues relevant to the community. The planning consultants held several public meetings

with residents of North Fort Myers to receive input and suggestions on what to include in the community plan.

A draft plan was submitted to Lee County and the community in January of 2008 and was revised based on input from staff and the community. The Final Report was submitted to Lee County in February, 2008. This proposed new Vision Statement, Goal, Objectives, Policies and Future Land Use Map amendment are a result of work done on the North Fort Myers Community Plan.

PART II - STAFF DISCUSSION AND RECOMMENDED REVISIONS

A. STAFF DISCUSSION

This new Goal for North Fort Myers is intended to express the community's desire to achieve its vision for the future as identified in their most recent community planning endeavor. The existing Vision Statement is being replaced with the community's new vision for the future. The new Future Land Use Goal, and subsequent Objectives and Policies as revised by staff in strike-through/double underline, is set forth.

VISION STATEMENT:

~~**19. North Fort Myers** - This Community is located north of the Caloosahatchee River between the Alva Planning Community and the City of Cape Coral. This community includes a wide mix of Future Land Use designations from Intensive Development to Density Reductio/Groundwater Resource. The area between the two US 41 routes near the river will remain the core of this community. The old OS 41 routes near the river will remain the core of this community. The old US 41 corridor will be redeveloped with new commercial uses and waterfront development taking advantage of this areas close proximity to downtown fort Myers and its riverfront location. The US 41 corridor from Pondella Road north will continue to attract new commercial development that will serve the North Fort Myers community and other surrounding communities. Total commercial, service, and industrial uses will have doubled from the amount existing in 1996. These areas are surrounded by residential uses.~~

19. North Fort Myers - Over the course of the current planning effort, a new vision for the future of North Fort Myers has emerged and come into sharper focus. The following phrases, describing a brighter future for the community, capture the essence of the vision and provide a foundation for the plan's goals, objectives, and policies:

Town Center developments along the Caloosahatchee River and on Bayshore Road at I-75 offer new destinations for living, shopping, working, and socializing. Designed with walkable streets and streetscapes, ground level shops and restaurants, high quality housing, and connections to nearby parks, waterfronts, and natural areas, these new Centers are becoming signposts for positive changes throughout the community.

New retail and mixed use development cluster in Neighborhood Centers and along revitalized commercial corridors. Unlike the auto-oriented development that used to line major roadways. North Fort Myer's new neighborhood centers and corridors are pedestrian-friendly, with attractive landscaping and quality architecture.

Older neighborhoods are experiencing a quiet renaissance. First-time homebuyers, recent retirees, and new investors are fixing-up older housing stock, building compatible infill housing, sprucing-up yards, and working together to ensure properties and public rights-of-way are well-maintained, safe, and attractive.

New buildings are designed to fit the area's early design character. Simple, sturdy building forms, high quality materials, protection from the elements, and generous native vegetation create a distinctive local vernacular.

Landscape gateways, extensive streetscape and landscape improvements, and new pedestrian and bicycle facilities reinforce the North Fort Myers' reputation as a great place to live, work, and visit.

Greenways, blueways, and trail systems offer unique recreational amenities, linking together North Fort Myers' neighborhoods with the region's parks and recreational facilities, conservation lands, and new points of access to the Caloosahatchee River and its tributaries.

This Vision Statement for North Fort Myers was drafted during the community planning process by the community with the help of their consultant. Staff has no objection to this new Vision Statement for North Fort Myers.

GOAL 28: NORTH FORT MYERS. North Fort Myers seeks to improve the community's livability and economic vitality by and promoting compact, mixed use development in the form of new town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors, stabilizing and enhancing, existing neighborhoods; preserving natural resources; and providing greater opportunities for public participation in the land development approval process. This Goal and subsequent Objectives and Policies apply to the North Fort Myers Planning Community.

Staff has no objection to Goal 28.

OBJECTIVE 28.1: LAND USE: NEIGHBORHOODS AND HOUSING. By 2012 Land Use and Housing Review will be completed ~~by~~ for each neighborhood and corridor by the North Fort Myers community.

Staff recommends transmitting Objective 28.1 as revised.

Policy 28.1.1 Code Enforcement. The North Fort Myers community s~~S~~upports the continuation ~~and expansion~~ of the ~~code enforcement~~ initiatives of Lee County Code Enforcement and Department of Human Services targeting North Fort Myers neighborhoods with high incidences of code violations. The County will provide periodic reports of enforcement activities to the North Fort Myers c~~C~~ommunity ~~Planning Panel~~.

As proposed by the Planning Panel, this policy anticipates expansion of the Code Enforcement initiatives for North fort Myers. Compliance with this policy will require additional staff time and financial resources to expand services and prepare reports. The funding source for this envisioned expansion and service has not been identified. Staff recommends transmitting Policy 28.1.1 as revised.

Policy 28.1.2: Neighborhood District Planning. The North Fort Myers cCommunity ~~Planning Panel~~ will continue working with the Department of Human Services to implement Neighborhood District Revitalization Plans.

Staff has no objection to Policy 28.1.2 as revised.

Policy 28.1.3: Housing Maintenance & and Repair. The North Fort Myers Ccommunity ~~Panel~~ will work with the County to explore opportunities to expand Department of Human Service programs designed to help maintain, repair, and improve existing owner-occupied housing.

Staff recommends transmittal of Policy 28.1.3 as revised.

~~**Policy 28.1.4 Small Scale Mixed Use Projections.** To increase the diversity of housing types available for residents, the Department of Community Development will amend the Mixed Planned Development Category to allow for small scale mixed use projects with residential above or in close proximity to retail and service uses.~~

The Lee Plan Future Land Use map series identifies areas that are located in the Lee County Mixed Use Overlay. That map may be amended to include additional areas in North Fort Myers after the Town Center, Neighborhood Center, and Corridor regulations are drafted by the consultant the County is in the process of hiring. Staff does not recommend transmittal of Policy 28.1.4, but recognizes that changes to the Mixed Use Overlay map may be required subsequent to the drafting of Town Center, Neighborhood Center, and Corridor regulations.

~~**Policy 28.1.5: Conservation of Large Lot Neighborhoods.** Lee County will protect large lot residential by requiring significant buffers between existing lots and higher density residential development or the placement of transitional density units along the perimeter.~~

Policy 28.1.5 needs clarification. The terms "significant buffers" and "transitional density" are subject to interpretation. Staff does not recommend transmittal of Policy 28.1.5.

Policy 28.1.6: Collaboration. Encourage the active participation of existing neighborhood associations, homeowners, landlords, and tenants in North Fort Myers cCommunity's ~~Planning Panel's~~ programs and planning initiatives.

Staff recommends transmitting Policy 28.1.6 as revised.

Policy 28.1.7: Fair Share Projections. Using the current estimate of affordable housing construction need projected to 2030 as a starting point, the Department of Community Development will prepare an estimate of North Fort Myers' fair share of need by housing type for low-income, workforce, and affordable housing and establish ~~annual~~ five-year planning targets for the delivery of units.

Staff resources will be necessary to estimate the North Fort Myers "fair share" of need by housing type and to establish annual planning targets for the delivery of units. Establishing annual planning targets is not a reasonable expectation. Staff recommends transmitting Policy 28.1.7 as revised.

Policy 28.1.8: Site Assessment & and Pilot Projects. Working with the Department of Community Development, Department of Human Services, Lee County Housing Development Corp, Community Land Trust, non-profit housing providers, and representatives from nearby neighborhoods, the North Fort Myers cCommunity ~~Planning Panel should participate in~~ will prepare a study identifying potential sites for affordable housing and prepare preliminary studies for design and financial analyses for potential pilot or demonstration projects. The study will also iIdentify neighborhoods where single family housing units can include remodeling to incorporate Mother-In-Law housing additions.

The evaluation should focus on sites with the following general characteristics:

- Located within the Intensive Development, Central Urban, and Urban - Community on the Lee Plan's Future Land Use Map;
- located where central water/sewer service is available;
- located within comfortable walking distance of mass transit, commercial and personal services, and parks and recreation facilities; and
- located on land previously converted for urban purposes.

As submitted, Policy 28.1.8 requires the Department of Community Development and the Department of Human Services staff to conduct studies and prepare designs and financial analyses for the potential pilot or demonstration projects proposed by this policy. Compliance with this policy will require additional staff time and financial resources to prepare the study. Staff recommends transmitting Policy 28.1.8 as revised.

Policy 28.1.9: Technical Assistance & and Public Education. The North Fort Myers community will explore opportunities to expand the technical assistance and public education initiatives provided by the Departments of Community Development, Human Services, and Smart Growth Department ~~to~~ for the North Fort Myers cCommunity ~~Planning, community-based organizations, and community housing organizations.~~

Staff recommends transmitting Policy 28.1.9 as revised.

~~**Policy 28.1.10: New Housing Type in Overlays.** Incorporate into Overlay Districts the addition of single person apartment types of 500 square feet or less and have their density calculated as 1/3 of a unit and only pay 1/3 of impact fees.~~

Lee County is in the process of hiring a consultant to develop Town Center, Neighborhood Center, and Corridor regulations to implement the North Fort Myers Community Plan. The consultant may address Policy 28.1.10 while developing those regulations, but staff does not recommend transmittal of this policy.

OBJECTIVE 28.2: LAND USE: CENTERS & and CORRIDORS. By 2012, identify and pursue overlay districts and corridors.

Lee County is in the process of hiring a consultant to develop Town Center, Neighborhood Center, and Corridor regulations to implement the North Fort Myers Community Plan. Staff has no objection to Objective 28.2 as revised.

Policy 28.2.1: Market Assessment & and Planning Targets. The North Fort Myers c~~C~~ommunity ~~Planning Panel~~ will work with the ~~Horizon Council and the~~ Department of Community Development to complete an analysis of the market support for retail, office, hospitality, and moderate-to-high density residential uses in the North Fort Myers submarket. The Assessment will be designed to consider the following:

- recommendations from the recently completed Commercial/Industrial Land Use Analysis;
- existing and proposed competitive supply, including planned development in Cape Coral, the City of Fort Myers, and Babcock Ranch; and
- local and regional projections of population and employment growth.

Information from the assessment will be used to guide planning decisions for the Town Center sector plans and requests to increase the inventory of lands planned and zoned for commercial and moderate-to-high density residential use.

The Horizon Council is an all-volunteer group that is an advisory board the the BoCC for economic development issues. To date, it has not had any responsibility for individual community planning, commercial or retail development activities such as those activities cited in the NFM community plan.

The Economic Development Office is staff to the Horizon Council. Economic Development does not have as there Core Services, community planning, commercial or retail development. Thus far, the Economic Development Office has worked to increase the high-skill, high wage jobs that will diversify Lee County's economy.

This policy also requires the Department of Community Development to participate in an analysis of the market support for retail, office, hospitality, and moderate to high density residential uses in North Fort Myers. This effort will require the County to devote personnel and possibly financial resources to complete the analysis and prepare a report that would ultimately be used as a guide in future planning decisions.

Policy 28.2.2: Preliminary Designation of Town Centers. The North Fort Myers Community Plan designates the following areas as Town Centers appropriate for moderate to high intensity, pedestrian-oriented, mixed use development.

- North Cleveland Avenue ~~&~~and Hancock Bridge Parkway.
- North Tamiami Trail – Pondella Road to the Caloosahatchee River.
- Bayshore ~~&~~and I-75.

The County is in the process of hiring a planning consultant to develop Town Center, Neighborhood Center, and Corridor regulations. Policy 28.2.2 identifies the general areas of the Town Centers. Staff has no objection to Policy 28.2.2 as revised.

Policy 28.2.3: Town Center Sector Planning ~~&~~and Overlay Districts. For areas preliminarily identified as Town Centers, the North Fort Myers c~~C~~ommunity ~~Planning Panel~~, Department of Community Development, and Smart Growth Department will work together to prepare sector plans, development regulations (zoning overlay districts and design standards), and implementation plans to ensure development is consistent with the community's vision. The sector plans, development regulations, and implementation plans should be prepared consistent with the following general principles of smart growth and new urbanism:

- Compared development and a mix of uses are encouraged to promote walking; allow for shared parking; support transit; and minimize disturbance of natural areas, wildlife corridors, and drainage ways;
- Buildings should be designed to frame the public realm, enliven streetscapes, and provide for the informal surveillance of public spaces, primary entries, windows, storefronts, porches, and stoops should open onto streets, sidewalks, and public spaces;
- parks, squares, plazas, and promenades should be designed to promote community life and provide a variety of outdoor public space for informal gatherings, public events, and community activities;
- to dispense traffic, promote walking, and provide convenient routes for vehicles and pedestrians, streets should be designed in interconnected networks with generous sidewalks, shade trees, well-marked crossings, and amenities like pedestrian-scaled lighting, benches, trash receptacles, bike racks, and transit shelters; and
- parking areas (except for on-street spaces), loading docks, and service entries should be screened from public view and accessed from alleys, service courts, and side streets.

The County is in the process of hiring a consultant to develop Land Development regulations specific to areas identified in the North Fort Myers Community Plan as Town Centers. Staff recommends transmitting Policy 28.2.3 as revised.

Policy 28.2.4: Provision Allowing Increased Development Intensity in Town Centers. To achieve the community's goals for Town Center Development, the County should adopt provisions allowing for greater minimum, maximum based, and maximum total densities and building heights than are currently allowed under the Lee Plan. These provisions should only be applicable to projects in areas designated as Town Centers, addressed in an adopted sector plan, and regulated by the Town Center Overlay District.

The County is in the process of hiring a consultant to develop Town Center, Neighborhood Center, and Corridor regulations. If in the process of developing those regulations it is determined that increased development intensity in Town centers is needed, then changes to the Land Development Code can be made at that time. An increase in allowable density and increased building height will require an amendment to the Lee Plan during a future round of Lee Plan amendments. Staff has no objection to Policy 28.2.4.

Policy 28.2.5: Designation of Neighborhood Centers. The North Fort Myers Community Plan designates the following areas as Neighborhood Centers appropriate for moderate intensity, pedestrian-oriented, mixed use development:

- Littleton &and North Cleveland Avenue;
- North Tamiami Trail &and Del Prado Boulevard;
- North Tamiami Trail &and Nalle Grade Road;
- Hancock Bridge Parkway and Orange Grove Boulevard;
- North Tamiami Trail &and Pine Island/Bayshore Roads;
- Bayshore Road &and Slater Road; and
- Bayshore Road &and Hart Road

For these areas, the community favors neighborhood-serving mixed use development' pedestrian-friendly street, site, and building designs; the incorporation of live/work, multi-

family, and attached housing; and sidewalk and path connections to nearby neighborhoods, parks, and public uses. These Neighborhood Center designations are intended to replace the designations show on Commercial Site Location Standards Map (Lee Plan Map 19).

The County is in the process of hiring a consultant to develop Town Center, Neighborhood Center, and Corridor regulations. Staff recommends transmitting Policy 28.2.5 as revised.

Policy 28.2.6: Neighborhood Center Overlay District. For areas preliminarily identified as Neighborhood Centers, the North Fort Myers cCommunity ~~Planning Panel~~, Department of Community Development, and Smart Growth Department will work together to prepare a ~~revised~~ Neighborhood Center Overlay District providing the following:

- Permitted and prohibited uses;
- Standards for building, site, landscape, and sign design;
- Standards for pedestrian and bicycle facilities;
- Building setbacks and build-to lines;
- Conservation of natural features and native vegetation;
- Requirements for shared access and side/rear yard parking'
- Incentives (e.g. regulatory relief, increased height and density, etc.) for the redevelopment of obsolete and poorly performing commercial centers; and
- Incentives for projects incorporating mixed uses, public amenities, and affordable housing.

The County is in the process of hiring a consultant to develop Town Center, Neighborhood Center, and Corridor regulations. Staff recommends transmitting Policy 28.2.6 as revised.

Policy 28.2.7: Corridor Overlay District. For areas along major road corridors outside designated Town Centers and Neighborhood Centers, the North Fort Myers cCommunity ~~Planning Panel~~, Department of Community Development, and Smart Growth Department will work together to prepare a Corridor Overlay District as part of the Land Development Code requiring enhanced landscaping, greater buffering and shading of parking areas, improved commercial signage, enhanced standards to ensure architectural quality and compatibility, and incentives for quality development. At minimum, the Corridor Overlay District will provide the following:

- permitted and prohibited uses;
- standards for building, site, landscape, and sign design;
- standards for pedestrian and bicycle facilities;
- building setbacks and build-to-lines;
- conservation of natural features and native vegetation;
- buffers to adjacent residential neighborhoods;
- requirements for shared access and side/rear yard parking;
- incentives (e.g. regulatory relief, increased density, etc.) for the redevelopment of obsolete and poorly performing commercial centers;
- incentives for projects incorporating mixed uses, public amenities, and affordable housing; and
- shared parking.

Once adopted, deviations that would result in a reduction of landscaping, buffering, signage or deviation from design standards will not be supported.

The County is in the process of hiring a consultant to develop Town Center, Neighborhood Center, and Corridor regulations. Staff recommends transmitting Policy 28.2.7 as revised.

Policy 28.2.8 Improving Older Commercial Properties. The North Fort Myers ~~c~~Community ~~Planning Panel~~ will work with the Department of Community Development, the North Fort Myers Chamber of Commerce, ~~Horizon Council,~~ and private property owners to develop incentives for bringing older development into compliance with regulations adopted as a result of the North Fort Myers Community Plan including but not limited to private public partnerships.

County staff is in the process of hiring a planning consultant to address Policy 28.2.8. Staff recommends transmitting Policy 28.2.8 as revised.

~~**Policy 28.2.9: Use Compatibility.** By the end of 2008, Lee County will review existing restrictions on the location of uses considered detrimental by the community, e.g. adult-oriented businesses, bottle club establishments, freestanding bars or lounges, or businesses with significant outdoor stage, display, or delivery areas, pawn shops, gambling establishments, and gun/firearm shops from locating near existing or approved residential neighborhoods, mixed use developments including residential, public park and recreation facilities, and public or private schools.~~

Uses are reviewed for compatibility during the rezoning process. If a use is allowed on property located in a particular zoning category, then permits can be obtained to locate that use. If the community proposes to adopt Land Development Code amendments to further restrict the location of uses within the planning community that are considered detrimental, staff has no objection. Staff does not recommend transmittal of Policy 28.2.9.

~~**Policy 28.2.10: Cross Parcel Access.** The Department of Community Development will conduct a review of existing Land Development Code provisions requiring commercial developments to provide privately-owned road and sidewalk connections between adjacent existing and planning commercial uses to minimize access points onto primary road corridors.~~

Chapter 10 of the Land Development Code addresses Policy 28.2.10. The County cannot require existing commercial uses to provide connections to lands that are developed subsequent to the existing development unless that was a condition of the development order or zoning. Sec. 20-295 reads:

Sec. 10-295. Street stubs to adjoining property.
Street stubs to adjoining areas shall be provided where deemed necessary by the director of development review to give access to such areas or to provide for proper traffic circulation. Street stubs shall be provided with a temporary cul-de-sac turnaround within the minimum required platted right-of-way. When adjoining lands are subsequently developed, the developer of the adjoining land shall pay the cost of extending the street and restoring it to its original design cross section. Where a developer proposes private local streets with controlled admittance, he may propose an alternate means of interconnection provided that such means does not require all local traffic to use the arterial

network. All interconnections shall be designed to discourage use by through traffic. Staff does not recommend transmittal of Policy 28.2.10.

Staff does not recommend transmittal of Policy 28.2.10.

OBJECTIVE 28.3: TRANSPORTATION. By 2012 the North Fort Myers community will have neighborhood, corridors and community interface improvements identified.

The County is in the process of hiring a consultant to develop Town Center, Neighborhood Center, and Corridor regulations. The North Fort Myers community will have the opportunity to work with the consultant to achieve Objective 28.3. Staff recommends transmitting Objective 28.3 as revised.

Policy 28.3.1: Transportation Corridors. By 2009 the North Fort Myers community will review Metropolitan Planning Organizations and Lee County Department of Transportations 2030 plan for recommendations and improvements ~~for~~applicable to the North Fort Myers Community planning area.

Staff recommends transmitting Policy 28.3.1, as revised.

Policy 28.3.2: Gateways, Streetscape, & and Landscape Improvements. The North Fort Myers c~~C~~ommunity ~~Planning panel~~ will work with the Lee County Roadway Landscape Advisory Committee to ~~complete~~ review plans for streetscape and landscape improvements in gateway locations and along major roadways consistent with the general provisions of the LeeScape Master Plan, including Bayshore and Pine Island Roads, North Cleveland Avenue, North Tamiami Trail, Pondella Road, Hancock Bridge Parkway, and Del Prado Boulevard. Before finalization, plans should be presented for review to the North Fort Myers planning c~~C~~ommunity ~~Planning Panel~~.

Policy 28.3.2 will require the Lee County Roadway Landscape Advisory Committee to complete plans for streetscape and landscape improvements in gateway locations and along major roadways. That Committee does not develop landscape plans, but they do routinely review them. Staff recommends transmitting Policy 28.3.2 as revised.

Policy 28.3.3: Planning &and Design of Arterials &and Collectors. Decisions regarding ~~the functional classification and~~ future improvements or extension of Littleton Road, Hancock Bridge Parkway, Hart Road, Slater Road, and other roadways not currently shown on the Future Functional Classification Map (Map 3B) should be based on a careful analysis of need, community and environmental impact, and the potential for incorporation of context-sensitive design treatments. Public participation in planning and design processes for these and other road improvements should provide opportunities for involvement of the North Fort Myers c~~C~~ommunity ~~Planning Panel~~ and ~~other~~ North Fort Myers stakeholders.

County staff has technical standards in place for determining the functional classification of roads in Lee County. County staff typically holds public workshops at the design stage for road projects. Staff recommends transmitting Policy 28.3.3 as revised.

~~**Policy 28.3.4 Hancock Bridge Parkway Extension.** The county will initiate a study to determine the feasibility, cost, and timing of the eastward extension of Hancock Bridge Parkway. The scope of the study should address the following:~~

- ~~effect on regional traffic and circulation patterns;~~
- ~~preferred alignment and conceptual design cross-section for the roadway;~~
- ~~land use and design recommendations for redevelopment of property along the roadway;~~
- ~~preliminary regulatory strategies to ensure appropriate redevelopment; and~~
- ~~preliminary cost estimates and timeline for engineering design, right-of-way acquisition, and project construction.~~

Lee County DOT has already initiated a preliminary corridor study for a possible extension of an arterial roadway from the existing Hancock Bridge Parkway to a point on Business 41. That study does not include design or regulatory standards. Staff does not recommend transmittal of Policy 28.3.4.

~~**Policy 28.3.5: Standards for Walkable Urban Thoroughfares.** The Department of Pubic Works is encouraged to develop alternative design standards for arterials and collectors serving areas designated in the North Fort Myers Community Plan as a Town Center or Neighborhood Center. Such standards may draw on guidance in Institute for Traffic Engineers Proposed Recommended Practice, Contest Sensitive Solutions for Designing Major Urban Thoroughfares for Walkable Communities.~~

The County is in the process of hiring a consultant to develop Land Development Regulations to implement Town Center, Neighborhood Center, and Corridor plans. Policy 28.3.5 will be addressed during that planning process. Staff does not recommend transmitting Policy 28.3.5.

Policy 28.3.6: Bus Transit Enhancements. The North Fort Myers c~~C~~ommunity ~~Planning Panel~~ will work with Lee Tran to identify opportunities to improve service, frequency, routes, and stop amenities in the community.

Policy 28.3.6 will require the initiative of the North Fort Myers Planning community to contact Lee County Transit to arrange meetings, request information and provide input. Staff recommends transmitting Policy 28.3.6 as revised.

Policy 28.3.7: Improvements for Regional Benefit. Road capacity improvements needed within North Fort Myers to serve demand generated outside the community should be designed to minimize impacts, improve visual character, and improve local access and mobility.

Staff has no objection to Policy 28.3.7.

~~**Policy 28.3.8: I-75 Interchange & Del Prado Extension.** The county will complete a detailed analysis of the feasibility of a new I-75 interchange and the potential alignment for a connection to Del Prado Boulevard. As part of the analysis, impacts on existing neighborhoods, local streets, and conservation lands should be evaluated and reported to the North Fort Myers Community Panel. The report should include the termination point of Nalle Grade Road at US 41 and I-75.~~

The County has completed the corridor study for Del Prado Blvd. Staff does not recommend transmitting Policy 28.3.8.

OBJECTIVE 28.4: COMMUNITY FACILITIES &and SERVICES. By 2012 the community facilities and services needed to meet the needs of Town Centers, Neighborhood Centers and corridors will be identified by the North Fort Myers community ~~and deficiencies addressed.~~

The County is in the process of hiring a consultant to develop Town Center, Neighborhood Center, and Corridor regulations. It is not known how those regulations will affect community facilities and services or how much it will cost to address those needs. There is no funding identified for any improvements that may be required. Staff recommends transmitting Objective 28.4 as revised.

Policy 28.4.1: Effectiveness of Existing Plan Objectives &and Policies. County objectives and policies in Chapter IV of the Lee Plan regarding the provisions of community facilities and services, including those addressing adequate levels of service and extension of service, will be maintained and evaluated for effectiveness on an on-going basis. Proposed changes affecting existing or planned facilities and services in North Fort Myers, including changes in the scope or timing of planned capital improvements, will ~~be reported to~~ include input from the North Fort Myers c~~C~~ommunity ~~Planning Panel~~ and North Fort Myers stakeholders.

The Lee Plan is amended regularly and an Evaluation and Appraisal report is required to be undertaken every seven years. Policy 28.4.1 will require the initiative of the North Fort Myers Planning Panel to provide input to County staff for planned capital improvement projects. Staff recommends transmitting Policy 28.4.1 as revised.

~~**Policy 28.4.2: Medical District Planning.** The North Fort Myers Community Planning Panel will work with the Department of Community Development, Horizon Council, Human Services Department, Lee County Health Department, Medical Society, and Lee Memorial Health Systems to develop a collaborative effort for funding a feasibility study for this project. They should also work together to complete an analysis for the feasibility of developing a new hospital, 24/7 urgent care facility, ambulatory surgery center, physician specialty offices and related medical diagnostic and lab services in the northeast area of North Fort Myers. The analysis should provide the following:~~

- ~~a preliminary development program indicating the types, sizes, and phasing of buildings and site improvements;~~
- ~~an evaluation of sites with the potential to support the preliminary devolvement program including an evaluation of infrastructure capacity;~~
- ~~a market assessment and financing plan to assess project feasibility by private and public sectors;~~
- ~~recommended planning policy and regulatory changes required to support a preferred development strategy;~~
- ~~a preliminary development timeline and estimate of timeline for achieving necessary entitlements; and~~
- ~~Identify other or associated uses within the Medical Corridor.~~

This policy contemplates the County contributing funding for, and participating in, the exploration of a Medical District in the North Fort Myers community. Compliance with this policy will require County

financial and staff resources to implement. There is no funding source specified for this endeavor. Staff does not recommend transmittal of Policy 28.4.2.

> **Policy 28.4.3: Public Works Project Enhancements.** Lee County will coordinate planning for public works projects, such as ~~street resurfacing, repairs, maintenance~~ roadway capital improvements, ~~drainage swales, and other surface water management system improvements,~~ with the North Fort Myers c~~C~~ommunity ~~Planning Panel~~ so that potential landscape and aesthetic enhancements may be identified and incorporated in improvement plans. The North Fort Myers c~~C~~ommunity ~~Planning Panel~~ encourages Lee County to review the feasibility of a waste water plant solids program for treatment and reuse.

Staff does not recommend including routine maintenance activities in this policy, such as minor repairs to roadways. Repairs or improvements to drainage swales or other surface water management systems also may be routine maintenance. Staff recommends transmitting Policy 28.4.3 as revised.

> **Policy 28.4.4: Water Supply and Waste Water Planning &and Capacity.** The North Fort Myers Community Planning Panel will support educational efforts planned by the Department of Public Works, the Lee County Water Supply Authority, and the South Florida Water Management District to educate North Fort Myers stakeholders about the capacity of existing water systems to support existing and planned developments. ~~Regardless of ownership the North Fort Myers Community Planning Panel would request that the Lee County Department of Public Works coordinate services for waste water and water supply so that no area designated under this plan is under served.~~

New development in Lee County that exceeds established density and intensity thresholds are required to extend sewer and water to serve the site. Lee County provides sewer service to the Waterway Estates neighborhood, east to U.S. 41, but the majority of North Fort Myers is not served by Lee County. Staff recommends transmitting Policy 28.4.4 as revised.

> ~~**Policy 28.4.5: Septic Tanks & Waste Water Treatment.** Encourage Lee County to enforce the state statute and any other regulations regarding required hook up to existing sewage lines for all properties. To support and encourage the expansion of new sewer lines to discourage new septic tank systems and replace existing septic tanks.~~
>
> ~~Provide for and continue support for effective water conservation policies to include appropriate public educational campaigns and county staffing. Encourage the expansion of reuse to include both commercial and residential opportunities.~~

Lee County does enforce all existing regulations. New development in Lee County that exceeds established density and intensity thresholds are required to extend sewer and water to serve the site. Lee County provides sewer service to the Waterway Estates neighborhood, east to U.S. 41, but the majority of North Fort Myers is not provided sewer service by Lee County. Staff does not recommend transmittal of Policy 28.4.5.

> **OBJECTIVE 28.5: PARKS, RECREATON &and CONSERVATION.** By 2012 identify park, recreation, open space, environmental protection and restoration needs and deficiencies to pursue remedies.

Staff recommends transmitting Objective 28.5 as revised.

> **Policy 28.5.1 Level of Services Standards for Community Parks.** To ensure parks and recreation facilities are reasonably accessible and adequate to meet the needs of residents, the North Fort Myers cCommunity ~~Planning Panel~~ will work with the Department of Parks and Recreation to evaluate the Lee Plan non-regulatory, desired level of service standards for community parks and generalized service area boundaries.

Policy 28.5.1 will require the initiative of the North Fort Myers community planning panel to coordinate with the Department of Parks and Recreation. Staff recommends transmitting Policy 28.5.1 as revised.

> **Policy 28.5.2: North Fort Myers Community Park.** The County will work with the community to ensure that the development of the North Fort Myers Community Park is integrated into the surrounding development and open space areas, including incorporation of the development of a community park facility. The concept would be for the park to act as a hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments.

Staff has no objection to Policy 28.5.2.

> **Policy 28.5.3: Recreational Programming and Access.** Lee County will work with the North Fort Myers cCommunity ~~Planning Panel~~ and North Fort Myers Stakeholders to protect and to conserve natural resources, expand recreation opportunities and accessibility for the use of existing waterways, and provide a broad mix of parks, trails, and water recreation areas, to support the lifestyle preferences, livability, sustainability, recreational interest and economic vitality of the community.

Staff recommends transmitting Policy 28.5.3 as revised.

> **Policy 28.5.4: Stewardship &and Management of Conservation 20/20 Lands.** The North Fort Myers cCommunity ~~Planning Panel~~ will work with the Department of Parks and Recreation to finalize and refine stewardship and management plans for 20/20 Conservation Lands within North Fort Myers.

Staff recommends transmitting Policy 28.5.4 as revised.

> **Policy 28.5.5: Assessment of Lands for Acquisition.** The North Fort Myers cCommunity ~~Planning Panel~~ will work ~~with the Division of County Lands and Department of Parks and Recreation~~ to identify ~~additional~~ sites and corridors for ~~acquisition under the Conservation~~ nomination submittal to the established Lee County Conservation 20/20 program. Sites along planned trails, wildlife corridors, greenways, and major creeks should be carefully considered, as should those providing access to the Caloosahatchee River.

Staff recommends transmitting Policy 28.5.5 as revised.

> **Policy 28.5.6: Greenway Plan Implementation.** The North Fort Myers cCommunity ~~Planning Panel~~ will work with the Department of Parks and Recreation to implement recommendations